



Queensland

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



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2014

A Bill

for

An Act to make consequential amendments to the legislation stated in this Act for the purposes of the *Planning and Development Act 2014*, and to amend other legislation stated in this Act for particular purposes

[s 1]

The Parliament of Queensland enacts— 1

Part 1 Preliminary 2

Clause 1 Short title 3
This Act may be cited as the *Planning and Development* 4
(Consequential) and Other Legislation Amendment Act 2014. 5

Clause 2 Commencement 6
This Act commences on a day to be fixed by proclamation. 7

Part 2 Amendment of Aboriginal Cultural Heritage Act 2003 8
9

Clause 3 Act amended 10
This part amends the *Aboriginal Cultural Heritage Act 2003.* 11

Clause 4 Omission of s 89 (Cultural heritage management plan needed under Planning Act) 12
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omit. 15

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Clause 5	Act amended	3
	This part amends the <i>Aboriginal Land Act 1991</i> .	4
Clause 6	Amendment of s 32B (Definitions for pt 2A)	5
	Section 32B, definition <i>planning scheme</i> —	6
	<i>omit, insert</i> —	7
	<i>planning scheme</i> means a planning scheme under the <i>Planning and Development Act 2014</i> .	8 9
Part 4	Amendment of Acquisition of Land Act 1967	10 11
Clause 7	Act amended	12
	This part amends the <i>Acquisition of Land Act 1967</i> .	13
Clause 8	Amendment of sch 1 (Purposes for taking land)	14
(1)	Schedule 1, part 2, fourth dot point, ‘ <i>Sustainable Planning Act 2009</i> ’—	15 16
	<i>omit, insert</i> —	17
	<i>Planning and Development Act 2014</i>	18
(2)	Schedule 1, part 2, fourth dot point, after ‘Moreton Bay Regional Council,’—	19 20
	<i>insert</i> —	21
	Noosa Shire Council,	22

[s 9]

Part 5	Amendment of Acts Interpretation Act 1954	1 2
Clause 9	Act amended	3
	This part amends the <i>Acts Interpretation Act 1954</i> .	4
Clause 10	Amendment of sch 1 (Meaning of commonly used words and expressions)	5 6
	Schedule 1—	7
	<i>insert—</i>	8
	<i>Planning and Environment Court</i> means the court continued in existence as the Planning and Environment Court under the <i>Planning and Environment Court Act 2014</i> .	9 10 11 12
Part 6	Amendment of Airport Assets (Restructuring and Disposal) Act 2008	13 14 15
Clause 11	Act amended	16
	This part amends the <i>Airport Assets (Restructuring and Disposal) Act 2008</i> .	17 18
Clause 12	Omission of ch 3, pt 1, divs 2 and 3	19
	Chapter 3, part 1, divisions 2 and 3—	20
	<i>omit.</i>	21
Clause 13	Omission of s 34 (Requirement to prepare land use plan)	22
	Section 34—	23

omit.

1

Clause 14 Amendment of s 35 (Content of land use plan)

2

(1) Section 35(1)(c) to (f) and editor's note—

3

omit, insert—

4

- (c) include a schedule of charges (a ***charges schedule***) the local government may levy for infrastructure provided by the local government in relation to development on the airport land; and

5

6

7

8

9

Note—

10

See also section 43.

11

- (d) include an infrastructure interface plan for the airport land; and

12

13

- (e) include any other matter prescribed by regulation.

14

15

(2) Section 35(2)—

16

omit, insert—

17

- (2) A land use plan may, for the Planning Act, do one or more of the following—

18

19

- (a) categorise development on the airport land as assessable or accepted development;

20

21

- (b) specify whether assessable development under the plan requires standard or merit assessment under the Planning Act;

22

23

24

- (c) set out the assessment benchmarks under the Planning Act that an assessment manager must assess assessable development against;

25

26

27

- (d) set out the types of development applications requiring merit assessment under the plan for which public notification is required;

28

29

30

31

[s 14]

- (e) state that particular development inconsistent with the plan is assessable development requiring merit assessment under the Planning Act.
 - 1
 - 2
 - 3
 - 4
- (3) Section 35(3), ‘Without limiting subsection (1)’—
 - omit, insert—
 - Also
- (4) Section 35(3)(c)—
 - omit.
- (5) Section 35(3)(d)—
 - renumber as section 35(c).
- (6) Section 35(4)—
 - omit, insert—
 - (4) Despite subsection (2)(a) and (e), a land use plan must not state that the following development is assessable development under the Planning Act—
 - (a) development that is a material change of use of premises for core airport infrastructure if the development is consistent with the plan;
 - (b) development categorised as accepted development under a regulation under the Planning Act;
 - (c) development that a local categorising instrument under the Planning Act may not, under section 38(3)(b) of that Act, state is assessable development.
 - (5) If a land use plan requires an applicant to give public notification of a development application, the Planning Act, section 48(4) to (8) applies to the application.
 - (6) In this section—

	<i>material change of use</i> , of premises, see the Planning Act, schedule 2.	1 2
Clause 15	Amendment of s 36 (Statement of proposal for preparation of land use plan or amendment of plan)	3 4
	(1) Section 36(1)(b)(ii)(B), ‘either exempt or self-assessable’— <i>omit, insert</i> —	5 6
	accepted	7
	(2) Section 36(4)— <i>omit</i> .	8 9
Clause 16	Amendment of s 46 (Ministerial direction to airport lessee)	10 11
	(1) Section 46(1) and (2)— <i>omit, insert</i> —	12 13
	(1) This section applies if the planning Minister is satisfied a minor amendment of a land use plan for airport land is required.	14 15 16
	(2) The planning Minister may, by written notice, direct the airport lessee to make the minor amendment to the land use plan within a stated reasonable period.	17 18 19 20
	(2) Section 46(6)— <i>omit</i> .	21 22
Clause 17	Replacement of s 48 (Airport land not subject to local planning instrument)	23 24
	Section 48— <i>omit, insert</i> —	25 26

[s 18]

48	Airport land not subject to local government instruments about planning and development	1
		2
(1)	Airport land is not subject to—	3
(a)	a local planning instrument under the Planning Act; or	4
		5
(b)	any other instrument made by a local government that relates to land use planning for, or development on, airport land.	6
		7
		8
(2)	Subsection (1)(a) has effect despite the Planning Act, chapter 2, part 3.	9
		10

Clause 18	Omission of ss 49 and 50	11
	Sections 49 and 50—	12
	<i>omit.</i>	13

Clause 19	Amendment of s 52 (Particular provisions of Planning Act do not apply in relation to airport land)	14
		15
(1)	Section 52(1), ‘section 714’—	16
	<i>omit, insert—</i>	17
	section 216	18
(2)	Section 52(2), ‘chapter 9, part 3’—	19
	<i>omit, insert—</i>	20
	chapter 2, part 4, division 2	21

Clause 20	Amendment of s 53 (Modified application of Planning Act, ch 9, pt 6, div 4)	22
		23
(1)	Section 53, heading, ‘ch 9, pt 6, div 4’—	24
	<i>omit, insert—</i>	25
	s 220	26
(2)	Section 53(1), ‘chapter 9, part 6, division 4’—	27

<i>omit, insert—</i>	1
section 220	2
(3) Section 53(3)—	3
<i>omit, insert—</i>	4
(3) For subsection (1)—	5
(a) the Planning Act, section 220(3) applies as if a reference in the subsection to a local government were a reference to the planning chief executive; and	6 7 8 9
(b) the access rules under the Planning Act apply—	10 11
(i) as if a reference in the access rules to a local government were a reference to the planning chief executive; and	12 13 14
(ii) as if a reference in the access rules to a planning scheme were a reference to a land use plan; and	15 16 17
(iii) as if a reference in the access rules to an LGIP were a reference to a charges schedule under a land use plan; and	18 19 20
(iv) as if the access rules provide that a planning and development certificate be accompanied by any statement of proposal or draft plan for the airport land published under section 38(2), but not yet approved under section 41; and	21 22 23 24 25 26
(v) with other necessary changes.	27

Clause 21	Amendment of s 54 (Development on local heritage place not assessable development)	28 29
(1) Section 54(1)—		30
<i>omit, insert—</i>		31

[s 22]

- | | | |
|------|---|------------------|
| (1) | Subsection (1A) applies if a regulation under the Planning Act categorises development on a local heritage place as assessable development. | 1
2
3 |
| (1A) | The development is not assessable development under the Planning Act to the extent the local heritage place is on an airport lessee's airport land. | 4
5
6
7 |
| (2) | Section 54(2), 'Subsection (1)'—
<i>omit, insert—</i>
Subsection (2) | 8
9
10 |
| (3) | Section 54(1A) to (3)—
<i>renumber</i> as section 54(2) to (4). | 11
12 |

Clause 22	Replacement of s 55 (Restriction on designation for community infrastructure)	13 14
	Section 55— <i>omit, insert—</i>	15 16

55	Restriction on designation for development of infrastructure	17 18
(1)	Development under a designation under the Planning Act, chapter 2, part 5 is accepted development to the extent the development would, but for this section, be assessable development under a land use plan.	19 20 21 22 23
(2)	Subsection (1) does not limit the Planning Act, section 39(6)(b).	24 25

Clause 23	Omission of s 56 (Restriction on application of master plan)	26 27
	Section 56— <i>omit.</i>	28 29

Clause 24	Replacement of ss 58 and 59	1
	Sections 58 and 59—	2
	<i>omit, insert—</i>	3
	58 Application of Planning Act, ss 213 and 214	4
	The Planning Act, sections 213 and 214 apply to a use	5
	or work on, or a development approval for, airport	6
	land as if a reference in the sections to a planning	7
	instrument change were a reference to—	8
	(a) the commencement of a land use plan or an	9
	amendment of a land use plan for the airport	10
	land; or	11
	(b) if the land stops being airport land—the start	12
	of the application of the relevant planning	13
	scheme to the land.	14
Clause 25	Amendment of s 61 (Amendment of planning schemes)	15
	Section 61(3), ‘made under the Planning Act, section 117(1)’—	16
	<i>omit, insert—</i>	17
	or rule made under the Planning Act, section 15,	18
	or a notice given by the planning chief executive	19
	under section 16(3),	20
Clause 26	Amendment of s 97 (Application of particular local laws to airport land)	21
	Section 97(2), example—	22
	<i>omit.</i>	23
		24
Clause 27	Omission of ch 6, pt 1, hdg (Miscellaneous)	25
	Chapter 6, part 1, heading—	26
	<i>omit.</i>	27

[s 28]

Clause 28	Omission of ch 6, pt 2 (Transitional provisions)	1
	Chapter 6, part 2—	2
	<i>omit.</i>	3
 Clause 29	 Insertion of new ch 7	 4
	After chapter 6—	5
	<i>insert—</i>	6
	 Chapter 7 Transitional provisions for Planning and Development (Consequential) and Other Legislation Amendment Act 2014	 7 8 9 10 11 12 13 14
	 119 Definition for ch 7	 15
	In this chapter—	16
	<i>amending Act</i> means the <i>Planning and Development (Consequential) and Other Legislation Amendment Act 2014</i> .	17 18 19
	 120 Existing land use plans	 20
	(1) In a land use plan (an <i>existing land use plan</i>) in force immediately before the commencement—	21 22
	(a) a reference to the following is taken to be a reference to accepted development under the Planning Act—	23 24 25
	(i) exempt development;	26
	(ii) self-assessable development, to the extent the development complies with	27 28

-
- the requirements for the development 1
 - stated in the existing land use plan; and 2
 - (b) a reference to the following is taken to be a 3
 - reference to assessable development 4
 - requiring standard assessment under the 5
 - Planning Act— 6
 - (i) self-assessable development, to the 7
 - extent the development does not 8
 - comply with the requirements for the 9
 - development stated in the existing land 10
 - use plan; 11
 - (ii) development requiring compliance 12
 - assessment; 13
 - (iii) assessable development requiring code 14
 - assessment, to the extent the existing 15
 - land use plan states the development is 16
 - consistent with the land use plan; and 17
 - (c) a reference to assessable development 18
 - requiring code assessment is taken to be a 19
 - reference to assessable development 20
 - requiring merit assessment, to the extent the 21
 - existing land use plan states the 22
 - development is inconsistent with the land 23
 - use plan; and 24
 - (d) a reference to a code is taken to be a 25
 - reference to an assessment benchmark under 26
 - the Planning Act; and 27
 - (e) a reference to a priority infrastructure 28
 - interface plan is taken to be a reference to an 29
 - infrastructure interface plan; and 30
 - (f) a reference to a priority infrastructure plan 31
 - of a local government is taken to be a 32
 - reference to the local government's LGIP. 33
 - (2) Development requiring merit assessment under 34
 - subsection (1)(c) does not require public 35
 - notification under the Planning Act, section 48. 36
-

[s 30]

121 Existing development applications under the repealed Sustainable Planning Act 2009	1
	2
(1) This section applies to a development application to which the Planning Act, section 244 applies.	3
	4
(2) Sections 50 and 51, as in force before the commencement, continue to apply to the development application as if the amending Act had not been enacted.	5
	6
	7
	8
122 Amendment of planning scheme under repealed Sustainable Planning Act 2009	9
	10
(1) This section applies to an amendment of a local government's planning scheme required to be made under section 61(2) if the Planning Act, section 243 applies to the amendment.	11
	12
	13
	14
(2) Section 61(3), as in force before the commencement, continues to apply to the amendment as if the amending Act had not been enacted.	15
	16
	17
	18

Clause 30	Amendment of sch 3 (Dictionary)	19
(1)	Schedule 3, definitions <i>first land use plan</i> , <i>Planning Act</i> , <i>priority infrastructure interface plan</i> , <i>priority infrastructure plan</i> and <i>TIA</i> —	20
		21
		22
	<i>omit.</i>	23
(2)	Schedule 3—	24
	<i>insert—</i>	25
	<i>accepted development</i> see the Planning Act, section 39(4).	26
		27
	<i>assessable development</i> see the Planning Act, section 39(3).	28
		29
	<i>infrastructure interface plan</i> , for a land use plan for airport land, means a document prepared by or for an airport lessee describing how development that is consistent with the land use	30
		31
		32
		33

-
- plan is intended to coordinate with the LGIP of
 the local government in relation to the types of
 local government infrastructure relevant to the
 airport land.
- LGIP**, of a local government, means an LGIP
 made by the local government under the Planning
 Act.
- minor amendment**, of a land use plan, means—
- (a) an amendment correcting or changing any
 of the following—
 - (i) an explanatory matter about the plan,
 this Act or the Planning Act;
 - (ii) the format or presentation of the plan;
 - (iii) a spelling, typographical, grammatical
 or mapping error in the plan;
 - (iv) a factual matter incorrectly stated in the
 plan;
 - (v) a redundant or outdated term;
 - (vi) inconsistent numbering of provisions
 in the plan;
 - (vii) cross-references to provisions in the
 plan;
 - (viii) a matter in the land use plan to make it
 consistent with this Act, the Planning
 Act or a statutory instrument under the
 Planning Act; or
 - (b) an amendment to include a statement in the
 plan that a State planning instrument under
 the Planning Act, or part of a State planning
 instrument, is appropriately reflected in the
 plan, if the planning Minister has advised
 the airport lessee that the planning Minister
 is satisfied the plan reflects the instrument;
 or
-

[s 31]

- (c) an amendment the planning Minister is satisfied reflects a development approval or designation of land for infrastructure under the Planning Act, chapter 2, part 5; or
 - (d) an amendment the planning Minister is satisfied has involved adequate public consultation.
- Planning Act* means the *Planning and Development Act 2014*.
- (3) Schedule 3, definition *charges schedule*, ‘section 35(1)(e)’—
omit, insert—
section 35(1)(c)
 - (4) Schedule 3, definition *State interest*, ‘schedule 3’—
omit, insert—
schedule 2

Part 7 **Amendment of Biosecurity Act 2014**

- Clause 31** **Act amended**
This part amends the *Biosecurity Act 2014*.
- Clause 32** **Amendment of s 9 (Relationship with particular Acts)**
Section 9(6), definition *relevant Act*, paragraph (e)—
omit, insert—
(e) *Planning and Development Act 2014*;
(f) *Vegetation Management Act 1999*.

Clause 33	Amendment of s 119 (Additional powers of inspector for place within a biosecurity emergency area)	1 2
(1)	Section 119(8)— <i>omit.</i>	3 4
(2)	Section 119(9)— <i>renumber</i> as section 119(8).	5 6
Part 8	Amendment of Body Corporate and Community Management Act 1997	7 8 9
Clause 34	Act amended This part amends the <i>Body Corporate and Community Management Act 1997</i> .	10 11 12
Clause 35	Amendment of s 60 (Community management statement notation)	13 14
(1)	Section 60(4)(a) and (b)(i), ‘ <i>Sustainable Planning Act 2009</i> ’— <i>omit, insert—</i> Planning Act	15 16 17 18
(2)	Section 60(7)(a), ‘under the <i>Sustainable Planning Act 2009</i> ’— <i>omit.</i>	19 20 21
(3)	Section 60(8)(b) and (c)— <i>omit, insert—</i> (b) the <i>Planning and Environment Court Act 2014</i> , part 5 applies, with necessary changes, as if—	22 23 24 25 26

[s 36]

- (i) the appeal were a Planning Act appeal under that Act; and 1
2
- (ii) the relevant planning body were the only other party to the appeal; and 3
4
- (c) the appellant must give the relevant planning body notice of the appeal under the *Planning and Environment Court Act 2014* within 10 business days after starting the appeal. 5
6
7
8
9
- (4) Section 60(9), definition *planning instrument*, paragraph (a)(i), ‘*Sustainable Planning Act 2009*’— 10
11
omit, insert— 12
Planning Act 13

Clause 36 Amendment of s 313 (Representation in planning proceedings) 14
15
Section 313(1), ‘*Sustainable Planning Act 2009*’— 16
omit, insert— 17
Planning Act or the *Planning and Environment Court Act 2014* 18
19

Clause 37 Amendment of sch 6 (Dictionary) 20
(1) Schedule 6— 21
insert— 22
Planning Act means the *Planning and Development Act 2014*. 23
24
(2) Schedule 6, definition *development approval*, paragraph (a), ‘*Sustainable Planning Act 2009*’— 25
26
omit, insert— 27
Planning Act 28

Part 9	Amendment of Building Act 1975	1
		2
Clause 38	Act amended	3
	This part amends the <i>Building Act 1975</i> .	4
Clause 39	Amendment of s 3 (Simplified outline of main provisions of Act)	5
	(1) Section 3(1), after ‘assessable development’—	6
	<i>insert—</i>	7
	or accepted development	8
	(2) Section 3(3)(a), from ‘and the’ to ‘work’—	9
	<i>omit.</i>	10
		11
Clause 40	Amendment of s 5 (What is <i>building work</i>)	12
	Section 5(1)(d), ‘, other than IDAS’—	13
	<i>omit.</i>	14
Clause 41	Amendment of s 10 (What is a <i>building certifying function</i>)	15
	Section 10(a) and (b), ‘concurrence’—	16
	<i>omit, insert—</i>	17
	referral	18
		19
Clause 42	Amendment of s 11 (Who is the <i>assessment manager</i> for a building development application)	20
	Section 11(1), ‘section 246(1)’—	21
	<i>omit, insert—</i>	22
	section 43	23
		24

[s 43]

Clause 43	Amendment of s 16 (Reference in Act to applicants, development, assessment managers, referral agencies, building work or building certifiers)	1 2 3
	Section 16(1)(f)—	4
	<i>omit, insert—</i>	5
	(f) a referral agency—a referral agency for the application;	6 7
 Clause 44	 Replacement of ch 2, hdg (When building work is assessable, self-assessable or exempt development)	 8 9
	Chapter 2, heading and notes—	10
	<i>omit, insert—</i>	11
	Chapter 2 When building work is assessable or accepted development	12 13 14 15
	<i>Notes—</i>	16
	1 For the development assessment process under the Planning Act and offences against the Planning Act, including development offences, see the Planning Act, chapters 3 and 5.	17 18 19 20
	2 See chapters 3 and 4 for additional provisions for applying for and obtaining a building development approval and assessing building work.	21 22 23
 Clause 45	 Amendment of s 20 (Building work that is assessable development for the Planning Act)	 24 25
	Section 20, from ‘unless’ to ‘self-assessable development’—	26
	<i>omit, insert—</i>	27
	unless the building work is accepted development under section 21(2) or the Planning Act	28 29

Clause	46	Amendment of s 21 (Building work that is self-assessable for the Planning Act)	1 2
	(1)	Section 21, heading, ‘self-assessable’—	3
		<i>omit, insert—</i>	4
		accepted development	5
	(2)	Section 21(1), from ‘, section 232(1)’ to ‘self-assessable’—	6
		<i>omit, insert—</i>	7
		prescribes that this Act may declare building work to be accepted	8 9
	(3)	Section 21(2) and (3)—	10
		<i>omit, insert—</i>	11
	(2)	Building work is declared to be accepted development for the Planning Act if—	12 13
	(a)	the building work is prescribed under a regulation; and	14 15
	(b)	if the regulation mentioned in paragraph (a) states that the building work must comply with the relevant provisions—the building work complies with the relevant provisions for the building work.	16 17 18 19 20
	(3)	Building work that is accepted development under a regulation under the Planning Act or subsection (2) is <i>accepted building work</i> .	21 22 23
	(4)	Section 21—	24
		<i>insert—</i>	25
	(5)	In this section—	26
		<i>relevant provisions</i> , for building work, means—	27
	(a)	generally—	28
	(i)	a relevant deemed-to-satisfy provision under the BCA or relevant acceptable solution under the QDC for the building work; and	29 30 31 32

[s 47]

	(ii) any other building assessment provision that applies to the work; or	1 2
	(b) if an alternative provision under section 33, or a varied provision under section 44, applies to the building work—	3 4 5
	(i) the alternative or varied provision; and	6
	(ii) any relevant deemed-to-satisfy provision under the BCA or relevant acceptable solution under the QDC for the building work, other than the QDC boundary clearance and site cover provisions; and	7 8 9 10 11 12
	(iii) any other building assessment provision that applies to the work.	13 14
Clause 47	Omission of s 22 (Building work that is exempt development for the Planning Act)	15 16
	Section 22—	17
	<i>omit.</i>	18
Clause 48	Amendment of ch 3, hdg (Additional requirements for building development applications)	19 20
	Chapter 3, heading, note, ‘sections 260 to 264’—	21
	<i>omit, insert—</i>	22
	section 46	23
Clause 49	Amendment of s 25 (General requirements for supporting documents)	24 25
	(1) Section 25(1), ‘, other than IDAS’—	26
	<i>omit.</i>	27
	(2) Section 25(2)(a)(ii), ‘concurrence’—	28
	<i>omit, insert—</i>	29

	referral	1
(3)	Section 25(2)(c)(i)—	2
	<i>omit, insert—</i>	3
	(i) the application relates to development	4
	categorised as accepted development	5
	under a planning scheme; and	6
(4)	Section 25(2)(d)(ii), ‘self-assessable’—	7
	<i>omit, insert—</i>	8
	accepted	9
Clause 50	Replacement of ch 4, hdg (Assessment of building	10
	development applications and carrying out	11
	self-assessable building work)	12
	Chapter 4, heading—	13
	<i>omit, insert—</i>	14
	Chapter 4 Building assessment	15
	provisions and	16
	assessing building	17
	development	18
	applications	19
Clause 51	Amendment of ch 4, pt 1, hdg (Laws and other	20
	documents under which building work must be	21
	assessed)	22
	Chapter 4, part 1, heading, ‘under which building work must be	23
	assessed’—	24
	<i>omit, insert—</i>	25
	applying to building work	26

[s 52]

Clause 52	Amendment of ch 4, pt 1, div 1, hdg (General provisions about the laws and documents for the assessment)	1 2
	Chapter 4, part 1, division 1, heading, ‘for the assessment’—	3
	<i>omit, insert—</i>	4
	applying to building work	5
Clause 53	Amendment of s 30 (Relevant laws and other documents for assessment of building work)	6 7
	(1) Section 30, heading—	8
	<i>omit, insert—</i>	9
	Meaning of <i>building assessment provisions</i>	10
	(2) Section 30(1), from ‘Building’ to ‘ <i>provisions</i> ’—	11
	<i>omit, insert—</i>	12
	The following laws and documents are the <i>building assessment provisions</i>	13 14
	(3) Section 30(1)(a)—	15
	<i>omit.</i>	16
	(4) Section 30(1)(e), ‘self-assessable’—	17
	<i>omit, insert—</i>	18
	accepted	19
	(5) Section 30(1)(b) to (h)—	20
	<i>renumber</i> as section 30(1)(a) to (g).	21
	(6) Section 30(2)—	22
	<i>omit.</i>	23
Clause 54	Amendment of s 31 (Building assessment provisions form a code for IDAS)	24 25
	(1) Section 31, heading, ‘form a code for IDAS’—	26
	<i>omit, insert—</i>	27

	are assessment benchmarks for Planning Act	1
(2)	Section 31(1)—	2
	<i>omit, insert—</i>	3
(1)	For the Planning Act, each of the building assessment provisions is an assessment benchmark under that Act for the assessment of a building development application.	4 5 6 7
(3)	Section 31(2), from ‘any particular’ to ‘codes’—	8
	<i>omit, insert—</i>	9
	assessing a building development application under the Planning Act, the building assessment provisions	10 11 12
(4)	Section 31(3), ‘Each of the building assessment provisions mentioned in section 30(1)(b), (c), (d), (e), (g) or (h) is a code that’—	13 14 15
	<i>omit, insert—</i>	16
	The effect of each of the building assessment provisions mentioned in section 30(a) to (d), (f) and (g)	17 18 19
(5)	Section 31(4), ‘a code’—	20
	<i>omit, insert—</i>	21
	an assessment benchmark	22
Clause 55	Amendment of s 33 (Alternative provisions to QDC boundary clearance and site cover provisions for particular buildings)	23 24 25
	Section 33(1)(a), ‘self-assessable’—	26
	<i>omit, insert—</i>	27
	accepted	28

[s 56]

Clause	56	Omission of s 34 (Relationship between IDAS and other building assessment provisions)	1 2
		Section 34—	3
		<i>omit.</i>	4
Clause	57	Amendment of s 34A (Decision for building development application that complies with building assessment provisions)	5 6 7
		Section 34A(1), ‘chapter 6’—	8
		<i>omit, insert—</i>	9
		chapter 3, part 4, division 2	10
Clause	58	Amendment of s 37 (Provision for changes to building assessment provisions)	11 12
		(1) Section 37(2), ‘, and IDAS’—	13
		<i>omit.</i>	14
		(2) Section 37(5)—	15
		<i>omit.</i>	16
Clause	59	Amendment of s 38 (Applying to vary how particular building assessment provision applies)	17 18
		Section 38(1)(b), ‘, other than IDAS’—	19
		<i>omit.</i>	20
Clause	60	Amendment of s 40 (Effect of variation application on IDAS process)	21 22
		(1) Section 40, heading, ‘IDAS process’—	23
		<i>omit, insert—</i>	24
		development assessment process under the Planning Act	25 26
		(2) Section 40, ‘process under IDAS’—	27

omit, insert— 1
development assessment process under the Planning 2
Act 3

Clause 61 Amendment of s 42 (Criteria for decision) 4
Section 42(1)(a), ‘, other than IDAS’— 5
omit. 6

Clause 62 Amendment of s 43 (Notice of decision) 7
Section 43(2), note, ‘section 532’— 8
omit, insert— 9
section 184 and schedule 1 10

Clause 63 Amendment of s 46 (Concurrence agencies may carry out building assessment work within their jurisdiction) 11
(1) Section 46, heading— 12
omit, insert— 13
46 Referral agencies may assess application against building assessment provisions 14
15
16
(2) Section 46(1) and (2)— 17
omit, insert— 18
(1) This section applies if, under the Planning Act— 19
(a) an entity is a referral agency for a building 20
development application; and 21
(b) the entity is required to assess the 22
application against a building assessment 23
provision, or part of a building assessment 24
provision. 25
(2) Only the referral agency may assess the 26
application for compliance with the provision or 27
part. 28

[s 64]

- | | | |
|-----|--|----|
| (3) | Section 46(3), ‘part by the concurrence’— | 1 |
| | <i>omit, insert—</i> | 2 |
| | application by the referral | 3 |
| (4) | Section 46(5)— | 4 |
| | <i>omit, insert—</i> | 5 |
| (5) | If the referral agency is required, under the | 6 |
| | Planning Act, to assess the application against | 7 |
| | the fire safety standard, the referral agency must | 8 |
| | appoint or employ a building certifier to carry out | 9 |
| | the assessment. | 10 |
| | <i>Note—</i> | 11 |
| | For the referral agencies for building development applications, | 12 |
| | see the regulation made under the Planning Act, section | 13 |
| | 49(2)(a). | 14 |

- | | | |
|------------------|---|----|
| Clause 64 | Amendment of s 48 (Functions of private certifier (class A)) | 15 |
| | | 16 |
| (1) | Section 48(1)(b), ‘section 246(1)’— | 17 |
| | <i>omit, insert—</i> | 18 |
| | section 43 | 19 |
| (2) | Section 48(2), from ‘chapter 7’ to ‘assessing’— | 20 |
| | <i>omit, insert—</i> | 21 |
| | chapter 5, part 3, a reference to an enforcement | 22 |
| (2) | Section 48(5), ‘chapter 7, part 3, divisions 2 and 3’— | 23 |
| | <i>omit, insert—</i> | 24 |
| | chapter 5, part 3 | 25 |

- | | | |
|------------------|---|----|
| Clause 65 | Amendment of s 51 (Function to act on building development application or development approval unless private certifier (class A) engaged) | 26 |
| | | 27 |
| (1) | Section 51(2)(a), ‘IDAS’— | 28 |
| | | 29 |

<i>omit, insert—</i>	1
the Planning Act, chapter 3	2
(2) Section 51(4), ‘sections 30’—	3
<i>omit, insert—</i>	4
sections 31	5
(3) Section 51(5), definition <i>nominated owner</i> , ‘section 260(2)’—	6
<i>omit, insert—</i>	7
section 46(1)(a)	8

Clause 66	Replacement of s 54 (Local government may rely on documents private certifier gives it for inspection or purchase)	9
		10
		11
	Section 54—	12
	<i>omit, insert—</i>	13
	54 Local government may rely on documents private certifier gives it for providing public access	14
		15
		16
	If—	17
	(a) under this Act, a private certifier gives a document to the local government for a building development application; and	18
		19
		20
	(b) under the access rules under the Planning Act, the local government is required to make the document available to the public;	21
		22
		23
	the local government may accept, and without further checking, rely and act on the document for the purposes of making the document available to the public.	24
		25
		26
		27

[s 67]

Clause 67	Amendment of ch 4, pt 2, div 4, hdg (Power of particular replacement assessment managers to decide status under IDAS)	1 2 3
	Chapter 4, part 2, division 4, heading, ‘under IDAS’—	4
	<i>omit, insert—</i>	5
	of development assessment process under the Planning Act	6 7
Clause 68	Amendment of s 55 (Power to decide what stage of IDAS application is to resume or start)	8 9
	(1) Section 55, heading, ‘IDAS’—	10
	<i>omit, insert—</i>	11
	development assessment process under the Planning Act	12 13
	(2) Section 55(3), ‘IDAS’—	14
	<i>omit, insert—</i>	15
	the development assessment process under the Planning Act	16 17
Clause 69	Amendment of s 57 (Building certifier’s or concurrence agency’s discretion—QDC)	18 19
	(1) Section 57, heading, ‘concurrence’—	20
	<i>omit, insert—</i>	21
	referral	22
	(2) Section 57(1) and (2), ‘concurrence’—	23
	<i>omit, insert—</i>	24
	referral	25

Clause 70	Amendment of s 59 (Discretion for building development applications for particular budget accommodation buildings)	1 2 3
	Section 59(2) and example—	4
	<i>omit, insert—</i>	5
	(2) The decision on the application may be inconsistent with a relevant planning scheme.	6 7
	<i>Example—</i>	8
	A desired outcome in a relevant planning scheme is that the building does not affect the amenity and aesthetics of the neighbourhood of the building. An external stairway required under the fire safety standard does not comply with the outcome. The application may be approved despite the inconsistency.	9 10 11 12 13 14
Clause 71	Omission of s 62 (Requirement to consider any advice agency response)	15 16
	Section 62—	17
	<i>omit.</i>	18
Clause 72	Amendment of ch 4, pt 5, hdg (Conditions of building development approvals)	19 20
	Chapter 4, part 5, heading, note, ‘chapter 6, part 5, division 6’—	21
	<i>omit, insert—</i>	22
	chapter 3, part 4, division 3	23
Clause 73	Amendment of s 69 (Operation of div 1)	24
	(1) Section 69(4)(b)—	25
	<i>omit, insert—</i>	26
	(b) comply with the Planning Act, section 62(1).	27 28
	(2) Section 69(5), ‘chapter 6, part 8, division 2 and section 378 do’—	29 30

[s 74]

omit, insert— 1
chapter 3, part 6, division 2, subdivision 2 does 2

Clause 74	Amendment of s 71 (When demolition, removal and rebuilding must start and be completed)	3 4
	Section 71(12), note, ‘section 532’—	5
	<i>omit, insert—</i>	6
	section 184 and schedule 1	7
Clause 75	Amendment of s 83 (General restrictions on granting building development approval)	8 9
	(1) Section 83(1)(a) and example, ‘and SPA compliance permits’—	10 11
	<i>omit.</i>	12
	(2) Section 83(1)(d)—	13
	<i>omit, insert—</i>	14
	(d) if, under the Planning Act, a referral agency is required to assess the application against a building assessment provision, or part of a building assessment provision—until both of the following have been complied with—	15 16 17 18 19
	(i) the application has been assessed by the referral agency against the provision or part;	20 21 22
	(ii) any security required for the building work by a local government has been given; and	23 24 25
	(3) Section 83(2)—	26
	<i>omit, insert—</i>	27
	(2) Subsection (2A) applies if the private certifier receives the application before all other	28 29

	assessments for permits and approvals mentioned in subsection (1) are completed.	1 2
	(2A) For the development assessment process under the Planning Act, the application is taken not to have been received until the day all other assessments under the development assessment process are completed.	3 4 5 6 7
Clause 76	Amendment of s 84 (Approval must not be inconsistent with particular earlier approvals or self-assessable development)	8 9 10
	(1) Section 84, heading, ‘self-assessable’— <i>omit, insert—</i> accepted	11 12 13
	(2) Section 84(1)(a), ‘or an SPA compliance permit’— <i>omit.</i>	14 15
	(3) Section 84(1)(b) and (c), ‘or permit’— <i>omit.</i>	16 17
	(4) Section 84(2)(a), ‘self-assessable’— <i>omit, insert—</i> accepted	18 19 20
	(5) Section 84(2)(c)— <i>omit, insert—</i> (c) a local planning instrument categorised the development as accepted development; and	21 22 23 24
Clause 77	Amendment of s 85 (Additional requirement for decision notice)	25 26
	Section 85, from ‘details’ to ‘building work’— <i>omit, insert—</i>	27 28

[s 78]

	information about any requirements the building work must comply with to be categorised as accepted development under the Planning Act	1 2 3
Clause 78	Amendment of s 86 (Requirements on approval of application)	4 5
	Section 86(2), note—	6
	<i>omit, insert—</i>	7
	<i>Note—</i>	8
	For public access to these documents, see the Planning Act, chapter 7, part 3.	9 10
Clause 79	Replacement of s 90 (Relevant period under the Planning Act, s 341 for development approval)	11 12
	Section 90—	13
	<i>omit, insert—</i>	14
	90 Currency period under the Planning Act, s 82 for development approval	15 16
	(1) For the Planning Act, the period under the demolition/removal completion condition is taken to be the currency period under the Planning Act, section 82(1) for the development approval.	17 18 19 20 21
	(2) The period may not be extended under the Planning Act.	22 23
Clause 80	Amendment of s 91 (Lapsing of building development approval)	24 25
	Section 91(1), ‘section 341’—	26
	<i>omit, insert—</i>	27
	section 82	28

Clause 81	Amendment of s 94 (Application of div 2)	1
	Section 94(2), note, ‘chapter 6, part 5, divisions 5 and 6 and part 8, divisions 2 to 5’—	2
	<i>omit, insert—</i>	3
	chapter 3, part 4, division 3 and part 6, division 2, subdivision 2 and division 4	4
		5
		6
Clause 82	Amendment of s 95 (Reminder notice requirement for lapsing)	7
		8
	(1) Section 95(1), ‘chapter 6, part 5, divisions 5 and 6’—	9
	<i>omit, insert—</i>	10
	chapter 3, part 4, division 3 and part 6, division 4	11
	(2) Section 95(3)(b)(iv), ‘relevant period under the Planning Act, section 341’—	12
		13
	<i>omit, insert—</i>	14
	currency period under the Planning Act, section 82	15
		16
Clause 83	Amendment of s 96 (Extension of lapsing time because of application to extend relevant period under the Planning Act, s 341)	17
		18
		19
	(1) Section 96, heading, from ‘relevant’ to ‘341’—	20
	<i>omit, insert—</i>	21
	currency period under the Planning Act, s 82_	22
	(2) Section 96(1)(b), from ‘relevant period’ to ‘341’—	23
	<i>omit, insert—</i>	24
	currency period under the Planning Act, section 82	25
		26
	(3) Section 96(2)(b), ‘relevant’—	27
	<i>omit, insert—</i>	28
	currency	29

[s 84]

Clause 84	Amendment of s 97 (Restriction on private certifier (class A) extending relevant period under the Planning Act, s 341 more than once)	1
		2
		3
	(1) Section 97, heading, from ‘relevant’ to ‘341’—	4
	<i>omit, insert—</i>	5
	currency period under the Planning Act, s 82	6
	(2) Section 97(1), from ‘relevant’ to ‘341’—	7
	<i>omit, insert—</i>	8
	currency period under the Planning Act, section 82	9
		10
	(3) Section 97(3), ‘chapter 6, part 5, divisions 5 and 6’—	11
	<i>omit, insert—</i>	12
	chapter 3, part 4, division 3 and part 6, division 4	13
Clause 85	Amendment of s 99 (Obligation to give owner inspection documentation on final inspection)	14
		15
	Section 99(1), note—	16
	<i>omit, insert—</i>	17
	<i>Note—</i>	18
	For rights of appeal to a development tribunal, see the Planning Act, section 184 and schedule 1.	19
		20
Clause 86	Amendment of s 102 (Obligation to give certificate of classification on inspection after particular events)	21
		22
	Section 102(3), note 1—	23
	<i>omit, insert—</i>	24
	1 For rights of appeal to a development tribunal, see the Planning Act, section 184 and schedule 1.	25
		26

Clause 87	Amendment of s 107 (Building certifier's obligation to give referral agency certificate and other documents)	1 2
	Section 107(2)(b), from 'within' to 'section 336(b)'—	3
	<i>omit, insert—</i>	4
	relevant to the agency's function as referral	5
	agency, other than plans and specifications	6
	given to the agency under the Planning Act,	7
	section 60(3)	8
Clause 88	Amendment of s 122 (Building certifier's obligation to give owner inspection documentation if building development approval lapses)	9 10 11
	Section 122, note, 'chapter 6, part 5, divisions 5 and 6'—	12
	<i>omit, insert—</i>	13
	chapter 3, part 6, division 4	14
Clause 89	Amendment of s 131 (Access to code of conduct)	15
	Section 131, from 'for inspection as'—	16
	<i>omit, insert—</i>	17
	to the public as if the code of conduct were a	18
	document that, under the access rules under the	19
	Planning Act, the chief executive must make available	20
	to the public.	21
Clause 90	Amendment of s 146 (Agreed fee recoverable despite valid refusal of particular actions)	22 23
	Section 146(1)(b), 'applicable code under IDAS'—	24
	<i>omit, insert—</i>	25
	assessment benchmark under the Planning	26
	Act	27

[s 91]

Clause 91	Amendment of s 204 (Decision after investigation or audit completed)	1 2
	(1) Section 204(4)(e)(iii), ‘self-assessable’—	3
	<i>omit, insert—</i>	4
	accepted	5
	(2) Section 204(4)(e)(iv)—	6
	<i>omit.</i>	7
	(3) Section 204(9)—	8
	<i>omit, insert—</i>	9
	(9) In this section—	10
	<i>accepted development</i> means development	11
	categorised under a local planning instrument as	12
	accepted development for the Planning Act.	13
 Clause 92	 Amendment of s 220 (Owner must ensure building conforms with fire safety standard)	 14 15
	Section 220, note, from ‘section 30’ to ‘work’—	16
	<i>omit, insert—</i>	17
	chapters 2 and 4	18
 Clause 93	 Amendment of s 221 (Approval of longer period for conformity with fire safety standard)	 19 20
	Section 221(5), note—	21
	<i>omit, insert—</i>	22
	<i>Note—</i>	23
	For rights of appeal to a development tribunal, see the Planning Act, section 184 and schedule 1.	24 25

Clause 94	Amendment of s 223 (Stay of operation of local government decision)	1 2
	Section 223(a), ‘building and development dispute resolution committee’—	3 4
	<i>omit, insert</i> —	5
	development tribunal	6
Clause 95	Amendment of s 231AI (RCB assessment reports)	7
	Section 231AI(5), note—	8
	<i>omit, insert</i> —	9
	<i>Note</i> —	10
	For rights of appeal to a development tribunal, see the Planning Act, section 184 and schedule 1.	11 12
Clause 96	Amendment of s 231AL (Approval of later day for obtaining fire safety (RCB) compliance certificate or certificate of classification)	13 14 15
	Section 231AL(6), note 2—	16
	<i>omit, insert</i> —	17
	2 For rights of appeal to a development tribunal, see the Planning Act, section 184 and schedule 1.	18 19
Clause 97	Amendment of s 238 (Notice of decision)	20
	Section 238(2), note—	21
	<i>omit, insert</i> —	22
	<i>Note</i> —	23
	For rights of appeal to a development tribunal, see the Planning Act, section 184 and schedule 1.	24 25
Clause 98	Amendment of s 242 (Local government may revoke exemption)	26 27
	Section 242(4), note—	28

[s 99]

omit, insert— 1

Note— 2

For rights of appeal to a development tribunal, see the Planning
Act, section 184 and schedule 1. 3
4

Clause 99 Amendment of s 244 (Keeping copy of exemption) 5

Section 244(2)(b)— 6

omit, insert— 7

(b) make the copy available to the public as if 8
the copy were a document that, under the 9
access rules under the Planning Act, the 10
local government must make available to the 11
public. 12

**Clause 100 Amendment of s 245C (Notice of decision and application
of pool safety standard under exemption)** 13
14

Section 245C(2), note— 15

omit, insert— 16

Note— 17

For rights of appeal to a development tribunal, see the Planning
Act, section 184 and schedule 1. 18
19

**Clause 101 Amendment of s 245E (Local government may revoke
exemption)** 20
21

Section 245E(4), note— 22

omit, insert— 23

Note— 24

For rights of appeal to a development tribunal, see the Planning
Act, section 184 and schedule 1. 25
26

Clause 102 Amendment of s 245FA (Keeping copy of exemption) 27

Section 245FA(2)(b)— 28

omit, insert—

- (b) make the copy available to the public as if the copy were a document that, under the access rules under the Planning Act, the local government must make available to the public.

Clause 103 Amendment of s 245S (Appeals to building and development committee of decisions under div 6)

- (1) Section 245S, heading, ‘building and development committee’—

omit, insert—

development tribunal

- (2) Section 245S(2), ‘building and development committee under the Planning Act’—

omit, insert—

development tribunal

Clause 104 Amendment of s 246AO (Appeals to building and development committee of decisions under pt 3)

- (1) Section 246AO, heading, ‘building and development committee’—

omit, insert—

development tribunal

- (2) Section 246AO(2), ‘building and development committee under the Planning Act’—

omit, insert—

development tribunal

- (3) Section 246AO(2), note—

omit.

[s 105]

Clause 105	Amendment of s 246ATB (Private certifier to take enforcement action)	1 2
	(1) Section 246ATB(2)(b), ‘chapter 7, part 3, divisions 2 and 3 to an assessing’—	3 4
	<i>omit, insert—</i>	5
	chapter 5, part 3 to an enforcement	6
	(2) Section 246ATB(4), ‘section 588(2)’—	7
	<i>omit, insert—</i>	8
	section 164	9
	(3) Section 246ATB(5), ‘chapter 7, part 3, divisions 2 and 3’—	10
	<i>omit, insert—</i>	11
	chapter 5, part 3	12
Clause 106	Amendment of ch 9, hdg (Show cause and enforcement notices)	13 14
	Chapter 9, heading, note, ‘chapter 7, part 3, divisions 2 and 3’—	15
	<i>omit, insert—</i>	16
	chapter 5, part 3	17
Clause 107	Amendment of s 248 (Enforcement notices)	18
	Section 248(5), ‘section 590’—	19
	<i>omit, insert—</i>	20
	section 165	21
Clause 108	Amendment of s 250 (Appeals against enforcement notices)	22 23
	Section 250(1), ‘building and development dispute resolution committee’—	24 25
	<i>omit, insert—</i>	26
	development tribunal	27

Clause 109	Amendment of s 255 (Information to be given by the State)	1
	Section 255(1), ‘section 232(1), is self-assessable’—	2
	<i>omit, insert—</i>	3
	is accepted	4
Clause 110	Amendment of s 259 (Access to guidelines)	5
	Section 259, from ‘for inspection and purchase as’—	6
	<i>omit, insert—</i>	7
	to the public as if the guidelines were a document that,	8
	under the access rules under the Planning Act, the	9
	chief executive must make available to the public.	10
Clause 111	Insertion of new ch 11, pt 19	11
	Chapter 11—	12
	<i>insert—</i>	13
	Part 19	14
	Transitional provision	15
	for Planning and	16
	Development	17
	(Consequential) and	18
	Other Legislation	19
	Amendment Act 2014	20
	345 Existing development applications under the	21
	repealed Sustainable Planning Act 2009	22
	(1) This section applies to a development application	23
	to which the Planning Act, section 244 applies.	24
	(2) This Act, as in force before the commencement,	25
	continues to apply to the development application	26
	as if the <i>Planning and Development</i>	27
	<i>(Consequential) and Other Legislation</i>	28
	<i>Amendment Act 2014</i> had not been enacted.	29

[s 112]

Clause 112	Amendment of sch 2 (Dictionary)	1
(1)	Schedule 2, definitions <i>advice agency, building and development dispute resolution committee, building assessment provisions, concurrence agency, IDAS, Planning Act, planning scheme, self-assessable building work, SPA compliance certificate and SPA compliance permit—</i>	2 3 4 5 6
	<i>omit.</i>	7
(2)	Schedule 2—	8
	<i>insert—</i>	9
	<i>accepted building work</i> see section 21(3).	10
	<i>accepted development</i> see the Planning Act, section 39(4).	11 12
	<i>building assessment provisions</i> see section 30.	13
	<i>development tribunal</i> means a tribunal under the Planning Act.	14 15
	<i>Planning Act</i> means the <i>Planning and Development Act 2014</i> .	16 17
	<i>planning scheme</i> means a planning scheme under the Planning Act.	18 19
(3)	Schedule 2, definition <i>assessable development</i> , ‘schedule 3’—	20
	<i>omit, insert—</i>	21
	section 39(3)	22
(4)	Schedule 2, definition <i>decision notice</i> , ‘section 334’—	23
	<i>omit, insert—</i>	24
	section 60	25
(5)	Schedule 2, definition <i>development application</i> , ‘schedule 3’—	26 27
	<i>omit, insert—</i>	28
	schedule 2	29
(6)	Schedule 2, definition <i>development approval</i> , ‘schedule 3’—	30

<i>omit, insert—</i>	1
section 44	2
(7) Schedule 2, definition <i>development permit</i> , ‘section 243’—	3
<i>omit, insert—</i>	4
section 44(3)	5
(8) Schedule 2, definition <i>enforcement action</i> , ‘chapter 7, part 3, divisions 2 and 3’—	6
<i>omit, insert—</i>	7
chapter 5, part 3	8
(9) Schedule 2, definition <i>local planning instrument</i> , ‘schedule 3’—	9
<i>omit, insert—</i>	10
section 7(3)	11
(10) Schedule 2, definition <i>negotiated decision notice</i> , ‘section 363(1)’—	12
<i>omit, insert—</i>	13
section 73(3)	14
	15
	16
	17

Part 10	Amendment of Building and Construction Industry (Portable Long Service Leave) Act 1991	18
		19
		20

Clause 113	Act amended	21
	This part amends the <i>Building and Construction Industry (Portable Long Service Leave) Act 1991</i> .	22
		23

Clause 114	Amendment of s 67 (Notification of building and construction work)	1 2
	Section 67(2)(a), from ‘or compliance’ to ‘2009’—	3
	<i>omit, insert—</i>	4
	under the Planning Act	5
Clause 115	Amendment of s 73 (Meaning of <i>cost</i> of building and construction work)	6 7
	Section 73(4), definition <i>environmental impact statement</i> , paragraph (c), after ‘the’—	8 9
	<i>insert—</i>	10
	repealed	11
Clause 116	Amendment of s 74 (Liability for levy)	12
	(1) Section 74(c), ‘ <i>Sustainable Planning Act 2009</i> ’—	13
	<i>omit, insert—</i>	14
	Planning Act	15
	(2) Section 74(ca)—	16
	<i>omit.</i>	17
	(3) Section 74(d), ‘(b), (c) and (ca)’—	18
	<i>omit, insert—</i>	19
	(b) and (c)	20
Clause 117	Amendment of s 75 (When levy is payable)	21
	(1) Section 75(1)(a)(i), from ‘or compliance’ to ‘2009’—	22
	<i>omit, insert—</i>	23
	under the Planning Act	24
	(2) Section 75(1)(a)(ii), ‘ <i>Sustainable Planning Act 2009</i> ’—	25
	<i>omit, insert—</i>	26

	Planning Act	1
(3)	Section 75(1)(b), ‘, compliance permit’—	2
	<i>omit.</i>	3
Clause 118	Amendment of s 77 (Duty to sight approved form)	4
(1)	Section 77(1)(a) and (b), ‘ <i>Sustainable Planning Act 2009</i> ’—	5
	<i>omit, insert—</i>	6
	Planning Act	7
(2)	Section 77(1A)—	8
	<i>omit.</i>	9
(3)	Section 77(2), from ‘manager’ to ‘compliance permit’—	10
	<i>omit, insert—</i>	11
	manager or local government (the <i>relevant authority</i>) must not give the development permit	12
	or approval	13
		14
(4)	Section 77(5), definition <i>assessment manager</i> , paragraph (a),	15
	‘ <i>Sustainable Planning Act 2009</i> , section 246(1)’—	16
	<i>omit, insert—</i>	17
	Planning Act, section 43	18
Clause 119	Insertion of new pt 11, div 8	19
	Part 11—	20
	<i>insert—</i>	21
	Division 8	22
	Transitional provision for	23
	Planning and Development	24
	(Consequential) and Other	25
	Legislation Amendment	26
	Act 2014	

125 Existing development applications and requests for compliance assessment under the repealed Sustainable Planning Act 2009	1
	2
	3
(1) This section applies to a development application or request for compliance assessment to which the Planning Act, section 244 applies.	4
	5
	6
(2) Sections 74, 75 and 77, as in force before the commencement, continue to apply to the development application or request as if the <i>Planning and Development (Consequential) and Other Legislation Amendment Act 2014</i> had not been enacted.	7
	8
	9
	10
	11
	12

Clause 120 Amendment of schedule (Dictionary)	13
(1) Schedule, definition <i>private certifier (class A)</i> —	14
<i>omit.</i>	15
(2) Schedule—	16
<i>insert—</i>	17
<i>Planning Act</i> means the <i>Planning and Development Act 2014</i> .	18
	19
<i>private certifier</i> see the Planning Act, schedule 2.	20
<i>private certifier (class A)</i> means a private certifier whose licence under the <i>Building Act 1975</i> has development approval endorsement under that Act.	21
	22
	23
	24
(3) Schedule, definition <i>assessment manager</i> , ‘ <i>Sustainable Planning Act 2009</i> ’—	25
	26
<i>omit, insert—</i>	27
Planning Act	28

Part 11	Amendment of Cape York Peninsula Heritage Act 2007	1 2
Clause 121	Act amended	3
	This part amends the <i>Cape York Peninsula Heritage Act 2007</i> .	4
Clause 122	Insertion of new pt 7	5
	After part 6—	6
	<i>insert—</i>	7
	Part 7	8
	Transitional provision for Planning and Development (Consequential) and Other Legislation Amendment Act 2014	9 10 11 12 13
	30 Continuing application of pt 4	14
	(1) Part 4, as in force before the commencement, continues to apply to an existing application as if the existing application were a vegetation clearing application.	15 16 17 18
	(2) In this section—	19
	<i>existing application</i> means a development application to which the <i>Planning and Development Act 2014</i> , section 244 applies if the application is for assessable development that is—	20 21 22 23 24
	(a) prescribed under section 232(1) of the repealed Act; and	25 26
	(b) operational work, as defined under the repealed Act, that is the clearing of vegetation.	27 28 29

[s 123]

repealed Act means the repealed *Sustainable Planning Act 2009*. 1
2

Clause 123 Amendment of schedule (Dictionary) 3

Schedule, definition *vegetation clearing application*— 4
omit, insert— 5

vegetation clearing application means a 6
development application under the *Planning and 7*
Development Act 2014 for development that is— 8

- (a) categorised as assessable development 9
under a regulation under that Act; and 10
- (b) operational work, as defined under that Act, 11
that is the clearing of vegetation. 12

Part 12 Amendment of Century Zinc 13
Project Act 1997 14

Clause 124 Act amended 15

This part amends the *Century Zinc Project Act 1997*. 16

Clause 125 Insertion of new pt 8 17

After part 7— 18
insert— 19

Part 8	Transitional provision	1
	for Planning and	2
	Development	3
	(Consequential) and	4
	Other Legislation	5
	Amendment Act 2014	6

23	Continuing application of pt 4	7
-----------	---------------------------------------	---

Part 4, as in force before the commencement,	8
continues to apply to a development application to	9
which the <i>Planning and Development Act 2014</i> ,	10
section 244 applies, as if the <i>Planning and</i>	11
<i>Development (Consequential) and Other Legislation</i>	12
<i>Amendment Act 2014</i> had not been enacted.	13

Clause 126	Amendment of sch 6 (Dictionary)	14
	Schedule 6, definition <i>development application</i> , paragraph (a)—	15
	<i>omit, insert—</i>	16
	(a) the <i>Planning and Development Act 2014</i> ;	17

Part 13	Amendment of City of Brisbane	18
	Act 2010	19

Clause 127	Act amended	20
	This part amends the <i>City of Brisbane Act 2010</i> .	21

Clause 128	Amendment of s 40 (Development processes)	22
	Section 40(2), ‘a process in the Planning Act, chapter 6’—	23
	<i>omit, insert—</i>	24

[s 129]

	the development assessment process under the Planning Act	1 2
Clause 129	Amendment of s 79 (Assessment of impacts on roads from certain activities)	3 4
	Section 79(1)(c)(ii)—	5
	<i>omit, insert—</i>	6
	(ii) development categorised under the council’s planning scheme as assessable development for the Planning Act; or	7 8 9 10
Clause 130	Insertion of new ch 8, pt 7	11
	Chapter 8—	12
	<i>insert—</i>	13
	Part 7 Transitional provisions for Planning and Development (Consequential) and Other Legislation Amendment Act 2014	14 15 16 17 18 19
	270 Definition for pt 7	20
	In this part—	21
	<i>repealed Planning Act</i> means the repealed <i>Sustainable Planning Act 2009</i> .	22 23
	271 Continuing application of s 90	24
	Section 90 continues to apply to a development application made under the repealed Planning Act before the commencement.	25 26 27

272 Continuing application of s 121

Section 121 continues to apply to an application made,
or a permit or notice given, under the repealed
Planning Act before the commencement.

273 Existing remedial notice

- (1) This section applies if a remedial notice requiring
an owner or occupier of a property to take action
under the repealed Planning Act was given under
section 127A before the commencement.
- (2) The remedial notice continues to have effect as if
the repealed Planning Act had not been repealed.

274 Inside information for repealed Planning Act

Information about the following continues to be inside
information for section 173A as if the repealed
Planning Act had not been repealed—

- (a) the exercise of a power under the repealed
Planning Act by the council, a councillor or
a council employee;
- (b) a decision or proposed decision under the
repealed Planning Act of the council or any
of its committees;
- (c) the exercise of a power, under the repealed
Planning Act, by the State, a Minister, a
statutory body or an employee of the State
or statutory body, that affects the council,
any of its corporate entities or land or
infrastructure within Brisbane;
- (d) any legal or financial advice about the
repealed Planning Act created for the
council, any of its committees or any of its
corporate entities.

275 Continuing application of s 228

Section 228(2) continues to apply to a fine imposed by
the court for an offence against the repealed Planning
Act as if that Act had not been repealed.

Clause	131	Amendment of sch 1 (Dictionary)	1
	(1)	Schedule 1, definitions <i>Planning Act</i> , <i>Planning and Environment Court</i> and <i>planning scheme</i> —	2 3
		<i>omit.</i>	4
	(2)	Schedule 1—	5
		<i>insert</i> —	6
		<i>Planning Act</i> means the <i>Planning and Development Act 2014</i> .	7 8
		<i>planning scheme</i> means a planning scheme under the Planning Act.	9 10
 Part 14			
		Amendment of Coastal Protection and Management Act 1995	11 12 13
Clause	132	Act amended	14
		This part amends the <i>Coastal Protection and Management Act 1995</i> .	15 16
Clause	133	Amendment of s 9 (Meaning of <i>canal</i>)	17
		Section 9—	18
		<i>insert</i> —	19
	(4)	Also, <i>canal</i> does not include an artificial waterway that intersects, or is connected to, inundated land or leased land if the registered proprietor of the land may restrict or prohibit the use or movement of vessels in water on the land.	20 21 22 23 24

Clause 134	Amendment of s 21 (Content of coastal plan)	1
	(1) Section 21(3)—	2
	<i>omit, insert—</i>	3
	(3) The coastal plan may include 1 or both of the following—	4
		5
	(a) a map or series of maps showing coastal resource information;	6
		7
	(b) requirements about coastal resources and land management in the coastal zone.	8
		9
	(2) Section 21(4)—	10
	<i>omit.</i>	11
Clause 135	Amendment of s 25 (Notice about draft coastal plan)	12
	(1) Section 25(4)(a)—	13
	<i>omit.</i>	14
	(2) Section 25(4)(b) and (c)—	15
	<i>renumber</i> as section 25(4)(a) and (b).	16
Clause 136	Amendment of s 28 (Notice about making coastal plan)	17
	(1) Section 28(3)(a)—	18
	<i>omit.</i>	19
	(2) Section 28(3)(b) and (c)—	20
	<i>renumber</i> as section 28(3)(a) and (b).	21
Clause 137	Amendment of s 34 (Implementation of coastal plan)	22
	(1) Section 34(3)(a)—	23
	<i>omit.</i>	24
	(2) Section 34(3)(b) and (c)—	25
	<i>renumber</i> as section 34(3)(a) and (b).	26

[s 138]

Clause 138	Amendment of s 85 (Suspension or cancellation—grounds)	1 2
	Section 85(b)(iii), after ‘applied for’—	3
	<i>insert—</i>	4
	or obtained	5
Clause 139	Omission of ch 2, pt 5, div 2 (Removal of quarry material may require other approvals)	6 7
	Chapter 2, part 5, division 2—	8
	<i>omit.</i>	9
Clause 140	Replacement of ch 2, pt 6, hdg (Development approvals for assessable development)—	10 11
	Chapter 2, part 6, heading—	12
	<i>omit, insert—</i>	13
	Part 6 Land surrender and artificial waterways	14 15
Clause 141	Omission of ch 2, pt 6, divs 1 and 2	16
	Chapter 2, part 6, divisions 1 and 2—	17
	<i>omit.</i>	18
Clause 142	Amendment of s 109 (Application of div 3)	19
	Section 109, ‘reconfiguration of’—	20
	<i>omit, insert—</i>	21
	reconfiguring	22
Clause 143	Omission of ch 2, pt 6, div 3, sdiv 2 (Land surrender conditions)	23 24
	Chapter 2, part 6, division 3, subdivision 2—	25

omit.

1

Clause 144 Amendment of s 115A (Applicant may surrender land voluntarily)

2

3

(1) Section 115A(1), from ‘without’ to ‘subdivision 2’—

4

omit.

5

(2) Section 115A(2)—

6

omit.

7

Clause 145 Amendment of s 115B (Surrendered land to be dedicated for coastal management purposes)

8

9

Section 115B(1), ‘under a land surrender condition or’—

10

omit.

11

Clause 146 Amendment of s 116 (Canals—surrender to the State)

12

Section 116(1), ‘to reconfigure’—

13

omit, insert—

14

for reconfiguring

15

Clause 147 Omission of ch 2, pt 6, div 4, sdiv 2 (Development applications involving artificial waterways)

16

17

Chapter 2, part 6, division 4, subdivision 2—

18

omit.

19

Clause 148 Omission of ch 2, pt 6, div 5 (Exemption certificates)

20

Chapter 2, part 6, division 5—

21

omit.

22

[s 149]

Clause 149	Amendment of s 123 (Right to occupy and use land on which particular tidal works were, or are to be, carried out)	1
		2
		3
	(1) Section 123(4), from ‘are’—	4
	<i>omit, insert—</i>	5
	is accepted development under the Planning Act.	6
	(2) Section 123(5)(a), from ‘in accordance’ to ‘code’—	7
	<i>omit.</i>	8
	(3) Section 123(6), definition <i>IDAS code</i> —	9
	<i>omit.</i>	10
Clause 150	Insertion of new ch 5, pt 2A	11
	After chapter 5, part 2—	12
	<i>insert—</i>	13
	Part 2A	14
	Planning and	15
	Environment Court	16
	declarations	17
	164A Planning and Environment Court may make declarations	18
	(1) Any person may bring a proceeding in the Planning and Environment Court for a declaration about a matter done, to be done or that should have been done for chapter 2, part 3, division 2.	19
	(2) The court may make an order about a declaration made under subsection (1).	20
Clause 151	Amendment of s 167 (Regulation-making power)	21
	(1) Section 167(2)(b)—	22
	<i>omit.</i>	23
	(2) Section 167(3)—	24
		25

<i>omit.</i>	1
(3) Section 167(6), ‘a code for IDAS’—	2
<i>omit, insert—</i>	3
an assessment benchmark	4
(4) Section 167—	5
<i>insert—</i>	6
(7) A regulation may, for the Planning Act, state the requirements that operational work involving tidal works, or work in a coastal management district, must comply with to be categorised as accepted development under that Act.	7 8 9 10 11

Clause 152	Amendment of s 177 (Relationship to particular Planning Act provisions)	12 13
	Section 177(2)—	14
	<i>omit, insert—</i>	15
	(2) The Planning Act, chapter 3, part 6, division 2, subdivision 2 and divisions 3 and 4 apply to a deemed approval.	16 17 18

Clause 153	Amendment of s 189 (Particular permits under the Beach Protection Act)	19 20
	Section 189(2), ‘section 341(1)’—	21
	<i>omit, insert—</i>	22
	section 82(1)	23

Clause 154	Amendment of s 193 (Responsible entity for request to change deemed approval)	24 25
	(1) Section 193—	26
	<i>insert—</i>	27

[s 155]

	(6A)	Despite subsection (1), this section does not apply to a deemed approval mentioned in section 177 on or after the day section 206 commences.	1 2 3
	(2)	Section 193(7)— <i>insert—</i>	4 5
		<i>Planning Act</i> means the <i>Sustainable Planning Act 2009</i> .	6 7
Clause 155	Amendment of s 194 (Continuing application of particular provisions)		8 9
	Section 194(3)— <i>insert—</i>		10 11
		<i>Planning Act</i> means the <i>Sustainable Planning Act 2009</i> .	12 13
Clause 156	Amendment of s 204 (Development applications not decided on commencement that relate to tidal works)		14 15
	Section 204(3)— <i>insert—</i>		16 17
		<i>Planning Act</i> means the <i>Sustainable Planning Act 2009</i> .	18 19
Clause 157	Insertion of new ch 6, pt 8		20
	Chapter 6— <i>insert—</i>		21 22
	Part 8	Transitional provisions for Planning and Development (Consequential) and Other Legislation Amendment Act 2014	23 24 25 26 27 28

205 Definitions for pt 8

In this part—

amending Act means the *Planning and Development (Consequential) and Other Legislation Amendment Act 2014*.

former, in relation to a provision, means the provision as in force before the provision was amended or repealed under the amending Act.

206 Responsible entity for change application for deemed approval

- (1) This section applies to a deemed approval mentioned in section 177 if the holder of the approval makes a change application for a change to the deemed approval.
- (2) The chief executive must decide who will be the responsible entity for the change application.
- (3) For the Planning Act, a copy of the change application must also be given to an entity that would have been a referral agency for a development application for the deemed approval.
- (4) Subsection (2) applies despite the Planning Act, section 75(3), but subject to subsection (5).
- (5) The local government may elect not to be the responsible entity for the change application.
- (6) If the local government decides not to be the responsible entity for the change application, the local government is not required to be given a copy of the change application under the Planning Act.
- (7) In this section—
change application see the Planning Act, section 75(1).

[s 158]

	<i>responsible entity</i> , for a change application,	1
	means the responsible entity under the Planning	2
	Act, section 75(3) for the change application.	3
	207 Existing development applications under the	4
	repealed Sustainable Planning Act 2009	5
	(1) This section applies to a development application	6
	to which the Planning Act, section 244 applies.	7
	(2) The following provisions continue to apply to the	8
	development application as if the amending Act	9
	had not been enacted—	10
	(a) former section 100A;	11
	(b) if the chief executive is, under the repealed	12
	<i>Sustainable Planning Act 2009</i> , the	13
	assessment manager or a concurrence	14
	agency for the development	15
	application—former chapter 2, part 6.	16
	208 Land surrender conditions	17
	(1) This section applies to a development approval if	18
	the approval includes a land surrender condition	19
	under former section 110.	20
	(2) Former section 115B continues to apply to the	21
	surrender of land under the land surrender	22
	condition as if the amending Act had not been	23
	enacted.	24
Clause 158	Amendment of schedule (Dictionary)	25
	(1) Schedule, definitions <i>applicable code</i> , <i>assessment manager</i> ,	26
	<i>concurrence agency</i> , <i>land surrender condition</i> , <i>Planning Act</i> ,	27
	<i>Planning Minister</i> and <i>planning scheme</i> —	28
	<i>omit</i> .	29
	(2) Schedule—	30
	<i>insert</i> —	31

-
- Planning Act* means the *Planning and Development Act 2014*. 1
2
- planning scheme* means a planning scheme 3
under the Planning Act. 4
- (3) Schedule, definition *assessable development*, ‘schedule 3’— 5
omit, insert— 6
section 39(3) 7
- (4) Schedule, definition *currency period*, ‘section 341’— 8
omit, insert— 9
section 82(1) 10
- (5) Schedule, definition *development*, ‘section 7’— 11
omit, insert— 12
schedule 2 13
- (6) Schedule, definition *development approval*, ‘schedule 3’— 14
omit, insert— 15
section 44 16
- (7) Schedule, definition *development permit*, ‘schedule 3’— 17
omit, insert— 18
section 44(3) 19
- (8) Schedule, definition *operational work*, ‘section 10(1)’— 20
omit, insert— 21
schedule 2 22
- (9) Schedule, definition *preliminary approval*, ‘schedule 3’— 23
omit, insert— 24
section 44(2) 25
- (10) Schedule, definition *referral agency*, ‘schedule 3’— 26
omit, insert— 27
section 49(2) 28
-

[s 159]

Part 15	Amendment of Criminal Organisation Act 2009	1 2
Clause 159	Act amended	3
	This part amends the <i>Criminal Organisation Act 2009</i> .	4
Clause 160	Amendment of s 40 (Relationship with Planning Act and development approvals)	5 6
	Section 40(2)—	7
	<i>omit, insert—</i>	8
	(2) If, but for this subsection, the development would be either of the following under the Planning Act, the development is taken to be accepted development under that Act—	9 10 11 12
	(a) assessable development;	13
	(b) prohibited development.	14
Clause 161	Amendment of sch 2 (Dictionary)	15
	Schedule 2, definition <i>Planning Act</i> —	16
	<i>omit, insert—</i>	17
	<i>Planning Act</i> means the <i>Planning and Development Act 2014</i> .	18 19
Part 16	Amendment of Disaster Management Act 2003	20 21
Clause 162	Act amended	22
	This part amends the <i>Disaster Management Act 2003</i> .	23

Clause	163	Amendment of s 20B (Chairperson may give notice about deemed approvals under Sustainable Planning Act)	1
			2
	(1)	Section 20B, heading, ‘Sustainable’—	3
		<i>omit.</i>	4
	(2)	Section 20B(1)(b) and (6)(b) and (c), ‘Sustainable’—	5
		<i>omit.</i>	6
	(3)	Section 20B(2), ‘provisions do’—	7
		<i>omit, insert—</i>	8
		provision does	9
	(4)	Section 20B(6)(a), ‘provisions are’—	10
		<i>omit, insert—</i>	11
		provision is	12
	(5)	Section 20B(7)—	13
		<i>omit, insert—</i>	14
	(7)	In this section—	15
		<i>deemed approval provision</i> means the Planning	16
		Act, section 61.	17
		<i>development application</i> see the Planning Act,	18
		schedule 2.	19
		<i>Planning Act</i> means the <i>Planning and</i>	20
		<i>Development Act 2014</i> .	21
		<i>relevant local government</i> , for a disaster	22
		situation, means a local government in whose	23
		local government area the declared area, or part	24
		of the declared area, for the disaster situation is	25
		situated.	26
Clause	164	Insertion of new pt 14, div 3, sdiv 3	27
		Part 14, division 3—	28
		<i>insert—</i>	29

[s 164]

Subdivision 3	Transitional provision for	1
	Planning and Development	2
	(Consequential) and Other	3
	Legislation Amendment	4
	Act 2014	5
181	Notices about deemed approvals for existing	6
	development applications under the repealed	7
	Sustainable Planning Act 2009	8
(1)	This section applies to a development application (an <i>existing development application</i>) to which the <i>Planning and Development Act 2014</i> , section 244 applies.	9 10 11 12
(2)	The chairperson of the State group may give a written notice under the unamended Act, section 20B(2) for the existing development application as if the amending Act had not been enacted.	13 14 15 16
(3)	If, before the commencement, a notice (an <i>existing notice</i>) was given under the unamended Act, section 20B(2) for an existing development application, the notice continues in effect as if the amending Act had not been enacted.	17 18 19 20 21
(4)	The unamended Act, section 20B(4) to (6) continues to apply to a notice under subsection (2) or an existing notice as if the amending Act had not been enacted.	22 23 24 25
(5)	In this section— <i>amending Act</i> means the <i>Planning and</i> <i>Development (Consequential) and Other</i> <i>Legislation Amendment Act 2014</i> . <i>unamended Act</i> means this Act as in force before the commencement.	26 27 28 29 30 31

Part 17	Amendment of Economic Development Act 2012	1
		2
Clause 165	Act amended	3
	This part amends the <i>Economic Development Act 2012</i> .	4
Clause 166	Amendment of s 34 (Declaration)	5
	Section 34(2)(b)(iii), ‘Sustainable’—	6
	<i>omit</i> .	7
Clause 167	Amendment of s 37 (Declaration)	8
	Section 37(2)(b)(iii), ‘Sustainable’—	9
	<i>omit</i> .	10
Clause 168	Amendment of s 41 (Cessation of provisional priority development area)	11
	(1) Section 41(3), ‘Sustainable’—	12
	<i>omit</i> .	13
	(2) Section 41(4), ‘Sustainable Planning Act, section 117 does’—	14
	<i>omit, insert—</i>	15
	Planning Act, sections 16 to 19 do	16
		17
Clause 169	Amendment of s 42K (Effect of planning instrument change)	18
	(1) Section 42K(1), ‘Sustainable’—	19
	<i>omit</i> .	20
	(2) Section 42K(2), ‘Sustainable Planning Act, section 117 does’—	21
	<i>omit, insert—</i>	22
		23
		24

[s 170]

	Planning Act, sections 16 to 19 do	1
Clause 170	Amendment of ch 3, pt 2, div 4, hdg (Relationship with Sustainable Planning Act)	2 3
	Chapter 3, part 2, division 4, heading, ‘Sustainable’—	4
	<i>omit.</i>	5
Clause 171	Amendment of s 44 (Existing SPA development applications)	6 7
	(1) Section 44, heading, ‘SPA development applications’—	8
	<i>omit, insert—</i>	9
	development applications under the Planning Act	10
	(2) Section 44(1)(a)—	11
	<i>omit, insert—</i>	12
	(a) a development application under the Planning Act had been made for land in the area; and	13 14 15
	(3) Section 44(2), ‘Sustainable’—	16
	<i>omit.</i>	17
Clause 172	Amendment of s 45 (Existing SPA development approvals)	18 19
	(1) Section 45, heading, ‘SPA development approvals’—	20
	<i>omit, insert—</i>	21
	development approvals under the Planning Act	22
	(2) Section 45, ‘an SPA development approval’—	23
	<i>omit, insert—</i>	24
	a development approval under the Planning Act	25

Clause 173	Replacement of s 47 (Community infrastructure designations)	1
		2
	Section 47—	3
	<i>omit, insert—</i>	4
	47 Designations of premises for development of infrastructure under the Planning Act	5
		6
	(1) A designation under the Planning Act, chapter 2, part 5 may be made for premises in a priority development area.	7
		8
		9
	(2) The Planning Act, chapter 2, part 5 applies for making the designation.	10
		11
	(3) A designation of premises under the Planning Act that is in force immediately before the premises is in a priority development area continues in force.	12
		13
		14
		15
Clause 174	Amendment of s 48 (Conversion of PDA development approval to SPA development approval)	16
		17
	(1) Section 48, heading, ‘SPA development approval’—	18
	<i>omit, insert—</i>	19
	development approval under the Planning Act	20
	(2) Section 48(2), ‘an SPA development approval’—	21
	<i>omit, insert—</i>	22
	a development approval under the Planning Act	23
Clause 175	Amendment of s 49 (Outstanding PDA development applications)	24
		25
	Section 49(3), ‘an SPA development approval’—	26
	<i>omit, insert—</i>	27
	a development approval under the Planning Act	28

[s 176]

Clause 176	Amendment of s 50 (Provisions for converted SPA development approval)	1 2
(1)	Section 50, heading, ‘SPA development approval’— <i>omit, insert—</i>	3 4
	development approval under the Planning Act	5
(2)	Section 50(1), ‘an SPA development approval’— <i>omit, insert—</i>	6 7
	a development approval under the Planning Act	8
(3)	Section 50(2), ‘SPA development approval’— <i>omit, insert—</i>	9 10
	development approval under the Planning Act	11
(4)	Section 50(3)— <i>omit, insert—</i>	12 13
	(3) Despite the Planning Act, section 184 and schedule 1, there is no appeal right under the Planning Act to the Planning and Environment Court for the development approval or the conditions, or a decision relating to the conditions.	14 15 16 17 18 19
(5)	Section 50(5)— <i>omit, insert—</i>	20 21
	(5) The enforcement authority under the Planning Act for the development approval under the Planning Act is taken to be the entity that would have been the enforcement authority under that Act if—	22 23 24 25 26
	(a) the relevant land had never been in a priority development area; and	27 28
	(b) a development application under the Planning Act had been made for the relevant development when the PDA development	29 30 31

[s 177]

	application for the PDA development approval was made.	1 2
(6)	Section 50(6)—	3
	<i>omit, insert—</i>	4
(6)	A person other than the enforcement authority under subsection (5) can not bring a proceeding under the <i>Planning and Environment Court Act 2014</i> , section 11 in relation to the development approval under the Planning Act or the conditions.	5 6 7 8 9 10
Clause 177	Amendment of s 51 (Lawful uses in priority development area)	11 12
	Section 51, ‘Sustainable’—	13
	<i>omit.</i>	14
Clause 178	Amendment of s 57 (Content of development scheme)	15
	Section 57(5)(b)—	16
	<i>omit, insert—</i>	17
	(b) an assessment benchmark prescribed by regulation under the Planning Act;	18 19
	(c) an assessment benchmark made under another Act for the purposes of the Planning Act.	20 21 22
Clause 179	Amendment of s 71 (Development scheme prevails over particular instruments)	23 24
	Section 71(b)—	25
	<i>omit, insert—</i>	26
	(b) an assessment benchmark prescribed by regulation under the Planning Act;	27 28

[s 180]

	(c) an assessment benchmark made under another Act for the purposes of the Planning Act.	1 2 3
Clause 180	Amendment of s 77 (Exemption for particular SPA development approvals and community infrastructure designations)	4 5 6
	(1) Section 77, heading, from ‘SPA’—	7
	<i>omit, insert—</i>	8
	development approvals and designations under the Planning Act	9 10
	(2) Section 77(1)(a), ‘an SPA development approval’—	11
	<i>omit, insert—</i>	12
	a development approval under the Planning Act	13 14
	(3) Section 77(1)(b)—	15
	<i>omit, insert—</i>	16
	(b) a designation under the Planning Act, chapter 2, part 5 for premises in a priority development area.	17 18 19
	(4) Section 77(2), ‘community infrastructure’—	20
	<i>omit.</i>	21
Clause 181	Amendment of s 80 (Amendment of relevant development instrument does not affect existing SPA or PDA development approval)	22 23 24
	(1) Section 80, heading, ‘SPA’—	25
	<i>omit, insert—</i>	26
	development approval under the Planning Act	27
	(2) Section 80(1)(a), ‘an SPA development approval’—	28
	<i>omit, insert—</i>	29

	a development approval under the Planning Act	1 2
Clause 182	Amendment of s 81 (Development or use carried out in emergency)	3 4
	(1) Section 81(1)(a)(iii), ‘community’— <i>omit.</i>	5 6
	(2) Section 81— <i>insert—</i>	7 8
	(3) In this section— emergency means an event or situation that involves an imminent and definite threat requiring immediate action (before or after the event or situation), other than routine maintenance due to wear and tear.	9 10 11 12 13 14
	<i>Example of an action not done because of an emergency—</i> the carrying out, in winter, of a use or building or operational work in anticipation of the next cyclone season	15 16 17
Clause 183	Amendment of s 82 (How to make application)	18
	Section 82(1)(b)— <i>omit, insert—</i>	19 20
	(b) contain, or be accompanied by, the consent of the owner of the relevant land, other than to the extent—	21 22 23
	(i) the State is the owner of the land; or	24
	(ii) the application is for operational work; and	25 26
Clause 184	Amendment of s 86 (Restrictions on granting approval)	27
	Section 86(1)(a), ‘an SPA preliminary approval’—	28

[s 185]

omit, insert— 1
a preliminary approval under the Planning 2
Act 3

Clause 185 Amendment of s 87 (Matters to be considered in making decision) 4
5
Section 87(1)(f), ‘SPA preliminary approval’— 6
omit, insert— 7
preliminary approval under the Planning Act 8

Clause 186 Amendment of s 90 (Right of appeal against particular conditions) 9
10
(1) Section 90(4)— 11
omit, insert— 12
(4) The *Planning and Environment Court Act 2014*, 13
part 5 applies to the appeal, with necessary 14
changes, as if— 15
(a) the appeal were a Planning Act appeal under 16
that Act; and 17
(b) the entity were the only other party to the 18
appeal. 19
(2) Section 90(5)(a), ‘Sustainable Planning Act, chapter 7, part 1, 20
division 11’— 21
omit, insert— 22
Planning Act 23

Clause 187 Amendment of s 97 (Provision for enforcement of PDA development conditions) 24
25
Section 97(1)— 26
omit, insert— 27

-
- (1) If there is a nominated assessing authority for a PDA development condition, the Planning Act, chapter 5, part 3, and any other Act that refers to a development approval under the Planning Act, applies to the condition as if—
 - (a) the relevant PDA development approval were a development approval under the Planning Act; and
 - (b) the nominated assessing authority were an enforcement authority under the Planning Act for development under the PDA development approval; and
 - (c) a reference to a development offence under the Planning Act were a reference to a PDA development offence.

Clause 188 Amendment of s 100 (When approval lapses generally)

- (1) Section 100(4)(a), ‘4 years’—
 omit, insert—
 6 years
- (2) Section 100(5)(a), (b) and (c)—
 omit, insert—
 - (a) 4 years from the day of effect; or
 - (b) if the approval states a different period—the stated period.
- (3) Section 100(8), definition *related approval*, paragraph (a)(i), ‘SPA development approval’—
 omit, insert—
 development approval under the
 Planning Act for an application under
 that Act
- (4) Section 100(8), definition *related approval*, paragraph (a)(i)(B), ‘an SPA development permit’—

[s 189]

<i>omit, insert—</i>	1
a development permit under the	2
Planning Act	3
(5) Section 100(8), definition <i>related approval</i> , paragraph (a)(ii),	4
‘SPA development permit for an SPA development	5
application’—	6
<i>omit, insert—</i>	7
development permit under the Planning	8
Act for a development application	9
under that Act	10

Clause 189	Replacement of s 104 (Plans of subdivision)	11
	Section 104—	12
	<i>omit, insert—</i>	13
	104 Plans of subdivision	14
	(1) This section applies to a plan of subdivision if,	15
	under another Act, the plan requires MEDQ’s	16
	approval, in whatever form, before it can be	17
	registered or otherwise recorded under that Act.	18
	(2) In deciding whether to approve the plan of	19
	subdivision, MEDQ must comply with the	20
	process prescribed by regulation for approving	21
	plans of subdivision.	22
	(3) In this section—	23
	<i>plan of subdivision—</i>	24
	(a) means a plan or agreement, however called,	25
	for reconfiguring a lot; and	26
	(b) does not include a plan for reconfiguring a	27
	lot if the reconfiguration relates to—	28
	(i) the acquisition of land by a	29
	constructing authority as defined under	30
	the <i>Acquisition of Land Act 1967</i> for a	31

	purpose for which land may be taken under that Act; or	1 2
	(ii) the acquisition of land by an entity authorised, or taken to be authorised, under the <i>Electricity Act 1994</i> , section 116(1) to acquire land; or	3 4 5 6
	(iii) the acquisition of land for a water infrastructure facility; or	7 8
	(iv) land held by the State or a statutory body representing the State, for a purpose for which land may be taken under the <i>Acquisition of Land Act 1967</i> , whether or not the land relates to an acquisition; or	9 10 11 12 13 14
	(v) a lot that consists of strategic port land under the <i>Transport Infrastructure Act 1994</i> .	15 16 17
Clause 190	Amendment of s 109 (Powers about enforcement orders)	18
	(1) Section 109(4), note, ‘Sustainable Planning Act, section 457’—	19 20
	<i>omit, insert—</i>	21
	<i>Planning and Environment Court Act 2014</i> , part 6	22
	(2) Section 109(5), definition <i>environment</i> —	23
	<i>omit, insert—</i>	24
	<i>environment</i> see the <i>Environmental Protection Act 1994</i> , section 8.	25 26
Clause 191	Amendment of s 110 (Offence to contravene enforcement order)	27 28
	Section 110, note, paragraph (b)—	29
	<i>omit, insert—</i>	30
	(b) the <i>Planning and Environment Court Act 2014</i> , section 36.	31

[s 192]

Clause 192	Amendment of s 123 (Application of local government entry powers for MEDQ's functions or powers)	1 2
	Section 123(6), definition <i>lot</i> , 'Sustainable Planning Act, section 10'—	3 4
	<i>omit, insert</i> —	5
	Planning Act, schedule 2	6
Clause 193	Amendment of s 127 (Direction to government entity or local government to accept transfer)	7 8
	Section 127(5), 'Sustainable Planning Act, section 678'—	9
	<i>omit, insert</i> —	10
	Planning Act, section 156	11
Clause 194	Amendment of s 177 (Definitions for ch 6)	12
	Section 177—	13
	<i>insert</i> —	14
	<i>SPA development approval</i> means a development approval under the Sustainable Planning Act.	15 16
	<i>Sustainable Planning Act</i> means the <i>Sustainable Planning Act 2009</i> .	17 18
Clause 195	Amendment of s 195 (Relationship with Sustainable Planning Act)	19 20
	Section 195—	21
	<i>insert</i> —	22
	(8) In this section—	23
	<i>community infrastructure designation</i> means a community infrastructure designation under the Sustainable Planning Act.	24 25 26

SPA development application means a
development application under the Sustainable
Planning Act.

Clause 196 Insertion of new ch 7

After section 216—

insert—

**Chapter 7 Transitional
provisions for
Planning and
Development
(Consequential) and
Other Legislation
Amendment Act
2014**

217 Definitions for ch 7

In this chapter—

amending Act means the *Planning and
Development (Consequential) and Other
Legislation Amendment Act 2014*.

former, in relation to a provision, means the
provision as in force before the provision was
amended or repealed under the amending Act.

**218 Existing development applications under
repealed Sustainable Planning Act 2009**

- (1) This section applies to a development application
to which the Planning Act, section 244 applies.
- (2) Former section 44 continues to apply for the
development application as if the amending Act
had not been enacted.

[s 197]

- (3) If a development approval is given under the repealed *Sustainable Planning Act 2009* for the development application, the carrying out of development or use of land under the approval is not a PDA development offence.

219 Existing compliance assessment for plans of subdivision

- (1) This section applies if, before the commencement, SPA compliance assessment under former section 104 had commenced for a plan of subdivision.
- (2) Former section 104 continues to apply for the plan of subdivision as if the amending Act had not been enacted.

Clause 197 Amendment of sch 1 (Dictionary)

- (1) Schedule 1, definitions *commencement*, *community infrastructure designation*, *material change of use*, *Planning and Environment Court*, *planning scheme*, *reconfiguring a lot*, *SPA development application*, *SPA development approval*, *SPA preliminary approval* and *Sustainable Planning Act*—
omit.
- (2) Schedule 1—
insert—
material change of use, of premises, see the Planning Act, schedule 2.
Planning Act means the *Planning and Development Act 2014*.
planning scheme means a planning scheme under the Planning Act.
reconfiguring a lot see the Planning Act, schedule 2.
- (3) Schedule 1, definition *building work*, from ‘Sustainable’—

<i>omit, insert—</i>	1
Planning Act.	2
(4) Schedule 1, definition <i>infrastructure agreement</i> , ‘Sustainable Planning Act, schedule 3’—	3 4
<i>omit, insert—</i>	5
Planning Act, section 147	6
(5) Schedule 1, definition <i>lawful use</i> , paragraph (b), ‘or the Sustainable Planning Act’—	7 8
<i>omit, insert—</i>	9
, the Planning Act, the repealed <i>Sustainable Planning Act 2009</i> or the repealed <i>Integrated Planning Act 1997</i>	10 11 12
(6) Schedule 1, definition <i>operational work</i> , ‘Sustainable Planning Act, section 10’—	13 14
<i>omit, insert—</i>	15
Planning Act, schedule 2	16
(7) Schedule 1, definition <i>planning instrument</i> , ‘Sustainable’—	17
<i>omit.</i>	18
(8) Schedule 1, definition <i>relevant development</i> , ‘or an SPA development approval’—	19 20
<i>omit, insert—</i>	21
, development approval under the Planning Act	22
(9) Schedule 1, definition <i>relevant land</i> , paragraph (b), ‘an SPA development approval’—	23 24
<i>omit, insert—</i>	25
a development approval under the Planning Act	26

[s 198]

Part 18	Amendment of Electricity Act 1994	1
		2
Clause 198	Act amended	3
	This part amends the <i>Electricity Act 1994</i> .	4
Clause 199	Replacement of s 112A (Clearing native vegetation for operating works on freehold land)	5
	Section 112A—	6
	<i>omit, insert—</i>	7
	112A Clearing native vegetation for operating works on freehold land	8
		9
	(1) This section has effect despite the Planning Act.	10
	(2) Carrying out work that is the clearing of vegetation on freehold land is accepted development under the Planning Act if the clearing—	11
	(a) is for operating works for a transmission entity or distribution entity; and	12
	(b) is on land designated for the operating works under the Planning Act, chapter 2, part 5.	13
	(3) In this section—	14
	<i>Planning Act</i> means the <i>Planning and Development Act 2014</i> .	15
	<i>vegetation</i> see the <i>Vegetation Management Act 1999</i> , section 8.	16
		17
		18
		19
		20
		21
		22
		23
		24
		25

Part 19	Amendment of Environmental Offsets Act 2014	1 2
Clause 200	Act amended	3
	This part amends the <i>Environmental Offsets Act 2014</i> .	4
Clause 201	Amendment of s 5 (Relationship with particular Acts)	5
	(1) Section 5(2)(a), ‘ <i>Sustainable Planning Act 2009</i> ’—	6
	<i>omit, insert—</i>	7
	Planning Act	8
	(2) Section 5(3), note, fourth dot point—	9
	<i>omit.</i>	10
Clause 202	Amendment of s 13B (What this part is about)	11
	Section 13B(2)(b), ‘section 325(1)’—	12
	<i>omit, insert—</i>	13
	section 59(2)	14
Clause 203	Amendment of s 16 (Conditions that apply under this Act to authority)	15 16
	Section 16(5), ‘ <i>Sustainable Planning Act 2009</i> , section 347(1)(b) and (c)’—	17 18
	<i>omit, insert—</i>	19
	Planning Act, section 63(1)(a) and (c)	20
Clause 204	Amendment of sch 2 (Dictionary)	21
	(1) Schedule 2, definition <i>Planning Act</i> —	22
	<i>omit.</i>	23
	(2) Schedule 2—	24

[s 205]

<i>insert—</i>	1
<i>assessment manager</i> see the Planning Act, section 43.	2 3
<i>Planning Act</i> means the <i>Planning and Development Act 2014</i> .	4 5
<i>referral agency</i> see the Planning Act, section 49(2).	6 7
(3) Schedule 2, definition <i>administering agency</i> , paragraph (a)(i)—	8 9
<i>omit, insert—</i>	10
(i) if the chief executive administering the Planning Act has nominated an entity to be an enforcement authority under that Act for an offset condition—the nominated entity; or	11 12 13 14 15
(4) Schedule 2, definition <i>administering agency</i> , paragraph (a)(ii), 'concurrence'—	16 17
<i>omit, insert—</i>	18
referral	19

Part 20	Amendment of Environmental Protection Act 1994	20 21
----------------	---	----------

Clause 205	Act amended	22
	This part amends the <i>Environmental Protection Act 1994</i> .	23
Clause 206	Amendment of s 115 (Development application taken to be application for environmental authority in particular circumstances)	24 25 26
	Section 115(1)(b)(ii)—	27

omit, insert—

- (ii) is categorised as assessable development
under a regulation under the Planning Act.

Clause 207 Amendment of s 125 (Requirements for applications generally)

Section 125(3)(a)(ii), ‘has evaluated an EIS’—

omit, insert—

has, under the State Development Act,
evaluated an EIS or IAR

Clause 208 Amendment of s 126 (Requirements for site-specific applications—CSG activities)

Section 126(3)(a)—

omit, insert—

- (a) the Coordinator-General has, under the State
Development Act, evaluated an EIS or IAR
for the CSG activity; and

Clause 209 Amendment of s 139 (Information stage does not apply if EIS process complete)

- (1) Section 139, heading, after ‘EIS’—

insert—

or IAR

- (2) Section 139(1)(a)(ii)—

omit, insert—

- (ii) the Coordinator-General has, under the
State Development Act, evaluated an
EIS or IAR for each relevant activity
the subject of the application and there
are Coordinator-General’s conditions
that relate to each relevant activity; and

[s 210]

Clause	210	Amendment of s 150 (Notification stage does not apply to particular applications)	1 2
	(1)	Section 150(1)(b), after ‘EIS’— <i>insert—</i> or IAR	3 4 5
	(2)	Section 150(1)(c), ‘mentioned in paragraph (a) or (b)’— <i>omit, insert—</i> or IAR	6 7 8
	(3)	Section 150(3), after ‘EIS’— <i>insert—</i> or IAR	9 10 11
	(4)	Section 150(4)— <i>omit.</i>	12 13
Clause	211	Amendment of s 153 (Required content of application notice)	14 15
	(1)	Section 153(2), ‘the process for an EIS’— <i>omit, insert—</i> an EIS or IAR (the <i>relevant assessment</i>)	16 17 18
	(2)	Section 153(2), note, after ‘EIS’— <i>insert—</i> or IAR	19 20 21
	(3)	Section 153(3), ‘EIS’— <i>omit, insert—</i> relevant assessment	22 23 24
Clause	212	Amendment of s 161 (Acceptance of submission)	25
	(1)	Section 161(4), ‘the process for an EIS’— <i>omit, insert—</i>	26 27

	an EIS or IAR	1
(2)	Section 161(4), note, after ‘EIS’—	2
	<i>insert—</i>	3
	or IAR	4
Clause 213	Amendment of s 166 (When does decision stage start—application relating to development applications)	5
		6
(1)	Section 166(2)(a), ‘decision stage’—	7
	<i>omit, insert—</i>	8
	decision-making period	9
(2)	Section 166(2)(b)—	10
	<i>omit, insert—</i>	11
	(b) if the administering authority or the	12
	planning chief executive is a referral agency	13
	for the development application under the	14
	Planning Act—the day the referral agency’s	15
	period for assessing the development	16
	application starts under the Planning Act.	17
Clause 214	Amendment of s 169 (When decision must be made—particular applications)	18
		19
	Section 169(3), from ‘concurrence’ to ‘period for’—	20
	<i>omit, insert—</i>	21
	referral agency for the development application	22
	under the Planning Act, a decision under	23
	subdivision 2 must be made within the referral	24
	agency’s period for assessing	25
Clause 215	Amendment of s 173 (When particular applications must be refused)	26
		27
(1)	Section 173(2)(b)—	28
	<i>omit, insert—</i>	29

[s 216]

	(b) the administering authority or planning chief executive is a referral agency or assessment manager for the development application; and	1 2 3 4
	(c) the administering authority or planning chief executive—	5 6
	(i) refuses the development application or directs it be refused; or	7 8
	(ii) grants a preliminary approval only or directs that only a preliminary approval be given.	9 10 11
(2)	Section 173—	12
	<i>insert—</i>	13
	(5) In this section—	14
	<i>preliminary approval</i> means a preliminary approval under the Planning Act.	15 16
Clause 216	Amendment of s 195 (Issuing environmental authority)	17
	Section 195(c)(ii)—	18
	<i>omit, insert—</i>	19
	(ii) if the administering authority is a referral agency for the development application under the Planning Act—when the administering authority gives a copy of its referral agency response to the applicant for the development application; or	20 21 22 23 24
	(iii) if the planning chief executive is the assessment manager for the development application under the Planning Act—within 5 business days after the decision notice is given under the Planning Act for the development application; or	25 26 27 28 29
	(iv) if the planning chief executive is a referral agency for the development application under the Planning Act—within 5 business days after the planning chief executive gives a copy of its referral agency	30 31 32 33

	response to the applicant for the development application; or	1 2
Clause 217	Amendment of s 205 (Conditions that must be imposed if application relates to coordinated project)	3 4
	Section 205(2), note—	5
	<i>omit.</i>	6
Clause 218	Amendment of s 332 (Administering authority may require draft program)	7 8
	Section 332(1), from ‘program’ to ‘development approval’—	9
	<i>omit, insert—</i>	10
	program as a condition of an environmental authority	11 12
Clause 219	Amendment of s 338 (Criteria for deciding draft program)	13
	Section 338(3)—	14
	<i>omit.</i>	15
Clause 220	Amendment of s 370 (Definitions for pt 8)	16
	Section 370, definition <i>compliance permit</i> —	17
	<i>omit.</i>	18
Clause 221	Omission of s 382 (Compliance permit)	19
	Section 382—	20
	<i>omit.</i>	21
Clause 222	Amendment of s 388 (Application of s div 2)	22
	Section 388(1)(a)(i) and (b)(i), ‘attached to a compliance permit for the land’—	23 24

[s 223]

	<i>omit, insert—</i>	1
	given to the administering authority	2
Clause 223	Amendment of s 580 (Regulation-making power)	3
	Section 580(4)—	4
	<i>omit.</i>	5
Clause 224	Amendment of s 616ZB (End of environmental authority)	6
	Section 616ZB(b), ‘section 10(1)’—	7
	<i>omit, insert—</i>	8
	schedule 2	9
Clause 225	Amendment of s 624 (Effect of commencement on particular approvals)	10
	Section 624(2)(b)(ii), ‘section 10(1)’—	11
	<i>omit, insert—</i>	12
	schedule 2	13
Clause 226	Insertion of new ch 13, pt 24	14
	Chapter 13—	15
	<i>insert—</i>	16
	Part 24	17
	Transitional provisions	18
	for Planning and	19
	Development	20
	(Consequential) and	21
	Other Legislation	22
	Amendment Act 2014	23
	740 Definitions for pt 24	24
	In this part—	25

amending Act means the *Planning and Development (Consequential) and Other Legislation Amendment Act 2014*. 1
2
3
former, in relation to a provision, means the 4
provision as in force before the provision was 5
amended or repealed under the amending Act. 6
repealed Planning Act means the repealed 7
Sustainable Planning Act 2009. 8
unamended Act means this Act as in force before 9
the commencement. 10

741 Existing development applications under the repealed Planning Act 11 12

- (1) This section applies to a development application 13
to which the Planning Act, section 244 applies if 14
the application is taken, under former section 15
115, to be an application for an environmental 16
authority. 17
- (2) The unamended Act continues to apply to the 18
application for the environmental authority as if 19
the amending Act had not been enacted. 20

742 Requests for compliance assessment under the repealed Planning Act 21 22

- (1) This section applies to a request for compliance 23
assessment to which the Planning Act, section 24
244 applies. 25
- (2) The unamended Act continues to apply in 26
relation to a compliance permit given under the 27
repealed Planning Act for the request as if the 28
amending Act had not been enacted. 29

743 Transitional environmental programs 30

- (1) This section applies if a condition of a 31
development approval given before or after the 32
commencement requires a draft transitional 33
environmental program under former section 34
332(1)(b). 35

[s 227]

	(2)	The condition continues in force, and the unamended Act continues to apply in relation to the condition, as if the amending Act had not been enacted.	1 2 3 4
Clause 227	Amendment of sch 1 (Exclusions relating to environmental nuisance or environmental harm)		5 6
	Schedule 1, section 3(f), ‘ <i>Sustainable Planning Act 2009</i> ’—		7
	<i>omit, insert—</i>		8
	Planning Act		9
Clause 228	Amendment of sch 2 (Original decisions)		10
	(1) Schedule 2, part 1, division 3, entries for section 171(2) and 172(2)(a), after ‘section 34D(3)(b)’—		11 12
	<i>insert—</i>		13
	or 34L(3)(b)		14
	(2) Schedule 2, part 2, division 4, entries for sections 382(2)—		15
	<i>omit.</i>		16
Clause 229	Amendment of sch 4 (Dictionary)		17
	(1) Schedule 4, definitions <i>advice agency</i> , <i>compliance permit</i> , <i>concurrence agency</i> , <i>Planning Act</i> and <i>referral agency</i> —		18 19
	<i>omit.</i>		20
	(2) Schedule 4—		21
	<i>insert—</i>		22
	<i>Planning Act</i> means the <i>Planning and Development Act 2014</i> .		23 24
	<i>referral agency</i> see the <i>Planning Act</i> , section 49(2).		25 26
	(3) Schedule 4, definition <i>assessment manager</i> , ‘section 246(1)’—		27 28

<i>omit, insert—</i>	1
section 43	2
(4) Schedule 4, definition <i>development</i> , ‘section 7’—	3
<i>omit, insert—</i>	4
schedule 2	5
(5) Schedule 4, definition <i>development condition</i> , paragraph 1—	6
<i>omit, insert—</i>	7
1 <i>Development condition</i> , of a development	8
approval, means a condition of the approval	9
imposed by, or because of a requirement	10
of—	11
(a) the administering authority as	12
assessment manager or referral agency	13
for the application for the approval; or	14
(b) the planning chief executive as	15
assessment manager or referral agency	16
for the application for the approval, if	17
the administering authority is	18
nominated as the enforcement	19
authority under the Planning Act for	20
the condition.	21

Part 21	Amendment of Fire and	22
	Emergency Services Act 1990	23

Clause 230	Act amended	24
	This part amends the <i>Fire and Emergency Services Act 1990</i> .	25

[s 231]

Clause 231	Amendment of s 113 (Appeal against local government's determination)	1 2
	Section 113(5)(c), ' <i>Sustainable Planning Act 2009</i> '—	3
	<i>omit, insert—</i>	4
	<i>Planning and Development Act 2014</i>	5
Clause 232	Amendment of s 152C (Inspection of records of local governments and building certifiers)	6 7
	Section 152C(2)(b)(ii), ' <i>Integrated Planning Act 1997</i> or the <i>Sustainable Planning Act 2009</i> '—	8 9
	<i>omit, insert—</i>	10
	repealed <i>Integrated Planning Act 1997</i> ,	11
	the repealed <i>Sustainable Planning Act 2009</i> or the <i>Planning and Development Act 2014</i>	12 13 14
Part 22	Amendment of Fisheries Act 1994	15 16
Clause 233	Act amended	17
	This part amends the <i>Fisheries Act 1994</i> .	18
Clause 234	Omission of s 22 (Integrated development assessment system regulations and guidelines)	19 20
	Section 22—	21
	<i>omit.</i>	22
Clause 235	Amendment of s 52 (Things authorised by authorities)	23
	Section 52(4)(b), note—	24

omit, insert—

1

Note—

2

See also section 76T and the Planning Act, section 160.

3

Clause 236 Amendment of s 76A (Application of sdiv 1)

4

Section 76A(a) and (b), from ‘assessable’ to ‘section 232(1)’—

5

omit, insert—

6

development categorised as assessable
development under a regulation under the
Planning Act

7

8

9

Clause 237 Amendment of s 76C (Nature of fisheries development approval for which resource allocation authority required)

10

11

12

Section 76C(2), ‘section 245 of the Planning Act’—

13

omit, insert—

14

the Planning Act, section 70

15

Clause 238 Omission of pt 5, div 3A, sdiv 2 (Assessment of development applications for fisheries development approval generally)

16

17

18

Part 5, division 3A, subdivision 2—

19

omit.

20

Clause 239 Replacement of pt 5, div 3A, sdiv 3, hdg (Assessment of development applications for construction or raising of waterway barrier works)

21

22

23

Part 5, division 3A, subdivision 3, heading—

24

omit, insert—

25

Subdivision 3 Fish movement exemption notices

26

27

[s 240]

Clause 240	Omission of s 76G (When chief executive may approve applications relating to waterway barrier works)	1 2
	Section 76G—	3
	<i>omit.</i>	4
Clause 241	Replacement of pt 5, div 3A, sdiv 4, hdg (Conditions on fisheries development approvals generally)	5 6
	Part 5, division 3A, subdivision 4, heading—	7
	<i>omit, insert—</i>	8
	Subdivision 4 Environmental offset conditions on fisheries development approvals	9 10 11
Clause 242	Amendment of s 76H (Relationship between sdiv 4 and Planning Act)	12 13
	Section 76H, ‘chapter 6, part 5, division 6 of the Planning Act’—	14
	<i>omit, insert—</i>	15
	the Planning Act, chapter 3, part 4, division 3	16
Clause 243	Omission of s 76I (Conditions on fisheries development approvals generally)	17 18
	Section 76I—	19
	<i>omit.</i>	20
Clause 244	Amendment of s 76IA (Environmental offset conditions)	21
	Section 76IA(1), ‘sections 346 and 346A’—	22
	<i>omit, insert—</i>	23
	section 62	24

Clause 245	Omission of ss 76J, 76K and 76L	1
	Sections 76J, 76K and 76L—	2
	<i>omit.</i>	3
Clause 246	Omission of pt 5, div 3A, sdiv 5 (Amending conditions on fisheries development approvals)	4
	Part 5, division 3A, subdivision 5—	5
	<i>omit.</i>	6
Clause 247	Amendment of s 76S (Purpose of sdiv 6)	7
	Section 76S, note—	8
	<i>omit, insert—</i>	9
	<i>Note—</i>	10
	The Planning Act, section 179(1) provides that provisions of another Act about, or for the prosecution of, offences against the Planning Act prevail over the Planning Act, chapter 5 to the extent of any inconsistency.	11
Clause 248	Amendment of s 76T (Penalties for carrying out assessable development without permit)	12
	(1) Section 76T(2), from ‘section 578(1)’ to ‘development permit’—	13
	<i>omit, insert—</i>	14
	section 160(1), the maximum penalty for an offence mentioned in that section	15
	(2) Section 76T(2)(a), (b) and (c), from ‘assessable’ to ‘section 232(1)’—	16
	<i>omit, insert—</i>	17
	development categorised as assessable development under a regulation under the Planning Act	18

[s 249]

Clause 249	Amendment of s 76U (Penalties for noncompliance with particular development approvals)	1 2
	Section 76U(2), ‘section 580(1)’—	3
	<i>omit, insert—</i>	4
	section 161	5
Clause 250	Amendment of s 76V (Additional requirement for development carried out in emergency)	6 7
	(1) Section 76V(1), ‘section 584’—	8
	<i>omit, insert—</i>	9
	section 163	10
	(2) Section 76V(2)—	11
	<i>omit, insert—</i>	12
	(2) For the Planning Act, section 163(6)(a)(ii), the person must also give notice of the activity to the chief executive.	13 14 15
Clause 251	Amendment of s 88B (Carrying out particular development without resource allocation authority)	16 17
	(1) Section 88B(1)(a), from ‘assessable’ to ‘section 232(1)’—	18
	<i>omit, insert—</i>	19
	development categorised as assessable	20
	development under a regulation under the Planning Act	21 22
	(2) Section 88B(1)(b), from ‘self-assessable’ to ‘section 232(1)’—	23 24
	<i>omit, insert—</i>	25
	development categorised as accepted	26
	development under a regulation under the Planning Act	27 28

[s 252]

- (3) Section 88B(4), definition *relevant person*, ‘for which the chief executive is not the assessment manager’— 1
2
omit. 3

Clause 252 Amendment of s 145 (Entry to places) 4

- (1) Section 145(1)(c), ‘, or a self-assessable development code,’— 5
6
omit, insert— 7
or an accepted development requirement 8
(2) Section 145(1)(c)(ii), ‘code,’— 9
omit, insert— 10
accepted development requirement 11
(3) Section 145(4)— 12
omit, insert— 13
(4) In this section— 14
accepted development requirement means a 15
requirement for accepted development prescribed 16
by a regulation under section 223(2)(aa). 17

Clause 253 Amendment of s 185 (Who may apply for review) 18

- (1) Section 185(2)(b)— 19
omit. 20
(2) Section 185(2)(c) to (g)— 21
renumber as section 185(2)(b) to (f). 22

Clause 254 Amendment of s 223 (Regulation-making power) 23

- Section 223(2)(a)— 24
omit, insert— 25
(a) prescribe the fees payable under this Act; or 26

[s 255]

	(aa) state, for the Planning Act, the requirements	1
	that fisheries development must comply	2
	with to be categorised as accepted	3
	development under that Act; or	4
Clause 255	Amendment of s 242 (Continuing effect of existing approvals for waterway barrier works)	5
	Section 242(2)(c), note—	6
	<i>omit.</i>	7
Clause 256	Amendment of s 244 (Applications in progress for particular relevant authorities)	8
	Section 244—	9
	<i>insert—</i>	10
	(4) In this section—	11
	<i>Planning Act</i> means the <i>Sustainable Planning Act 2009</i> .	12
		13
Clause 257	Insertion of new pt 12, div 10	14
	Part 12—	15
	<i>insert—</i>	16
	Division 10 Transitional provisions for Planning and Development (Consequential) and Other Legislation Amendment Act 2014	17
		18
	262 Definitions for div 10	19
	In this division—	20
	<i>amending Act</i> means the <i>Planning and Development (Consequential) and Other Legislation Amendment Act 2014</i> .	21
		22
		23
		24
		25
		26
		27
		28

former, in relation to a provision, means the provision as in force before the provision was amended or repealed under the amending Act.

263 Existing development applications under the repealed Sustainable Planning Act 2009

- (1) This section applies to a development application to which the Planning Act, section 244 applies if the chief executive is the assessment manager or a concurrence agency under the repealed *Sustainable Planning Act 2009* for the application.
- (2) Former sections 76D and 76G and former part 5, division 3A, subdivision 4 continue to apply to the development application as if the amending Act had not been enacted.
- (3) A decision of the chief executive about the development application is not reviewable under section 185(1).

264 Existing appeals under former s 76Q

- (1) This section applies if a person has appealed to the Planning and Environment Court under former section 76Q(1) and the appeal has not been decided before the commencement.
- (2) The Planning and Environment Court must hear, or continue to hear, and decide the appeal under former sections 76Q and 76R as if the amending Act had not been enacted.

265 Right to appeal under former s 76Q

- (1) This section applies if—
 - (a) immediately before the commencement, a person could have appealed to the Planning and Environment Court under former section 76Q; and
 - (b) the person has not appealed before the commencement.

[s 258]

- (2) The person may appeal, and the Planning and Environment Court must hear and decide the appeal, under former sections 76Q and 76R as if the amending Act had not been enacted.

Clause 258 Amendment of schedule (Dictionary)

- (1) Schedule, definitions *amend*, *applicable code*, *concurrency agency*, *currency period*, *environmental offset condition*, *fisheries development approval*, *Planning Act*, *prohibited development* and *self-assessable development*—

omit.

- (2) Schedule—

insert—

accepted development see the Planning Act, section 39(4).

currency period, for a development approval, see the Planning Act, section 82(1).

environmental offset see the *Environmental Offsets Act 2014*, section 7(2).

environmental offset condition means a condition of a development approval that requires or otherwise relates to an environmental offset.

fisheries development approval means a development approval for fisheries development if the chief executive, or the chief executive administering the Planning Act, is the assessment manager or a referral agency under that Act for the development application for the approval.

Planning Act means the *Planning and Development Act 2014*.

- (3) Schedule, definition *assessable development*, ‘schedule 3’—

omit, insert—

section 39(3)

-
- | | | |
|------|--|----------|
| (4) | Schedule, definition <i>assessment manager</i> , ‘section 246(1)’— | 1 |
| | <i>omit, insert</i> — | 2 |
| | section 43 | 3 |
| (5) | Schedule, definition <i>building work</i> , ‘section 10(1)’— | 4 |
| | <i>omit, insert</i> — | 5 |
| | schedule 2 | 6 |
| (6) | Schedule, definition <i>development application</i> , ‘schedule 3’— | 7 |
| | <i>omit, insert</i> — | 8 |
| | schedule 2 | 9 |
| (7) | Schedule, definition <i>development approval</i> , ‘schedule 3’— | 10 |
| | <i>omit, insert</i> — | 11 |
| | section 44 | 12 |
| (8) | Schedule, definition <i>development permit</i> , ‘section 243’— | 13 |
| | <i>omit, insert</i> — | 14 |
| | section 44(3) | 15 |
| (9) | Schedule, definition <i>fisheries development</i> ,
‘self-assessable’— | 16
17 |
| | <i>omit, insert</i> — | 18 |
| | accepted | 19 |
| (10) | Schedule, definitions <i>material change of use</i> and <i>operational
work</i> , ‘section 10(1)’— | 20
21 |
| | <i>omit, insert</i> — | 22 |
| | schedule 2 | 23 |
-

[s 259]

	Part 23	Amendment of Geothermal Energy Act 2010	1
			2

Clause	259	Act amended	3
		This part amends the <i>Geothermal Energy Act 2010</i> .	4

Clause	260	Amendment of s 327 (Restriction on carrying out geothermal activities)	5
			6
		Section 327, note 1, ' <i>Sustainable Planning Act 2009</i> '—	7
		<i>omit, insert—</i>	8
		<i>Planning and Development Act 2014</i>	9

	Part 24	Amendment of Gold Coast Waterways Authority Act 2012	10
			11

Clause	261	Act amended	12
		This part amends the <i>Gold Coast Waterways Authority Act 2012</i> .	13
			14

Clause	262	Amendment of s 4 (Relationship with other Acts)	15
		Section 4(2)(c), ' <i>Sustainable Planning Act 2009</i> '—	16
		<i>omit, insert—</i>	17
		<i>Planning and Development Act 2014</i>	18

	Part 25	Amendment of Inala Shopping Centre Freeholding Act 2006	1 2
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Clause	263	Act amended	3
		This part amends the <i>Inala Shopping Centre Freeholding Act 2006</i> .	4 5

Clause	264	Replacement of s 27 (Exempt development)	6
		Section 27—	7
		<i>omit, insert—</i>	8

		27 Accepted development	9
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- | | | | |
|--|--|--|----------------------|
| | | (1) This section applies if development under this Act would, if subsection (2) did not apply, be prohibited development or assessable development under the Planning Act. | 10
11
12
13 |
| | | (2) The development is taken to be accepted development for the Planning Act. | 14
15 |
| | | (3) In this section— | 16 |
| | | <i>development</i> see the Planning Act, schedule 2. | 17 |
| | | <i>Planning Act</i> means the <i>Planning and Development Act 2014</i> . | 18
19 |

	Part 26	Amendment of Integrated Resort Development Act 1987	20 21
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Clause	265	Act amended	22
		This part amends the <i>Integrated Resort Development Act 1987</i> .	23 24

[s 266]

Clause 266	Amendment of s 15 (Approved scheme regulates development etc. of site)	1
		2
	Section 15(4), from ‘Integrated’ to ‘again’—	3
	<i>omit, insert—</i>	4
	Planning Act prescribed for section 90	5
Clause 267	Amendment of s 20 (Effect of revocation)	6
	Section 20(1)(b), from ‘Integrated’ to ‘again’—	7
	<i>omit, insert—</i>	8
	Planning Act prescribed for section 90	9
Clause 268	Amendment of s 72 (Boundary adjustment plan)	10
	Section 72(5)—	11
	<i>omit.</i>	12
Clause 269	Amendment of s 90 (Construction of canals)	13
	Section 90(3), ‘Integrated’—	14
	<i>omit.</i>	15
Clause 270	Amendment of s 96 (Surrender of canal to the State)	16
	Section 96(7), ‘Integrated’—	17
	<i>omit.</i>	18
Clause 271	Amendment of sch 7 (Dictionary)	19
	(1) Schedule 7, definition <i>Integrated Planning Act</i> —	20
	<i>omit.</i>	21
	(2) Schedule 7—	22
	<i>insert—</i>	23

[s 272]

Planning Act means the *Planning and Development Act 2014*. 1
2

Part 27 Amendment of Integrity Act 2009 3 4

Clause 272 Act amended 5
This part amends the *Integrity Act 2009*. 6

Clause 273 Amendment of s 42 (Meaning of *lobbying activity* and *contact*) 7
Section 42(1)(a)(v), '*Sustainable Planning Act 2009*'— 8
omit, insert— 10
Planning and Development Act 2014 11

Part 28 Amendment of Land Act 1994 12

Clause 274 Act amended 13
This part amends the *Land Act 1994*. 14

Clause 275 Amendment of s 55D (Registration surrenders deed of grant in trust) 15
Section 55D(4), '*Sustainable Planning Act 2009*'— 16
omit, insert— 17
Planning Act 18
19

[s 276]

Clause 276	Amendment of s 109A (Simultaneous opening and closing of roads—deed of grant)	1 2
	Section 109A(4), ‘ <i>Sustainable Planning Act 2009</i> ’—	3
	<i>omit, insert—</i>	4
	Planning Act	5
Clause 277	Amendment of s 109B (Simultaneous opening and closure of roads—trust land or lease land)	6 7
	Section 109B(5), ‘ <i>Sustainable Planning Act 2009</i> ’—	8
	<i>omit, insert—</i>	9
	Planning Act	10
Clause 278	Amendment of s 294B (Building management statement may be registered)	11 12
	Section 294B(7), definition <i>building development approval</i> , from ‘or compliance’ to ‘2009,’—	13 14
	<i>omit, insert—</i>	15
	under the Planning Act	16
Clause 279	Amendment of s 373A (Covenant by registration)	17
	(1) Section 373A(7)(a) and note—	18
	<i>omit, insert—</i>	19
	(a) secure the payment of money or money’s worth payable under a condition of a development approval or an infrastructure agreement under the Planning Act; or	20 21 22 23
	<i>Note—</i>	24
	See also the Planning Act, section 102.	25
	(aa) be inconsistent with a planning scheme under the Planning Act that—	26 27

[s 280]

	(i) applies to the land subject to the covenant; and	1 2
	(ii) is in effect when the document creating the covenant is registered; or	3 4
(2)	Section 373A(7)(aa) and (b)— <i>renumber</i> as section 373A(7)(b) and (c).	5 6
(3)	Section 373A— <i>insert</i> —	7 8
	(7A) Subsection (7)(b) does not apply to a covenant if it was entered into under a condition of a development approval or an infrastructure agreement under the Planning Act.	9 10 11 12
Clause 280	Amendment of s 431N (Ability to prosecute under other Acts)	13 14
	Section 431N(a), ‘ <i>Sustainable Planning Act 2009</i> ’— <i>omit, insert</i> —	15 16
	Planning Act	17
Clause 281	Amendment of sch 6 (Dictionary)	18
	Schedule 6— <i>insert</i> —	19 20
	<i>Planning Act</i> means the <i>Planning and Development Act 2014</i> .	21 22

[s 282]

Part 29	Amendment of Land Sales Act 1984	1 2
Clause 282	Act amended	3
	This part amends the <i>Land Sales Act 1984</i> .	4
Clause 283	Amendment of s 12 (Requirements for disclosure statement)	5 6
	Section 12(3), definition <i>development approval</i> , paragraph (a), ‘compliance permit or development permit’—	7 8
	<i>omit, insert—</i>	9
	development approval	10
Clause 284	Amendment of sch 1 (Dictionary)	11
	(1) Schedule 1, definition <i>Planning Act</i> —	12
	<i>omit.</i>	13
	(2) Schedule 1—	14
	<i>insert—</i>	15
	<i>Planning Act</i> means the <i>Planning and Development Act 2014</i> .	16 17
	(3) Schedule 1, definition <i>operational work</i> , ‘section 10(1)’—	18
	<i>omit, insert—</i>	19
	schedule 2	20
	(4) Schedule 1, definition <i>reconfiguring a lot</i> , ‘section 10(1)’—	21
	<i>omit, insert—</i>	22
	schedule 2	23

[s 285]

Part 30	Amendment of Land Tax Act 2010	1 2
Clause 285	Act amended	3
	This part amends the <i>Land Tax Act 2010</i> .	4
Clause 286	Amendment of s 55 (Port authority land)	5
	Section 55(3)(a) and (b), ‘ <i>Sustainable Planning Act 2009</i> ’—	6
	<i>omit, insert—</i>	7
	<i>Planning and Development Act 2014</i>	8
Part 31	Amendment of Land Title Act 1994	9 10
Clause 287	Act amended	11
	This part amends the <i>Land Title Act 1994</i> .	12
Clause 288	Amendment of s 50 (Requirements for registration of plan of subdivision)	13 14
	(1) Section 50(3)(a) and (b)—	15
	<i>omit, insert—</i>	16
	(a) for a plan that would have required approval by MEDQ—the plan is not a plan of subdivision as defined under the <i>Economic Development Act 2012</i> , section 104(3); or	17 18 19 20
	(b) for a plan that would have required approval by the relevant local government—the plan is not a plan of subdivision as defined under the Planning Act, schedule 2.	21 22 23 24

[s 289]

- | | | |
|-----|---|---|
| (2) | Section 50(5)— | 1 |
| | <i>omit, insert—</i> | 2 |
| (5) | If the approval of a plan of subdivision for | 3 |
| | subsection (1)(h) or (i) is given under the | 4 |
| | <i>Economic Development Act 2012</i> , section 104 or | 5 |
| | the Planning Act, the plan of subdivision must be | 6 |
| | lodged for registration within 6 months after the | 7 |
| | approval is given. | 8 |

- | | | |
|-------------------|---|----|
| Clause 289 | Amendment of s 54A (Building management statement may be registered) | 9 |
| | | 10 |
| | Section 54A(6), definition <i>building development approval</i> , from | 11 |
| | ‘or compliance’ to ‘2009,’— | 12 |
| | <i>omit, insert—</i> | 13 |
| | under the Planning Act | 14 |

- | | | |
|-------------------|--|----|
| Clause 290 | Amendment of s 65 (Requirements of instrument of lease) | 15 |
| | | 16 |
| | Section 65(3A), from ‘the reconfiguration’ to ‘2009’— | 17 |
| | <i>omit, insert—</i> | 18 |
| | reconfiguring a lot within the meaning of the | 19 |
| | Planning Act | 20 |

- | | | |
|-------------------|--|----|
| Clause 291 | Amendment of s 83 (Registration of easement) | 21 |
| (1) | Section 83(2), ‘ <i>Sustainable Planning Act 2009</i> ’— | 22 |
| | <i>omit, insert—</i> | 23 |
| | Planning Act | 24 |
| (2) | Section 83(3) and (4)— | 25 |
| | <i>omit, insert—</i> | 26 |
| (3) | However, subsection (2)(a) applies to a plan of | 27 |
| | survey only if the plan is not a plan of subdivision | 28 |

[s 292]

	as defined under the <i>Economic Development Act 2012</i> , section 104(3).	1 2
	(4) Also, subsection (2)(b) applies to a plan of survey only if the plan is not a plan of subdivision as defined under the Planning Act, schedule 2.	3 4 5
Clause 292	Amendment of s 94 (Meaning of <i>high-density development easement</i>)	6 7
	Section 94(4), definition <i>relevant development approval</i> , paragraph (a), from ‘ <i>Sustainable</i> ’ to ‘that Act’—	8 9
	<i>omit, insert—</i>	10
	Planning Act for any of the following as defined in that Act	11 12
Clause 293	Amendment of s 97A (Covenant by registration)	13
	(1) Section 97A(6)(a) and note—	14
	<i>omit, insert—</i>	15
	(a) secure the payment of money or money’s worth payable under a condition of a development approval or an infrastructure agreement under the Planning Act; or	16 17 18 19
	<i>Note—</i>	20
	See also the Planning Act, section 102.	21
	(aa) be inconsistent with a planning scheme under the Planning Act that—	22 23
	(i) applies to the land subject to the covenant; and	24 25
	(ii) is in effect when the instrument of covenant is registered; or	26 27
	(2) Section 97A(6)(aa) and (b)—	28
	<i>renumber</i> as section 97A(6)(b) and (c).	29
	(3) Section 97A—	30

[s 294]

insert—

1

- (6A) Subsection (6)(b) does not apply to a covenant if
it was entered into under a condition of a
development approval or an infrastructure
agreement under the Planning Act.

2

3

4

5

**Clause 294 Amendment of s 115I (Enlarging the number of lots
through progressive subdivision)**

6

7

- (1) Section 115I(1)(a)—

8

omit, insert—

9

- (a) an application for development approval is
made under the Planning Act; or

10

11

- (aa) an application for development approval or
a request for compliance assessment of
development was made under the repealed
Sustainable Planning Act 2009; or

12

13

14

15

- (2) Section 115I(1)(aa) and (b)—

16

renumber as section 115I(1)(b) and (c).

17

Clause 295 Amendment of sch 2 (Dictionary)

18

Schedule 2—

19

insert—

20

Planning Act means the *Planning and
Development Act 2014*.

21

22

Part 32	Amendment of Land Valuation Act 2010	1 2
Clause 296	Act amended	3
	This part amends the <i>Land Valuation Act 2010</i> .	4
Clause 297	Replacement of s 10 (Zoned rural land)	5
	Section 10—	6
	<i>omit, insert—</i>	7
	10 Zoned rural land	8
	(1) An area of land is zoned rural land if more than half the land is zoned as rural, however called, under a planning scheme.	9 10 11
	<i>Note—</i>	12
	For public access to planning schemes, see the Planning Act, chapter 7, part 3.	13 14
	(2) However, land is not zoned as rural under a planning scheme if the land is zoned as rural-residential, however called, under the planning scheme.	15 16 17 18
Clause 298	Amendment of s 11 (Cessation of zoned rural land)	19
	Section 11, ‘preliminary approval under the Planning Act’—	20
	<i>omit, insert—</i>	21
	development approval	22
Clause 299	Amendment of schedule (Dictionary)	23
	(1) Schedule, definition <i>Planning Act</i> —	24
	<i>omit.</i>	25
	(2) Schedule—	26

[s 300]

<i>insert—</i>	1
<i>Planning Act</i> means the <i>Planning and Development Act 2014</i> .	2
	3
<i>planning scheme</i> means a planning scheme under the Planning Act.	4
	5
(3) Schedule, definition <i>development</i> , ‘section 7’—	6
<i>omit, insert—</i>	7
schedule 2	8
(4) Schedule, definition <i>development approval</i> , ‘schedule 3’—	9
<i>omit, insert—</i>	10
section 44	11

Part 33 **Amendment of Liquor Act 1992** 12

Clause 300	Act amended	13
	This part amends the <i>Liquor Act 1992</i> .	14
Clause 301	Amendment of s 4 (Definitions)	15
(1)	Section 4, definition <i>development approval</i> —	16
	<i>omit.</i>	17
(2)	Section 4—	18
	<i>insert—</i>	19
	<i>development approval</i> see the Planning Act, section 44.	20
		21
	<i>Planning Act</i> means the <i>Planning and Development Act 2014</i> .	22
		23
(3)	Section 4, definition <i>relevant period</i> , paragraph (a)—	24
	<i>omit, insert—</i>	25

	(a) the currency period for the approval under the Planning Act;	1 2
Clause 302	Amendment of s 105B (Application for adult entertainment permit requires local government consent)	3 4
	Section 105B(5), definition <i>consent</i> , ‘ <i>Sustainable Planning Act 2009</i> ’—	5 6
	<i>omit, insert</i> —	7
	Planning Act	8
Clause 303	Amendment of s 121 (Matters the commissioner must have regard to)	9 10
	Section 121(1)(h), ‘ <i>Sustainable Planning Act 2009</i> ’—	11
	<i>omit, insert</i> —	12
	Planning Act	13
Clause 304	Amendment of s 123 (Commissioner may grant provisional licence)	14 15
	Section 123(1)(b), ‘ <i>Sustainable Planning Act 2009</i> ’—	16
	<i>omit, insert</i> —	17
	Planning Act	18
Part 34	Amendment of Local Government Act 2009	19 20
Clause 305	Act amended	21
	This part amends the <i>Local Government Act 2009</i> .	22

[s 306]

Clause 306	Amendment of s 37 (Development processes)	1
	Section 37(2), ‘a process in the Planning Act, chapter 6’—	2
	<i>omit, insert—</i>	3
	the development assessment process under the	4
	Planning Act	5
Clause 307	Amendment of s 72 (Assessment of impacts on roads from certain activities)	6
	Section 72(1)(c)(ii)—	7
	<i>omit, insert—</i>	8
	(ii) development categorised under the	9
	local government’s planning scheme as	10
	assessable development under the	11
	Planning Act; or	12
		13
Clause 308	Amendment of s 93 (Land on which rates are levied)	14
	Section 93(4)(a), ‘or compliance permit’—	15
	<i>omit.</i>	16
Clause 309	Insertion of new ch 9, pt 9	17
	Chapter 9—	18
	<i>insert—</i>	19
	 Part 9	
	Transitional provisions	20
	for Planning and	21
	Development	22
	(Consequential) and	23
	Other Legislation	24
	Amendment Act 2014	25
	 308 Definition for pt 9	26
	In this part—	27

repealed Planning Act means the repealed
Sustainable Planning Act 2009.

309 Continuing application of s 132

Section 132 continues to apply to an application made,
or a permit or notice given, under the repealed
Planning Act before the commencement.

310 Existing remedial notice

- (1) This section applies if a remedial notice requiring
an owner or occupier of a property to take action
under the repealed Planning Act was given under
section 138AA before the commencement.
- (2) The remedial notice continues to have effect as if
the repealed Planning Act had not been repealed.

311 Inside information for repealed Planning Act

Information about the following continues to be inside
information for section 171A as if the repealed
Planning Act had not been repealed—

- (a) a decision or proposed decision under the
repealed Planning Act of the local
government or any of its committees;
- (b) the exercise of a power under the repealed
Planning Act by the local government, a
councillor or a local government employee;
- (c) the exercise of a power, under the repealed
Planning Act, by the State, a Minister, a
statutory body or an employee of the State
or statutory body, that affects the local
government, any of its corporate entities or
land or infrastructure within the local
government's area;
- (d) any legal or financial advice about the
repealed Planning Act created for the local
government, any of its committees or any of
its corporate entities.

[s 310]

312 Continuing application of s 246	1
Section 246(2) continues to apply to a fine imposed by	2
the court for an offence against the repealed Planning	3
Act as if the repealed Planning Act had not been	4
repealed.	5

Clause 310	Amendment of sch 4 (Dictionary)	6
(1)	Schedule 4, definitions <i>Planning Act</i> , <i>Planning and Environment Court</i> and <i>planning scheme</i> —	7
	<i>omit.</i>	8
(2)	Schedule 4—	9
	<i>insert—</i>	10
	<i>Planning Act</i> means the <i>Planning and Development Act 2014</i> .	11
	<i>planning scheme</i> means a planning scheme under the Planning Act.	12
		13
		14
		15

Part 35	Amendment of Local Government (Robina Central Planning Agreement) Act 1992	16
		17
		18

Clause 311	Act amended	19
	This part amends the <i>Local Government (Robina Central Planning Agreement) Act 1992</i> .	20
		21

Clause 312	Amendment of s 6 (Amendment of planning agreement)	22
(1)	Section 6(a)—	23
	<i>omit, insert—</i>	24

	(a) firstly, the Planning Act, section 16 must be complied with as if the further agreement were a planning scheme amendment under that Act; and	1 2 3 4
(2)	Section 6— <i>insert—</i>	5 6
(2)	For subsection (1)(a), instead of complying with the Planning Act, section 16, the further agreement may be made following the process in the Minister's rules under section 15 of that Act as if the further agreement were a planning scheme amendment under that Act.	7 8 9 10 11 12
(3)	However, subsection (2) applies only if the Minister's rules apply to an amendment of the type being made.	13 14 15
(4)	Despite subsections (1) and (2), any requirement in a notice given under the Planning Act, section 16(3), or the Minister's rules, to adopt a planning scheme amendment does not apply to the further agreement.	16 17 18 19 20
(5)	In this section— <i>Planning Act</i> means the <i>Planning and Development Act 2014</i> .	21 22 23
Clause 313	Insertion of new s 12	24
	After section 11— <i>insert—</i>	25 26
	12 Transitional provision for Planning and Development Act 2014 and Planning and Development (Consequential) and Other Legislation Amendment Act 2014	27 28 29 30
	(1) This section applies if, immediately before the commencement, the parties to the planning	31 32

[s 314]

- agreement started the process under former 1
section 6 for making a further agreement. 2
- (2) The parties may continue to make the further 3
agreement as if the *Planning and Development* 4
Act 2014 and *Planning and Development* 5
(Consequential) and Other Legislation 6
Amendment Act 2014 had not been enacted. 7
- (3) In this section— 8
former section 6 means section 6 as in force 9
before the commencement. 10

Part 36 **Amendment of Major Events** 11
Act 2014 12

Clause 314 **Act amended** 13
This part amends the *Major Events Act 2014*. 14

Clause 315 **Amendment of s 78 (Application of other Acts to** 15
activities or works for major event) 16
Section 78(2)(f), ‘*Sustainable Planning Act 2009*’— 17
omit, insert— 18
Planning and Development Act 2014 19

Part 37	Amendment of Major Sports Facilities Act 2001	1
		2
Clause 316	Act amended	3
	This part amends the <i>Major Sports Facilities Act 2001</i> .	4
Clause 317	Amendment of s 30AI (Definitions for div 1)	5
	Section 30AI, definition <i>relevant development approval</i> , ' <i>Sustainable Planning Act 2009</i> '—	6
		7
	<i>omit, insert—</i>	8
	repealed <i>Sustainable Planning Act 2009</i> and the Planning Act	9
		10
Clause 318	Amendment of s 30AN (Use of Suncorp Stadium for major sport events)	11
		12
	Section 30AN(2)—	13
	<i>omit, insert—</i>	14
	(2) Subsection (1) applies despite the following—	15
	(a) the <i>relevant development approval</i> condition;	16
		17
	(b) the Planning Act;	18
	(c) any local planning instrument under the Planning Act that applies to the land on which the facility is located;	19
		20
		21
	(d) any <i>development approval</i> under the Planning Act relating to the facility and any condition attached to the approval.	22
		23
		24
Clause 319	Amendment of s 30A (Lawful use for major sports facilities for prescribed special events)	25
		26
	Section 30A(2)—	27

[s 320]

<i>omit, insert—</i>	1
(2) The use of the facility for the event is a lawful use of the facility despite the following—	2
	3
(a) the Planning Act;	4
(b) any local planning instrument under the Planning Act that applies to the land on which the facility is located;	5
	6
	7
(c) any development approval under the Planning Act relating to the facility and any condition attached to the approval.	8
	9
	10

Clause 320	Amendment of sch 2 (Dictionary)	11
(1)	Schedule 2—	12
	<i>insert—</i>	13
	<i>Planning Act</i> means the <i>Planning and Development Act 2014</i> .	14
		15
(2)	Schedule 2, definition <i>use</i> , paragraphs (a) and (b), ‘ <i>Sustainable Planning Act 2009</i> ’—	16
		17
	<i>omit, insert—</i>	18
	Planning Act	19

Part 38	Amendment of Marine Parks Act 2004	20
		21

Clause 321	Act amended	22
	This part amends the <i>Marine Parks Act 2004</i> .	23

Clause 322	Amendment of schedule (Dictionary)	1
	Schedule, definition <i>environment conservation legislation</i> ,	2
	examples, fifth dot point, ‘ <i>Sustainable Planning Act 2009</i> ’—	3
	<i>omit, insert—</i>	4
	<i>Planning and Development Act 2014</i>	5
 Part 39	 Amendment of Mineral Resources Act 1989	 6 7
 Clause 323	 Act amended	 8
	This part amends the <i>Mineral Resources Act 1989</i> .	9
 Clause 324	 Amendment of ch 1, pt 3, hdg (Relationship with Sustainable Planning Act 2009)	 10 11
	Chapter 1, part 3, heading, ‘ <i>Sustainable Planning Act 2009</i> ’—	12
	<i>omit, insert—</i>	13
	Planning Act	14
 Clause 325	 Amendment of s 4A (Effect on development)	 15
	(1) Section 4A(2), from ‘For’ to ‘applies to’—	16
	<i>omit, insert—</i>	17
	The Planning Act applies to development on	18
	(2) Section 4A(3)(b)—	19
	<i>omit, insert—</i>	20
	(b) the building work is taken to be accepted	21
	development under the Planning Act if the	22
	building work complies with—	23
	(i) generally—	24

[s 325]

-
- (A) any relevant deemed-to-satisfy provision under the BCA or relevant acceptable solution under the Queensland Development Code for the building work; and
 - (B) any other building assessment provision under the *Building Act 1975* that applies to the work; or
 - (ii) if alternative provisions under the *Building Act 1975*, section 33, or varied provisions under section 44 of that Act, apply to the building work—
 - (A) the alternative or varied provisions; and
 - (B) any relevant deemed-to-satisfy provision under the BCA or relevant acceptable solution under the Queensland Development Code for the building work, other than the boundary clearance and site cover provisions in the Queensland Development Code; and
 - (C) any other building assessment provision under the *Building Act 1975* that applies to the work.
 - (3) Section 4A(3), note—
omit.
 - (4) Section 4A—
insert—
 - (4) In this section—
 - BCA* see the *Building Act 1975*, section 12.
 - Queensland Development Code* see the *Building Act 1975*, section 13.

Clause 326	Amendment of s 4B (Notice to local government and chief executive (planning) of particular mining tenements)	1
		2
		3
	Section 4B(4)(b), ‘for administering IDAS for the Heritage Act, in relation to’—	4
		5
	<i>omit, insert—</i>	6
	development on	7
Clause 327	Amendment of sch 2 (Dictionary)	8
	(1) Schedule 2, definitions <i>IDAS</i> , <i>Planning Act</i> and <i>planning scheme</i> —	9
		10
	<i>omit.</i>	11
	(2) Schedule 2—	12
	<i>insert—</i>	13
	<i>Planning Act</i> means the <i>Planning and Development Act 2014</i> .	14
		15
	<i>planning scheme</i> means a planning scheme under the Planning Act.	16
		17
	(3) Schedule 2, definition <i>development</i> , ‘section 7’—	18
	<i>omit, insert—</i>	19
	schedule 2	20

Part 40	Amendment of Nature Conservation Act 1992	21
		22

Clause 328	Act amended	23
	This part amends the <i>Nature Conservation Act 1992</i> .	24

[s 329]

Clause 329	Omission of s 106 (Orders prevail over planning schemes)	1
	Section 106—	2
	<i>omit.</i>	3
Clause 330	Omission of s 122 (Conservation plans and regulations prevail over planning schemes)	4
	Section 122—	5
	<i>omit.</i>	6
Clause 331	Amendment of schedule (Dictionary)	7
	Schedule, definition <i>planning scheme</i> —	8
	<i>omit.</i>	9
Part 41	Amendment of Neighbourhood Disputes (Dividing Fences and Trees) Act 2011	10
Clause 332	Act amended	11
	This part amends the <i>Neighbourhood Disputes (Dividing Fences and Trees) Act 2011</i> .	12
Clause 333	Amendment of schedule (Dictionary)	13
	Schedule, definition <i>development approval</i> —	14
	<i>omit, insert—</i>	15
	<i>development approval</i> see the <i>Planning and Development Act 2014</i> , section 44.	16
		17
		18
		19
		20
		21
		22

Part 42	Amendment of Nuclear Facilities Prohibition Act 2007	1 2
Clause 334	Act amended	3
	This part amends the <i>Nuclear Facilities Prohibition Act 2007</i> .	4
Clause 335	Amendment of s 8 (No development approval or mining tenement for a nuclear facility)	5 6
	Section 8(4), definition <i>development approval</i> , from ‘or compliance’ to ‘2009’—	7 8
	<i>omit, insert—</i>	9
	under the <i>Planning and Development Act 2014</i>	10
Part 43	Amendment of Petroleum and Gas (Production and Safety) Act 2004	11 12 13
Clause 336	Act amended	14
	This part amends the <i>Petroleum and Gas (Production and Safety) Act 2004</i> .	15 16
Clause 337	Amendment of s 33 (Incidental activities)	17
	Section 33(2)(a), note, ‘ <i>Sustainable Planning Act 2009</i> , chapter 6’—	18 19
	<i>omit, insert—</i>	20
	<i>Planning and Development Act 2014</i> , chapter 3	21

[s 338]

Clause 338	Amendment of s 112 (Incidental activities)	1
	Section 112(2), note—	2
	<i>omit, insert—</i>	3
	<i>Note—</i>	4
	For development generally, see the <i>Planning and Development Act 2014</i> , chapter 3.	5
		6
 Clause 339	 Amendment of s 403 (Incidental activities)	 7
	Section 403(4), note—	8
	<i>omit, insert—</i>	9
	<i>Note—</i>	10
	For development generally, see the <i>Planning and Development Act 2014</i> , chapter 3.	11
		12
 Clause 340	 Amendment of s 442 (Incidental activities)	 13
	Section 442(3), note—	14
	<i>omit, insert—</i>	15
	<i>Note—</i>	16
	For development generally, see the <i>Planning and Development Act 2014</i> , chapter 3.	17
		18
 Part 44	 Amendment of Plumbing and Drainage Act 2002	 19
		20
 Clause 341	 Act amended	 21
	This part amends the <i>Plumbing and Drainage Act 2002</i> .	22

Clause 342	Amendment of s 85 (Process for assessing plans)	1
	Section 85(10), note, ' <i>Sustainable Planning Act 2009</i> , chapter 7, part 2, divisions 6, 8 and 9'—	2
	<i>omit, insert</i> —	3
	Planning Act, chapter 6	4
		5
Clause 343	Amendment of s 86 (General process for assessing compliance assessable work)	6
	Section 86(12), note, ' <i>Sustainable Planning Act 2009</i> , chapter 7, part 2, divisions 6, 8 and 9'—	7
	<i>omit, insert</i> —	8
	Planning Act, chapter 6	9
		10
		11
Clause 344	Amendment of s 86A (Process for assessing certain compliance assessable work in remote areas)	12
	Section 86A(8), note, ' <i>Sustainable Planning Act 2009</i> , chapter 7, part 2, divisions 6, 8 and 9'—	13
	<i>omit, insert</i> —	14
	Planning Act, chapter 6	15
		16
		17
Clause 345	Amendment of s 95 (Information notice)	18
	Section 95, note, ' <i>Sustainable Planning Act 2009</i> , chapter 7, part 2, divisions 6, 8 and 9'—	19
	<i>omit, insert</i> —	20
	Planning Act, chapter 6	21
		22
Clause 346	Amendment of s 114 (Functions and powers of inspectors and relationship to the Local Government Act 2009 and City of Brisbane Act 2010)	23
	Section 114(1)(b), ' <i>Sustainable Planning Act 2009</i> '—	24
	<i>omit, insert</i> —	25
	Planning Act	26
		27
		28

[s 347]

Clause 347	Amendment of s 118 (Relationship with Sustainable Planning Act 2009)	1 2
(1)	Section 118, heading, ‘Sustainable Planning Act 2009’— <i>omit, insert—</i>	3 4
	Planning Act	5
(2)	Section 118(1), ‘ <i>Sustainable Planning Act 2009</i> ’— <i>omit, insert—</i>	6 7
	Planning Act	8
(3)	Section 118(1), note, ‘ <i>Sustainable Planning Act 2009</i> , section 594 (Offences relating to enforcement notices)’— <i>omit, insert—</i>	9 10 11
	Planning Act, section 165(5) and (7)	12
(4)	Section 118(3), ‘ <i>Sustainable Planning Act 2009</i> , section 533(2)’— <i>omit, insert—</i>	13 14 15
	Planning Act, section 184	16
Clause 348	Amendment of schedule (Dictionary)	17
(1)	Schedule, definition <i>building and development dispute resolution committee</i> — <i>omit.</i>	18 19 20
(2)	Schedule— <i>insert—</i>	21 22
	Planning Act means the <i>Planning and Development Act 2014</i> .	23 24
(3)	Schedule, definition <i>development approval</i> , ‘ <i>Sustainable Planning Act 2009</i> ’— <i>omit, insert—</i>	25 26 27
	Planning Act	28

[s 349]

- (4) Schedule, definition *information notice*, paragraph (b)(iii), 1
‘building and development dispute resolution committee’— 2
omit, insert— 3
tribunal under the Planning Act 4

Part 45 Amendment of Private Health Facilities Act 1999 5 6

Clause 349 Act amended 7
This part amends the *Private Health Facilities Act 1999*. 8

Clause 350 Amendment of s 62 (Meaning of *prescribed alteration*) 9
Section 62(2), from ‘or compliance’ to ‘2009’— 10
omit, insert— 11
under the *Planning and Development Act 2014* 12

Part 46 Amendment of Prostitution Act 1999 13 14

Clause 351 Act amended 15
This part amends the *Prostitution Act 1999*. 16

Clause 352 Amendment of s 62 (Definition for pt 4) 17
Section 62, definition *development application*, paragraph (b)— 18
omit, insert— 19

[s 353]

	(b) a change application under the Planning Act for a development approval for a brothel.	1 2
Clause 353	Amendment of s 63B (Notification by assessment manager of development application)	3 4
	Section 63B(b), ‘code assessment or impact’—	5
	<i>omit, insert—</i>	6
	standard assessment or merit	7
Clause 354	Amendment of pt 4, div 3 (Review by QCAT)	8
	Part 4, division 3, editor’s note—	9
	<i>omit.</i>	10
Clause 355	Amendment of s 64A (Review of decisions about code assessment)	11 12
	(1) Section 64A, heading, ‘code’—	13
	<i>omit, insert—</i>	14
	standard	15
	(2) Section 64A(1), ‘code assessment under the Integrated’—	16
	<i>omit, insert—</i>	17
	standard assessment under the	18
	(3) Section 64A(2)(a), ‘code assessment under the Integrated’—	19
	<i>omit, insert—</i>	20
	standard assessment under the	21
	(4) Section 64A(2)(b) to (f)—	22
	<i>omit, insert—</i>	23
	(b) a refusal or deemed refusal of all or part of the application;	24 25
	(c) a provision of the development approval;	26

[s 356]

	(d) a decision to give a preliminary approval when a development permit was applied for.	1 2
(5)	Section 64A(3), 'Integrated'— <i>omit.</i>	3 4
(6)	Section 64A(5), 'Integrated Planning Act, section 4.1.21'— <i>omit, insert—</i> <i>Planning and Environment Court Act 2014,</i> <i>section 11</i>	5 6 7 8
Clause 356	Amendment of s 64B (Review of decisions about impact assessment)	9 10
(1)	Section 64B, heading, 'impact'— <i>omit, insert—</i> merit	11 12 13
(2)	Section 64B(1)— <i>omit, insert—</i> (1) This section applies if an assessment manager decides a development application requires merit assessment under the Planning Act.	14 15 16 17 18
(3)	Section 64B(2), 'impact'— <i>omit, insert—</i> merit	19 20 21
(4)	Section 64B(3), 'the acknowledgement notice'— <i>omit, insert—</i> a notice by the assessment manager under the development assessment rules under the Planning Act accepting the application	22 23 24 25 26
(5)	Section 64B(5), 'Integrated Planning Act, section 4.1.21'— <i>omit, insert—</i>	27 28

[s 357]

	<i>Planning and Environment Court Act 2014,</i>	1
	section 11	2
Clause 357	Amendment of s 64D (No appeal from QCAT’s decision under the Integrated Planning Act)	3
	(1) Section 64D, heading, ‘Integrated’—	4
	<i>omit.</i>	5
	(2) Section 64D(2), ‘Integrated’—	6
	<i>omit.</i>	7
		8
Clause 358	Amendment of s 140 (Regulation-making power)	9
	Section 140(2)(f)—	10
	<i>omit, insert—</i>	11
	(f) assessment benchmarks under the Planning Act that development applications mentioned in part 4 must be assessed against under that Act;	12
		13
		14
		15
Clause 359	Insertion of new pt 9, div 8	16
	Part 9—	17
	<i>insert—</i>	18
	Division 8	19
	Provisions for Planning and Development (Consequential) and Other Legislation Amendment Act 2014	20
		21
		22
		23
	164 Existing development applications under the repealed Sustainable Planning Act 2009	24
		25
	(1) This section applies to the following to which the Planning Act, section 244 applies—	26
		27

-
- (a) a development application under the repealed *Sustainable Planning Act 2009* for a material change of use of premises for a brothel;
 - (b) a request under the repealed *Sustainable Planning Act 2009* to change a development approval for a brothel.
 - (2) Part 4, as in force before the commencement, continues to apply to the development application or request as if the *Planning and Development (Consequential) and Other Legislation Amendment Act 2014* had not been enacted.
- 165 QCAT review proceedings**
- (1) Subsection (2) applies if—
 - (a) a person has, before the commencement, applied to QCAT for review of a decision under section 64A or 64B as in force before the commencement; and
 - (b) a decision about the review proceedings has not been made before the commencement.
 - (2) QCAT must hear, or continue to hear, and decide the review proceedings under the unamended Act as if the amending Act had not been enacted.
 - (3) Subsection (4) applies if—
 - (a) immediately before the commencement, a person could have applied to QCAT for review of a decision under section 64A or 64B as in force before the commencement; and
 - (b) the person has not applied to QCAT for review of the decision before the commencement.
 - (4) The person may apply to QCAT for review of the decision, and QCAT must hear and decide the

[s 360]

review proceedings under the unamended Act, as 1
if the amending Act had not been enacted. 2

(5) In this section— 3

amending Act means the *Planning and* 4
Development (Consequential) and Other 5
Legislation Amendment Act 2014. 6

unamended Act means this Act as in force 7
immediately before the commencement of the 8
amending Act. 9

Clause 360 Amendment of sch 4 (Dictionary) 10

(1) Schedule 4, definitions *IDAS* and *Planning Act*— 11
omit. 12

(2) Schedule 4— 13
insert— 14

development approval see the Planning Act, 15
section 44. 16

Planning Act means the *Planning and* 17
Development Act 2014. 18

(3) Schedule 4, definition *assessment manager*, ‘section 19
246(1)’— 20

omit, insert— 21

section 43 22

Part 47	Amendment of Queensland Building and Construction Commission Act 1991	1
		2
		3
Clause 361	Act amended	4
	This part amends the <i>Queensland Building and Construction Commission Act 1991</i> .	5
		6
Clause 362	Amendment of s 68E (Obligation of assessment manager or compliance assessor in relation to insurance premium)	7
		8
		9
	(1) Section 68E, heading, ‘or compliance assessor’—	10
	<i>omit.</i>	11
	(2) Section 68E(1), from ‘or compliance assessor must’ to ‘compliance permit’—	12
	<i>omit, insert—</i>	13
		14
	must not, under the Planning Act, issue a development approval	15
		16
	(3) Section 68E(1)(a), ‘or compliance assessor’—	17
	<i>omit.</i>	18
Clause 363	Amendment of s 108 (Obligation of assessment manager)	19
	Section 108(2), definition <i>assessment manager</i> , ‘Sustainable Planning Act 2009’—	20
	<i>omit, insert—</i>	21
		22
	Planning Act	23
Clause 364	Amendment of sch 1B (Domestic building contracts)	24
	Schedule 1B, part 1, section 1, definition <i>development approval</i> , ‘Sustainable Planning Act 2009’—	25
		26

[s 365]

<i>omit, insert—</i>	1
Planning Act	2
Clause 365 Amendment of sch 2 (Dictionary)	3
(1) Schedule 2—	4
<i>insert—</i>	5
<i>Planning Act</i> means the <i>Planning and Development Act 2014</i> .	6
	7
(2) Schedule 2, definition <i>assessment manager</i> , ‘ <i>Sustainable Planning Act 2009</i> , section 246(1)’—	8
	9
<i>omit, insert—</i>	10
Planning Act, section 43	11

Part 48	Amendment of Queensland Heritage Act 1992	12
		13

Clause 366 Act amended	14
This part amends the <i>Queensland Heritage Act 1992</i> .	15

Clause 367 Amendment of pt 6, div 1, hdg (Assessing development applications)	16
	17
Part 6, division 1, heading, ‘Assessing development applications’—	18
	19
<i>omit, insert—</i>	20
Development of Queensland heritage place by State	21
	22

Clause 368	Omission of ss 68–70	1
	Sections 68 to 70—	2
	<i>omit.</i>	3
Clause 369	Amendment of s 77 (Purpose of div 3)	4
	Section 77, from ‘assessable’ to ‘section 232(1)’—	5
	<i>omit, insert—</i>	6
	categorised as assessable development under a regulation	7
	under the Planning Act	8
Clause 370	Amendment of s 111 (Appeals about permit to enter protected area)	9
	Section 111(5)—	10
	<i>omit, insert—</i>	11
	(5) The <i>Planning and Environment Court Act 2014</i> ,	12
	part 5, division 1, with any changes the court	13
	considers appropriate, applies to the appeal as if	14
	the appeal were a Planning Act appeal under that	15
	Act.	16
		17
Clause 371	Amendment of s 112 (Local government to identify places in planning scheme or local heritage register)	18
	Section 112(2)—	19
	<i>omit.</i>	20
		21
Clause 372	Replacement of pt 11, div 4 (Code for IDAS for local heritage places on local heritage registers)	22
	Part 11, division 4—	23
	<i>omit, insert—</i>	24
		25
	Division 4	26
	Assessment benchmarks under the Planning Act	27

[s 373]

121 Assessment benchmarks

A regulation may, for the purposes of the Planning Act, prescribe assessment benchmarks under that Act for development on a local heritage place on a local heritage register.

Clause 373 Amendment of s 123 (Local heritage register may be adopted in planning scheme)

Section 123(2)—

omit.

Clause 374 Amendment of s 124 (Provision about entitlement to claim compensation)

(1) Section 124(2)—

omit, insert—

(2) For the Planning Act, chapter 2, part 4, division 2, the entry of the place in the local heritage register is taken to be an adverse planning change to the local government's planning scheme.

(2) Section 124(3), 'section 704'—

omit, insert—

section 25

(3) Section 124(4)(c), 'chapter 9, part 3'—

omit, insert—

chapter 2, part 4, division 2

(4) Section 124(5), 'section 704'—

omit, insert—

section 25

Clause 375 Replacement of s 164 (Court process for appeal)

Section 164—

omit, insert—

164 Court process for appeal

The *Planning and Environment Court Act 2014*, part 5, division 1, with any changes the Planning and Environment Court considers appropriate, applies to an appeal under this part as if the appeal were a Planning Act appeal under that Act.

Clause 376 Amendment of s 164B (Restoration orders)

Section 164B(7), definition *offence*, paragraph (b), ‘section 578(1) or 580’—

omit, insert—

section 160(1) or 161

Clause 377 Amendment of s 164C (Non-development orders)

Section 164C(10), definition *offence*, paragraph (b), ‘section 578 or 580’—

omit, insert—

section 160 or 161

Clause 378 Amendment of s 164D (Education and public benefit orders)

Section 164D(5), definitions *education order* and *offence*, paragraph (b), ‘section 578 or 580’—

omit, insert—

section 160 or 161

Clause 379 Amendment of s 198 (Local governments prescribed under the pre-amended Act, s 112)

Section 198(2)(b)—

omit, insert—

[s 380]

	(b) the local government makes a new planning scheme under the Planning Act.	1 2
Clause 380	Insertion of new pt 15, div 5	3
	Part 15—	4
	<i>insert—</i>	5
	Division 5 Transitional provisions for Planning and Development (Consequential) and Other Legislation Amendment Act 2014	6 7 8 9 10
	200 Definitions for div 5	11
	In this division—	12
	<i>amending Act</i> means the <i>Planning and Development (Consequential) and Other Legislation Amendment Act 2014</i> .	13 14 15
	<i>former</i> , in relation to a provision, means the provision as in force before the provision was amended or repealed under the amending Act.	16 17 18
	201 Existing development applications under the repealed Sustainable Planning Act 2009	19 20
	(1) This section applies to a development application to which the Planning Act, section 244 applies.	21 22
	(2) Section 59 continues to apply to the development application as if the amending Act had not been enacted.	23 24 25
	(3) If the chief executive is the assessment manager or a referral agency for the development application, former sections 68 to 70 continue to apply to the development application as if the amending Act had not been enacted.	26 27 28 29 30

202 Continuing application of s 169

- (1) This section applies if a person is convicted of an offence against the repealed *Sustainable Planning Act 2009*, section 578(1) or 580 in relation to development on a Queensland heritage place.
- (2) The court may make an order under section 169(1) in relation to the offence as if the amending Act had not been enacted.

203 Continuing application of s 170

- (1) This section applies if—
 - (a) the owner of a Queensland heritage place is convicted of an offence against the repealed *Sustainable Planning Act 2009*, section 578(1) or 580 in relation to development on a Queensland heritage place; and
 - (b) the offence involves the destruction of, or damage to, the Queensland heritage place.
- (2) The Minister may make an order under section 170(1) in relation to the offence as if the amending Act had not been enacted.
- (3) Section 170(2) to (5) applies to an order made under subsection (2).

Clause 381 Amendment of schedule (Dictionary)

- (1) Schedule, definitions *Planning Act*, *Planning and Environment Court* and *planning scheme*—
omit.
- (2) Schedule—
insert—
Planning Act means the *Planning and Development Act 2014*.

[s 382]

planning scheme means a planning scheme
under the Planning Act. 1
2

Part 49 **Amendment of Queensland** 3
Reconstruction Authority Act 4
2011 5

Clause 382 **Act amended** 6
This part amends the *Queensland Reconstruction Authority* 7
Act 2011. 8

Clause 383 **Amendment of s 47 (Definitions for pt 5)** 9

(1) Section 47, definition *decision-maker*, paragraph (b),
examples— 10
11

omit, insert— 12

Example of a decision-maker for paragraph (b)— 13

a referral agency 14

(2) Section 47, definition *prescribed process*, ‘in a stage of
IDAS’— 15
16

omit, insert— 17

under the development assessment process under 18

the Planning Act 19

(3) Section 47, definition *prescribed process*, example— 20

omit. 21

Clause 384 **Amendment of s 49 (Progression notice)** 22

Section 49(2)(a), from ‘process,’ to ‘IDAS’— 23

omit, insert— 24

	process	1
Clause 385	Amendment of s 50 (Notice to decide)	2
	Section 50(7), from ‘decision stage’ to ‘Sustainable’—	3
	<i>omit, insert—</i>	4
	decision-making period for the application under	5
	the	6
Clause 386	Amendment of s 53 (Providing assistance or recommendations)	7
	Section 53(3), from ‘infrastructure’ to ‘part 1, applies’—	8
	<i>omit, insert—</i>	9
	trunk infrastructure or non-trunk infrastructure	10
	under the Planning Act	11
		12
Clause 387	Amendment of s 54 (Effects of step-in notice)	13
	(1) Section 54(1)(d), from ‘concurrence’ to ‘process’—	14
	<i>omit, insert—</i>	15
	referral agency for the application may,	16
	under the Planning Act, give the authority	17
	advice about the application	18
	(2) Section 54(2), definition <i>advice agency</i> —	19
	<i>omit.</i>	20
Clause 388	Amendment of s 55 (Authority’s decision)	21
	Section 55(4)—	22
	<i>omit, insert—</i>	23
	(4) Subsection (4A) applies if—	24

[s 389]

	(a)	the prescribed decision is the deciding of a development application under the Planning Act; and	1 2 3
	(b)	the authority decides to give a development approval for all or part of the development application.	4 5 6
	(4A)	The local government for the land to which the prescribed decision relates must give an infrastructure charges notice under the Planning Act, section 114 to the applicant for the development application.	7 8 9 10 11
Clause 389	Amendment of s 57 (Notice of decision)		12
	Section 57—		13
	<i>insert—</i>		14
	(1A)	The authority must also give notice of its decision about a prescribed decision to the local government for the land to which the prescribed decision relates if—	15 16 17 18
	(a)	the prescribed decision is the deciding of a development application under the Planning Act; and	19 20 21
	(b)	the local government is not the decision-maker for the prescribed decision.	22 23
Clause 390	Amendment of s 63 (Content of development scheme)		24
	(1)	Section 63(3)(b) to (e)—	25
	<i>omit, insert—</i>		26
	(b)	identify development for the project or in the area to be any of the following categories of development under the Planning Act—	27 28 29 30
	(i)	accepted development;	31

-
- | | | |
|-------|--|----------------------|
| (ii) | assessable development; | 1 |
| (iii) | prohibited development; or | 2 |
| (c) | require standard assessment or merit
assessment, or both standard assessment and
merit assessment, under the Planning Act
for assessable development; or | 3
4
5
6 |
| (d) | require public notification for a
development application for assessable
development that requires merit assessment;
or | 7
8
9
10 |
| (e) | include, for the Planning Act, assessment
benchmarks that an assessment manager
must assess a development application
against; or | 11
12
13
14 |
| (f) | state that particular development is
consistent or inconsistent with the plan. | 15
16 |
| (2) | Section 63(4)(b)— | 17 |
| | <i>omit, insert—</i> | 18 |
| (b) | an assessment benchmark prescribed by
regulation under the Planning Act; | 19
20 |
| (c) | an assessment benchmark made under
another Act for the purposes of the Planning
Act. | 21
22
23 |
| (3) | Section 63— | 24 |
| | <i>insert—</i> | 25 |
| (5) | If a land use plan requires an applicant to give
public notification of a development application,
the Planning Act, section 48(4) to (8) applies to
the application. | 26
27
28
29 |
-

[s 391]

Clause 391	Amendment of s 64 (Development scheme may make provision for particular assessable development)	1 2
(1)	Section 64(1), ‘assessable development prescribed under the Sustainable Planning Act, section 232(1)’—	3 4
	<i>omit, insert—</i>	5
	development categorised as assessable development by a regulation under the Planning Act	6 7 8
(2)	Section 64(2), ‘Sustainable Planning Act, section 232(1)’—	9
	<i>omit, insert—</i>	10
	Planning Act	11
(3)	Section 64(4), ‘Sustainable’—	12
	<i>omit.</i>	13
Clause 392	Amendment of s 78 (Relationship with other instruments)	14
	Section 78(1)(b)—	15
	<i>omit, insert—</i>	16
	(b) an assessment benchmark prescribed by regulation under the Planning Act;	17 18
	(c) an assessment benchmark made under another Act for the purposes of the Planning Act.	19 20 21
Clause 393	Amendment of pt 6, div 4, hdg (Relationship with Sustainable Planning Act)	22 23
	Part 6, division 4, heading, ‘Sustainable’—	24
	<i>omit.</i>	25
Clause 394	Amendment of s 80 (Referral agency’s assessment of development application)	26 27
	Section 80(2), ‘Sustainable Planning Act, section 282’—	28

omit, insert— 1
Planning Act, section 50 2

Clause 395	Amendment of s 81 (Assessment manager's assessment of development application)	3
		4
	(1) Section 81(1), after 'scheme'—	5
	<i>insert—</i>	6
	in effect when the application was properly made	7
	under the Planning Act	8
	(2) Section 81(2)—	9
	<i>omit, insert—</i>	10
	(2) Subsection (2A) applies if the development	11
	scheme is amended before the assessment	12
	manager decides the application.	13
	(2A) Despite subsection (1), the assessment manager	14
	may assess the application against the amended	15
	development scheme to the extent the assessment	16
	manager considers appropriate in the	17
	circumstances.	18
	(3) Section 81(3), 'Sustainable Planning Act, sections 313, 314	19
	and 316'—	20
	<i>omit, insert—</i>	21
	Planning Act, section 56	22

Clause 396	Omission of s 82 (Decision generally)	23
	Section 82—	24
	<i>omit.</i>	25

Clause 397	Amendment of s 83 (Restriction on granting development approval)	26
		27
	Section 83(1)(a), 'Sustainable'—	28

[s 398]

omit.

1

Clause 398 Omission of pt 6, div 4, sdiv 4 (Compliance stage under IDAS)

2

3

Part 6, division 4, subdivision 4—

4

omit.

5

Clause 399 Amendment of s 89 (Lawful use of premises protected)

6

- (1) Section 89(3), definition *lawful use*, paragraph (b),
‘Sustainable Planning Act’—

7

8

omit, insert—

9

Planning Act, the repealed *Sustainable
Planning Act 2009* or the repealed
Integrated Planning Act 1997

10

11

12

- (2) Section 89(3), definition *material change of use*—

13

omit, insert—

14

material change of use, of premises, see the
Planning Act, schedule 2.

15

16

Clause 400 Amendment of s 91 (New instruments can not affect existing development approval or compliance permit)

17

18

- (1) Section 91, heading, ‘or compliance permit’—

19

omit.

20

- (2) Section 91(1)(a), ‘or compliance permit’—

21

omit.

22

- (3) Section 91(1)(b) and (2), ‘or permit’—

23

omit.

24

Clause 401	Amendment of s 92 (Minister's power to amend development approval or compliance permit)	1 2
(1)	Section 92, heading, 'or compliance permit'— <i>omit.</i>	3 4
(2)	Section 92(2), 'Sustainable'— <i>omit.</i>	5 6
(3)	Section 92(3), from 'keep' to 'Act'— <i>omit, insert—</i> comply with the provisions of the access rules under the Planning Act about access to development approvals, as if the notice were a development approval	7 8 9 10 11 12
(4)	Section 92(5) to (8)— <i>omit.</i>	13 14
(5)	Section 92(10), definition <i>existing</i> , from 'or a compliance permit' to 'or compliance permit'— <i>omit, insert—</i> , means a development approval	15 16 17 18
(6)	Section 92(9) and (10)— <i>renumber</i> as section 92(5) and (6).	19 20
Clause 402	Replacement of pt 6, div 4, sdiv 6 (Community infrastructure designations)	21 22
	Part 6, division 4, subdivision 6— <i>omit, insert—</i>	23 24
	Subdivision 6 Designations under the Planning Act	25 26

[s 403]

93	Designations of land for development of infrastructure under the Planning Act	1
		2
(1)	A designation under the Planning Act, chapter 2, part 5 may be made for land to which a development scheme applies.	3
		4
		5
(2)	A designation of land that is in force immediately before a development scheme takes effect for land continues in force for the land.	6
		7
		8
(3)	Development on land under a designation under the Planning Act is accepted development to the extent the development is assessable development under the development scheme.	9
		10
		11
		12

Clause 403	Amendment of s 95 (Planning and Environment Court may make declarations)	13
		14
	Section 95(3)—	15
	<i>omit.</i>	16

Clause 404	Amendment of s 110 (Application of Sustainable Planning Act)	17
		18
(1)	Section 110, heading, ‘Sustainable’—	19
	<i>omit.</i>	20
(2)	Section 110, ‘Sustainable Planning Act, section 14(1)’—	21
	<i>omit, insert—</i>	22
	Planning Act, section 5(1)	23

Clause 405	Amendment of s 112 (Power of Minister to direct local government to take particular action about local planning instrument)	24
		25
		26
(1)	Section 112(2)(c), example—	27
	<i>omit.</i>	28
(2)	Section 112(4)(c), after ‘make’—	29

insert—

, amend

(3) Section 112(5)—

omit, insert—

(5) In this section—

planning scheme means a planning scheme under the Planning Act.

planning scheme policy means a planning scheme policy under the Planning Act.

temporary local planning instrument means a temporary local planning instrument under the Planning Act.

Clause 406 Amendment of s 114 (Minister to give notice of direction)

Section 114, ‘Sustainable’—

omit.

Clause 407 Insertion of new pt 12

After part 11—

insert—

**Part 12 Transitional provisions
for Planning and
Development
(Consequential) and
Other Legislation
Amendment Act 2014**

140 Definitions for pt 12

In this part—

[s 407]

amending Act means the *Planning and Development (Consequential) and Other Legislation Amendment Act 2014*.

unamended Act means this Act as in force before the commencement.

141 Existing development schemes

(1) In a development scheme (an *existing development scheme*) in force immediately before the commencement—

(a) a reference to the following is taken to be a reference to accepted development under the Planning Act—

(i) exempt development;

(ii) self-assessable development, to the extent the development complies with the requirements for the development stated in the existing development scheme; and

(b) a reference to the following is taken to be a reference to assessable development requiring standard assessment under the Planning Act—

(i) self-assessable development, to the extent the development does not comply with the requirements for the development stated in the existing development scheme;

(ii) development requiring compliance assessment; and

(c) a reference to code assessment is taken to be a reference to standard assessment under the Planning Act; and

(d) a reference to impact assessment is taken to be a reference to merit assessment under the Planning Act.

	(2) If an existing development scheme states that development requires impact assessment, the development is taken to require public notification under the Planning Act, section 48.	1 2 3 4
	142 Existing development applications under the repealed Sustainable Planning Act 2009	5 6
	(1) This section applies to a development application to which the Planning Act, section 244 applies.	7 8
	(2) The unamended Act continues to apply to the development application as if the amending Act had not been enacted.	9 10 11
	143 Existing request for compliance assessment under the repealed Sustainable Planning Act 2009	12 13 14
	(1) This section applies to a request for compliance assessment of a development, document or work to which the Planning Act, section 244 applies.	15 16 17
	(2) The unamended Act continues to apply to the request as if the amending Act had not been enacted.	18 19 20
Clause 408	Amendment of schedule (Dictionary)	21
	(1) Schedule, definitions <i>community infrastructure designation</i> , <i>compliance permit</i> , <i>concurrence agency</i> , <i>IDAS</i> and <i>Sustainable Planning Act</i> — <i>omit</i> .	22 23 24 25
	(2) Schedule— <i>insert</i> — <i>Planning Act</i> means the <i>Planning and Development Act 2014</i> .	26 27 28 29
	(3) Schedule, definition <i>assessment manager</i> , ‘Sustainable Planning Act, section 246(1)’— <i>omit, insert</i> —	30 31 32

[s 408]

Planning Act, section 43	1
(4) Schedule, definition <i>community infrastructure</i> , paragraphs (a) and (b)—	2 3
omit, insert—	4
(a) infrastructure prescribed under the Planning Act, section 29(1); and	5 6
(b) other infrastructure prescribed under a regulation.	7 8
(5) Schedule, definitions <i>development</i> , <i>development application</i> and <i>development approval</i> , ‘Sustainable’—	9 10
omit.	11
(6) Schedule, definition <i>infrastructure</i> , ‘Sustainable Planning Act, schedule 3’—	12 13
omit, insert—	14
Planning Act, schedule 2	15
(7) Schedule, definition <i>local planning instrument</i> , ‘Sustainable Planning Act, schedule 3’—	16 17
omit, insert—	18
Planning Act, section 7(3)	19
(8) Schedule, definition <i>planning instrument</i> , ‘Sustainable Planning Act, schedule 3’—	20 21
omit, insert—	22
Planning Act, section 7(1)	23
(9) Schedule, definition <i>referral agency</i> , ‘Sustainable Planning Act, section 252’—	24 25
omit, insert—	26
Planning Act, section 49(2)	27

Part 50	Amendment of Regional Planning Interests Act 2014	1
		2
Clause 409	Act amended	3
	This part amends the <i>Regional Planning Interests Act 2014</i> .	4
Clause 410	Amendment of s 5 (Relationship with resource Acts and Environmental Protection Act)	5
	Section 5(1), ‘ <i>Sustainable Planning Act 2009</i> ’—	6
	<i>omit, insert—</i>	7
	Planning Act	8
		9
Clause 411	Amendment of s 25 (Exemption—pre-existing regulated activity)	10
	Section 25(1), after ‘under the’—	11
	<i>insert—</i>	12
	Planning Act or the repealed	13
		14
Clause 412	Amendment of s 71 (Definitions for pt 5)	15
	Section 71, definition <i>court</i> , ‘under the <i>Sustainable Planning Act 2009</i> ’—	16
	<i>omit.</i>	17
		18
Clause 413	Amendment of s 72 (Appeal to Planning and Environment Court)	19
	Section 72, note—	20
	<i>omit, insert—</i>	21
	<i>Note—</i>	22
	See the <i>Planning and Environment Court Act 2014</i> for provisions about the powers, processes and procedures of the court.	23
		24
		25
		26

[s 414]

Clause 414	Insertion of new s 77A	1
	Part 5—	2
	<i>insert—</i>	3
	77A Appeal decision	4
	(1) In deciding an appeal, the court must decide (the <i>appeal decision</i>) to do 1 of the following for the regional interests decision appealed against—	5 6 7
	(a) confirm it;	8
	(b) change it;	9
	(c) set it aside and—	10
	(i) make a decision replacing it; or	11
	(ii) return the matter to the entity that made the decision appealed against with directions the court considers appropriate.	12 13 14 15
	(2) The appeal decision may also include other orders, declarations or directions the court considers appropriate.	16 17 18
	(3) The appeal decision, other than one to confirm the decision or return a matter, is taken, for this Act (other than this part), to have been made by the entity that made the decision appealed against.	19 20 21 22 23
Clause 415	Amendment of s 78 (Declarations)	24
	Section 78(2)—	25
	<i>omit, insert—</i>	26
	(2) The court may also make an order about any declaration it makes.	27 28
Clause 416	Amendment of sch 1 (Dictionary)	29
	(1) Schedule 1, definition <i>regional plan</i> —	30

<i>omit.</i>	1
(2) Schedule 1—	2
<i>insert</i> —	3
<i>Planning Act</i> means the <i>Planning and Development Act 2014</i> .	4
<i>regional plan</i> means a regional plan under the Planning Act.	5
(3) Schedule 1, definition <i>road</i> , ‘ <i>Sustainable Planning Act 2009</i> , schedule 3’—	6
<i>omit, insert</i> —	7
Planning Act, schedule 2	8
	9
	10
	11

Part 51	Amendment of Residential Services (Accreditation) Act 2002	12
		13
		14

Clause 417	Act amended	15
	This part amends the <i>Residential Services (Accreditation) Act 2002</i> .	16
		17
Clause 418	Amendment of s 29 (Notice of compliance with prescribed building requirements)	18
	Section 29(4)(b), from ‘building’ to ‘ <i>Sustainable Planning Act 2009</i> ’—	19
	<i>omit, insert</i> —	20
	tribunal under the Planning Act	21
		22
		23

[s 419]

Clause 419	Amendment of s 30 (Appeal)	1
	Section 30(2), from ‘building’ to ‘ <i>Sustainable Planning Act 2009</i> ’—	2
		3
	<i>omit, insert</i> —	4
	tribunal under the Planning Act	5
Clause 420	Amendment of s 31 (Decision on appeal)	6
	(1) Section 31(1), ‘building and development dispute resolution committee’—	7
		8
	<i>omit, insert</i> —	9
	tribunal under the Planning Act	10
	(2) Section 31(2), ‘committee’s’—	11
	<i>omit, insert</i> —	12
	tribunal’s	13
Clause 421	Amendment of s 33 (Prescribed fire safety document)	14
	(1) Section 33(2A)—	15
	<i>omit.</i>	16
	(2) Section 33(3), ‘or (2A)’—	17
	<i>omit.</i>	18
Clause 422	Amendment of sch 2 (Dictionary)	19
	(1) Schedule 2—	20
	<i>insert</i> —	21
	<i>Planning Act</i> means the <i>Planning and Development Act 2014</i> .	22
		23
	(2) Schedule 2, definition <i>development application</i> , ‘ <i>Sustainable Planning Act 2009</i> , schedule 3’—	24
		25
	<i>omit, insert</i> —	26

Planning Act, schedule 2	1
(3) Schedule 2, definition <i>development approval</i> , ‘ <i>Sustainable Planning Act 2009</i> , schedule 3’—	2
<i>omit, insert—</i>	3
	4
Planning Act, section 44	5

Part 52	Amendment of Sanctuary Cove Resort Act 1985	6
		7

Clause 423	Act amended	8
	This part amends the <i>Sanctuary Cove Resort Act 1985</i> .	9
Clause 424	Amendment of ss 9, 12E and 103	10
	Sections 9(1) and (3), 12E(1) and (3) and 103(2), ‘Integrated’—	11
	<i>omit.</i>	12
Clause 425	Amendment of sch 9 (Dictionary)	13
	(1) Schedule 9, definition <i>Integrated Planning Act</i> —	14
	<i>omit.</i>	15
	(2) Schedule 9—	16
	<i>insert—</i>	17
	<i>Planning Act</i> means the <i>Planning and Development Act 2014</i> .	18
		19

[s 426]

Part 53	Amendment of South Bank Corporation Act 1989	1
		2
Clause 426	Act amended	3
	This part amends the <i>South Bank Corporation Act 1989</i> .	4
Clause 427	Amendment of s 3 (Definitions)	5
(1)	Section 3, definitions <i>planning scheme</i> and <i>Sustainable Planning Act</i> —	6
	<i>omit.</i>	7
		8
(2)	Section 3—	9
	<i>insert—</i>	10
	<i>Planning Act</i> means the <i>Planning and Development Act 2014</i> .	11
		12
	<i>planning scheme</i> means a planning scheme under the Planning Act.	13
		14
(3)	Section 3, definition <i>operational work</i> , ‘Sustainable Planning Act, section 10(1)’—	15
	<i>omit, insert—</i>	16
		17
	Planning Act, schedule 2	18
Clause 428	Amendment of s 4 (Meaning of <i>assessable development</i>)	19
	Section 4(b)—	20
	<i>omit, insert—</i>	21
	(b) development categorised as assessable development or accepted development by a regulation under the Planning Act.	22
		23
		24

Clause 429	Amendment of pt 7, div 5, hdg (Relationship with the Sustainable Planning Act until the development completion date)	1 2 3
	Part 7, division 5, heading, ‘Sustainable Planning Act’—	4
	<i>omit, insert—</i>	5
	Planning Act and Planning and Environment Court Act 2014	6 7
Clause 430	Replacement of ss 77 and 78	8
	Sections 77 and 78—	9
	<i>omit, insert—</i>	10
	77 Application of div 5	11
	(1) This division applies to a development application made under the Planning Act if the corporation is a referral agency under that Act for the application.	12 13 14 15
	(2) However, this division only applies until the development completion date.	16 17
	78 Modified application of the Planning Act	18
	(1) Despite the Planning Act, section 184, the applicant for the development application can not appeal against the corporation’s referral agency response for the application given under the Planning Act.	19 20 21 22 23
	(2) The Planning Act, section 63 does not apply to a condition the corporation directs the assessment manager for the application to impose on any development approval given under the Planning Act.	24 25 26 27 28
	78A Modified application of Planning and Environment Court Act 2014	29 30
	The <i>Planning and Environment Court Act 2014</i> , section 11 does not apply in relation to the development application to the extent a declaration is	31 32 33

[s 431]

sought about anything done or omitted to be done by 1
the corporation in relation to the development 2
application. 3

Clause 431 Amendment of pt 7, div 6, hdg (Relationship with the Sustainable Planning Act on development completion date) 4
Part 7, division 6, heading, ‘Sustainable’— 5
omit. 6
8

Clause 432 Amendment of s 79 (Effect of development completion date) 9
Section 79, ‘Sustainable Planning Act, section 243’— 10
omit, insert— 11
Planning Act 12
13

Clause 433 Insertion of new pt 11, div 9 14
Part 11— 15
insert— 16

Division 9 Transitional provision for Planning and Development (Consequential) and Other Legislation Amendment Act 2014 17
18
19
20
21

141 Application of s 78 to particular existing development applications 22
23

(1) This section applies to an existing development 24
application if the corporation is a concurrence 25
agency under the repealed Planning Act for the 26
application. 27

- (2) Section 78, as in force before the commencement, continues to apply in relation to the existing development application. 1
2
3
- (3) In this section— 4
existing development application means a development application to which the Planning Act, section 244 applies. 5
6
7
repealed Planning Act means the repealed *Sustainable Planning Act 2009*. 8
9

Part 54 Amendment of South-East Queensland Water (Distribution and Retail Restructuring) Act 2009 10 11 12 13

Clause 434 Act amended 14
This part amends the *South-East Queensland Water (Distribution and Retail Restructuring) Act 2009*. 15
16

Clause 435 Amendment of s 53 (Delegation) 17
(1) Section 53(5)(c), ‘concurrence’— 18
omit, insert— 19
referral 20
(2) Section 53(9), definition *concurrence agency*— 21
omit, insert— 22
referral agency see the Planning Act, section 49(2). 23
24

Clause 436	Amendment of s 77H (Provision for things done under agreement before the transfer)	1
		2
	(1) Section 77H(a)—	3
	<i>omit, insert—</i>	4
	(a) an infrastructure charge or cost levied by the	5
	local government under the repealed SPA,	6
	chapter 8, part 1 or the repealed IPA, chapter	7
	5, part 1;	8
	(2) Section 77H(b) and (c), ‘Planning Act’—	9
	<i>omit, insert—</i>	10
	repealed SPA	11
Clause 437	Amendment of s 77I (Application of sdiv 3A)	12
	Section 77I(3), definition <i>relevant action</i> , paragraphs (a) to (d),	13
	‘Planning Act’—	14
	<i>omit, insert—</i>	15
	repealed SPA	16
Clause 438	Amendment of s 78 (Reconfiguring a lot after transfer scheme or notice takes effect)	17
		18
	(1) Section 78(3)—	19
	<i>omit, insert—</i>	20
	(3) The Planning Act does not apply to the	21
	reconfiguring of the lot.	22
	(2) Section 78(5), definition <i>reconfiguring a lot</i> —	23
	<i>omit, insert—</i>	24
	<i>reconfiguring a lot</i> see the Planning Act,	25
	schedule 2.	26
	(3) Section 78(5), definition <i>State planning regulatory</i>	27
	<i>provision—</i>	28
	<i>omit.</i>	29

Clause 439	Omission of ch 3, pt 3, div 2, sdiv 5 (Planning schemes and declared master planned areas)	1 2
	Chapter 3, part 3, division 2, subdivision 5—	3
	<i>omit.</i>	4
Clause 440	Amendment of ch 3A, pt 5, div 6, hdg (Planning Act)	5
	Chapter 3A, part 5, division 6, heading, ‘Planning Act’—	6
	<i>omit, insert—</i>	7
	Sustainable Planning Act 2009	8
Clause 441	Amendment of s 92DI (Cessation of Allconnex’s functions)	9 10
	(1) Section 92DI(1), ‘Planning Act’—	11
	<i>omit, insert—</i>	12
	repealed SPA	13
	(2) Section 92DI(2)(a)—	14
	<i>omit, insert—</i>	15
	(a) Allconnex has functions under the repealed SPA—	16 17
	(i) as a concurrence agency for a development application under that Act; or	18 19 20
	(ii) for a request for compliance assessment under that Act; and	21 22
	(3) Section 92DI(3), after ‘functions’—	23
	<i>insert—</i>	24
	under the repealed SPA	25
	(4) Section 92DI(4), ‘Planning Act’—	26
	<i>omit, insert—</i>	27
	repealed SPA	28

Clause 442	Omission of s 92DJ (Continued effect of non-application of planning schemes under s 78A)	1 2
	Section 92DJ—	3
	<i>omit.</i>	4
Clause 443	Amendment of s 99BO (Content of part A of plan)	5
	Section 99BO(4), definition <i>priority infrastructure area</i> , ‘schedule 3’—	6 7
	<i>omit, insert—</i>	8
	schedule 2	9
Clause 444	Amendment of s 99BRBC (Notice of review decision)	10
	Section 99BRBC(3)(a), ‘building and development committee’—	11
	<i>omit, insert—</i>	12
	development tribunal	13
Clause 445	Amendment of ch 4C, pt 4, div 3, hdg (Appeals to a building and development committee)	14 15
	Chapter 4C, part 4, division 3, heading, ‘building and development committee’—	16 17
	<i>omit, insert—</i>	18
	development tribunal	19
Clause 446	Amendment of s 99BRBE (Appeals about applications for connections—general)	20 21
	(1) Section 99BRBE(1)(a)—	22
	<i>omit, insert—</i>	23
	(a) the land to which the connection relates is subject to a development application; and	24 25

	(aa) a development tribunal has jurisdiction,	1
	under the Planning Act, to hear an appeal	2
	against a decision on the development	3
	application; and	4
(2)	Section 99BRBE(2), ‘building and development	5
	committee’—	6
	<i>omit, insert—</i>	7
	development tribunal	8
Clause 447	Amendment of s 99BRBF (Appeals about applications for	9
	connections—particular charges)	10
	Section 99BRBF(2), ‘building and development committee’—	11
	<i>omit, insert—</i>	12
	development tribunal	13
Clause 448	Amendment of s 99BRBFA (Appeals against refusal of	14
	conversion application)	15
	Section 99BRBFA(2), ‘building and development committee’—	16
	<i>omit, insert—</i>	17
	development tribunal	18
Clause 449	Amendment of s 99BRBG (Application of relevant	19
	committee appeal provisions)	20
(1)	Section 99BRBG, heading, ‘committee’—	21
	<i>omit, insert—</i>	22
	development tribunal	23
(2)	Section 99BRBG(1), ‘committee’—	24
	<i>omit, insert—</i>	25
	development tribunal	26
(3)	Section 99BRBG(2), definition <i>relevant committee appeal</i>	27
	<i>provisions—</i>	28

<i>omit, insert—</i>	1
<i>relevant development tribunal provisions</i>	2
means—	3
(a) the Planning Act, chapter 6, part 3, division 3, other than sections 204 and 207(2)(e); and	4
	5
	6
(b) any definitions in that Act relevant to the sections mentioned in paragraph (a).	7
	8

Clause 450	Insertion of new s 99BRBGA	9
	After section 99BRBG—	10
	<i>insert—</i>	11
	99BRBGA Tribunal to decide appeal based on particular statutory instruments	12
		13
	(1) This section applies if an appeal is about an application for a connection, including a water approval given for an application for a connection.	14
		15
		16
		17
	(2) The development tribunal must decide the appeal based on the statutory instruments applying when the application was made.	18
		19
		20
	(3) However, if a statutory instrument is amended or replaced before the development tribunal decides the appeal, the tribunal may assess the application against the amended or replaced instrument to the extent the tribunal considers appropriate in the circumstances.	21
		22
		23
		24
		25
		26

Clause 451	Amendment of ss 99BRBH (Notice of appeal)	27
	Section 99BRBH(2), ‘building and development committees’—	28
	<i>omit, insert—</i>	29
	development tribunals	30

Clause 452	Amendment of s 99BRBK (Registrar must ask distributor-retailer for material in particular proceedings)	1
	Section 99BRBK(2), ‘building and development committees’—	2
	<i>omit, insert—</i>	3
	development tribunals	4
Clause 453	Amendment of s 99BRBL (Lodging appeal stops particular actions)	5
	Section 99BRBL(2)—	6
	<i>omit, insert—</i>	7
	(2) Despite subsection (1), if the development tribunal is satisfied the outcome of the appeal would not be affected if the work was started before the appeal is decided, the tribunal may allow the work to start before the appeal is decided.	8
		9
Clause 454	Amendment of s 99BRBQ (Application of relevant court provisions)	10
	(1) Section 99BRBQ(1)(a) to (f)—	11
	<i>omit, insert—</i>	12
	(a) a Planning Act appeal or Planning Act proceeding were a reference to an appeal under this division; and	13
	(b) the Planning Act were a reference to this Act; and	14
	(c) the assessing authority were a reference to the distributor-retailer that made the decision the subject of the appeal; and	15
	(d) a development permit were a reference to a water approval.	16
	(2) Section 99BRBQ(2), definition <i>relevant court appeal provisions</i> , paragraph (a)—	17

omit, insert—

- (a) the *Planning and Environment Court Act 2014*, part 5, other than sections 45 and 46(3), (5) and (6); and

Clause 455 Insertion of new s 99BRBQA

After section 99BRBQ—

insert—

99BRBQA Planning and Environment Court to decide appeal based on particular statutory instruments

- (1) This section applies if an appeal is about an application for a connection, including a water approval given for an application for a connection.
- (2) The Planning and Environment Court must decide the appeal based on the statutory instruments applying when the application was made.
- (3) However, if a statutory instrument is amended or replaced before the Planning and Environment Court decides the appeal, the court may assess the application against the amended or replaced instrument to the extent the court considers appropriate in the circumstances.

Clause 456 Replacement of s 99BRBU (Who must prove case for appeals)

Section 99BRBU—

omit, insert—

99BRBU Who must prove case for appeals

- (1) In an appeal under section 99BRBN, 99BRBO or 99BRBOA, the appellant must establish the appeal should be upheld.

	(2)	In an appeal by the recipient of a water connection compliance notice, the distributor-retailer must establish the appeal should be dismissed.	1 2 3 4
Clause 457	Amendment of s 99BRCC (Definitions for pt 7)		5
	(1)	Section 99BRCC, definition <i>breakup agreement</i> , ‘section 632(2)’— <i>omit, insert—</i> section 110(2)	6 7 8 9
	(2)	Section 99BRCC, definition <i>SPRP (adopted charges)</i> — <i>omit.</i>	10 11
Clause 458	Amendment of s 99BRCF (Power to adopt charges by board decision)		12 13
		Section 99BRCF(2)(c)— <i>insert—</i> (iii) trunk infrastructure related to development under a designation under the Planning Act.	14 15 16 17 18
Clause 459	Amendment of s 99BRCG (Matters for board decision)		19
	(1)	Section 99BRCG(1)(a)— <i>omit, insert—</i> (a) prescribed by regulation under the Planning Act; and	20 21 22 23
	(2)	Section 99BRCG(1)(b)(ii), ‘the SPRP (adopted charges)’— <i>omit, insert—</i> a regulation under the Planning Act	24 25 26
	(3)	Section 99BRCG(3)(b)—	27

<i>omit, insert—</i>	1
(b) include a provision (an <i>automatic increase provision</i>) that provides for automatic increases in levied charges from when they are levied to when they are paid.	2 3 4 5
(4) Section 99BRCG(6), definition <i>maximum adopted charge</i> , from ‘imposed’ to ‘section 629(2)’—	6 7
<i>omit, insert—</i>	8
prescribed by regulation under the Planning Act, section 107(1) as the amount of that maximum is changed, from time to time, under the Planning Act, section 107(2)	9 10 11 12

Clause 460	Amendment of s 99BRCH (Working out cost of infrastructure for offset or refund)	13 14
	Section 99BRCH(2), from ‘under—’ to ‘section 633(2)(b)’—	15
	<i>omit, insert—</i>	16
	under a guideline under the Planning Act, section 111(2)	17 18

Clause 461	Amendment of s 99BRCHA (Criteria for deciding conversion application)	19 20
	Section 99BRCHA(2), ‘section 633A(2)’—	21
	<i>omit, insert—</i>	22
	section 112(2)	23

Clause 462	Amendment of s 99BRCI (When charge may be levied and recovered)	24 25
	(1) Section 99BRCI(1)(c)—	26
	<i>omit.</i>	27
	(2) Section 99BRCI(6) and (7)—	28
	<i>omit, insert—</i>	29

- (6) A charge (a *levied charge*) under an infrastructure charges notice—
 - (a) is subject to sections 99BRCJ and 99BRCT; and
 - (b) is payable by the applicant; and
 - (c) attaches to the premises; and
 - (d) becomes payable as provided for under subdivision 4; and
 - (e) is subject to any agreement under section 99BRCM(1); and
 - (f) may be recovered, in whole or part, by the distributor-retailer from the applicant as a debt.

Clause 463 Amendment of s 99BRCJ (Limitation of levied charge)
 Section 99BRCJ(4), definition *charges notice*, paragraph (b),
 ‘Planning Act’—
omit, insert—
 repealed SPA

Clause 464 Amendment of s 99BRCL (Payment triggers generally)
 (1) Section 99BRCL(1)(a), ‘or development requiring compliance assessment’—
omit.
 (2) Section 99BRCL(3), definition *assessable development*,
 ‘schedule 3’—
omit, insert—
 section 39(3)

Clause 465	Amendment of s 99BRCN (Application of Planning Act, ch 8, pt 2, div 1, sdiv 5)	1 2
	(1) Section 99BRCN, heading, ‘ch 8’—	3
	<i>omit, insert—</i>	4
	ch 4	5
	(2) Section 99BRCN, ‘chapter 8’—	6
	<i>omit, insert—</i>	7
	chapter 4	8
Clause 466	Amendment of s 99BRDB (No conditions on State infrastructure suppliers)	9 10
	Section 99BRDB(2), definition <i>State infrastructure</i> , ‘schedule 3’—	11 12
	<i>omit, insert—</i>	13
	schedule 2	14
Clause 467	Amendment of s 99BRDE (Application to convert infrastructure to trunk infrastructure)	15 16
	Section 99BRDE(1) and (2)—	17
	<i>omit, insert—</i>	18
	(1) The applicant for a water approval may apply to convert non-trunk infrastructure to trunk infrastructure.	19 20 21
	(2) The application (the <i>conversion application</i>) must be made to the distributor-retailer, in writing, within 1 year after the water approval takes effect.	22 23 24 25
Clause 468	Amendment of s 99BRDN (When water infrastructure agreement binds successors in title)	26 27
	Section 99BRDN(7), definition <i>public sector entity</i> , ‘schedule 3’—	28

omit, insert—

1

schedule 2

2

Clause 469 Amendment of s 99BU (Requirements for infrastructure charges register)

3

4

Section 99BU(2)(f), from ‘or compliance permit’ to ‘permit will’—

5

6

omit, insert—

7

under the Planning Act—the approval
 reference number and the day the approval
 will

8

9

10

Clause 470 Amendment of s 100G (Documents and information about water approvals and development approvals)

11

12

Section 100G—

13

insert—

14

(5) In this section—

15

development application includes a development
 application made under the repealed IPA or
 repealed SPA.

16

17

18

Clause 471 Amendment of s 102 (Regulation-making power)

19

Section 102(2)(g)—

20

omit.

21

Clause 472 Amendment of s 131 (Definitions for pt 9)

22

Section 131—

23

insert—

24

Planning Act means the *Sustainable Planning
 Act 2009*.

25

26

Clause 473	Amendment of s 140B (Definitions for pt 10)	1
	Section 140B—	2
	<i>insert—</i>	3
	<i>Planning Act</i> means the <i>Sustainable Planning Act 2009</i> .	4
		5
Clause 474	Insertion of new ch 6, pt 11	6
	Chapter 6—	7
	<i>insert—</i>	8
	Part 11	9
	Transitional provisions	10
	inserted under	11
	Planning and	12
	Development	13
	(Consequential) and	14
	Other Legislation	15
	Amendment Act 2014	16
	142 Definitions for pt 11	17
	In this part—	18
	<i>amending Act</i> means the <i>Planning and Development (Consequential) and Other Legislation Amendment Act 2014</i> .	19
		20
	<i>development application</i> includes a development application made under the repealed SPA.	21
		22
	<i>development approval</i> means a development approval under the Planning Act.	23
		24
	<i>related application</i> means a development application for a development approval that—	25
		26
	(a) involves a water connection aspect; and	27
	(b) relates to another development approval given under the repealed SPA before 1 July 2014.	28
		29
		30

water connection aspect—

- (a) for a development application—means the aspect of the application for which a distributor-retailer or its delegate has a referral agency role under the Planning Act or the repealed SPA; and
- (b) for a development approval—means the aspect of the approval that relates to the infrastructure of a distributor-retailer in relation to its water service or wastewater service.

143 Existing development applications or requests for compliance assessment

- (1) This section applies to a development application or request to which the Planning Act, section 244 applies.
- (2) This Act, as in force before the commencement, continues to apply to the development application or request as if the amending Act had not been enacted.

144 Continuing application of s 78B

- (1) Section 78B, as in force before the commencement, continues to apply to an SEQ declared master planned area as if the amending Act had not been enacted.
- (2) In this section—
SEQ declared master planned area means a declared master planned area under the repealed SPA that—
 - (a) is in the SEQ region; and
 - (b) immediately before 1 July 2010, was identified in a master planned area declaration under the repealed SPA.

145 Existing levied charge for reconfiguring a lot under the repealed SPA	1
	2
(1) This section applies if—	3
(a) a levied charge for a water approval was levied before the commencement; and	4
	5
(b) there is a related reconfiguring of a lot for the water approval; and	6
	7
(c) a development application or request for compliance assessment was made for the reconfiguration under the repealed SPA before the commencement.	8
	9
	10
	11
(2) Section 99BRCL, as in force before the commencement, continues to apply to the levied charge.	12
	13
	14
146 Water connection aspect of development approvals	15
	16
(1) This section applies to a development approval involving a water connection aspect if—	17
	18
(a) the approval is given after the commencement of the Planning Act; and	19
	20
(b) the approval is for a material change of use of premises or reconfiguring a lot under that Act; and	21
	22
	23
(c) either—	24
(i) the repealed SPA, section 959B applies to the development application for the approval; or	25
	26
	27
(ii) the development application for the approval is a related application.	28
	29
(2) After the development approval takes effect—	30
(a) the Planning Act does not apply to the water connection aspect of the development approval; and	31
	32
	33

- (b) the water connection aspect of the development approval is taken to be a water approval for a staged connection; and
- (c) all conditions of the development approval relating to the water connection aspect are taken to be conditions of the water approval.

147 Related applications made after commencement

- (1) This section applies to a related application made after the commencement.
- (2) Despite the Planning Act, for deciding the water connection aspect of the application—
 - (a) the following provisions of the Planning Act do not apply—
 - (i) chapter 4;
 - (ii) section 63(1)(c) and (f); and
 - (b) section 99BRAJ(2)(h), (3) and (4) and chapter 4C, part 7, divisions 4 and 6 apply—
 - (i) as if a reference to an application for a water approval were a reference to a related application; and
 - (ii) as if a reference to an applicant for a water approval were a reference to an applicant for a related application; and
 - (iii) as if a reference to a water approval were a reference to a development approval; and
 - (iv) as if a reference to a water approval condition were a reference to a condition of a development approval; and
 - (v) as if a reference to a distributor-retailer were a reference to the referral agency for the related application; and

- (vi) with any other necessary changes. 1
 - (3) The distributor-retailer or its participating local 2
government may, under chapter 4C, part 7, 3
impose on a development approval given for the 4
related application a condition about 5
infrastructure for the distributor-retailer's water 6
service or wastewater service as if the 7
development approval were a water approval. 8
 - (4) To remove any doubt, it is declared that if a 9
condition is imposed on a development approval 10
under subsection (3), the condition is a condition 11
of the development approval. 12
- Note—* 13
- The water connection aspect of a development approval 14
given for a related application becomes a water approval 15
under section 146. 16
- 148 Giving infrastructure charges notices for 17
particular development approvals taken to be 18
water approvals 19**
- (1) This section applies if a water connection aspect 20
of a development approval is taken to be a water 21
approval under section 146. 22
 - (2) Section 140E(2) to (4) applies to the development 23
approval as if— 24
 - (a) a reference in the section to a development 25
approval were a reference to an approval 26
mentioned in subsection (1); and 27
 - (b) a reference in section 140E(2) to the 28
Planning Act were a reference to the 29
Planning and Development Act 2014; and 30
 - (c) a reference in section 140E(3) to the 31
Planning Act were a reference to the 32
repealed SPA or the *Planning and 33
Development Act 2014*. 34

149 Giving infrastructure charges notices for other development approvals

- (1) This section applies if—
 - (a) a notice (an *original notice*) levying a charge is given under the Planning Act or the repealed SPA for a development approval that—
 - (i) was given before 1 July 2014; and
 - (ii) did not become a water approval under section 135; and
 - (iii) involves a water connection aspect; and
 - (b) a request under the Planning Act to change or extend the development approval is approved.
- (2) An infrastructure charges notice may be given under chapter 4C, part 7, division 2, subdivision 3 to replace the original notice as if—
 - (a) the original notice were an infrastructure charges notice under this Act; and
 - (b) a reference to a water approval were a reference to a development approval.
- (3) However, section 99BRDC does not apply to an infrastructure charges notice given under subsection (2).

150 Delegations

- (1) Subsection (2) applies to—
 - (a) a related application made after the commencement of the Planning Act; and
 - (b) a development approval involving a water connection aspect.
- (2) Section 132(2) to (4) applies to the application or approval as if a reference in that section to a development application or development

[s 475]

approval were a reference to an application or	1
approval mentioned in subsection (1).	2
(3) Subsection (4) applies to a compliance	3
assessment mentioned in the repealed SPA,	4
section 959F if, under the Planning Act, the	5
compliance assessment may continue to be	6
carried out after the commencement of that Act.	7
(4) Section 133(2) and (3) applies to the compliance	8
assessment.	9

Clause 475	Amendment of schedule (Dictionary)	10
(1)	Schedule, definitions <i>building and development committee</i> ,	11
	<i>compliance assessment</i> , <i>ecological sustainability</i> ,	12
	<i>infrastructure agreement</i> , <i>Planning Act</i> , <i>planning scheme</i> and	13
	<i>SPRP (adopted charges)</i> —	14
	<i>omit</i> .	15
(2)	Schedule—	16
	<i>insert</i> —	17
	<i>development tribunal</i> means a tribunal under the	18
	Planning Act.	19
	<i>ecological sustainability</i> means the balance that	20
	integrates—	21
	(a) protection of ecological processes and	22
	natural systems at local, regional, State and	23
	wider levels; and	24
	(b) economic development; and	25
	(c) maintenance of the cultural, economic,	26
	physical and social wellbeing of people and	27
	communities.	28
	<i>infrastructure agreement</i> means any of the	29
	following—	30
	(a) an infrastructure agreement under the	31
	Planning Act;	32

-
- (b) an infrastructure agreement under the repealed SPA; 1
2
 - (c) an infrastructure agreement under the repealed IPA, mentioned in the repealed SPA, section 840; 3
4
5
 - (d) an infrastructure agreement under the repealed *Local Government Planning and Environment Act 1990* to which the repealed SPA, section 855 applied; 6
7
8
9
 - (e) an agreement to which the repealed SPA, section 856 applied. 10
11
 - Planning Act*** means the *Planning and Development Act 2014*. 12
13
 - planning scheme*** means a planning scheme under the Planning Act. 14
15
 - repealed IPA*** means the repealed *Integrated Planning Act 1997*. 16
17
 - repealed SPA*** means the repealed *Sustainable Planning Act 2009*. 18
19
 - (3) Schedule, definition *Allconnex infrastructure funding matter*, 'Planning Act'— 20
21
 - omit, insert*— 22
 - repealed SPA 23
 - (4) Schedule, definition *charges breakup*, 'section 627'— 24
 - omit, insert*— 25
 - schedule 2 26
 - (5) Schedule, definition *conversion application*, 'section 99BRDE(1)'— 27
28
 - omit, insert*— 29
 - section 99BRDE(2) 30
 - (6) Schedule, definition *development application*, 'schedule 3'— 31
-

<i>omit, insert—</i>	1
schedule 2	2
(7) Schedule, definition <i>development infrastructure</i> , ‘section 627’—	3 4
<i>omit, insert—</i>	5
schedule 2	6
(8) Schedule, definition <i>infrastructure charges notice</i> , paragraph (b), ‘section 643(1)’—	7 8
<i>omit, insert—</i>	9
section 120(3)	10
(9) Schedule, definitions <i>premises</i> , paragraph (b)(i), and <i>reconfiguring a lot</i> , ‘section 10(1)’—	11 12
<i>omit, insert—</i>	13
schedule 2	14

Part 55	Amendment of Southern	15
	Moreton Bay Islands	16
	Development Entitlements	17
	Protection Act 2004	18

Clause 476	Act amended	19
	This part amends the <i>Southern Moreton Bay Islands</i>	20
	<i>Development Entitlements Protection Act 2004</i> .	21

Clause 477	Amendment of s 4 (What is an SMBI application)	22
	Section 4, ‘development application (superseded planning scheme)’—	23 24
	<i>omit, insert—</i>	25

superseded planning scheme application 1

Clause 478 Amendment of s 4A (What is an SMBI request) 2

(1) Section 4A, ‘*Sustainable Planning Act 2009*, section 3
95(1)(a)’— 4

omit, insert— 5

Planning Act, section 23(4)(b) 6

(2) Section 4A(a), ‘a superseded’— 7

omit, insert— 8

the superseded 9

**Clause 479 Amendment of s 7 (Modified application of Sustainable Planning Act 2009) 10
11**

(1) Section 7, heading, ‘*Sustainable Planning Act 2009*’— 12

omit, insert— 13

Planning Act 14

(2) Section 7(1)— 15

omit, insert— 16

(1) Despite the Planning Act, section 23(6), if a 17
person makes an SMBI request, the local 18
government must agree to the request. 19

(3) Section 7(2), ‘*Sustainable Planning Act 2009*, chapter 3, part 20
2, division 5’— 21

omit, insert— 22

Planning Act, chapter 2, part 4 23

(4) Section 7(3)— 24

omit, insert— 25

(3) For the Planning Act, an SMBI application must 26
be assessed under the superseded planning 27
scheme. 28

- | | | |
|-----|--|---|
| (5) | Section 7(4), ‘ <i>Sustainable Planning Act 2009</i> , section 245’— | 1 |
| | <i>omit, insert—</i> | 2 |
| | Planning Act, section 70 | 3 |
| (6) | Section 7(5), ‘ <i>Sustainable Planning Act 2009</i> , section 714’— | 4 |
| | <i>omit, insert—</i> | 5 |
| | Planning Act, section 216 | 6 |

Clause 480	Omission of s 8 (Certain rights unaffected)	7
	Section 8—	8
	<i>omit.</i>	9

Clause 481	Insertion of new s 12	10
	After section 11—	11
	<i>insert—</i>	12

12	Transitional provision for Planning and Development (Consequential) and Other Legislation Amendment Act 2014	13
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| (1) | Subsection (2) applies to an SMBI application or SMBI request, as defined under this Act immediately before the commencement, if the application or request was made before the commencement. | 16 |
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| | | 20 |
| (2) | This Act, as in force before the commencement, continues to apply to the SMBI application or SMBI request as if the <i>Planning and Development (Consequential) and Other Legislation Amendment Act 2014</i> had not been enacted. | 21 |
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<i>Note—</i>	27
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See also the Planning Act, chapter 8, part 1.	28
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| (3) | Subsection (4) applies to a development approval given, before the commencement, for an SMBI | 29 |
| | | 30 |

application as defined under this Act 1
 immediately before the commencement. 2

(4) Section 7(4), as in force before the 3
 commencement, continues to apply to the 4
 development approval. 5

Clause 482 Amendment of schedule (Dictionary) 6

(1) Schedule, definitions *assessment manager*, *development*, 7
development application, *development application* 8
(superseded planning scheme), *development approval*, 9
development permit and *superseded planning scheme*— 10
omit. 11

(2) Schedule— 12
insert— 13

assessment manager see the Planning Act, 14
 section 43. 15

development see the Planning Act, schedule 2. 16

development application see the Planning Act, 17
 schedule 2. 18

development approval see the Planning Act, 19
 section 44. 20

development permit see the Planning Act, section 21
 44(3). 22

Planning Act means the *Planning and* 23
Development Act 2014. 24

superseded planning scheme means the planning 25
 scheme in force for the Redland local 26
 government area immediately before the 27
 Redland's IPA planning scheme took effect. 28

superseded planning scheme application means 29
 a development application— 30

(a) for development to which the superseded 31
 planning scheme applies; and 32

[s 483]

- (b) made only to the council as assessment manager; and 1
2
- (c) made within 10 years after the Redland’s IPA planning scheme had effect. 3
4

Part 56

**Amendment of State
Development and Public Works
Organisation Act 1971**

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6
7

Clause 483

Act amended

8

This part amends the *State Development and Public Works Organisation Act 1971*.

9
10

Clause 484

Amendment of s 24 (Definitions for pt 4)

11

Section 24, definition *assessment manager*, ‘Sustainable’—

12
13

omit.

Clause 485

Amendment of s 34G (Preparation of draft IAR)

14

(1) Section 34G(2)(c)(i), ‘Sustainable Planning Act, require impact assessment’—

15
16

omit, insert—

17

Planning Act, require merit assessment and public notification

18
19

(2) Section 34G(2)(c)(iii)(A), ‘Sustainable’—

20
21

omit.

Clause 486	Amendment of s 35A (Lapsing of Coordinator-General's report)	1 2
	Section 35A(8), definition <i>relevant approval</i> , paragraph (g), 'Sustainable'—	3 4
	<i>omit.</i>	5
Clause 487	Amendment of pt 4, div 4, hdg (Relationship with Sustainable Planning Act)	6 7
	Part 4, division 4, heading, 'Sustainable'—	8
	<i>omit.</i>	9
Clause 488	Amendment of s 37 (Applications for material change of use or requiring impact assessment)	10 11
	(1) Section 37, heading, 'impact'—	12
	<i>omit, insert—</i>	13
	merit	14
	(2) Section 37(1)—	15
	<i>omit, insert—</i>	16
	(1) To the extent the application is for a material change of use of premises, or requires merit assessment, under the Planning Act—	17 18 19
	(a) the application does not require public notification under the Planning Act, section 48; and	20 21 22
	(b) there are no referral agencies under the Planning Act for the application; and	23 24
	(c) a properly made submission about the following is taken to be a properly made submission about the application for the Planning Act, chapter 3—	25 26 27 28
	(i) a draft EIS or draft IAR for the project;	29

[s 489]

	(ii) any additional information required for the project that was publicly notified under section 34C(3); and	1 2 3
	(d) despite paragraph (b), until the development approval applied for has effect—	4 5
	(i) the Coordinator-General’s report for the EIS or IAR for the project is taken to be a referral agency response for the application under the Planning Act, chapter 3; and	6 7 8 9 10
	(ii) the Coordinator-General may exercise any power of an entity that, but for paragraph (b), would have been a referral agency for the application.	11 12 13 14
(3)	Section 37(2), ‘code assessment under the Sustainable’— <i>omit, insert—</i> standard assessment under the	15 16 17
(4)	Section 37(3), definition <i>material change of use</i> , ‘Sustainable Planning Act, section 10(1)’— <i>omit, insert—</i> Planning Act, schedule 2	18 19 20 21

Clause 489	Amendment of s 38 (When the decision stage for the project starts under IDAS)	22 23
(1)	Section 38, heading, from ‘decision stage’ to ‘IDAS’— <i>omit, insert—</i> decision-making period for the project starts under the Planning Act	24 25 26 27
(2)	Section 38(1), from ‘Sustainable’ to ‘IDAS’— <i>omit, insert—</i> Planning Act, the decision-making period	28 29 30
(3)	Section 38(2)—	31

insert—

decision-making period, for an application,
means the period for deciding the application,
including any extension of the period, under the
development assessment rules under the Planning
Act.

Clause 490 Amendment of s 39 (Application of Coordinator-General's report to IDAS)

(1) Section 39, heading, 'IDAS'—

omit, insert—

**assessment of development application under
Planning Act**

(2) Section 39(3), 'Sustainable'—

omit.

(3) Section 39(6)(a), 'Sustainable Planning Act, section 339'—

omit, insert—

Planning Act, section 68

(4) Section 39(6)(b), from 'concurrence' to 'Sustainable'—

omit, insert—

referral agency condition under the

(5) Section 39(7), from 'concurrence' to 'Sustainable'—

omit, insert—

referral agency condition under the

Clause 491 Amendment of s 41 (Concurrence agencies for conditions of development approvals)

(1) Section 41, heading, 'Concurrence'—

omit, insert—

Referral

[s 492]

- | | | |
|-----|---------------------------------------|---|
| (2) | Section 41(1) and (2), ‘concurrence’— | 1 |
| | <i>omit, insert—</i> | 2 |
| | referral | 3 |

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|-------------------|---|---|
| Clause 492 | Amendment of s 42 (Changing or cancelling a condition of a development approval) | 4 |
| | | 5 |
| | Section 42(2), ‘Sustainable Planning Act, section 369’— | 6 |
| | <i>omit, insert—</i> | 7 |
| | Planning Act, section 75 | 8 |

- | | | |
|-------------------|--|----|
| Clause 493 | Amendment of s 42A (Application of Coordinator-General’s change report to IDAS) | 9 |
| | | 10 |
| (1) | Section 42A, heading, ‘IDAS’— | 11 |
| | <i>omit, insert—</i> | 12 |
| | assessment of development application under Planning Act | 13 |
| | | 14 |
| (2) | Section 42A— | 15 |
| | <i>insert—</i> | 16 |
| (1A) | The Coordinator-General must give a copy of the change report to the assessment manager for the development application. | 17 |
| | | 18 |
| | | 19 |
| (3) | Section 42A(2), from ‘concurrence’ to ‘agreement to’— | 20 |
| | <i>omit, insert—</i> | 21 |
| | referral agency response under the Planning Act | 22 |
| | that the applicant has agreed to | 23 |
| (4) | Section 42A(3), after ‘given’— | 24 |
| | <i>insert—</i> | 25 |
| | to the proponent | 26 |
| (5) | Section 42A(3)(a), ‘decision stage of IDAS’— | 27 |
| | <i>omit, insert—</i> | 28 |

	decision-making period under the Planning Act	1
(6)	Section 42A(4)—	2
	<i>omit, insert—</i>	3
(4)	Despite the Planning Act, the decision-making period under that Act for the application—	4
	(a) stops on the day the change report is given to the proponent; and	5
	(b) starts again from its beginning the day after the assessment manager receives a copy of the change report.	6
(7)	Section 42A(5)(a), after ‘given’—	7
	<i>insert—</i>	8
	to the proponent	9
(8)	Section 42A(5)(b) and (6), ‘Sustainable’—	10
	<i>omit.</i>	11
Clause 494	Amendment of pt 4, div 4, sdiv 2, hdg (Community infrastructure)	12
	Part 4, division 4, subdivision 2, heading, ‘Community infrastructure’—	13
	<i>omit, insert—</i>	14
	Designation of land under the Planning Act	15
Clause 495	Amendment of s 43 (Application of Coordinator-General’s report to designation)	16
(1)	Section 43(1), from ‘as community’ to ‘chapter 5’—	17
	<i>omit, insert—</i>	18
	under the Planning Act, chapter 2, part 5	19
(2)	Section 43(2), ‘Sustainable Planning Act, section 202(a)’—	20
	<i>omit, insert—</i>	21

[s 496]

	Planning Act, section 29(2)(a) and (b)	1
Clause 496	Amendment of s 50 (Application of div 7)	2
	Section 50, ‘Sustainable’—	3
	<i>omit.</i>	4
Clause 497	Amendment of s 54A (Application of div 8)	5
	Section 54A(a), ‘Sustainable Planning Act requiring impact’—	6
	<i>omit, insert—</i>	7
	Planning Act requiring merit	8
Clause 498	Amendment of s 54C (Provision for what conditions may be imposed)	9
	Section 54C, ‘Sustainable Planning Act, sections 345(1) and 346(1) apply’—	10
	<i>omit, insert—</i>	11
	Planning Act, section 62 applies	12
Clause 499	Amendment of s 54D (Effect of imposed conditions)	13
	(1) Section 54D(2), ‘Sustainable Planning Act, section 580’—	14
	<i>omit, insert—</i>	15
	Planning Act, section 161	16
	(2) Section 54D(5)(a)—	17
	<i>omit, insert—</i>	18
	(a) the Planning Act, section 181 applies in relation to an offence against section 161 of that Act; and	19
		20
		21
		22
		23

Clause 500	Amendment of s 54F (Provision about enforcement orders under the Sustainable Planning Act)	1
		2
	(1) Section 54F, heading, ‘Sustainable’—	3
	<i>omit.</i>	4
	(2) Section 54F(1)(a)(i)—	5
	<i>omit, insert—</i>	6
	(i) the Planning Act, chapter 5, part 5; or	7
Clause 501	Amendment of s 54G (Declaration-making powers)	8
	(1) Section 54G(1), ‘Sustainable Planning Act, section 456(1) or (2)’—	9
	<i>omit, insert—</i>	10
	<i>Planning and Environment Court Act 2014,</i>	11
	section 11	12
	(2) Section 54G(4)—	13
	<i>omit, insert—</i>	14
	(4) The <i>Planning and Environment Court Act 2014</i> ,	15
	section 11(4) and part 6, apply to the proceeding	16
	as if it were a proceeding under section 11 of that	17
	Act.	18
		19
Clause 502	Amendment of s 54ZM (Declarations)	20
	(1) Section 54ZM(1), ‘Environmental’—	21
	<i>omit, insert—</i>	22
	Environment	23
	(2) Section 54ZM(2)—	24
	<i>omit, insert—</i>	25
	(2) The <i>Planning and Environment Court Act 2014</i> ,	26
	section 11 applies to a proceeding started under	27
	this section as if it were a proceeding relating to	28
	the Planning Act.	29

[s 503]

Clause 503	Amendment of s 76D (Definitions for pt 5A)	1
(1)	Section 76D—	2
	<i>insert—</i>	3
	<i>relevant local government</i> , for a prescribed	4
	decision, means the local government for the	5
	local government area to which the prescribed	6
	decision relates.	7
(2)	Section 76D, definition <i>decision maker</i> , paragraph (a),	8
	example, ‘Sustainable’—	9
	<i>omit.</i>	10
(3)	Section 76D, definition <i>decision maker</i> , paragraph (b),	11
	examples—	12
	<i>omit, insert—</i>	13
	<i>Example of a decision maker for paragraph (b)—</i>	14
	a referral agency	15
(4)	Section 76D, definition <i>prescribed decision</i> , examples, first	16
	dot point, ‘Sustainable’—	17
	<i>omit.</i>	18
(5)	Section 76D, definition <i>prescribed process</i> , ‘in a stage of	19
	IDAS’—	20
	<i>omit, insert—</i>	21
	under the development assessment process under	22
	the Planning Act	23
(6)	Section 76D, definition <i>prescribed process</i> , example—	24
	<i>omit.</i>	25
Clause 504	Amendment of s 76I (Progression notice)	26
	Section 76I(2)(b), from ‘the process’ to ‘IDAS’—	27
	<i>omit, insert—</i>	28
	the process	29

Clause 505	Amendment of s 76J (Notice to decide)	1
	Section 76J(7), ‘decision stage for the application starts’—	2
	<i>omit, insert—</i>	3
	decision-making period for the application starts	4
	under the Planning Act	5
Clause 506	Amendment of s 76M (Providing assistance or recommendations)	6
	Section 76M(3), from ‘infrastructure’ to ‘part 1, applies’—	7
	<i>omit, insert—</i>	8
	trunk infrastructure or non-trunk infrastructure	9
	under the Planning Act	10
Clause 507	Amendment of s 76N (Effects of step in notice)	11
	Section 76N(d), from ‘concurrence’ to ‘process’—	12
	<i>omit, insert—</i>	13
	referral agency for the application may,	14
	under the Planning Act, give the	15
	Coordinator-General advice about the	16
	application	17
Clause 508	Amendment of s 76O (Coordinator-General’s decision)	18
	Section 76O(4B)—	19
	<i>omit, insert—</i>	20
	(4B) Subsection (4C) applies if—	21
	(a) the prescribed decision is the deciding of a	22
	development application under the Planning	23
	Act; and	24
	(b) the Coordinator-General decides to give a	25
	development approval for all or part of the	26
	development application.	27
		28

[s 509]

	(4C)	The relevant local government must give an infrastructure charges notice under the Planning Act, section 114 to the applicant for the development application.	1 2 3 4
Clause 509	Amendment of s 76Q (Notice of decision)		5
	Section 76Q—		6
	<i>insert—</i>		7
	(1A)	The Coordinator-General must also give written notice of the Coordinator-General’s decision about a prescribed decision to the relevant local government if—	8 9 10 11
	(a)	the prescribed decision is the deciding of a development application under the Planning Act; and	12 13 14
	(b)	the relevant local government is not the decision maker for the prescribed decision.	15 16
Clause 510	Amendment of s 85 (Carrying out particular development, use or works not an offence)		17 18
	Section 85—		19
	<i>insert—</i>		20
	(5)	Subsection (6) applies if land is designated for infrastructure under the Planning Act, chapter 2, part 5.	21 22 23
	(6)	Sections 84A and 84B do not apply to the development of the land in accordance with the designation.	24 25 26
Clause 511	Amendment of s 136 (Powers in respect of land for purposes of works)		27 28
	(1)	Section 136, heading, ‘purposes of works’—	29
	<i>omit, insert—</i>		30

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- planned development**
- (2) Section 136(1), from ‘In connection’ to ‘delegate may’—
- omit, insert—*
- An authorised person, in connection with an approved activity, may
- (3) Section 136(1)(e), ‘occupy’—
- omit, insert—*
- temporarily occupy
- (4) Section 136(1)(f), ‘by or on behalf of the Coordinator-General’—
- omit.*
- (5) Section 136(1)(f)(ii), after ‘erect’—
- insert—*
- temporary
- (6) Section 136—
- insert—*
- (5) The Coordinator-General, or his or her delegate, may impose conditions on the authority.
- (6) If an approved activity on land requires SDA approval, an authority under subsection (4) is taken to satisfy any requirement for the consent of the land’s owner that may be needed for the application for the SDA approval.
- (7) In this section—
- approved activity*** means—
- (a) development in a State development area; or
- (b) authorised works; or
- (c) any other works authorised under this Act.
- authorised person*** means—
- (a) the Coordinator-General; or
-

[s 512]

	(b) an officer or employee of the Coordinator-General; or	1 2
	(c) a person who is authorised in writing, for this section, by—	3 4
	(i) the Coordinator-General; or	5
	(ii) the Coordinator-General’s delegate.	6
Clause 512	Amendment of s 140 (Powers in respect of particular works on foreshore and under waters)	7 8
	Section 140(1)(b), ‘exempt development under the Sustainable’—	9
	<i>omit, insert—</i>	10
	accepted development under the	11
Clause 513	Amendment of s 157A (What is an <i>enforceable condition</i>)	12
	Section 157A(1)(b), ‘as community infrastructure under the Sustainable Planning Act, section 208’—	13 14
	<i>omit, insert—</i>	15
	under the Planning Act, chapter 2, part 5	16
Clause 514	Amendment of s 157D (Right of appeal)	17
	Section 157D(2), note, ‘Sustainable Planning Act, chapter 7, part 1, divisions 11 to 13’—	18 19
	<i>omit, insert—</i>	20
	<i>Planning and Environment Court Act 2014</i>	21
Clause 515	Amendment of s 157M (Powers about enforcement orders)	22 23
	Section 157M(4), note, ‘Sustainable Planning Act, section 457’—	24
	<i>omit, insert—</i>	25
	<i>Planning and Environment Court Act 2014, part 6</i>	26

Clause 516	Amendment of s 157N (Offence to contravene enforcement order)	1 2
	Section 157N, note, ‘Sustainable Planning Act, section 439 (Contempt and contravention of orders)’—	3 4
	<i>omit, insert—</i>	5
	<i>Planning and Environment Court Act 2014</i> , section 36	6
Clause 517	Insertion of new pt 9, div 9	7
	Part 9—	8
	<i>insert—</i>	9
	Division 9	10
	Transitional provision for Planning and Development (Consequential) and Other Legislation Amendment Act 2014	11 12 13 14
	203 Existing development applications under the repealed Sustainable Planning Act 2009	15 16
	(1) This section applies to a development application to which the Planning Act, section 244 applies.	17 18
	(2) Part 4, division 4, as in force before the commencement, continues to apply to the development application as if the <i>Planning and Development (Consequential) and Other Legislation Amendment Act 2014</i> had not been enacted.	19 20 21 22 23 24
Clause 518	Amendment of sch 2 (Dictionary)	25
	(1) Schedule 2, definitions <i>advice agency</i> , <i>applicable code</i> , <i>authorised development</i> , <i>concurrence agency</i> , <i>IDAS</i> , <i>Planning and Environment Court</i> , <i>relevant local government</i> and <i>Sustainable Planning Act</i> —	26 27 28 29
	<i>omit.</i>	30

[s 518]

- | | |
|---|----|
| (2) Schedule 2— | 1 |
| <i>insert—</i> | 2 |
| <i>authorised development</i> , for land, means | 3 |
| development of the land authorised under a | 4 |
| development approval, or an instrument taken to | 5 |
| be a development approval, under the Planning | 6 |
| Act. | 7 |
| <i>Planning Act</i> means the <i>Planning and</i> | 8 |
| <i>Development Act 2014</i> . | 9 |
| <i>referral agency</i> see the Planning Act, section | 10 |
| 49(2). | 11 |
| <i>relevant local government—</i> | 12 |
| (a) for part 4, see section 24; or | 13 |
| (b) for part 5A, see section 76D. | 14 |
| (3) Schedule 2, definition <i>building work</i> , ‘Sustainable Planning | 15 |
| Act, section 10(1)’— | 16 |
| <i>omit, insert—</i> | 17 |
| Planning Act, schedule 2 | 18 |
| (4) Schedule 2, definition <i>development approval</i> , ‘Sustainable’— | 19 |
| <i>omit</i> . | 20 |
| (5) Schedule 2, definition <i>operational work</i> , ‘Sustainable | 21 |
| Planning Act, section 10(1)’— | 22 |
| <i>omit, insert—</i> | 23 |
| Planning Act, schedule 2 | 24 |
| (6) Schedule 2, definition <i>reconfiguring a lot</i> , ‘Sustainable | 25 |
| Planning Act, section 10(1)’— | 26 |
| <i>omit, insert—</i> | 27 |
| Planning Act, schedule 2 | 28 |

Part 57	Amendment of Statutory Instruments Act 1992	1
		2
Clause 519	Act amended	3
	This part amends the <i>Statutory Instruments Act 1992</i> .	4
Clause 520	Amendment of sch 2A (Subordinate legislation to which part 7 does not apply)	5
	Schedule 2A, ‘ <i>Sustainable Planning Act 2009</i> ’—	6
	<i>omit, insert—</i>	7
	<i>Planning and Environment Court Act 2014</i>	8
		9
Part 58	Amendment of Supreme Court of Queensland Act 1991	10
		11
Clause 521	Act amended	12
	This part amends the <i>Supreme Court of Queensland Act 1991</i> .	13
Clause 522	Amendment of long title	14
	Long title, after ‘Magistrates Courts’—	15
	<i>insert—</i>	16
	and for Planning and Environment Court fees	17
Clause 523	Amendment of s 92 (Regulation-making power)	18
	Section 92(2)(a), ‘or Magistrates Courts’—	19
	<i>omit, insert—</i>	20

[s 524]

, Magistrates Courts or Planning and Environment Court 1
2

Part 59 **Amendment of Torres Strait Islander Cultural Heritage Act 2003** 3
4
5

Clause 524 **Act amended** 6
This part amends the *Torres Strait Islander Cultural Heritage Act 2003*. 7
8

Clause 525 **Omission of s 89 (Cultural heritage management plan needed under Planning Act)** 9
Section 89— 10
omit. 11
12

Part 60 **Amendment of Torres Strait Islander Land Act 1991** 13
14

Clause 526 **Act amended** 15
This part amends the *Torres Strait Islander Land Act 1991*. 16

Clause 527 **Amendment of s 28B (Definitions for pt 2A)** 17
Section 28B, definition *planning scheme*— 18
omit, insert— 19
planning scheme means a planning scheme 20
under the *Planning and Development Act 2014*. 21

Part 61	Amendment of Transport Infrastructure Act 1994	1
		2
Clause 528	Act amended	3
	This part amends the <i>Transport Infrastructure Act 1994</i> .	4
Clause 529	Amendment of s 42 (Impact of certain local government decisions on State-controlled roads)	5
	Section 42(2), after ‘chief executive’—	6
	<i>insert—</i>	7
	or planning chief executive	8
Clause 530	Amendment of s 49 (Assessment of impacts on State-controlled roads from certain activities)	9
	Section 49(1)(b)(ii)—	10
	<i>omit, insert—</i>	11
	(ii) development categorised under a	12
	planning scheme as assessable	13
	development under the Planning Act;	14
	or	15
Clause 531	Amendment of s 49A (Impact of particular development and State-controlled roads)	16
	Section 49A(4), ‘section 282 and chapter 6, part 5, division 2’—	17
	<i>omit, insert—</i>	18
	sections 50, 56 and 57	19
Clause 532	Amendment of s 74 (Cases where compensation not payable)	20
	Section 74(6), definition <i>development</i> , ‘section 7’—	21
	<i>omit, insert—</i>	22
		23
		24
		25
		26

[s 533]

	schedule 2	1
Clause 533	Amendment of s 75 (Conditions in development approval)	2
	Section 75(b), from ‘the chief’ to ‘application’—	3
	<i>omit, insert—</i>	4
	a referral agency response given under the	5
	Planning Act by the chief executive or	6
	planning chief executive	7
Clause 534	Amendment of s 85B (Application of Queensland Heritage Act 1992 for development for a franchised road)	8
	Section 85B(3), definition <i>development</i> , ‘section 7’—	9
	<i>omit, insert—</i>	10
	schedule 2	11
Clause 535	Amendment of s 93A (Application of Queensland Heritage Act 1992 for development for a toll road)	12
	Section 93A(3), definition <i>development</i> , ‘section 7’—	13
	<i>omit, insert—</i>	14
	schedule 2	15
Clause 536	Amendment of s 247 (Chief executive taken to be owner of rail corridor land and non-rail corridor land for particular circumstances under Planning Act)	16
	Section 247(1)(a), ‘community infrastructure’—	17
	<i>omit, insert—</i>	18
	the development of infrastructure	19
Clause 537	Amendment of s 258 (Impact of particular development and railways)	20
	Section 258(4), ‘section 282 and chapter 6, part 5, division 2’—	21

omit, insert—

sections 50, 56 and 57

Clause 538 Amendment of s 258A (Impact of change of management of local government road on railways)

Section 258A(5)—

omit, insert—

- (5) This section does not apply if the chief executive or planning chief executive has considered the change to the management of the local government road as part of considering a development application.

Clause 539 Amendment of s 283I (Definitions for pt 3C)

- (1) Section 283I, definitions *Brisbane port railway land*, *community infrastructure designation*, *planning chief executive*, *priority infrastructure plan* and *valuable features—*

omit.

- (2) Section 283I—

insert—

infrastructure designation means a designation of land for the development of infrastructure under the Planning Act, chapter 2, part 5.

LGIP, of a local government, means the local government's LGIP under the Planning Act.

merit assessment see the Planning Act, section 40(4).

standard assessment see the Planning Act, section 40(3).

- (3) Section 283I, definition *minor amendment (LUP)*, paragraph (a)(viii), from 'a State planning regulatory provision' to 'Planning Act'—

[s 539]

<i>omit, insert—</i>	1
the Planning Act or a State planning	2
instrument under that Act	3
(4) Section 283I, definition <i>minor amendment (LUP)</i> , paragraph	4
(c)(ii), ‘a community’—	5
<i>omit, insert—</i>	6
an	7
(5) Section 283I, definition <i>planned transport infrastructure</i> ,	8
paragraph (b), ‘a community’—	9
<i>omit, insert—</i>	10
an	11
(6) Section 283I, definition <i>premises</i> , ‘schedule 3’—	12
<i>omit, insert—</i>	13
schedule 2	14
(7) Section 283I, definition <i>priority infrastructure interface plan</i> ,	15
‘priority infrastructure plan’—	16
<i>omit, insert—</i>	17
LGIP	18
(8) Section 283I, definition <i>State interest</i> , ‘schedule 3’—	19
<i>omit, insert—</i>	20
schedule 2	21
(9) Section 283I, definition <i>table of assessment</i> , paragraph (a),	22
from ‘exempt’ to ‘assessment’—	23
<i>omit, insert—</i>	24
accepted development	25
(10) Section 283I, definition <i>transport reasons</i> , paragraph (e),	26
from ‘for which’ to ‘jurisdiction’—	27
<i>omit, insert—</i>	28

	within the powers of the chief executive administering this Act or any of the following Acts	1 2 3
Clause 540	Amendment of s 283M (Application of Planning Act)	4
	Section 283M(4) and note—	5
	<i>omit.</i>	6
Clause 541	Amendment of s 283S (Content of plan—mandatory requirements)	7 8
	(1) Section 283S(4)(a), from ‘exempt’ to ‘assessment’—	9
	<i>omit, insert—</i>	10
	accepted development	11
	(2) Section 283S(4)(b), ‘code or impact’—	12
	<i>omit, insert—</i>	13
	standard or merit	14
	(3) Section 283S(5)—	15
	<i>insert—</i>	16
	(d) require an applicant to give public notification of a development application requiring merit assessment; or	17 18 19
	(e) for the Planning Act, set out the assessment benchmarks that an assessment manager must assess assessable development under the Brisbane port LUP against.	20 21 22 23
	(4) Section 283S—	24
	<i>insert—</i>	25
	(6) If the Brisbane port LUP requires an applicant to give public notification of a development application, the Planning Act, section 48(4) to (8) applies to the application.	26 27 28 29

[s 542]

Clause 542	Amendment of s 283T (Content of plan—matters about development)	1 2
(1)	Section 283T(3), ‘exempt development or self-assessable’— <i>omit, insert—</i> accepted	3 4 5
(2)	Section 283T(4), from ‘exempt’ to ‘code’— <i>omit, insert—</i> accepted development or assessable development requiring standard	6 7 8 9
(3)	Section 283T(5)(a), from ‘exempt’ to ‘compliance assessment’— <i>omit, insert—</i> accepted development	10 11 12 13
(4)	Section 283T(5)(b), from ‘section 232(2)’ to ‘assessment or’— <i>omit, insert—</i> section 38(3)(b) is	14 15 16 17
(5)	Section 283T(5)(c)(ii)— <i>omit, insert—</i> (ii) development categorised as accepted development under a regulation under the Planning Act; or	18 19 20 21 22
(6)	Section 283T(5)(d), ‘impact’— <i>omit, insert—</i> merit	23 24 25
(7)	Section 283T(6) and (7)— <i>omit.</i>	26 27

Clause 543	Amendment of s 283X (When plan must include priority infrastructure interface plan)	1 2
(1)	Section 283X(a) and (b), after ‘priority infrastructure plan’— <i>insert—</i>	3 4
	under the <i>Sustainable Planning Act 2009</i>	5
(2)	After section 283X(b)— <i>insert—</i>	6 7
	<i>Note—</i>	8
	On and from 1 July 2014, a local government’s priority infrastructure plan under the <i>Sustainable Planning Act 2009</i> became the local government’s LGIP under that Act (see the <i>Sustainable Planning Act 2009</i> , section 982).	9 10 11 12
Clause 544	Amendment of s 283ZI (Recording matters about Brisbane port LUP)	13 14
	Section 283ZI(2)— <i>omit, insert—</i>	15 16
	(2) A record made under subsection (1) is not an amendment of the planning scheme.	17 18
Clause 545	Amendment of s 283ZL (Effect of land ceasing to be Brisbane core port land)	19 20
	Section 283ZL(7), ‘standard planning scheme provisions under the Planning Act’— <i>omit, insert—</i>	21 22 23
	requirements for the contents of planning schemes prescribed by regulation under the Planning Act, section 14	24 25 26
Clause 546	Amendment of s 283ZM (Reconfiguring a lot)	27
(1)	Section 283ZM(2), ‘exempt’— <i>omit, insert—</i>	28 29

[s 547]

accepted	1
(2) Section 283ZM(4), ‘code’—	2
omit, insert—	3
standard	4

Clause 547 Amendment of s 283ZN (Port prohibited development) 5

(1) Section 283ZN(1), ‘or request for compliance assessment can’—	6
omit, insert—	7
may	8
(2) Section 283ZN(2), from ‘or request for’ to ‘does not’—	9
omit, insert—	10
is made and any part of the development applied	11
for is port prohibited development, the	12
application is taken not to have been made and	13
the Planning Act, chapter 3, parts 3 and 4 do not	14
(3) Section 283ZN(3)—	15
omit.	16

Clause 548 Replacement of s 283ZO (Code assessment under Brisbane port LUP) 18

Section 283ZO—	19
omit, insert—	20
283ZO Standard assessment under Brisbane port LUP	21
(1) This section applies to any part of a development	22
application requiring standard assessment under	23
the Brisbane port LUP for port related	24
development.	25
(2) The assessment manager must approve the part if	26
the port related development—	27

[s 549]

	(a) is consistent with the Brisbane port LUP; and	1 2
	(b) complies with all assessment benchmarks under the Planning Act for the application.	3 4
	(3) Subsection (2) is subject to any requirements of a referral agency for the part.	5 6
Clause 549	Amendment of ch 8, pt 3C, div 5, sdiv 2, hdg (Provisions about assessment manager and referral agencies)	7 8
	Chapter 8, part 3C, division 5, subdivision 2, heading, ‘assessment manager and referral agencies’—	9 10
	<i>omit, insert—</i>	11
	local heritage places and infrastructure contributions	12 13
Clause 550	Omission of ss 283ZP–283ZU	14
	Sections 283ZP to 283ZU—	15
	<i>omit.</i>	16
Clause 551	Amendment of s 283ZV (Assessment and referrals for heritage places)	17 18
	(1) Section 283ZV, heading, ‘Assessment and referrals for’—	19
	<i>omit, insert—</i>	20
	Development on	21
	(2) Section 283ZV(1), from ‘prescribed’ to ‘section 232(1) of’—	22
	<i>omit, insert—</i>	23
	categorised as assessable development under a regulation under	24 25
	(2) Section 283ZV(3), ‘referral agency jurisdiction’—	26
	<i>omit, insert—</i>	27
	functions or powers of a referral agency	28

[s 552]

Clause 552	Omission of ss 283ZW–283ZY	1
	Sections 283ZW to 283ZY—	2
	<i>omit.</i>	3
Clause 553	Amendment of s 283ZZA (Particular provisions of Planning Act do not apply in relation to Brisbane core port land)	4
	(1) Section 283ZZA(1), ‘section 714’—	5
	<i>omit, insert—</i>	6
	section 216	7
	(2) Section 283ZZA(1), note—	8
	<i>omit.</i>	9
	(3) Section 283ZZA(2), ‘chapter 9, part 3’—	10
	<i>omit, insert—</i>	11
	chapter 2, part 4, division 2	12
Clause 554	Replacement of s 283ZZB (Modified application of Planning Act, ch 9, pt 6, div 4)	13
	Section 283ZZB—	14
	<i>omit, insert—</i>	15
	283ZZB Modified application of Planning Act, s 220	16
	(1) A person may apply to the planning chief executive for a planning and development certificate under the Planning Act, section 220, for premises on Brisbane core port land.	17
	(2) The application must be accompanied by the fee prescribed by regulation.	18
	(3) For subsection (1)—	19
	(a) the Planning Act, section 220(3) applies as if a reference in the subsection to a local	20
		21
		22
		23
		24
		25
		26
		27
		28

[s 555]

	government were a reference to the planning	1
	chief executive; and	2
(b)	the access rules under the Planning Act	3
	apply—	4
(i)	as if a reference in the access rules to a	5
	local government were a reference to	6
	the planning chief executive; and	7
(ii)	as if a reference in the access rules to	8
	any planning scheme were a reference	9
	to the Brisbane port LUP; and	10
(iii)	as if a reference in the access rules to	11
	any LGIP were a reference to any	12
	contributions schedule under the	13
	Brisbane port LUP; and	14
(iv)	as if the access rules provide that a	15
	planning and development certificate	16
	be accompanied by any statement of	17
	proposal or draft plan for Brisbane core	18
	port land published under section	19
	283ZB(2), but not yet approved under	20
	section 283ZE; and	21
(v)	with other necessary changes.	22
Clause 555	Replacement of s 283ZZC (Restriction on designation for	23
	community infrastructure)	24
	Section 283ZZC—	25
	<i>omit, insert—</i>	26
	283ZZC Effect of infrastructure designation	27
(1)	Development under an infrastructure designation	28
	is accepted development under the Planning Act	29
	to the extent the development would, but for this	30
	section, be assessable development for that Act	31
	under the Brisbane port LUP.	32

[s 556]

	(2) Subsection (1) does not limit the Planning Act, section 39(6)(b).	1 2
Clause 556	Omission of s 283ZZD (Restriction on application of master plan)	3 4
	Section 283ZZD—	5
	<i>omit.</i>	6
Clause 557	Amendment of s 283ZZJ (Particular development applications—Brisbane core port land)	7 8
	Section 283ZZJ(2)(b) and (8), ‘IDAS process’—	9
	<i>omit, insert—</i>	10
	development assessment process	11
Clause 558	Amendment of s 283ZZK (Particular development applications—balance port land or former Brisbane core port land)	12 13 14
	Section 283ZZK(2)(c) and (7), ‘IDAS process’—	15
	<i>omit, insert—</i>	16
	development assessment process	17
Clause 559	Amendment of s 284 (Definitions for div 1)	18
	Section 284, definition <i>valuable features</i> —	19
	<i>omit.</i>	20
Clause 560	Amendment of s 287 (Strategic port land not subject to local planning instrument)	21 22
	Section 287(2), ‘chapter 3’—	23
	<i>omit, insert—</i>	24
	chapter 2, part 3	25

Clause 561	Amendment of s 287A (Impact of particular development and port operations)	1 2
	Section 287A(4), ‘section 282 and chapter 6, part 5, division 2’—	3
	<i>omit, insert—</i>	4
	sections 50, 56 and 57	5
Clause 562	Amendment of s 287B (Guidelines for s 287A)	6
	Section 287B(1), ‘ <i>Sustainable Planning Act 2009</i> ’—	7
	<i>omit, insert—</i>	8
	Planning Act	9
Clause 563	Amendment of s 476 (Amounts payable are debts owing to the State)	10 11
	Section 476, after ‘this Act’—	12
	<i>insert—</i>	13
	, the repealed <i>Sustainable Planning Act 2009</i>	14
Clause 564	Amendment of s 477A (Power to deal with particular land)	15
	(1) Section 477A(1)(b), ‘community’—	16
	<i>omit.</i>	17
	(2) Section 477A(2), definition <i>community infrastructure</i> —	18
	<i>omit.</i>	19
Clause 565	Amendment of s 477AA (Chief executive taken to be owner of particular transport land for particular circumstances under Planning Act)	20 21 22
	Section 477AA(1)(a), ‘community’—	23
	<i>omit.</i>	24

[s 566]

Clause 566	Amendment of s 513 (Continuing application of previous provisions to non-IDAS applications)		1
			2
	(1)	Section 513, heading, ‘non-IDAS’—	3
		<i>omit, insert—</i>	4
		particular	5
	(2)	Section 513(1)(b), ‘or the <i>Sustainable Planning Act 2009</i> ’—	6
		<i>omit, insert—</i>	7
		, the repealed <i>Sustainable Planning Act 2009</i> or the <i>Planning and Development Act 2014</i>	8
			9
			10
Clause 567	Insertion of new ch 21, pt 5		11
	Chapter 21—		12
	<i>insert—</i>		13
	Part 5	Transitional provisions for Planning and Development (Consequential) and Other Legislation Amendment Act 2014	14
			15
			16
			17
			18
			19
	583 Definition for pt 5		20
	In this part—		21
		<i>amending Act</i> means the <i>Planning and Development (Consequential) and Other Legislation Amendment Act 2014</i> .	22
			23
			24
	584 Existing development applications under the repealed Sustainable Planning Act 2009		25
			26
	(1)	This section applies to a development application to which the Planning Act, section 244 applies.	27
			28

- (2) This Act, as in force before the commencement, 1
continues to apply to the application as if the 2
amending Act had not been enacted. 3

585 Existing Brisbane port LUP 4

- (1) In a Brisbane port LUP (an *existing LUP*) in 5
force immediately before the commencement— 6
- (a) a reference to the following is taken to be a 7
reference to accepted development under the 8
Planning Act— 9
- (i) exempt development; 10
- (ii) self-assessable development, to the 11
extent the development complies with 12
the requirements for the development 13
stated in the existing LUP; and 14
- (b) a reference to the following is taken to be a 15
reference to assessable development 16
requiring standard assessment under the 17
Planning Act— 18
- (i) self-assessable development, to the 19
extent the development does not 20
comply with the requirements for the 21
development stated in the existing 22
LUP; 23
- (ii) development requiring compliance 24
assessment; and 25
- (c) a reference to code assessment is taken to be 26
a reference to standard assessment under the 27
Planning Act; and 28
- (d) a reference to impact assessment is taken to 29
be a reference to merit assessment under the 30
Planning Act; and 31
- (e) a reference to a code is taken to be a 32
reference to an assessment benchmark under 33
the Planning Act. 34

[s 567]

- (2) If an existing LUP states that development requires impact assessment—
 - (a) the development is taken to require public notification under the Planning Act, section 48; and
 - (b) the Planning Act, section 48(4) to (8) applies to the development.
- (3) Subsection (4) applies if, immediately before the commencement, an existing LUP requires code assessment for particular development.
- (4) After getting the planning Minister's approval, the port operator may amend the existing LUP to—
 - (a) require merit assessment for the development; and
 - (b) make any other amendments that are necessary or desirable to interpret the amendments under paragraph (a).
- (5) As soon as practicable after amending the LUP, the port operator must—
 - (a) give a copy of the amendment to the planning Minister; and
 - (b) notify the amendment in the gazette as if the amendment has been made under chapter 8, part 3C, division 3, subdivision 3.
- (6) The requirement for public notification set out in the Planning Act, section 48, does not apply to development requiring merit assessment because of an amendment under subsection (4)(a).
- (7) Subsection (4) stops having effect 1 year after this section commences.

586 References to Brisbane port railway land

- (1) This section applies to a document in force before the commencement if the document

	defines the term ‘Brisbane port railway land’ as	1
	having the meaning given in this Act.	2
(2)	The term in the document continues to have the	3
	meaning given in former section 283I as if the	4
	amending Act had not been enacted.	5
(3)	In this section—	6
	<i>former</i> , in relation to a provision, means the	7
	provision as in force immediately before the	8
	provision was amended or repealed under the	9
	amending Act.	10
Clause 568	Amendment of sch 6 (Dictionary)	11
(1)	Schedule 6, definitions <i>advice agency</i> , <i>Brisbane port railway</i>	12
	<i>land</i> , <i>community infrastructure</i> , <i>community infrastructure</i>	13
	<i>designation</i> , <i>concurrence agency</i> , <i>IDAS</i> , <i>IDAS process</i> ,	14
	<i>Planning Act</i> , <i>planning Minister</i> , <i>priority infrastructure plan</i>	15
	<i>and valuable features</i> —	16
	<i>omit</i> .	17
(2)	Schedule 6—	18
	<i>insert</i> —	19
	<i>development assessment process</i> see the	20
	Planning Act, schedule 2.	21
	<i>infrastructure</i> , for sections 477A and 477AA,	22
	means infrastructure prescribed under the	23
	Planning Act, section 29(1).	24
	<i>infrastructure designation</i> , for chapter 8, part	25
	3C, see section 283I.	26
	<i>LGIP</i> , of a local government, for chapter 8, part	27
	3C, see section 283I.	28
	<i>merit assessment</i> , for chapter 8, part 3C, see	29
	section 283I.	30
	<i>Planning Act</i> means the <i>Planning and</i>	31
	<i>Development Act 2014</i> .	32

[s 568]

<i>planning Minister</i> , for chapter 8, part 3C, see	1
section 283I.	2
<i>standard assessment</i> , for chapter 8, part 3C, see	3
section 283I.	4
<i>valuable features</i> includes each of the following,	5
whether terrestrial or aquatic—	6
(a) resources or areas that are of ecological	7
significance, including, for example,	8
habitats, wildlife corridors, buffer zones,	9
places supporting biological diversity or	10
resilience, and features contributing to the	11
quality of air, water (including catchments	12
or recharge areas) and soil;	13
(b) areas contributing significantly to amenity,	14
including, for example, areas of high scenic	15
value, physical features that form significant	16
visual backdrops or that frame or define	17
places or localities, and attractive built	18
environments;	19
(c) areas or places of cultural heritage	20
significance, including, for example, areas	21
or places of indigenous cultural	22
significance, or aesthetic, architectural,	23
historical, scientific, social or technological	24
significance, to the present generation or	25
past or future generations;	26
(d) resources or areas of economic value,	27
including, for example, extractive deposits,	28
fishery resources, forestry resources, water	29
resources, sources of renewable and	30
non-renewable energy and good quality	31
agricultural land.	32
(3) Schedule 6, definition <i>material change of use</i> , ‘section 10’—	33
<i>omit, insert—</i>	34
schedule 2	35

- | | | |
|-----|---|---|
| (4) | Schedule 6, definition <i>operational work</i> , ‘section 10(1)’— | 1 |
| | <i>omit, insert—</i> | 2 |
| | schedule 2 | 3 |
| (5) | Schedule 6, definition <i>reconfiguring a lot</i> , ‘section 10’— | 4 |
| | <i>omit, insert—</i> | 5 |
| | schedule 2 | 6 |

Part 62	Amendment of Transport	7
	Operations (Marine Safety) Act	8
	1994	9

- | | | |
|-------------------|--|----|
| Clause 569 | Act amended | 10 |
| | This part amends the <i>Transport Operations (Marine Safety) Act 1994</i> . | 11 |
| | | 12 |
| Clause 570 | Amendment of s 10A (Meaning of <i>commercial ship</i>, <i>fishing ship</i> and <i>recreational ship</i>, and related provision) | 13 |
| | Section 10A(2)(b)— | 14 |
| | <i>omit, insert—</i> | 15 |
| | (b) a ship used as part of an aquaculture use | 16 |
| | authorised under a development permit | 17 |
| | under the <i>Planning and Development Act 2014</i> ; or | 18 |
| | | 19 |
| | | 20 |

[s 571]

Part 63	Amendment of Transport	1
	Planning and Coordination Act	2
	1994	3

Clause 571	Act amended	4
	This part amends the <i>Transport Planning and Coordination Act 1994</i> .	5
		6

Clause 572	Amendment of s 3 (Definitions)	7
	(1) Section 3, definition <i>IDAS</i> —	8
	<i>omit.</i>	9
	(2) Section 3—	10
	<i>insert—</i>	11
	<i>Planning Act</i> means the <i>Planning and Development Act 2014</i> .	12
		13

Clause 573	Amendment of s 8B (Impact of particular development on public passenger transport or active transport)	14
	(1) Section 8B(1), ‘ <i>Sustainable Planning Act 2009</i> ’—	15
	<i>omit, insert—</i>	16
	Planning Act	17
	(2) Section 8B(3), from ‘ <i>Sustainable</i> ’ to ‘division 2’—	18
	<i>omit, insert—</i>	19
	Planning Act, section 50 and chapter 3, part 4,	20
	division 2	21
		22

Clause 574	Amendment of s 8C (Impact of road works on local government road)	23
	(1) Section 8C(2), ‘for <i>IDAS</i> ’—	24
	<i>omit, insert—</i>	25
		26

	prescribed by regulation for this section	1
	(2) Section 8C(3) and (4), ‘for IDAS’—	2
	<i>omit.</i>	3
Clause 575	Amendment of s 8D (Impact of change of management of local government road on public passenger transport)	4
	(1) Section 8D(8)(a)—	5
	<i>omit, insert—</i>	6
	(a) the chief executive or planning chief	7
	executive has considered the change of	8
	management of the local government road	9
	as part of considering a development	10
	application under the Planning Act; or	11
	(2) Section 8D—	12
	<i>insert—</i>	13
	(9) In this section—	14
	<i>planning chief executive</i> means the chief	15
	executive of the department in which the	16
	Planning Act is administered.	17
		18
Clause 576	Amendment of s 8E (Guidelines for pt 2A)	19
	Section 8E(3)(a), ‘Sustainable Planning Act 2009’—	20
	<i>omit, insert—</i>	21
	Planning Act	22
Clause 577	Amendment of s 38 (Regulation-making power)	23
	Section 38(2)(a)—	24
	<i>omit.</i>	25

[s 578]

Part 64	Amendment of Transport (South Bank Corporation Area Land) Act 1999	1 2 3
Clause 578	Act amended	4
	This part amends the <i>Transport (South Bank Corporation Area Land) Act 1999</i> .	5 6
Clause 579	Amendment of s 12 (State may sign plans and other documents)	7 8
	Section 12(3) and (4)—	9
	<i>omit.</i>	10
Part 65	Amendment of Vegetation Management Act 1999	11 12
Clause 580	Act amended	13
	This part amends the <i>Vegetation Management Act 1999</i> .	14
Clause 581	Amendment of s 3 (Purpose of Act)	15
	(1) Section 3(2)(a)—	16
	<i>omit, insert—</i>	17
	(a) matters that a development application under the Planning Act may be assessed against or having regard to; and	18 19 20
	(2) Section 3(2)(e)—	21
	<i>omit.</i>	22

Clause 582	Amendment of s 7 (Application of Act)	1
	Section 7(6) and (7)—	2
	<i>omit.</i>	3
Clause 583	Omission of pt 2, divs 2A and 3	4
	Part 2, divisions 2A and 3—	5
	<i>omit.</i>	6
Clause 584	Amendment of s 16 (Preparing declaration)	7
	Section 16(3)—	8
	<i>omit, insert—</i>	9
	(3) The proposed declaration must include the	10
	proposed matters a development application for	11
	the clearing of vegetation in the stated area must	12
	be assessed against or having regard to.	13
Clause 585	Amendment of s 17 (Making declaration)	14
	(1) Section 17(2)—	15
	<i>omit.</i>	16
	(2) Section 17(3)—	17
	<i>renumber</i> as section 17(2).	18
Clause 586	Omission of ss 19A–19C	19
	Sections 19A to 19C—	20
	<i>omit.</i>	21
Clause 587	Amendment of s 19F (Making declaration)	22
	Section 19F(3)—	23
	<i>omit, insert—</i>	24

[s 588]

	(3)	The chief executive need not make a declaration for the stated area if the chief executive considers the making of the declaration is not in the interests of the State, having regard to the public interest.	1 2 3 4 5
Clause 588		Omission of s 19H (Code for clearing of vegetation)	6
		Section 19H—	7
		<i>omit.</i>	8
Clause 589		Amendment of pt 2, div 4A, hdg (Code for clearing vegetation for special indigenous purpose)	9 10
		Part 2, division 4A, heading, ‘Code for clearing’—	11
		<i>omit, insert—</i>	12
		Clearing	13
Clause 590		Replacement of s 19N (Code for clearing vegetation for special indigenous purpose)	14 15
		Section 19N—	16
		<i>omit, insert—</i>	17
		19N Proposed matters for assessing development application for clearing vegetation for special indigenous purpose	18 19 20
	(1)	The Minister may prepare a document setting out the proposed matters a development application must be assessed against or having regard to if—	21 22 23
	(a)	the application is for the clearing of vegetation for development; and	24 25
	(b)	the Minister is satisfied, under the CYPH Act, the development is for a special indigenous purpose.	26 27 28
	(2)	In preparing the document, the Minister—	29

	(a) must consult with the following entities—	1
	(i) the relevant landholders;	2
	(ii) the Cape York Peninsula Regional Advisory Committee; and	3 4
	(b) may consider any matters stated in the CYPH Act, section 18 or 19, the Minister considers relevant to the clearing of vegetation for development mentioned in subsection (1).	5 6 7 8 9
(3)	In this section—	10
	<i>Cape York Peninsula Region</i> means the Cape York Peninsula Region under the CYPH Act.	11 12
	<i>Cape York Peninsula Regional Advisory Committee</i> means the Cape York Peninsula Regional Advisory Committee established under the CYPH Act.	13 14 15 16
	<i>DOGIT land</i> means DOGIT land under the <i>Aboriginal Land Act 1991</i> .	17 18
	<i>relevant landholders</i> means each of the following—	19 20
	(a) the land trusts for Aboriginal land, under the <i>Aboriginal Land Act 1991</i> , that is in the Cape York Peninsula Region;	21 22 23
	(b) the Aurukun Shire Council;	24
	(c) the trustees, under the <i>Land Act 1994</i> , of DOGIT land in the Cape York Peninsula Region.	25 26 27
Clause 591	Amendment of pt 2, div 4B, hdg (Self-assessable codes)	28
	Part 2, division 4B, heading, ‘Self-assessable codes’—	29
	<i>omit, insert—</i>	30
	Accepted development	31

[s 592]

Clause 592	Amendment of s 19O (Self-assessable vegetation clearing code)	1
		2
(1)	Section 19O, heading, ‘Self-assessable’—	3
	<i>omit, insert—</i>	4
	Accepted development	5
(2)	Section 19O(1), ‘a <i>self-assessable</i> ’—	6
	<i>omit, insert—</i>	7
	an <i>accepted development</i>	8
(3)	Section 19O(2), ‘a <i>self-assessable</i> ’—	9
	<i>omit, insert—</i>	10
	an <i>accepted development</i>	11
(4)	Section 19O(3), ‘A self-assessable’—	12
	<i>omit, insert—</i>	13
	An accepted development	14
(5)	Section 19O(4), ‘A self-assessable’—	15
	<i>omit, insert—</i>	16
	An accepted development	17
Clause 593	Amendment of s 19P (When self-assessable vegetation clearing code takes effect)	18
		19
(1)	Section 19P, heading, ‘self-assessable’—	20
	<i>omit, insert—</i>	21
	accepted development	22
(2)	Section 19P, ‘A self-assessable’—	23
	<i>omit, insert—</i>	24
	An accepted development	25

Clause 594	Amendment of s 19Q (Code compliant clearing and native forest practices self-assessable)	1 2
(1)	Section 19Q, heading, ‘self-assessable’—	3
	<i>omit, insert—</i>	4
	accepted development	5
(2)	Section 19Q(1), ‘a self-assessable’—	6
	<i>omit, insert—</i>	7
	an accepted development	8
(3)	Section 19Q(2) and note—	9
	<i>omit, insert—</i>	10
	(2) For the Planning Act, the activity is—	11
	(a) accepted development to the extent the activity complies with the code; or	12 13
	(b) assessable development to the extent—	14
	(i) the activity does not comply with the code; and	15 16
	(ii) any vegetation clearing application for the activity would be for a relevant purpose under section 22A; or	17 18 19
	(c) prohibited development to the extent—	20
	(i) the activity does not comply with the code; and	21 22
	(ii) any vegetation clearing application for the activity would not be for a relevant purpose under section 22A.	23 24 25
	<i>Note—</i>	26
	For offences relating to carrying out assessable development without a development permit under the Planning Act, see chapter 5, part 2 of that Act.	27 28 29

[s 595]

Clause	595	Amendment of s 19R (Register of self-assessable notices given under code)	1 2
	(1)	Section 19R, heading, ‘self-assessable’— <i>omit, insert—</i> accepted development	3 4 5
	(2)	Section 19R(1), ‘a self-assessable’— <i>omit, insert—</i> an accepted development	6 7 8
Clause	596	Omission of pt 2, div 5 (Declarations about codes) Part 2, division 5— <i>omit.</i>	9 10 11
Clause	597	Amendment of s 20AH (Deciding to show particular areas as category B areas) Section 20AH(c)(ii), ‘a self-assessable’— <i>omit, insert—</i> an accepted development	12 13 14 15 16
Clause	598	Amendment of s 20AI (Deciding to show particular areas as category C areas) Section 20AI(a), ‘a self-assessable’— <i>omit, insert—</i> an accepted development	17 18 19 20 21
Clause	599	Amendment of s 20CA (Process before making PMAV) (1) Section 20CA(2)(a), ‘exempt’— <i>omit, insert—</i> accepted	22 23 24 25

(2) Section 20CA(2)(d), ‘a self-assessable’— 1
omit, insert— 2
 an accepted development 3

Clause 600 Amendment of s 20D (When PMAV may be replaced) 4
 Section 20D(3A)(c), ‘a self-assessable’— 5
omit, insert— 6
 an accepted development 7

Clause 601 Amendment of s 20P (Criteria for approving draft plan or accrediting planning document) 8
 Section 20P(e)(ii)— 9
omit, insert— 10
 (ii) a matter the chief executive 12
 administering the Planning Act may, 13
 under that Act, assess a development 14
 application for clearing vegetation 15
 against. 16

Clause 602 Amendment of s 20R (Imposing additional condition on approval of draft plan) 17
 Section 20R(2)(b)(ii)— 18
omit, insert— 19
 (ii) a matter the chief executive 21
 administering the Planning Act may, 22
 under that Act, assess a development 23
 application for clearing vegetation 24
 against. 25

Clause 603 Amendment of s 20UA (Chief executive may make area management plans) 26
 Section 20UA(2)(d)(ii)— 27
 28

[s 604]

omit, insert— 1

(ii) a matter the chief executive 2
administering the Planning Act may, 3
under that Act, assess a development 4
application for clearing vegetation 5
against. 6

Clause 604 Amendment of s 20ZB (Amendment by chief executive) 7

(1) Section 20ZB(1)(b)(i) and (ii) and examples— 8

omit, insert— 9

- (i) has become inconsistent with the State 10
policy; or 11
- (ii) has become inconsistent with a matter 12
the chief executive administering the 13
Planning Act may, under that Act, 14
assess a development application for 15
clearing vegetation against; or 16
- (iii) will become inconsistent with the State 17
policy or a matter mentioned in 18
subparagraph (ii) if the plan is not 19
amended; or 20

Examples— 21

- 1 An area management plan becomes inconsistent with 22
a matter mentioned in subparagraph (ii) because of a 23
change to the matter. 24
- 2 An area management plan consisting of an accredited 25
existing planning document becomes inconsistent 26
with a matter mentioned in subparagraph (ii) because 27
of an amendment of the document. 28

Clause 605 Omission of s 21 (Modifying effect on vegetation clearing applications) 29
30

Section 21— 31

omit. 32

Clause 606	Omission of s 22 (Declarations for the Planning Act)	1
	Section 22—	2
	<i>omit.</i>	3
Clause 607	Amendment of s 22A (Particular vegetation clearing applications may be assessed)	4
	(1) Section 22A, heading—	5
	<i>omit, insert—</i>	6
	22A When vegetation clearing application is for a relevant purpose	7
	(2) Section 22A(1), ‘for the Planning Act, schedule 1, item 3’—	8
	<i>omit.</i>	9
	(3) Section 22A(2), after ‘chief executive’—	10
	<i>insert—</i>	11
	, or the chief executive administering the Planning Act,	12
	(4) Section 22A(2C)—	13
	<i>omit.</i>	14
Clause 608	Omission of ss 22B–22D	15
	Sections 22B to 22D—	16
	<i>omit.</i>	17
Clause 609	Amendment of pt 2, div 6, sdiv 1A, hdg (Particular vegetation clearing applications)	18
	Part 2, division 6, subdivision 1A, heading, ‘Particular vegetation clearing applications’—	19
	<i>omit, insert—</i>	20
	High value agriculture clearing and irrigated high value agriculture clearing	21
		22
		23
		24
		25
		26
		27

[s 610]

Clause 610	Omission of s 22DAA (Application of subdivision)	1
	Section 22DAA—	2
	<i>omit.</i>	3
Clause 611	Amendment of s 22DAB (Requirements for making application)	4
	(1) Section 22DAB, heading, ‘Requirements for making application’—	5
	<i>omit, insert—</i>	6
	Restrictions on clearing	7
	(2) Section 22DAB(1) and (2)—	8
	<i>omit.</i>	9
	(3) Section 22DAB(3), ‘For subsection (2)(f), a’—	10
	<i>omit, insert—</i>	11
	A	12
		13
		14
Clause 612	Amendment of s 22DAC (Matters for deciding application)	15
	(1) Section 22DAC, heading, ‘Matters for deciding application’—	16
	<i>omit, insert—</i>	17
	When a vegetation clearing application is for irrigated or high value agriculture clearing	18
	(2) Section 22DAC(1), ‘, having regard to the development plan, the’—	19
	<i>omit, insert—</i>	20
	a	21
	(3) Section 22DAC(1)(e), ‘section 22DAB(2)(f)’—	22
	<i>omit, insert—</i>	23
	section 22DAB	24
		25
		26
		27

Clause 613	Omission of pt 2, div 6, sdiv 2 (Referral agency assessment and responses)	1 2
	Part 2, division 6, subdivision 2—	3
	<i>omit.</i>	4
Clause 614	Omission of pt 2, div 7 (Broadscale applications and ballots)	5 6
	Part 2, division 7—	7
	<i>omit.</i>	8
Clause 615	Omission of s 22M (Refusing vegetation clearing application after conviction for vegetation clearing offence)	9 10 11
	Section 22M—	12
	<i>omit.</i>	13
Clause 616	Amendment of s 70AB (Copies of documents to be available for inspection and purchase)	14 15
	(1) Section 70AB(1)(b), (c), (f) and (g)(iii)—	16
	<i>omit.</i>	17
	(2) Section 70AB(1)(d)—	18
	<i>omit, insert—</i>	19
	(d) an accepted development vegetation clearing code;	20 21
	(3) Section 70AB(1)(h), from ‘that’ to ‘section 20V(2)(c)’—	22
	<i>omit.</i>	23
	(4) Section 70AB(1)(d) to (h)—	24
	<i>renumber</i> as section 70AB(1)(b) to (e).	25
	(5) Section 70AB(2)(b), ‘subsection (1)(g)’—	26
	<i>omit, insert—</i>	27

[s 617]

	subsection (1)(d)	1
Clause 617	Amendment of s 70A (Application of development approvals and exemptions for Forestry Act)	2
		3
	Section 70A(3) and (4), from ‘assessable development’ to ‘section 232(1)’—	4
		5
	<i>omit, insert—</i>	6
	categorised as assessable development under a regulation under the Planning Act	7
		8
Clause 618	Amendment of s 70B (Record of particular matters in land registry)	9
		10
	(1) Section 70B(1)—	11
	<i>omit, insert—</i>	12
	(1) This section applies if a PMAV is made and contains a category A area.	13
		14
	(2) Section 70B(2), from ‘approval is’ to ‘approval or’—	15
	<i>omit, insert—</i>	16
	PMAV is made, the chief executive must give the registrar of titles written notice of	17
		18
	(3) Section 70B(3), from ‘the approval has’ to ‘approval, or’—	19
	<i>omit.</i>	20
	(4) Section 70B(4), from ‘approval or PMAV’ to ‘approval, or’—	21
	<i>omit, insert—</i>	22
	PMAV will show	23
	(5) Section 70B(5), from ‘the approval’ to ‘or’—	24
	<i>omit.</i>	25
	(6) Section 70B(5A) and (6), ‘approval or’—	26
	<i>omit.</i>	27
	(7) Section 70B(7)—	28

omit.

1

Clause 619 Amendment of s 72 (Regulation-making power)

2

Section 72(2)—

3

omit, insert—

4

- (2) A regulation may prescribe the fees that are payable under this Act.

5

6

Clause 620 Amendment of s 74 (Existing development control plans and special facilities zones)

7

8

Section 74(2)(b)(ii) and (iii)—

9

omit, insert—

10

- (ii) an acknowledgement notice mentioned in the repealed *Integrated Planning Act 1997*, section 3.2.5(1); or

11

12

13

- (iii) a request made under the repealed *Sustainable Planning Act 2009*, section 95(1) or the Planning Act, section 23(4)(b) that has been agreed to, or is taken to have been agreed to, by the local government; or

14

15

16

17

18

19

- (iv) a development permit granted for a development application (superseded planning scheme) under the repealed *Sustainable Planning Act 2009* or a superseded planning scheme request under the Planning Act.

20

21

22

23

24

25

Clause 621 Omission of ss 75–78

26

Sections 75 to 78—

27

omit.

28

[s 622]

Clause 622	Omission of s 80 (Modifying effect of repealed Integrated Planning Act 1997 for owner's consent)	1 2
	Section 80—	3
	<i>omit.</i>	4
Clause 623	Amendment of s 81 (Effect on existing riverine protection permits)	5 6
	Section 81(2), from 'assessable' to 'section 232(1)'—	7
	<i>omit, insert—</i>	8
	categorised as assessable development under a regulation under the Planning Act	9 10
Clause 624	Omission of s 83 (Validation of regional vegetation management codes)	11 12
	Section 83—	13
	<i>omit.</i>	14
Clause 625	Omission of pt 6, div 6 (Transitional provision for Sustainable Planning Act 2009)	15 16
	Part 6, division 6—	17
	<i>omit.</i>	18
Clause 626	Omission of ss 90–95	19
	Sections 90 to 95—	20
	<i>omit.</i>	21
Clause 627	Amendment of s 100 (Clearing of regulated regrowth vegetation in retrospective period not an offence)	22 23
	Section 100(1), 'Planning Act'—	24
	<i>omit, insert—</i>	25

	repealed <i>Integrated Planning Act 1997</i>	1
Clause 628	Omission of ss 105–106	2
	Sections 105 and 106—	3
	<i>omit.</i>	4
Clause 629	Omission of s 108 (Appeals)	5
	Section 108—	6
	<i>omit.</i>	7
Clause 630	Insertion of new pt 6, div 12	8
	Part 6—	9
	<i>insert—</i>	10
	Division 12 Transitional provisions for Planning and Development (Consequential) and Other Legislation Amendment Act 2014	11 12 13 14 15
	125 Self-assessable vegetation clearing code continues in effect	16 17
	A self-assessable vegetation clearing code in force immediately before the commencement—	18 19
	(a) continues in effect; and	20
	(b) is taken to be an accepted development vegetation clearing code.	21 22
	126 Existing vegetation clearing application or concurrence agency application under the repealed Sustainable Planning Act 2009	23 24 25
	(1) This section applies to a vegetation clearing application or concurrence agency application, as defined under this Act immediately before the	26 27 28

[s 631]

commencement, to which the Planning Act, 1
section 244 applies. 2

- (2) This Act, as in force before the commencement, 3
continues to apply to the application as if the 4
Planning and Development (Consequential) and 5
Other Legislation Amendment Act 2014 had not 6
been enacted. 7

Clause 631 Amendment of schedule (Dictionary) 8

- (1) Schedule, definitions *applicable code*, *ballot application* 9
period, *broadscale application*, *clearing allocation*, 10
concurrence agency, *concurrence agency application*, 11
concurrence agency policy, *currency period*, *declared area* 12
code, *development plan*, *exempt development*, *IDAS*, 13
information request, *material change of use*, *Planning Act*, 14
property vegetation management plan, *protected wildlife*, 15
reconfiguring a lot, *referral agency's response*, *regional* 16
vegetation management code, *self-assessable vegetation* 17
clearing code and *special clearing code*— 18

omit. 19

- (2) Schedule— 20
insert— 21

accepted development see the Planning Act, 22
section 39(4). 23

accepted development vegetation clearing code 24
see section 19O(1) and (2). 25

assessable development see the Planning Act, 26
section 39(3). 27

Planning Act means the *Planning and* 28
Development Act 2014. 29

protected wildlife means native wildlife 30
prescribed under the Nature Conservation Act as 31
endangered or vulnerable wildlife. 32

-
- (3) Schedule, definition *exchange area*, from ‘a self-assessable’
to ‘regrowth vegetation’—
omit, insert—
an accepted development vegetation clearing
code in exchange for clearing vegetation under
the code
- (4) Schedule, definition *forest practice*, item 1, paragraph (b)(i),
‘self-assessable’—
omit, insert—
accepted development
- (5) Schedule, definition *high risk species*, paragraph (b)—
omit, insert—
(b) another plant prescribed by regulation.
- (6) Schedule, definition *unlawfully cleared*—
insert—
(c) the repealed *Sustainable Planning Act 2009*,
section 578(1), 580(1), 581, 582 or 594(1),
if the person—
(i) has not contested an infringement
notice given for the contravention; or
(ii) has been convicted of the
contravention, whether or not the
conviction is recorded.
- (7) Schedule, definition *vegetation clearing application*,
paragraphs (a) and (b)—
omit, insert—
(a) the clearing of vegetation; and
(b) categorised as assessable development
under a regulation under the Planning Act.
- (8) Schedule, definition *vegetation clearing provision*, ‘section
578(1), 580(1), 581, 582 or 594(1)’—
-

[s 632]

omit, insert— 1
section 159, 160(1), 161, 162 or 165(5) 2

Part 66 **Amendment of Water Act 2000** 3

Clause 632 **Act amended** 4
This part amends the *Water Act 2000*. 5

Clause 633 **Amendment of ch 2, pt 2, div 1A (Authorised taking of, or interference with, water without water entitlement)** 6
Chapter 2, part 2, division 1A, note— 7
omit, insert— 9
Note— 10
See also the Planning Act for when a development permit is 11
required for taking or interfering with water. 12

Clause 634 **Amendment of s 46 (Content of draft water resource plans)** 13
Section 46(2)(d) and (e), ‘self-assessable’— 14
omit, insert— 16
accepted 17

Clause 635 **Amendment of s 363 (Water bores to which ch 3 applies)** 18
Section 363(b), after ‘Planning Act’— 19
insert— 20
 , the repealed *Sustainable Planning Act* 21
2009 22

Clause 636	Amendment of s 740 (Functions and powers of authorised officers)	1
		2
	(1) Section 740(1)(b)(ii)(A)—	3
	<i>omit.</i>	4
	(2) Section 740(1)(b)(ii)(B) and (C)—	5
	<i>renumber</i> as section 740(1)(b)(ii)(A) and (B).	6
Clause 637	Amendment of s 746 (Power to enter land to monitor compliance)	7
		8
	(1) Section 746(4), from ‘the Planning’ to ‘condition’—	9
	<i>omit, insert—</i>	10
	a development approval is being complied with	11
	(2) Section 746—	12
	<i>insert—</i>	13
	(5) Subsection (4) applies only to the extent the	14
	development approval relates to a matter	15
	mentioned in section 740(1)(b)(ii).	16
Clause 638	Amendment of s 814 (Excavating or placing fill without permit)	17
		18
	Section 814(2)(d), ‘self-assessable’—	19
	<i>omit, insert—</i>	20
	accepted	21
Clause 639	Amendment of ch 8, pt 2, div 1, sdiv 1, hdg (Additional provisions for making development applications)	22
		23
	Chapter 8, part 2, division 1, subdivision 1, heading, ‘making’—	24
	<i>omit.</i>	25

[s 640]

Clause 640	Amendment of s 967 (Applications for levees)	1
	Section 967(2) and (3)—	2
	<i>omit, insert—</i>	3
	(2) A regulation may prescribe assessment	4
	benchmarks under the Planning Act that the	5
	development application must be assessed	6
	against.	7
Clause 641	Omission of ch 8, pt 2, div 1, sdiv 2 (Additional assessment criteria)	8
	Chapter 8, part 2, division 1, subdivision 2—	9
	<i>omit.</i>	10
		11
Clause 642	Amendment of s 972B (When an applicant may appeal to Land Court)	12
	Section 972B(2), ‘chapter 7’—	13
	<i>omit, insert—</i>	14
	chapter 6	15
		16
Clause 643	Omission of s 972C (Offence to take or interfere with water if development permit required)	17
	Section 972C—	18
	<i>omit.</i>	19
		20
Clause 644	Amendment of ss 972D (Additional rights for permits for operational work)	21
	Section 972D(2) and (3), ‘self-assessable’—	22
	<i>omit, insert—</i>	23
	accepted	24
		25

Clause 645	Omission of ss 972E and 972F	1
	Sections 972E and 972F—	2
	<i>omit.</i>	3
Clause 646	Amendment of s 972H (Modification of removal of works)	4
	Section 972H(1)(b)(ii), ‘self-assessable’—	5
	<i>omit, insert—</i>	6
	accepted	7
Clause 647	Amendment of s 972J (Modification or removal of levees)	8
	Section 972J(1)(b)(ii), ‘self-assessable’—	9
	<i>omit, insert—</i>	10
	accepted	11
Clause 648	Replacement of s 972N (Effect on development permit)	12
	Section 972N—	13
	<i>omit, insert—</i>	14
	972N Direction prevails over development permit	15
	If the direction is inconsistent with a development	16
	permit, the direction prevails to the extent of the	17
	inconsistency.	18
Clause 649	Amendment of s 1014 (Regulation-making power)	19
	(1) Section 1014(2)(h)(ii), ‘self-assessable’—	20
	<i>omit, insert—</i>	21
	accepted	22
	(2) Section 1014(2)(i)—	23
	<i>omit.</i>	24
	(3) Section 1014(2)(j)—	25

[s 650]

omit, insert—

(j) state, for the Planning Act, the requirements that operational work that allows taking or interfering with water must comply with to be categorised as accepted development under that Act; and

(4) Section 1014(2)(n)—

omit.

Clause 650 Amendment of s 1046 (Declared subartesian areas)

Section 1046(2)(b), from ‘self-assessable’ to ‘2009’—

omit, insert—

accepted development under the Planning Act

Clause 651 Amendment of s 1048A (Existing licences, permits and approvals)

Section 1048A(13), ‘*Sustainable Planning Act 2009*, section 341’—

omit, insert—

Planning Act, section 82

Clause 652 Insertion of new ch 9, pt 9

Chapter 9—

insert—

Part 9 Transitional provisions for Planning and Development (Consequential) and Other Legislation Amendment Act 2014

1282 Existing water resource plans

- (1) This section applies to a water resource plan in force immediately before the commencement.
- (2) A reference in the water resource plan to self-assessable development is taken to be a reference to accepted development.

1283 Existing development applications under the repealed Sustainable Planning Act 2009

- (1) This section applies to a development application to which the Planning Act, section 244 applies.
- (2) Chapter 8, part 2, division 1 as in force before the commencement continues to apply to the development application as if the *Planning and Development (Consequential) and Other Legislation Amendment Act 2014* had not been enacted.

Clause 653 Amendment of sch 4 (Dictionary)

- (1) Schedule 4, definitions *advice agency*, *applicable code*, *assessable development*, *assessing authority*, *concurrence agency*, *development condition*, *Planning Act*, *prohibited development*, *regional plan* and *self-assessable development*—
omit.
- (2) Schedule 4—
insert—

[s 653]

-
- | | | |
|-----|--|----|
| | <i>accepted development</i> means development | 1 |
| | categorised as accepted development under a | 2 |
| | regulation under the Planning Act. | 3 |
| | <i>assessable development</i> means development | 4 |
| | categorised as assessable development under a | 5 |
| | regulation under the Planning Act. | 6 |
| | <i>Planning Act</i> means the <i>Planning and</i> | 7 |
| | <i>Development Act 2014</i> . | 8 |
| | <i>regional plan</i> means a regional plan under the | 9 |
| | Planning Act. | 10 |
| (3) | Schedule 4, definition <i>assessment manager</i> , ‘section | 11 |
| | 246(1)’— | 12 |
| | <i>omit, insert</i> — | 13 |
| | section 43 | 14 |
| (4) | Schedule 4, definition <i>development</i> , ‘section 7’— | 15 |
| | <i>omit, insert</i> — | 16 |
| | schedule 2 | 17 |
| (5) | Schedule 4, definition <i>levee</i> , item 3, paragraph (d)(i), ‘section | 18 |
| | 584 or 585’— | 19 |
| | <i>omit, insert</i> — | 20 |
| | section 163 | 21 |
| (6) | Schedule 4, definition <i>operational work</i> , ‘section 10(1)’— | 22 |
| | <i>omit, insert</i> — | 23 |
| | schedule 2 | 24 |
| (7) | Schedule 4, definition <i>Planning Act offence</i> , from ‘section | 25 |
| | 574’ to ‘594(1)’— | 26 |
| | <i>omit, insert</i> — | 27 |
| | section 159, section 160(1), 161, 162 or 165(5) | 28 |
| (8) | Schedule 4, definition <i>premises</i> , paragraph (a), ‘section | 29 |
| | 10(1)’— | 30 |
| | <i>omit, insert</i> — | 31 |
-

schedule 2

1

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

2

3

Clause 654 Act amended

4

This part amends the *Water Supply (Safety and Reliability)
 Act 2008*.

5

6

Clause 655 Amendment of s 559 (Definition for pt 2)

7

Section 559, definition *relevant operational work*, ‘, section
 10(1)’—

8

9

omit.

10

Clause 656 Omission of s 560 (Codes for Planning Act)

11

Section 560—

12

omit.

13

**Clause 657 Amendment of s 561 (Development applications for
 relevant operational work)**

14

15

Section 561(3) and (4)—

16

omit.

17

**Clause 658 Amendment of s 562 (When applicant may appeal to Land
 Court)**

18

19

Section 562(2), ‘chapter 7’—

20

omit, insert—

21

chapter 6

22

[s 659]

Clause 659	Insertion of new ch 10, pt 9	1
	Chapter 10—	2
	<i>insert—</i>	3
	Part 9	4
	Transitional provision	5
	for Planning and	6
	Development	7
	(Consequential) and	8
	Other Legislation	9
	Amendment Act 2014	10
	672 Existing development applications under the	11
	repealed Sustainable Planning Act 2009	12
	(1) This section applies to a development application	13
	to which the Planning Act, section 244 applies.	14
	(2) Chapter 8, part 2, as in force before the	15
	commencement, continues to apply to the	16
	development application as if the <i>Planning and</i>	17
	<i>Development (Consequential) and Other</i>	18
	<i>Legislation Amendment Act 2014</i> had not been	19
	enacted.	20
Clause 660	Amendment of sch 3 (Dictionary)	21
	(1) Schedule 3, definitions <i>assessment manager, concurrence</i>	22
	<i>agency, Planning Act</i> and <i>referral agency—</i>	23
	<i>omit.</i>	24
	(2) Schedule 3—	25
	<i>insert—</i>	26
	<i>Planning Act</i> means the <i>Planning and</i>	27
	<i>Development Act 2014.</i>	28
	(3) Schedule 3, definition <i>development</i> , ‘section 7’—	29
	<i>omit, insert—</i>	30
	schedule 2	

-
- (4) Schedule 3, definition *development condition*, paragraph 1— 1
omit, insert— 2
- 1 *Development condition*, of a development 3
approval, means a condition of the approval that 4
relates to a referable dam and was imposed by— 5
- (a) the chief executive; or 6
- (b) the chief executive administering the 7
Planning Act. 8
- (5) Schedule 3, definition *Planning Act offence*, from ‘section 9
574(1)’ to ‘594’— 10
omit, insert— 11
- section 159, section 160(1), 161, 162 or 165(5) or 12
(7) 13
- (6) Schedule 3, definition *premises*, paragraph (a), ‘section 14
10(1)’— 15
omit, insert— 16
schedule 2 17

Part 68 **Amendment of Wet Tropics** 18
World Heritage Protection and 19
Management Act 1993 20

- Clause 661** **Act amended** 21
- This part amends the *Wet Tropics World Heritage Protection* 22
and Management Act 1993. 23
- Clause 662** **Amendment of sch 3 (Dictionary)** 24
- (1) Schedule 3, definition *planning scheme—* 25
omit, insert— 26

[s 662]

	<i>planning scheme</i> means a planning scheme	1
	under the <i>Planning and Development Act 2014</i> .	2
(2)	Schedule 3, definition <i>reconfiguring a lot</i> , ‘ <i>Sustainable</i>	3
	<i>Planning Act 2009</i> , section 10(1)’—	4
	<i>omit, insert</i> —	5
	<i>Planning and Development Act 2014</i> , schedule 2	6

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