



Queensland

Planning and Development (Planning for Prosperity— Consequential Amendments) and Other Legislation Amendment Bill 2015



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Contents

		Page
Part 1	Preliminary	
1	Short title	34
2	Commencement	34
Part 2	Amendment of Aboriginal Cultural Heritage Act 2003	
3	Act amended	34
4	Omission of s 89 (Cultural heritage management plan needed under Planning Act)	34
Part 3	Amendment of Aboriginal Land Act 1991	
5	Act amended	35
6	Amendment of s 32B (Definitions for pt 2A)	35
Part 4	Amendment of Acquisition of Land Act 1967	
7	Act amended	35
8	Amendment of sch 1 (Purposes for taking land)	35
Part 5	Amendment of Acts Interpretation Act 1954	
9	Act amended	36
10	Amendment of sch 1 (Meaning of commonly used words and expressions)	36
Part 6	Amendment of Airport Assets (Restructuring and Disposal) Act 2008	
11	Act amended	36
12	Omission of ch 3, pt 1, divs 2 and 3	36
13	Omission of s 34 (Requirement to prepare land use plan)	37
14	Amendment of s 35 (Content of land use plan)	37

Planning and Development (Planning for Prosperity—Consequential Amendments) and
Other Legislation Amendment Bill 2015

Contents

15	Amendment of s 36 (Statement of proposal for preparation of land use plan or amendment of plan)	39
16	Amendment of s 46 (Ministerial direction to airport lessee)	39
17	Replacement of s 48 (Airport land not subject to local planning instrument)	39
	48 Airport land not subject to local government instruments about planning and development	40
18	Omission of ss 49 and 50.	40
19	Amendment of s 52 (Particular provisions of Planning Act do not apply in relation to airport land)	40
20	Amendment of s 53 (Modified application of Planning Act, ch 9, pt 6, div 4)	40
21	Amendment of s 54 (Development on local heritage place not assessable development)	41
22	Replacement of s 55 (Restriction on designation for community infrastructure)	42
	55 Restriction on designation for development of infrastructure	42
23	Omission of s 56 (Restriction on application of master plan)	42
24	Replacement of ss 58 and 59.	43
	58 Application of Planning Act, ss 213 and 214	43
25	Amendment of s 61 (Amendment of planning schemes)	43
26	Amendment of s 97 (Application of particular local laws to airport land)	43
27	Omission of ch 6, pt 1, hdg (Miscellaneous)	43
28	Omission of ch 6, pt 2 (Transitional provisions)	44
29	Insertion of new ch 7	44
	Chapter 7 Transitional provisions for Planning and Development (Planning for Prosperity—Consequential Amendments) and Other Legislation Amendment Act 2015	
	119 Definition for ch 7	44
	120 Existing land use plans.	44
	121 Existing development applications under the repealed Sustainable Planning Act 2009	46
	122 Amendment of planning scheme under repealed Sustainable Planning Act 2009	46
30	Amendment of sch 3 (Dictionary)	46
Part 7	Amendment of Biosecurity Act 2014	
31	Act amended	48

32	Amendment of s 9 (Relationship with particular Acts)	49
33	Amendment of s 119 (Additional powers of inspector for place within a biosecurity emergency area)	49
Part 8	Amendment of Body Corporate and Community Management Act 1997	
34	Act amended	49
35	Amendment of s 60 (Community management statement notation)	49
36	Amendment of s 313 (Representation in planning proceedings)	50
37	Amendment of sch 6 (Dictionary)	50
Part 9	Amendment of Building Act 1975	
38	Act amended	51
39	Amendment of s 3 (Simplified outline of main provisions of Act)	51
40	Amendment of s 5 (What is building work)	51
41	Amendment of s 10 (What is a building certifying function)	51
42	Amendment of s 11 (Who is the assessment manager for a building development application)	52
43	Amendment of s 16 (Reference in Act to applicants, development, assessment managers, referral agencies, building work or building certifiers)	52
44	Replacement of ch 2, hdg (When building work is assessable, self-assessable or exempt development)	52
	Chapter 2 When building work is assessable or accepted development	
45	Amendment of s 20 (Building work that is assessable development for the Planning Act)	53
46	Amendment of s 21 (Building work that is self-assessable for the Planning Act)	53
47	Omission of s 22 (Building work that is exempt development for the Planning Act)	54
48	Amendment of ch 3, hdg (Additional requirements for building development applications)	55
49	Amendment of s 25 (General requirements for supporting documents) 55	
50	Replacement of ch 4, hdg (Assessment of building development applications and carrying out self-assessable building work)	55
51	Amendment of ch 4, pt 1, hdg (Laws and other documents under which building work must be assessed)	56
52	Amendment of ch 4, pt 1, div 1, hdg (General provisions about the laws and documents for the assessment)	56
53	Amendment of s 30 (Relevant laws and other documents for assessment of building work)	56

Contents

54	Amendment of s 31 (Building assessment provisions form a code for IDAS)	57
55	Amendment of s 33 (Alternative provisions to QDC boundary clearance and site cover provisions for particular buildings)	58
56	Omission of s 34 (Relationship between IDAS and other building assessment provisions)	58
57	Amendment of s 34A (Decision for building development application that complies with building assessment provisions)	58
58	Amendment of s 37 (Provision for changes to building assessment provisions)	58
59	Amendment of s 38 (Applying to vary how particular building assessment provision applies)	59
60	Amendment of s 40 (Effect of variation application on IDAS process)	59
61	Amendment of s 42 (Criteria for decision)	59
62	Amendment of s 43 (Notice of decision)	59
63	Amendment of s 46 (Concurrence agencies may carry out building assessment work within their jurisdiction)	59
64	Amendment of s 48 (Functions of private certifier (class A))	60
65	Amendment of s 51 (Function to act on building development application or development approval unless private certifier (class A) engaged)	61
66	Replacement of s 54 (Local government may rely on documents private certifier gives it for inspection or purchase)	61
	54 Local government may rely on documents private certifier gives it for providing public access	62
67	Amendment of ch 4, pt 2, div 4, hdg (Power of particular replacement assessment managers to decide status under IDAS)	62
68	Amendment of s 55 (Power to decide what stage of IDAS application is to resume or start)	62
69	Amendment of s 57 (Building certifier's or concurrence agency's discretion—QDC)	63
70	Amendment of s 59 (Discretion for building development applications for particular budget accommodation buildings)	63
71	Omission of s 62 (Requirement to consider any advice agency response)	63
72	Amendment of ch 4, pt 5, hdg (Conditions of building development approvals)	63
73	Amendment of s 69 (Operation of div 1)	64
74	Amendment of s 71 (When demolition, removal and rebuilding must start and be completed)	64
75	Amendment of s 83 (General restrictions on granting building development approval)	64

76	Amendment of s 84 (Approval must not be inconsistent with particular earlier approvals or self-assessable development)	65
77	Amendment of s 85 (Additional requirement for decision notice) .	66
78	Amendment of s 86 (Requirements on approval of application) . .	66
79	Replacement of s 90 (Relevant period under the Planning Act, s 341 for development approval)	66
	90 Currency period under the Planning Act, s 82 for development approval	66
80	Amendment of s 91 (Lapsing of building development approval) .	67
81	Amendment of s 94 (Application of div 2)	67
82	Amendment of s 95 (Reminder notice requirement for lapsing) . .	67
83	Amendment of s 96 (Extension of lapsing time because of application to extend relevant period under the Planning Act, s 341)	67
84	Amendment of s 97 (Restriction on private certifier (class A) extending relevant period under the Planning Act, s 341 more than once) .	68
85	Amendment of s 99 (Obligation to give owner inspection documentation on final inspection)	68
86	Amendment of s 102 (Obligation to give certificate of classification on inspection after particular events)	69
87	Amendment of s 107 (Building certifier's obligation to give referral agency certificate and other documents)	69
88	Amendment of s 122 (Building certifier's obligation to give owner inspection documentation if building development approval lapses)	69
89	Amendment of s 131 (Access to code of conduct)	69
90	Amendment of s 146 (Agreed fee recoverable despite valid refusal of particular actions)	70
91	Amendment of s 204 (Decision after investigation or audit completed)	70
92	Amendment of s 220 (Owner must ensure building conforms with fire safety standard)	70
93	Amendment of s 221 (Approval of longer period for conformity with fire safety standard)	70
94	Amendment of s 223 (Stay of operation of local government decision)	71
95	Amendment of s 231AI (RCB assessment reports)	71
96	Amendment of s 231AL (Approval of later day for obtaining fire safety (RCB) compliance certificate or certificate of classification)	71
97	Amendment of s 238 (Notice of decision)	71
98	Amendment of s 242 (Local government may revoke exemption)	72
99	Amendment of s 244 (Keeping copy of exemption)	72
100	Amendment of s 245C (Notice of decision and application of pool safety standard under exemption)	72

Planning and Development (Planning for Prosperity—Consequential Amendments) and
Other Legislation Amendment Bill 2015

Contents

101	Amendment of s 245E (Local government may revoke exemption)	72
102	Amendment of s 245FA (Keeping copy of exemption)	73
103	Amendment of s 245S (Appeals to building and development committee of decisions under div 6)	73
104	Amendment of s 246AO (Appeals to building and development committee of decisions under pt 3)	73
105	Amendment of s 246ATB (Private certifier to take enforcement action) 74	
106	Amendment of ch 9, hdg (Show cause and enforcement notices)	74
107	Amendment of s 248 (Enforcement notices)	74
108	Amendment of s 250 (Appeals against enforcement notices) . . .	74
109	Amendment of s 255 (Information to be given by the State) . . .	75
110	Amendment of s 259 (Access to guidelines)	75
111	Insertion of new ch 11, pt 19	75
	Part 19 Transitional provision for Planning and Development (Planning for Prosperity— Consequential Amendments) and Other Legislation Amendment Act 2015	
	345 Existing development applications under the repealed Sustainable Planning Act 2009	76
112	Amendment of sch 2 (Dictionary)	76
Part 10	Amendment of Building and Construction Industry (Portable Long Service Leave) Act 1991	
113	Act amended	78
114	Amendment of s 67 (Notification of building and construction work)	78
115	Amendment of s 73 (Meaning of cost of building and construction work) 78	
116	Amendment of s 74 (Liability for levy)	79
117	Amendment of s 75 (When levy is payable)	79
118	Amendment of s 77 (Duty to sight approved form)	79
119	Insertion of new pt 11, div 8	80
	Division 8 Transitional provision for Planning and Development (Planning for Prosperity—Consequential Amendments) and Other Legislation Amendment Act 2015	
	125 Existing development applications and requests for compliance assessment under the repealed Sustainable Planning Act 2009	80
120	Amendment of schedule (Dictionary)	81

Part 11	Amendment of Cape York Peninsula Heritage Act 2007	
121	Act amended	81
122	Insertion of new pt 7	81
	Part 7 Transitional provision for Planning and Development (Planning for Prosperity— Consequential Amendments) and Other Legislation Amendment Act 2015	
	30 Continuing application of pt 4	82
123	Amendment of schedule (Dictionary)	82
Part 12	Amendment of Century Zinc Project Act 1997	
124	Act amended	83
125	Insertion of new pt 8	83
	Part 8 Transitional provision for Planning and Development (Planning for Prosperity— Consequential Amendments) and Other Legislation Amendment Act 2015	
	23 Continuing application of pt 4	84
126	Amendment of sch 6 (Dictionary)	84
Part 13	Amendment of City of Brisbane Act 2010	
127	Act amended	84
128	Amendment of s 40 (Development processes)	85
129	Amendment of s 79 (Assessment of impacts on roads from certain activities)	85
130	Insertion of new ch 8, pt 7	85
	Part 7 Transitional provisions for Planning and Development (Planning for Prosperity— Consequential Amendments) and Other Legislation Amendment Act 2015	
	270 Definition for pt 7	85
	271 Continuing application of s 90	86
	272 Continuing application of s 121	86
	273 Existing remedial notice	86
	274 Inside information for repealed Planning Act	86
	275 Continuing application of s 228	87
131	Amendment of sch 1 (Dictionary)	87
Part 14	Amendment of Coastal Protection and Management Act 1995	
132	Act amended	88
133	Amendment of s 9 (Meaning of canal)	88

Planning and Development (Planning for Prosperity—Consequential Amendments) and
Other Legislation Amendment Bill 2015

Contents

134	Amendment of s 21 (Content of coastal plan)	88
135	Amendment of s 25 (Notice about draft coastal plan)	88
136	Amendment of s 28 (Notice about making coastal plan)	89
137	Amendment of s 34 (Implementation of coastal plan)	89
138	Amendment of s 85 (Suspension or cancellation—grounds)	89
139	Omission of ch 2, pt 5, div 2 (Removal of quarry material may require other approvals)	89
140	Replacement of ch 2, pt 6, hdg (Development approvals for assessable development)—	90
141	Omission of ch 2, pt 6, divs 1 and 2	90
142	Amendment of s 109 (Application of div 3)	90
143	Omission of ch 2, pt 6, div 3, sdiv 2 (Land surrender conditions)	90
144	Amendment of s 115A (Applicant may surrender land voluntarily)	90
145	Amendment of s 115B (Surrendered land to be dedicated for coastal management purposes)	91
146	Amendment of s 116 (Canals—surrender to the State)	91
147	Omission of ch 2, pt 6, div 4, sdiv 2 (Development applications involving artificial waterways)	91
148	Omission of ch 2, pt 6, div 5 (Exemption certificates)	91
149	Amendment of s 123 (Right to occupy and use land on which particular tidal works were, or are to be, carried out)	91
150	Insertion of new ch 5, pt 2A	92
	Part 2A Planning and Environment Court declarations	
	164A Planning and Environment Court may make declarations	92
151	Amendment of s 167 (Regulation-making power)	92
152	Amendment of s 177 (Relationship to particular Planning Act provisions) 93	
153	Amendment of s 189 (Particular permits under the Beach Protection Act)	93
154	Amendment of s 193 (Responsible entity for request to change deemed approval)	93
155	Amendment of s 194 (Continuing application of particular provisions)	94
156	Amendment of s 204 (Development applications not decided on commencement that relate to tidal works)	94
157	Insertion of new ch 6, pt 8	94
	Part 8 Transitional provisions for Planning and Development (Planning for Prosperity— Consequential Amendments) and Other Legislation Amendment Act 2015	
205	Definitions for pt 8.	94

	206	Responsible entity for change application for deemed approval	95
	207	Existing development applications under the repealed Sustainable Planning Act 2009	96
	208	Land surrender conditions	96
158		Amendment of schedule (Dictionary)	96
Part 15		Amendment of Criminal Organisation Act 2009	
159		Act amended	98
160		Amendment of s 40 (Relationship with Planning Act and development approvals)	98
161		Amendment of sch 2 (Dictionary)	98
Part 16		Amendment of Disaster Management Act 2003	
162		Act amended	98
163		Amendment of s 20B (Chairperson may give notice about deemed approvals under Sustainable Planning Act)	99
164		Insertion of new pt 14, div 3, sdiv 3	99
	Subdivision 3	Transitional provision for Planning and Development (Planning for Prosperity—Consequential Amendments) and Other Legislation Amendment Act 2015	
	181	Notices about deemed approvals for existing development applications under the repealed Sustainable Planning Act 2009	100
Part 17		Amendment of Economic Development Act 2012	
165		Act amended	101
166		Amendment of s 34 (Declaration)	101
167		Amendment of s 37 (Declaration)	101
168		Amendment of s 41 (Cessation of provisional priority development area) 101	
169		Amendment of s 42K (Effect of planning instrument change) . . .	101
170		Amendment of ch 3, pt 2, div 4, hdg (Relationship with Sustainable Planning Act)	102
171		Amendment of s 44 (Existing SPA development applications) . . .	102
172		Amendment of s 45 (Existing SPA development approvals)	102
173		Replacement of s 47 (Community infrastructure designations) . .	103
	47	Designations of premises for development of infrastructure under the Planning Act	103
174		Amendment of s 48 (Conversion of PDA development approval to SPA development approval)	103
175		Amendment of s 49 (Outstanding PDA development applications)	103

Planning and Development (Planning for Prosperity—Consequential Amendments) and
Other Legislation Amendment Bill 2015

Contents

176	Amendment of s 50 (Provisions for converted SPA development approval)	104
177	Amendment of s 51 (Lawful uses in priority development area) . .	105
178	Amendment of s 57 (Content of development scheme)	105
179	Amendment of s 71 (Development scheme prevails over particular instruments)	105
180	Amendment of s 77 (Exemption for particular SPA development approvals and community infrastructure designations)	106
181	Amendment of s 80 (Amendment of relevant development instrument does not affect existing SPA or PDA development approval)	106
182	Amendment of s 81 (Development or use carried out in emergency)	107
183	Amendment of s 82 (How to make application)	107
184	Amendment of s 86 (Restrictions on granting approval)	107
185	Amendment of s 87 (Matters to be considered in making decision)	108
186	Amendment of s 90 (Right of appeal against particular conditions)	108
187	Amendment of s 97 (Provision for enforcement of PDA development conditions)	108
188	Amendment of s 100 (When approval lapses generally)	109
189	Replacement of s 104 (Plans of subdivision)	110
	104 Plans of subdivision	110
190	Amendment of s 109 (Powers about enforcement orders)	111
191	Amendment of s 110 (Offence to contravene enforcement order)	111
192	Amendment of s 123 (Application of local government entry powers for MEDQ's functions or powers)	112
193	Amendment of s 127 (Direction to government entity or local government to accept transfer)	112
194	Amendment of s 177 (Definitions for ch 6)	112
195	Amendment of s 195 (Relationship with Sustainable Planning Act)	112
196	Insertion of new ch 7	113
	Chapter 7 Transitional provisions for Planning and Development (Planning for Prosperity—Consequential Amendments) and Other Legislation Amendment Act 2015	
	217 Definitions for ch 7	113
	218 Existing development applications under repealed Sustainable Planning Act 2009	114
	219 Existing compliance assessment for plans of subdivision	114
197	Amendment of sch 1 (Dictionary)	114

Part 18	Amendment of Electricity Act 1994	
198	Act amended	116
199	Replacement of s 112A (Clearing native vegetation for operating works on freehold land)	116
	112A Clearing native vegetation for operating works on freehold land.	116
Part 19	Amendment of Environmental Offsets Act 2014	
200	Act amended	117
201	Amendment of s 5 (Relationship with particular Acts)	117
202	Amendment of s 13B (What this part is about)	117
203	Amendment of s 16 (Conditions that apply under this Act to authority) 117	
204	Amendment of sch 2 (Dictionary).	118
Part 20	Amendment of Environmental Protection Act 1994	
205	Act amended	119
206	Amendment of s 115 (Development application taken to be application for environmental authority in particular circumstances)	119
207	Amendment of s 125 (Requirements for applications generally)	119
208	Amendment of s 126 (Requirements for site-specific applications—CSG activities)	119
209	Amendment of s 139 (Information stage does not apply if EIS process complete)	120
210	Amendment of s 150 (Notification stage does not apply to particular applications)	120
211	Amendment of s 153 (Required content of application notice).	121
212	Amendment of s 161 (Acceptance of submission)	121
213	Amendment of s 166 (When does decision stage start—application relating to development applications)	121
214	Amendment of s 169 (When decision must be made—particular applications)	122
215	Amendment of s 173 (When particular applications must be refused) 122	
216	Amendment of s 195 (Issuing environmental authority)	123
217	Amendment of s 205 (Conditions that must be imposed if application relates to coordinated project)	123
218	Amendment of s 332 (Administering authority may require draft program)	123
219	Amendment of s 338 (Criteria for deciding draft program)	124
220	Amendment of s 370 (Definitions for pt 8)	124
221	Omission of s 382 (Compliance permit)	124

Planning and Development (Planning for Prosperity—Consequential Amendments) and
Other Legislation Amendment Bill 2015

Contents

222	Amendment of s 388 (Application of sdiv 2)	124
223	Amendment of s 580 (Regulation-making power)	124
224	Amendment of s 616ZB (End of environmental authority)	125
225	Amendment of s 624 (Effect of commencement on particular approvals) 125	
226	Insertion of new ch 13, pt 24	125
	Part 24 Transitional provisions for Planning and Development (Planning for Prosperity— Consequential Amendments) and Other Legislation Amendment Act 2015	
	740 Definitions for pt 24.	126
	741 Existing development applications under the repealed Planning Act.	126
	742 Requests for compliance assessment under the repealed Planning Act.	127
	743 Transitional environmental programs	127
227	Amendment of sch 1 (Exclusions relating to environmental nuisance or environmental harm)	127
228	Amendment of sch 2 (Original decisions).	127
229	Amendment of sch 4 (Dictionary).	128
Part 21	Amendment of Fire and Emergency Services Act 1990	
230	Act amended	129
231	Amendment of s 113 (Appeal against local government's determination) 129	
232	Amendment of s 152C (Inspection of records of local governments and building certifiers).	129
Part 22	Amendment of Fisheries Act 1994	
233	Act amended	130
234	Omission of s 22 (Integrated development assessment system regulations and guidelines)	130
235	Amendment of s 52 (Things authorised by authorities)	130
236	Amendment of s 76A (Application of sdiv 1)	130
237	Amendment of s 76C (Nature of fisheries development approval for which resource allocation authority required).	130
238	Omission of pt 5, div 3A, sdiv 2 (Assessment of development applications for fisheries development approval generally)	131
239	Replacement of pt 5, div 3A, sdiv 3, hdg (Assessment of development applications for construction or raising of waterway barrier works)	131
240	Omission of s 76G (When chief executive may approve applications relating to waterway barrier works).	131

241	Replacement of pt 5, div 3A, sdiv 4, hdg (Conditions on fisheries development approvals generally)	131
242	Amendment of s 76H (Relationship between sdiv 4 and Planning Act) 131	
243	Omission of s 76I (Conditions on fisheries development approvals generally)	132
244	Amendment of s 76IA (Environmental offset conditions)	132
245	Omission of ss 76J, 76K and 76L	132
246	Omission of pt 5, div 3A, sdiv 5 (Amending conditions on fisheries development approvals)	132
247	Amendment of s 76S (Purpose of sdiv 6)	132
248	Amendment of s 76T (Penalties for carrying out assessable development without permit)	133
249	Amendment of s 76U (Penalties for noncompliance with particular development approvals)	133
250	Amendment of s 76V (Additional requirement for development carried out in emergency)	133
251	Amendment of s 88B (Carrying out particular development without resource allocation authority)	134
252	Amendment of s 145 (Entry to places)	134
253	Amendment of s 185 (Who may apply for review)	135
254	Amendment of s 223 (Regulation-making power)	135
255	Amendment of s 242 (Continuing effect of existing approvals for waterway barrier works)	135
256	Amendment of s 244 (Applications in progress for particular relevant authorities)	135
257	Insertion of new pt 12, div 10	136
	Division 10 Transitional provisions for Planning and Development (Planning for Prosperity—Consequential Amendments) and Other Legislation Amendment Act 2015	
	262 Definitions for div 10	136
	263 Existing development applications under the repealed Sustainable Planning Act 2009	136
	264 Existing appeals under former s 76Q	137
	265 Right to appeal under former s 76Q	137
258	Amendment of schedule (Dictionary)	137
Part 23	Amendment of Geothermal Energy Act 2010	
259	Act amended	139
260	Amendment of s 327 (Restriction on carrying out geothermal activities) 139	

Contents

Part 24	Amendment of Gold Coast Waterways Authority Act 2012	
261	Act amended	140
262	Amendment of s 4 (Relationship with other Acts)	140
Part 25	Amendment of Inala Shopping Centre Freeholding Act 2006	
263	Act amended	140
264	Replacement of s 27 (Exempt development)	140
	27 Accepted development	140
Part 26	Amendment of Integrated Resort Development Act 1987	
265	Act amended	141
266	Amendment of s 15 (Approved scheme regulates development etc. of site)	141
267	Amendment of s 20 (Effect of revocation)	141
268	Amendment of s 72 (Boundary adjustment plan)	141
269	Amendment of s 90 (Construction of canals)	142
270	Amendment of s 96 (Surrender of canal to the State)	142
271	Amendment of sch 7 (Dictionary)	142
Part 27	Amendment of Integrity Act 2009	
272	Act amended	142
273	Amendment of s 42 (Meaning of lobbying activity and contact) . .	142
Part 28	Amendment of Land Act 1994	
274	Act amended	143
275	Amendment of s 55D (Registration surrenders deed of grant in trust) 143	
276	Amendment of s 109A (Simultaneous opening and closing of roads—deed of grant)	143
277	Amendment of s 109B (Simultaneous opening and closure of roads—trust land or lease land)	143
278	Amendment of s 294B (Building management statement may be registered)	143
279	Amendment of s 373A (Covenant by registration)	144
280	Amendment of s 431N (Ability to prosecute under other Acts) . .	144
281	Amendment of sch 6 (Dictionary)	145
Part 29	Amendment of Land Sales Act 1984	
282	Act amended	145
283	Amendment of s 12 (Requirements for disclosure statement) . . .	145
284	Amendment of sch 1 (Dictionary)	145

Part 30	Amendment of Land Tax Act 2010	
285	Act amended	146
286	Amendment of s 55 (Port authority land)	146
Part 31	Amendment of Land Title Act 1994	
287	Act amended	146
288	Amendment of s 50 (Requirements for registration of plan of subdivision)	146
289	Amendment of s 54A (Building management statement may be registered)	147
290	Amendment of s 65 (Requirements of instrument of lease)	147
291	Amendment of s 83 (Registration of easement)	148
292	Amendment of s 94 (Meaning of high-density development easement) 148	
293	Amendment of s 97A (Covenant by registration)	148
294	Amendment of s 115I (Enlarging the number of lots through progressive subdivision)	149
295	Amendment of sch 2 (Dictionary)	149
Part 32	Amendment of Land Valuation Act 2010	
296	Act amended	150
297	Replacement of s 10 (Zoned rural land)	150
	10 Zoned rural land	150
298	Amendment of s 11 (Cessation of zoned rural land)	150
299	Amendment of schedule (Dictionary)	151
Part 33	Amendment of Liquor Act 1992	
300	Act amended	151
301	Amendment of s 4 (Definitions)	151
302	Amendment of s 105B (Application for adult entertainment permit requires local government consent)	152
303	Amendment of s 121 (Matters the commissioner must have regard to) 152	
304	Amendment of s 123 (Commissioner may grant provisional licence) 152	
Part 34	Amendment of Local Government Act 2009	
305	Act amended	153
306	Amendment of s 37 (Development processes)	153
307	Amendment of s 72 (Assessment of impacts on roads from certain activities)	153
308	Amendment of s 93 (Land on which rates are levied)	153
309	Insertion of new ch 9, pt 9	153

Contents

	Part 9	Transitional provisions for Planning and Development (Planning for Prosperity— Consequential Amendments) and Other Legislation Amendment Act 2015	
	308	Definition for pt 9	154
	309	Continuing application of s 132	154
	310	Existing remedial notice	154
	311	Inside information for repealed Planning Act	154
	312	Continuing application of s 246	155
310		Amendment of sch 4 (Dictionary)	155
Part 35		Amendment of Local Government (Robina Central Planning Agreement) Act 1992	
311		Act amended	156
312		Amendment of s 6 (Amendment of planning agreement)	156
313		Insertion of new s 12	157
	12	Transitional provision for Planning and Development (Planning for Prosperity) Act 2015 and Planning and Development (Planning for Prosperity—Consequential Amendments) and Other Legislation Amendment Act 2015	157
Part 36		Amendment of Major Events Act 2014	
314		Act amended	157
315		Amendment of s 78 (Application of other Acts to activities or works for major event)	158
Part 37		Amendment of Major Sports Facilities Act 2001	
316		Act amended	158
317		Amendment of s 30AI (Definitions for div 1)	158
318		Amendment of s 30AN (Use of Suncorp Stadium for major sport events)	158
319		Amendment of s 30A (Lawful use for major sports facilities for prescribed special events)	159
320		Amendment of sch 2 (Dictionary)	159
Part 38		Amendment of Marine Parks Act 2004	
321		Act amended	160
322		Amendment of schedule (Dictionary)	160
Part 39		Amendment of Mineral Resources Act 1989	
323		Act amended	160
324		Amendment of ch 1, pt 3, hdg (Relationship with Sustainable Planning Act 2009)	160
325		Amendment of s 4A (Effect on development)	160

326	Amendment of s 4B (Notice to local government and chief executive (planning) of particular mining tenements)	162
327	Amendment of sch 2 (Dictionary)	162
Part 40	Amendment of Nature Conservation Act 1992	
328	Act amended	163
329	Omission of s 106 (Orders prevail over planning schemes)	163
330	Omission of s 122 (Conservation plans and regulations prevail over planning schemes)	163
331	Amendment of schedule (Dictionary)	163
Part 41	Amendment of Neighbourhood Disputes (Dividing Fences and Trees) Act 2011	
332	Act amended	163
333	Amendment of schedule (Dictionary)	164
Part 42	Amendment of Nuclear Facilities Prohibition Act 2007	
334	Act amended	164
335	Amendment of s 8 (No development approval or mining tenement for a nuclear facility)	164
Part 43	Amendment of Petroleum and Gas (Production and Safety) Act 2004	
336	Act amended	165
337	Amendment of s 33 (Incidental activities)	165
338	Amendment of s 112 (Incidental activities)	165
339	Amendment of s 403 (Incidental activities)	165
340	Amendment of s 442 (Incidental activities)	165
Part 44	Amendment of Plumbing and Drainage Act 2002	
341	Act amended	166
342	Amendment of s 85 (Process for assessing plans)	166
343	Amendment of s 86 (General process for assessing compliance assessable work)	166
344	Amendment of s 86A (Process for assessing certain compliance assessable work in remote areas)	166
345	Amendment of s 95 (Information notice)	167
346	Amendment of s 114 (Functions and powers of inspectors and relationship to the Local Government Act 2009 and City of Brisbane Act 2010)	167
347	Amendment of s 118 (Relationship with Sustainable Planning Act 2009)	167
348	Amendment of schedule (Dictionary)	168

Contents

Part 45	Amendment of Private Health Facilities Act 1999	
349	Act amended	168
350	Amendment of s 62 (Meaning of prescribed alteration)	168
Part 46	Amendment of Prostitution Act 1999	
351	Act amended	169
352	Amendment of s 62 (Definition for pt 4)	169
353	Amendment of s 63B (Notification by assessment manager of development application)	169
354	Amendment of pt 4, div 3 (Review by QCAT)	169
355	Amendment of s 64A (Review of decisions about code assessment)	169
356	Amendment of s 64B (Review of decisions about impact assessment) 170	
357	Amendment of s 64D (No appeal from QCAT's decision under the Integrated Planning Act)	171
358	Amendment of s 140 (Regulation-making power)	171
359	Insertion of new pt 9, div 8	171
	Division 8 Provisions for Planning and Development (Planning for Prosperity—Consequential Amendments) and Other Legislation Amendment Act 2015	
	164 Existing development applications under the repealed Sustainable Planning Act 2009	172
	165 QCAT review proceedings	172
360	Amendment of sch 4 (Dictionary)	173
Part 47	Amendment of Queensland Building and Construction Commission Act 1991	
361	Act amended	174
362	Amendment of s 68E (Obligation of assessment manager or compliance assessor in relation to insurance premium)	174
363	Amendment of s 108 (Obligation of assessment manager)	175
364	Amendment of sch 1B (Domestic building contracts)	175
365	Amendment of sch 2 (Dictionary)	175
Part 48	Amendment of Queensland Heritage Act 1992	
366	Act amended	175
367	Amendment of pt 6, div 1, hdg (Assessing development applications) 176	
368	Omission of ss 68–70.	176
369	Amendment of s 77 (Purpose of div 3)	176
370	Amendment of s 111 (Appeals about permit to enter protected area)	176

371	Amendment of s 112 (Local government to identify places in planning scheme or local heritage register)	176
372	Replacement of pt 11, div 4 (Code for IDAS for local heritage places on local heritage registers)	177
	Division 4 Assessing development applications under the Planning Act	
	121 Assessing development applications	177
373	Amendment of s 123 (Local heritage register may be adopted in planning scheme)	177
374	Amendment of s 124 (Provision about entitlement to claim compensation)	177
375	Replacement of s 164 (Court process for appeal)	178
	164 Court process for appeal	178
376	Amendment of s 164B (Restoration orders)	178
377	Amendment of s 164C (Non-development orders)	179
378	Amendment of s 164D (Education and public benefit orders)	179
379	Amendment of s 198 (Local governments prescribed under the pre-amended Act, s 112)	179
380	Insertion of new pt 15, div 5	179
	Division 5 Transitional provisions for Planning and Development (Planning for Prosperity—Consequential Amendments) and Other Legislation Amendment Act 2015	
	200 Definitions for div 5	180
	201 Existing development applications under the repealed Sustainable Planning Act 2009	180
	202 Continuing application of s 169	181
	203 Continuing application of s 170	181
381	Amendment of schedule (Dictionary)	181
Part 49	Amendment of Queensland Reconstruction Authority Act 2011	
382	Act amended	182
383	Amendment of s 47 (Definitions for pt 5)	182
384	Amendment of s 49 (Progression notice)	182
385	Amendment of s 50 (Notice to decide)	183
386	Amendment of s 53 (Providing assistance or recommendations)	183
387	Amendment of s 54 (Effects of step-in notice)	183
388	Amendment of s 55 (Authority's decision)	183
389	Amendment of s 57 (Notice of decision)	184

Planning and Development (Planning for Prosperity—Consequential Amendments) and
Other Legislation Amendment Bill 2015

Contents

390	Amendment of s 63 (Content of development scheme)	184
391	Amendment of s 64 (Development scheme may make provision for particular assessable development)	186
392	Amendment of s 78 (Relationship with other instruments)	186
393	Amendment of pt 6, div 4, hdg (Relationship with Sustainable Planning Act)	186
394	Amendment of s 80 (Referral agency's assessment of development application)	186
395	Amendment of s 81 (Assessment manager's assessment of development application)	187
396	Omission of s 82 (Decision generally)	187
397	Amendment of s 83 (Restriction on granting development approval)	187
398	Omission of pt 6, div 4, sdiv 4 (Compliance stage under IDAS) . .	188
399	Amendment of s 89 (Lawful use of premises protected)	188
400	Amendment of s 91 (New instruments can not affect existing development approval or compliance permit)	188
401	Amendment of s 92 (Minister's power to amend development approval or compliance permit)	189
402	Replacement of pt 6, div 4, sdiv 6 (Community infrastructure designations)	189
	Subdivision 6 Designations under the Planning Act	
	93 Designations of land for development of infrastructure under the Planning Act	190
403	Amendment of s 95 (Planning and Environment Court may make declarations)	190
404	Amendment of s 110 (Application of Sustainable Planning Act) .	190
405	Amendment of s 112 (Power of Minister to direct local government to take particular action about local planning instrument)	191
406	Amendment of s 114 (Minister to give notice of direction)	191
407	Insertion of new pt 12	191
	Part 12 Transitional provisions for Planning and Development (Planning for Prosperity— Consequential Amendments) and Other Legislation Amendment Act 2015	
	140 Definitions for pt 12	192
	141 Existing development schemes	192
	142 Existing development applications under the repealed Sustainable Planning Act 2009	193
	143 Existing request for compliance assessment under the repealed Sustainable Planning Act 2009	194
408	Amendment of schedule (Dictionary)	194

Part 50	Amendment of Regional Planning Interests Act 2014	
409	Act amended	195
410	Amendment of s 5 (Relationship with resource Acts and Environmental Protection Act)	195
411	Amendment of s 25 (Exemption—pre-existing regulated activity)	196
412	Amendment of s 71 (Definitions for pt 5)	196
413	Amendment of s 72 (Appeal to Planning and Environment Court)	196
414	Insertion of new s 77A	196
	77A Appeal decision	196
415	Amendment of s 78 (Declarations)	197
416	Amendment of sch 1 (Dictionary)	197
Part 51	Amendment of Residential Services (Accreditation) Act 2002	
417	Act amended	198
418	Amendment of s 29 (Notice of compliance with prescribed building requirements)	198
419	Amendment of s 30 (Appeal)	198
420	Amendment of s 31 (Decision on appeal)	198
421	Amendment of s 33 (Prescribed fire safety document)	199
422	Amendment of sch 2 (Dictionary)	199
Part 52	Amendment of Sanctuary Cove Resort Act 1985	
423	Act amended	200
424	Amendment of ss 9, 12E and 103	200
425	Amendment of sch 9 (Dictionary)	200
Part 53	Amendment of South Bank Corporation Act 1989	
426	Act amended	200
427	Amendment of s 3 (Definitions)	200
428	Amendment of s 4 (Meaning of assessable development)	201
429	Amendment of pt 7, div 5, hdg (Relationship with the Sustainable Planning Act until the development completion date)	201
430	Replacement of ss 77 and 78.	201
	77 Application of div 5	202
	78 Modified application of the Planning Act	202
	78A Modified application of Planning and Development (Planning Court) Act 2015	202
431	Amendment of pt 7, div 6, hdg (Relationship with the Sustainable Planning Act on development completion date)	202
432	Amendment of s 79 (Effect of development completion date)	203

Contents

433	Insertion of new pt 11, div 9	203
	Division 9 Transitional provision for Planning and Development (Planning for Prosperity—Consequential Amendments) and Other Legislation Amendment Act 2015	
	141 Application of s 78 to particular existing development applications	203
434	Amendment of sch 4 (Modified Building Units and Group Titles Act)	204
Part 54	Amendment of South-East Queensland Water (Distribution and Retail Restructuring) Act 2009	
435	Act amended	204
436	Amendment of s 53 (Delegation)	204
437	Amendment of s 77H (Provision for things done under agreement before the transfer)	204
438	Amendment of s 77I (Application of sdiv 3A)	205
439	Amendment of s 78 (Reconfiguring a lot after transfer scheme or notice takes effect)	205
440	Omission of ch 3, pt 3, div 2, sdiv 5 (Planning schemes and declared master planned areas)	205
441	Amendment of ch 3A, pt 5, div 6, hdg (Planning Act).	206
442	Amendment of s 92DI (Cessation of Allconnex's functions).	206
443	Omission of s 92DJ (Continued effect of non-application of planning schemes under s 78A)	207
444	Amendment of s 99BO (Content of part A of plan)	207
445	Amendment of s 99BRBC (Notice of review decision)	207
446	Amendment of ch 4C, pt 4, div 3, hdg (Appeals to a building and development committee)	207
447	Amendment of s 99BRBE (Appeals about applications for connections—general)	207
448	Amendment of s 99BRBF (Appeals about applications for connections—particular charges).	208
449	Amendment of s 99BRBFA (Appeals against refusal of conversion application).	208
450	Amendment of s 99BRBG (Application of relevant committee appeal provisions)	208
451	Insertion of new s 99BRBGA	209
	99BRBGA Tribunal to decide appeal based on particular laws . .	209
452	Amendment of ss 99BRBH (Notice of appeal)	209
453	Amendment of s 99BRBK (Registrar must ask distributor-retailer for material in particular proceedings)	209
454	Amendment of s 99BRBL (Lodging appeal stops particular actions)	210

455	Amendment of s 99BRBQ (Application of relevant court provisions)	210
456	Insertion of new s 99BRBQA	211
	99BRBQA Planning and Environment Court to decide appeal based on particular statutory instruments	211
457	Replacement of s 99BRBU (Who must prove case for appeals) .	211
	99BRBU Who must prove case for appeals	211
458	Amendment of s 99BRCC (Definitions for pt 7)	212
459	Amendment of s 99BRCF (Power to adopt charges by board decision) 212	
460	Amendment of s 99BRCG (Matters for board decision)	212
461	Amendment of s 99BRCH (Working out cost of infrastructure for offset or refund)	213
462	Amendment of s 99BRCHA (Criteria for deciding conversion application) 213	
463	Amendment of s 99BRCI (When charge may be levied and recovered) 213	
464	Amendment of s 99BRCJ (Limitation of levied charge)	214
465	Amendment of s 99BRCL (Payment triggers generally)	214
466	Amendment of s 99BRCN (Application of Planning Act, ch 8, pt 2, div 1, sdiv 5)	215
467	Amendment of s 99BRDB (No conditions on State infrastructure suppliers)	215
468	Amendment of s 99BRDE (Application to convert infrastructure to trunk infrastructure)	215
469	Amendment of s 99BRDN (When water infrastructure agreement binds successors in title)	215
470	Amendment of s 99BU (Requirements for infrastructure charges register)	216
471	Amendment of s 100G (Documents and information about water approvals and development approvals)	216
472	Amendment of s 102 (Regulation-making power)	216
473	Amendment of s 131 (Definitions for pt 9)	216
474	Amendment of s 140B (Definitions for pt 10)	217
475	Insertion of new ch 6, pt 11	217
	Part 11 Transitional provisions inserted under Planning and Development (Planning for Prosperity— Consequential Amendments) and Other Legislation Amendment Act 2015	
142	Definitions for pt 11	217

Contents

	143	Existing development applications or requests for compliance assessment	218
	144	Continuing application of s 78B	218
	145	Existing levied charge for reconfiguring a lot under the repealed SPA	219
	146	Water connection aspect of development approvals .	219
	147	Related applications made after commencement . . .	220
	148	Giving infrastructure charges notices for particular development approvals taken to be water approvals .	221
	149	Giving infrastructure charges notices for other development approvals	222
	150	Delegations	223
476		Amendment of schedule (Dictionary)	223
Part 55		Amendment of Southern Moreton Bay Islands Development Entitlements Protection Act 2004	
477		Act amended	226
478		Amendment of s 4 (What is an SMBI application)	226
479		Amendment of s 4A (What is an SMBI request).	226
480		Amendment of s 7 (Modified application of Sustainable Planning Act 2009)	226
481		Omission of s 8 (Certain rights unaffected)	227
482		Insertion of new s 12	227
	12	Transitional provision for Planning and Development (Planning for Prosperity—Consequential Amendments) and Other Legislation Amendment Act 2015.	228
483		Amendment of schedule (Dictionary)	228
Part 56		Amendment of State Development and Public Works Organisation Act 1971	
484		Act amended	230
485		Amendment of s 24 (Definitions for pt 4)	230
486		Amendment of s 34G (Preparation of draft IAR)	230
487		Amendment of s 35A (Lapsing of Coordinator-General's report) .	230
488		Amendment of pt 4, div 4, hdg (Relationship with Sustainable Planning Act)	230
489		Amendment of s 37 (Applications for material change of use or requiring impact assessment)	231
490		Amendment of s 38 (When the decision stage for the project starts under IDAS)	232
491		Amendment of s 39 (Application of Coordinator-General's report to IDAS)	233

492	Amendment of s 41 (Concurrence agencies for conditions of development approvals)	233
493	Amendment of s 42 (Changing or cancelling a condition of a development approval)	234
494	Amendment of s 42A (Application of Coordinator-General's change report to IDAS)	234
495	Amendment of pt 4, div 4, sdiv 2, hdg (Community infrastructure)	235
496	Amendment of s 43 (Application of Coordinator-General's report to designation)	235
497	Amendment of s 50 (Application of div 7)	236
498	Amendment of s 54A (Application of div 8)	236
499	Amendment of s 54C (Provision for what conditions may be imposed) 236	
500	Amendment of s 54D (Effect of imposed conditions)	236
501	Amendment of s 54F (Provision about enforcement orders under the Sustainable Planning Act)	236
502	Amendment of s 54G (Declaration-making powers)	237
503	Amendment of s 54ZM (Declarations)	237
504	Amendment of s 76D (Definitions for pt 5A)	237
505	Amendment of s 76I (Progression notice)	238
506	Amendment of s 76J (Notice to decide)	239
507	Amendment of s 76M (Providing assistance or recommendations)	239
508	Amendment of s 76N (Effects of step in notice)	239
509	Amendment of s 76O (Coordinator-General's decision)	239
510	Amendment of s 76Q (Notice of decision)	240
511	Amendment of s 85 (Carrying out particular development, use or works not an offence)	240
512	Amendment of s 136 (Powers in respect of land for purposes of works) 240	
513	Amendment of s 140 (Powers in respect of particular works on foreshore and under waters)	242
514	Amendment of s 157A (What is an enforceable condition)	242
515	Amendment of s 157D (Right of appeal)	242
516	Amendment of s 157M (Powers about enforcement orders)	242
517	Amendment of s 157N (Offence to contravene enforcement order)	243
518	Insertion of new pt 9, div 9	243
	Division 9 Transitional provision for Planning and Development (Planning for Prosperity—Consequential Amendments) and Other Legislation Amendment Act 2015	

	203	Existing development applications under the repealed Sustainable Planning Act 2009	243
519		Amendment of sch 2 (Dictionary)	244
Part 57		Amendment of Statutory Instruments Act 1992	
520		Act amended	245
521		Amendment of sch 2A (Subordinate legislation to which part 7 does not apply)	245
Part 58		Amendment of Supreme Court of Queensland Act 1991	
522		Act amended	245
523		Amendment of long title	245
524		Amendment of s 92 (Regulation-making power)	246
Part 59		Amendment of Torres Strait Islander Cultural Heritage Act 2003	
525		Act amended	246
526		Omission of s 89 (Cultural heritage management plan needed under Planning Act)	246
Part 60		Amendment of Torres Strait Islander Land Act 1991	
527		Act amended	246
528		Amendment of s 28B (Definitions for pt 2A)	247
Part 61		Amendment of Transport Infrastructure Act 1994	
529		Act amended	247
530		Amendment of s 42 (Impact of certain local government decisions on State-controlled roads)	247
531		Amendment of s 49 (Assessment of impacts on State-controlled roads from certain activities)	247
532		Amendment of s 49A (Impact of particular development and State-controlled roads)	248
533		Amendment of s 74 (Cases where compensation not payable)	248
534		Amendment of s 75 (Conditions in development approval)	248
535		Amendment of s 85B (Application of Queensland Heritage Act 1992 for development for a franchised road)	248
536		Amendment of s 93A (Application of Queensland Heritage Act 1992 for development for a toll road)	249
537		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)	249
538		Amendment of s 258 (Impact of particular development and railways) 249	
539		Amendment of s 258A (Impact of change of management of local government road on railways)	249

540	Amendment of s 283I (Definitions for pt 3C)	250
541	Amendment of s 283M (Application of Planning Act)	251
542	Amendment of s 283S (Content of plan—mandatory requirements)	251
543	Amendment of s 283T (Content of plan—matters about development) 252	
544	Amendment of s 283X (When plan must include priority infrastructure interface plan)	253
545	Amendment of s 283ZI (Recording matters about Brisbane port LUP) 253	
546	Amendment of s 283ZL (Effect of land ceasing to be Brisbane core port land)	254
547	Amendment of s 283ZM (Reconfiguring a lot)	254
548	Amendment of s 283ZN (Port prohibited development)	254
549	Replacement of s 283ZO (Code assessment under Brisbane port LUP) 255	
	283ZO Standard assessment under Brisbane port LUP	255
550	Amendment of ch 8, pt 3C, div 5, sdiv 2, hdg (Provisions about assessment manager and referral agencies)	255
551	Omission of ss 283ZP–283ZU	256
552	Amendment of s 283ZV (Assessment and referrals for heritage places) 256	
553	Omission of ss 283ZW–283ZY	256
554	Amendment of s 283ZZA (Particular provisions of Planning Act do not apply in relation to Brisbane core port land)	256
555	Replacement of s 283ZZB (Modified application of Planning Act, ch 9, pt 6, div 4)	257
	283ZZB Modified application of Planning Act, s 220	257
556	Replacement of s 283ZZC (Restriction on designation for community infrastructure)	258
	283ZZC Effect of infrastructure designation	258
557	Omission of s 283ZZD (Restriction on application of master plan)	258
558	Amendment of s 283ZZJ (Particular development applications—Brisbane core port land)	258
559	Amendment of s 283ZZK (Particular development applications—balance port land or former Brisbane core port land)	259
560	Amendment of s 284 (Definitions for div 1)	259
561	Amendment of s 287 (Strategic port land not subject to local planning instrument)	259
562	Amendment of s 287A (Impact of particular development and port operations)	259

Planning and Development (Planning for Prosperity—Consequential Amendments) and
Other Legislation Amendment Bill 2015

Contents

563	Amendment of s 287B (Guidelines for s 287A)	259
564	Amendment of s 476 (Amounts payable are debts owing to the State) 260	
565	Amendment of s 477A (Power to deal with particular land)	260
566	Amendment of s 477AA (Chief executive taken to be owner of particular transport land for particular circumstances under Planning Act)	260
567	Amendment of s 513 (Continuing application of previous provisions to non-IDAS applications)	260
568	Insertion of new ch 21, pt 5	261
	Part 5 Transitional provisions for Planning and Development (Planning for Prosperity— Consequential Amendments) and Other Legislation Amendment Act 2015	
583	Definition for pt 5	261
584	Existing development applications under the repealed Sustainable Planning Act 2009	261
585	Existing Brisbane port LUP	261
586	References to Brisbane port railway land	263
569	Amendment of sch 6 (Dictionary)	264
Part 62	Amendment of Transport Operations (Marine Safety) Act 1994	
570	Act amended	266
571	Amendment of s 10A (Meaning of commercial ship, fishing ship and recreational ship, and related provision)	266
Part 63	Amendment of Transport Planning and Coordination Act 1994	
572	Act amended	266
573	Amendment of s 3 (Definitions)	267
574	Amendment of s 8B (Impact of particular development on public passenger transport or active transport)	267
575	Amendment of s 8C (Impact of road works on local government road) 267	
576	Amendment of s 8D (Impact of change of management of local government road on public passenger transport)	267
577	Amendment of s 8E (Guidelines for pt 2A)	268
578	Amendment of s 38 (Regulation-making power)	268
Part 64	Amendment of Transport (South Bank Corporation Area Land) Act 1999	
579	Act amended	268
580	Amendment of s 12 (State may sign plans and other documents)	269

Part 65	Amendment of Vegetation Management Act 1999	
581	Act amended	269
582	Amendment of s 3 (Purpose of Act)	269
583	Amendment of s 7 (Application of Act)	269
584	Omission of pt 2, divs 2A and 3	269
585	Amendment of s 16 (Preparing declaration)	270
586	Amendment of s 17 (Making declaration)	270
587	Omission of ss 19A–19C	270
588	Amendment of s 19F (Making declaration)	270
589	Omission of s 19H (Code for clearing of vegetation)	270
590	Amendment of pt 2, div 4A, hdg (Code for clearing vegetation for special indigenous purpose)	271
591	Replacement of s 19N (Code for clearing vegetation for special indigenous purpose)	271
	19N Proposed matters for assessing development application for clearing vegetation for special indigenous purpose . .	271
592	Amendment of pt 2, div 4B, hdg (Self-assessable codes)	272
593	Amendment of s 19O (Self-assessable vegetation clearing code)	272
594	Amendment of s 19P (When self-assessable vegetation clearing code takes effect)	273
595	Amendment of s 19Q (Code compliant clearing and native forest practices self-assessable)	273
596	Amendment of s 19R (Register of self-assessable notices given under code)	274
597	Omission of pt 2, div 5 (Declarations about codes)	275
598	Amendment of s 20AH (Deciding to show particular areas as category B areas)	275
599	Amendment of s 20AI (Deciding to show particular areas as category C areas)	275
600	Amendment of s 20CA (Process before making PMAV)	275
601	Amendment of s 20D (When PMAV may be replaced)	275
602	Amendment of s 20P (Criteria for approving draft plan or accrediting planning document)	276
603	Amendment of s 20R (Imposing additional condition on approval of draft plan)	276
604	Amendment of s 20UA (Chief executive may make area management plans)	276
605	Amendment of s 20ZB (Amendment by chief executive)	276
606	Omission of s 21 (Modifying effect on vegetation clearing applications)	277

Planning and Development (Planning for Prosperity—Consequential Amendments) and
Other Legislation Amendment Bill 2015

Contents

607	Omission of s 22 (Declarations for the Planning Act)	277
608	Amendment of s 22A (Particular vegetation clearing applications may be assessed)	277
609	Omission of ss 22B–22D	278
610	Amendment of pt 2, div 6, sdiv 1A, hdg (Particular vegetation clearing applications)	278
611	Omission of s 22DAA (Application of subdivision)	278
612	Amendment of s 22DAB (Requirements for making application) .	279
613	Amendment of s 22DAC (Matters for deciding application)	279
614	Omission of pt 2, div 6, sdiv 2 (Referral agency assessment and responses)	279
615	Omission of pt 2, div 7 (Broadscale applications and ballots) . . .	280
616	Omission of s 22M (Refusing vegetation clearing application after conviction for vegetation clearing offence)	280
617	Amendment of s 70AB (Copies of documents to be available for inspection and purchase)	280
618	Amendment of s 70A (Application of development approvals and exemptions for Forestry Act).	281
619	Amendment of s 70B (Record of particular matters in land registry)	281
620	Amendment of s 72 (Regulation-making power)	282
621	Amendment of s 74 (Existing development control plans and special facilities zones)	282
622	Omission of ss 75–78.	282
623	Omission of s 80 (Modifying effect of repealed Integrated Planning Act 1997 for owner's consent)	282
624	Amendment of s 81 (Effect on existing riverine protection permits)	283
625	Omission of s 83 (Validation of regional vegetation management codes)	283
626	Omission of pt 6, div 6 (Transitional provision for Sustainable Planning Act 2009)	283
627	Omission of ss 90–95	283
628	Amendment of s 100 (Clearing of regulated regrowth vegetation in retrospective period not an offence).	283
629	Omission of ss 105–106	284
630	Omission of s 108 (Appeals)	284
631	Insertion of new pt 6, div 12	284
	Division 12 Transitional provisions for Planning and Development (Planning for Prosperity—Consequential Amendments) and Other Legislation Amendment Act 2015	

	125	Self-assessable vegetation clearing code continues in effect 284	
	126	Existing vegetation clearing application or concurrence agency application under the repealed Sustainable Planning Act 2009	285
632		Amendment of schedule (Dictionary)	285
Part 66		Amendment of Water Supply (Safety and Reliability) Act 2008	
633		Act amended	287
634		Amendment of s 559 (Definition for pt 2)	287
635		Omission of s 560 (Codes for Planning Act).	287
636		Amendment of s 561 (Development applications for relevant operational work).	287
637		Amendment of s 562 (When applicant may appeal to Land Court)	288
638		Insertion of new ch 10, pt 9	288
	Part 9	Transitional provision for Planning and Development (Planning for Prosperity— Consequential Amendments) and Other Legislation Amendment Act 2015	
	672	Existing development applications under the repealed Sustainable Planning Act 2009	288
639		Amendment of sch 3 (Dictionary)	289
Part 67		Amendment of Wet Tropics World Heritage Protection and Management Act 1993	
640		Act amended	290
641		Amendment of sch 3 (Dictionary)	290

2015

A Bill

for

An Act to make consequential amendments to the legislation stated in this Act for the purposes of the *Planning and Development (Planning for Prosperity) Act 2015*, and to amend other legislation stated in this Act for particular purposes

The Parliament of Queensland enacts— 1

Part 1 Preliminary 2

Clause 1	Short title	3
	This Act may be cited as the <i>Planning and Development</i>	4
	<i>(Planning for Prosperity—Consequential Amendments) and</i>	5
	<i>Other Legislation Amendment Act 2015.</i>	6

Clause 2	Commencement	7
	This Act commences on a day to be fixed by proclamation.	8

Part 2 Amendment of Aboriginal Cultural Heritage Act 2003 9
10

Clause 3	Act amended	11
	This part amends the <i>Aboriginal Cultural Heritage Act 2003</i> .	12

Clause 4	Omission of s 89 (Cultural heritage management plan needed under Planning Act)	13
	Section 89—	14
	<i>omit.</i>	15
		16

Part 3	Amendment of Aboriginal Land Act 1991	1 2
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 (Planning for Prosperity) Act 2015</i> .	8 9 10
Part 4	Amendment of Acquisition of Land Act 1967	11 12
Clause 7	Act amended	13
	This part amends the <i>Acquisition of Land Act 1967</i> .	14
Clause 8	Amendment of sch 1 (Purposes for taking land)	15
	(1) Schedule 1, part 2, fourth dot point, ‘ <i>Sustainable Planning Act 2009</i> ’—	16 17
	<i>omit, insert—</i>	18
	<i>Planning and Development (Planning for Prosperity) Act 2015</i>	19 20
	(2) Schedule 1, part 2, fourth dot point, after ‘Moreton Bay Regional Council,’—	21 22
	<i>insert—</i>	23

Noosa Shire Council, 1

Part 5 **Amendment of Acts** 2
Interpretation Act 1954 3

Clause 9 **Act amended** 4
This part amends the *Acts Interpretation Act 1954*. 5

Clause 10 **Amendment of sch 1 (Meaning of commonly used words** 6
and expressions) 7
Schedule 1— 8
insert— 9
Planning and Environment Court means the 10
court continued in existence as the Planning and 11
Environment Court under the *Planning and* 12
Development (Planning Court) Act 2015. 13

Part 6 **Amendment of Airport Assets** 14
(Restructuring and Disposal) 15
Act 2008 16

Clause 11 **Act amended** 17
This part amends the *Airport Assets (Restructuring and* 18
Disposal) Act 2008. 19

Clause 12 **Omission of ch 3, pt 1, divs 2 and 3** 20
Chapter 3, part 1, divisions 2 and 3— 21

omit.

1

Clause 13 Omission of s 34 (Requirement to prepare land use plan)

2

Section 34—

3

omit.

4

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

5

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

6

omit, insert—

7

- (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

8

9

10

11

12

Note—

13

See also section 43.

14

- (d) include an infrastructure interface plan for the airport land; and
- (e) include any other matter prescribed by regulation.

15

16

17

18

(2) Section 35(2)—

19

omit, insert—

20

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

21

22

- (a) categorise development on the airport land as assessable or accepted development;
- (b) specify whether assessable development under the plan requires standard or merit assessment under the Planning Act;
- (c) set out the assessment benchmarks under the Planning Act that an assessment manager must assess assessable development against;

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- | | | |
|-----|---|----------------------|
| (d) | set out the types of development applications requiring merit assessment under the plan for which public notification is required; | 1
2
3
4 |
| (e) | state that particular development inconsistent with the plan is assessable development requiring merit assessment under the Planning Act. | 5
6
7
8 |
| (3) | Section 35(3), ‘Without limiting subsection (1)’—
<i>omit, insert—</i>

Also | 9
10

11 |
| (4) | Section 35(3)(c)—
<i>omit.</i> | 12
13 |
| (5) | Section 35(3)(d)—
<i>renumber</i> as section 35(c). | 14
15 |
| (6) | Section 35(4)—
<i>omit, insert—</i> | 16
17 |
| (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— | 18
19
20
21 |
| (a) | development that is a material change of use of premises for core airport infrastructure if the development is consistent with the plan; | 22
23
24 |
| (b) | development categorised as accepted development under a regulation under the Planning Act; | 25
26
27 |
| (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. | 28
29
30
31 |
| (5) | If a land use plan requires an applicant to give public notification of a development application, | 32
33 |
-

	the Planning Act, section 48(4) to (8) applies to the application.	1 2
	(6) In this section—	3
	<i>material change of use</i> , of premises, see the Planning Act, schedule 2.	4 5
Clause 15	Amendment of s 36 (Statement of proposal for preparation of land use plan or amendment of plan)	6 7
	(1) Section 36(1)(b)(ii)(B), ‘either exempt or self-assessable’—	8
	<i>omit, insert—</i>	9
	accepted	10
	(2) Section 36(4)—	11
	<i>omit.</i>	12
Clause 16	Amendment of s 46 (Ministerial direction to airport lessee)	13 14
	(1) Section 46(1) and (2)—	15
	<i>omit, insert—</i>	16
	(1) This section applies if the planning Minister is satisfied a minor amendment of a land use plan for airport land is required.	17 18 19
	(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.	20 21 22 23
	(2) Section 46(6)—	24
	<i>omit.</i>	25
Clause 17	Replacement of s 48 (Airport land not subject to local planning instrument)	26 27
	Section 48—	28

omit, insert—

**48 Airport land not subject to local government
instruments about planning and development**

- (1) Airport land is not subject to—
 - (a) a local planning instrument under the Planning Act; or
 - (b) any other instrument made by a local government that relates to land use planning for, or development on, airport land.
- (2) Subsection (1)(a) has effect despite the Planning Act, chapter 2, part 3.

Clause 18 Omission of ss 49 and 50

Sections 49 and 50—

omit.

**Clause 19 Amendment of s 52 (Particular provisions of Planning Act
do not apply in relation to airport land)**

- (1) Section 52(1), ‘section 714’—

omit, insert—

section 216
- (2) Section 52(2), ‘chapter 9, part 3’—

omit, insert—

chapter 2, part 4, division 2

**Clause 20 Amendment of s 53 (Modified application of Planning Act,
ch 9, pt 6, div 4)**

- (1) Section 53, heading, ‘ch 9, pt 6, div 4’—

omit, insert—

s 220

-
- (2) Section 53(1), ‘chapter 9, part 6, division 4’— 1
omit, insert— 2
 section 220 3
- (3) Section 53(3)— 4
omit, insert— 5
- (3) For subsection (1)— 6
- (a) the Planning Act, section 220(3) applies as 7
 if a reference in the subsection to a local 8
 government were a reference to the planning 9
 chief executive; and 10
- (b) the access rules under the Planning Act 11
 apply— 12
- (i) as if a reference in the access rules to a 13
 local government were a reference to 14
 the planning chief executive; and 15
- (ii) as if a reference in the access rules to a 16
 planning scheme were a reference to a 17
 land use plan; and 18
- (iii) as if a reference in the access rules to 19
 an LGIP were a reference to a charges 20
 schedule under a land use plan; and 21
- (iv) as if the access rules provide that a 22
 planning and development certificate 23
 be accompanied by any statement of 24
 proposal or draft plan for the airport 25
 land published under section 38(2), but 26
 not yet approved under section 41; and 27
- (v) with other necessary changes. 28

- Clause 21 Amendment of s 54 (Development on local heritage place 29
 not assessable development) 30**
- (1) Section 54(1)— 31
omit, insert— 32

- | | | |
|------|---|------------------|
| (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 the Planning Act, 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

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 (Planning for Prosperity—Consequential Amendments) and Other Legislation Amendment Act 2015	 7 8 9 10 11 12 13 14 15 16 17
	 119 Definition for ch 7	 18
	In this chapter—	19
	<i>amending Act</i> means the <i>Planning and Development (Planning for Prosperity—Consequential Amendments) and Other Legislation Amendment Act 2015.</i>	20 21 22 23
	 120 Existing land use plans	 24
	(1) In a land use plan (an <i>existing land use plan</i>) in force immediately before the commencement—	25 26

-
- (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 land use plan; 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 land use plan;
 - (ii) development requiring compliance assessment;
 - (iii) assessable development requiring code assessment, to the extent the existing land use plan states the development is consistent with the land use plan; and
 - (c) a reference to assessable development requiring code assessment is taken to be a reference to assessable development requiring merit assessment, to the extent the existing land use plan states the development is inconsistent with the land use plan; and
 - (d) a reference to a code is taken to be a reference to an assessment benchmark under the Planning Act; and
 - (e) a reference to a priority infrastructure interface plan is taken to be a reference to an infrastructure interface plan; and
-

	(f) a reference to a priority infrastructure plan of a local government is taken to be a reference to the local government's LGIP.	1 2 3
	(2) Development requiring merit assessment under subsection (1)(c) does not require public notification under the Planning Act, section 48.	4 5 6
	121 Existing development applications under the repealed Sustainable Planning Act 2009	7 8
	(1) This section applies to a development application to which the Planning Act, section 244 applies.	9 10
	(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.	11 12 13 14
	122 Amendment of planning scheme under repealed Sustainable Planning Act 2009	15 16
	(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.	17 18 19 20
	(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.	21 22 23 24
Clause 30	Amendment of sch 3 (Dictionary)	25
	(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> —	26 27 28
	<i>omit.</i>	29
	(2) Schedule 3—	30
	<i>insert—</i>	31

-
- accepted development*** see the Planning Act, section 39(4). 1 2
- assessable development*** see the Planning Act, section 39(3). 3 4
- infrastructure interface plan***, 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 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. 5 6 7 8 9 10 11 12
- LGIP***, of a local government, means an LGIP made by the local government under the Planning Act. 13 14 15
- minor amendment***, of a land use plan, means— 16
- (a) an amendment correcting or changing any of the following— 17 18
- (i) an explanatory matter about the plan, this Act or the Planning Act; 19 20
- (ii) the format or presentation of the plan; 21
- (iii) a spelling, typographical, grammatical or mapping error in the plan; 22 23
- (iv) a factual matter incorrectly stated in the plan; 24 25
- (v) a redundant or outdated term; 26
- (vi) inconsistent numbering of provisions in the plan; 27 28
- (vii) cross-references to provisions in the plan; 29 30
- (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 31 32 33 34
-

[s 31]

- (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
 - (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 (Planning for Prosperity) Act 2015*.
- (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)	1
	Section 9(6), definition <i>relevant Act</i> , paragraph (e)—	2
	<i>omit, insert—</i>	3
	(e) <i>Planning and Development (Planning for Prosperity) Act 2015;</i>	4
		5
	(f) <i>Vegetation Management Act 1999.</i>	6
Clause 33	Amendment of s 119 (Additional powers of inspector for place within a biosecurity emergency area)	7
		8
	(1) Section 119(8)—	9
	<i>omit.</i>	10
	(2) Section 119(9)—	11
	<i>renumber</i> as section 119(8).	12
Part 8	Amendment of Body Corporate and Community Management Act 1997	13
		14
		15
Clause 34	Act amended	16
	This part amends the <i>Body Corporate and Community Management Act 1997</i> .	17
		18
Clause 35	Amendment of s 60 (Community management statement notation)	19
		20
	(1) Section 60(4)(a) and (b)(i), ‘ <i>Sustainable Planning Act 2009</i> ’—	21
		22
	<i>omit, insert—</i>	23
	Planning Act	24

[s 36]

- | | | |
|-----|--|----------------------------|
| (2) | Section 60(7)(a), ‘under the <i>Sustainable Planning Act 2009</i> ’— | 1
2 |
| | <i>omit.</i> | 3 |
| (3) | Section 60(8)(b) and (c)— | 4 |
| | <i>omit, insert—</i> | 5 |
| | (b) the <i>Planning and Development (Planning Court) Act 2015</i> , part 5 applies, with necessary changes, as if— | 6
7
8 |
| | (i) the appeal were a Planning Act appeal under that Act; and | 9
10 |
| | (ii) the relevant planning body were the only other party to the appeal; and | 11
12 |
| | (c) the appellant must give the relevant planning body notice of the appeal under the <i>Planning and Development (Planning Court) Act 2015</i> within 10 business days after starting the appeal. | 13
14
15
16
17 |
| (4) | Section 60(9), definition <i>planning instrument</i> , paragraph (a)(i), ‘ <i>Sustainable Planning Act 2009</i> ’— | 18
19 |
| | <i>omit, insert—</i> | 20 |
| | Planning Act | 21 |

Clause 36	Amendment of s 313 (Representation in planning proceedings)	22 23
	Section 313(1), ‘ <i>Sustainable Planning Act 2009</i> ’—	24
	<i>omit, insert—</i>	25
	Planning Act or the <i>Planning and Development (Planning Court) Act 2015</i>	26 27

Clause 37	Amendment of sch 6 (Dictionary)	28
(1)	Schedule 6—	29
	<i>insert—</i>	30

	<i>Planning Act</i> means the <i>Planning and Development (Planning for Prosperity) Act 2015</i> .	1 2
(2)	Schedule 6, definition <i>development approval</i> , paragraph (a), ‘ <i>Sustainable Planning Act 2009</i> ’—	3 4
	<i>omit, insert</i> —	5
	Planning Act	6
Part 9	Amendment of Building Act 1975	7 8
Clause 38	Act amended	9
	This part amends the <i>Building Act 1975</i> .	10
Clause 39	Amendment of s 3 (Simplified outline of main provisions of Act)	11 12
(1)	Section 3(1), after ‘assessable development’—	13
	<i>insert</i> —	14
	or accepted development	15
(2)	Section 3(3)(a), from ‘and the’ to ‘work’—	16
	<i>omit</i> .	17
Clause 40	Amendment of s 5 (What is <i>building work</i>)	18
	Section 5(1)(d), ‘, other than IDAS’—	19
	<i>omit</i> .	20
Clause 41	Amendment of s 10 (What is a <i>building certifying function</i>)	21 22
	Section 10(a) and (b), ‘concurrence’—	23

omit, insert— 1
referral 2

Clause 42 **Amendment of s 11 (Who is the *assessment manager* for
a building development application)** 3
4
Section 11(1), ‘section 246(1)’— 5
omit, insert— 6
section 43 7

Clause 43 **Amendment of s 16 (Reference in Act to applicants,
development, assessment managers, referral agencies,
building work or building certifiers)** 8
9
10
Section 16(1)(f)— 11
omit, insert— 12
(f) a referral agency—a referral agency for the 13
application; 14

Clause 44 **Replacement of ch 2, hdg (When building work is
assessable, self-assessable or exempt development)** 15
16
Chapter 2, heading and notes— 17
omit, insert— 18

Chapter 2 When building work 19
is assessable or 20
accepted 21
development 22

Notes— 23
1 For the development assessment process under the Planning 24
Act and offences against the Planning Act, including 25
development offences, see the Planning Act, chapters 3 and 26
5. 27

	2	See chapters 3 and 4 for additional provisions for applying for and obtaining a building development approval and assessing building work.	1 2 3
Clause 45		Amendment of s 20 (Building work that is assessable development for the Planning Act)	4 5
		Section 20, from ‘unless’ to ‘self-assessable development’—	6
		<i>omit, insert—</i>	7
		unless the building work is accepted development under section 21(2) or the Planning Act	8 9
Clause 46		Amendment of s 21 (Building work that is self-assessable for the Planning Act)	10 11
	(1)	Section 21, heading, ‘self-assessable’—	12
		<i>omit, insert—</i>	13
		accepted development	14
	(2)	Section 21(1), from ‘, section 232(1)’ to ‘self-assessable’—	15
		<i>omit, insert—</i>	16
		prescribes that this Act may declare building work to be accepted	17 18
	(3)	Section 21(2) and (3)—	19
		<i>omit, insert—</i>	20
	(2)	Building work is declared to be accepted development for the Planning Act if—	21 22
	(a)	the building work is prescribed under a regulation; and	23 24
	(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.	25 26 27 28 29

[s 47]

(3)	Building work that is accepted development under a regulation under the Planning Act or subsection (2) is <i>accepted building work</i> .	1 2 3
(4)	Section 21— <i>insert—</i>	4 5
(5)	In this section— <i>relevant provisions</i> , for building work, means—	6 7
(a)	generally—	8
(i)	a relevant deemed-to-satisfy provision under the BCA or relevant acceptable solution under the QDC for the building work; and	9 10 11 12
(ii)	any other building assessment provision that applies to the work; or	13 14
(b)	if an alternative provision under section 33, or a varied provision under section 44, applies to the building work—	15 16 17
(i)	the alternative or varied provision; and	18
(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	19 20 21 22 23 24
(iii)	any other building assessment provision that applies to the work.	25 26

Clause 47	Omission of s 22 (Building work that is exempt development for the Planning Act)	27 28
	Section 22—	29
	<i>omit.</i>	30

Clause 48	Amendment of ch 3, hdg (Additional requirements for building development applications)	1 2
	Chapter 3, heading, note, ‘sections 260 to 264’—	3
	<i>omit, insert—</i>	4
	section 46	5
Clause 49	Amendment of s 25 (General requirements for supporting documents)	6 7
	(1) Section 25(1), ‘, other than IDAS’—	8
	<i>omit.</i>	9
	(2) Section 25(2)(a)(ii), ‘concurrence’—	10
	<i>omit, insert—</i>	11
	referral	12
	(3) Section 25(2)(c)(i)—	13
	<i>omit, insert—</i>	14
	(i) the application relates to development	15
	categorised as accepted development	16
	under a planning scheme; and	17
	(4) Section 25(2)(d)(ii), ‘self-assessable’—	18
	<i>omit, insert—</i>	19
	accepted	20
Clause 50	Replacement of ch 4, hdg (Assessment of building development applications and carrying out self-assessable building work)	21 22 23
	Chapter 4, heading—	24
	<i>omit, insert—</i>	25

Chapter 4 Building assessment provisions and assessing building development applications

Clause 51	Amendment of ch 4, pt 1, hdg (Laws and other documents under which building work must be assessed)	6
	Chapter 4, part 1, heading, ‘under which building work must be assessed’—	7
	<i>omit, insert—</i>	8
	applying to building work	9
Clause 52	Amendment of ch 4, pt 1, div 1, hdg (General provisions about the laws and documents for the assessment)	10
	Chapter 4, part 1, division 1, heading, ‘for the assessment’—	11
	<i>omit, insert—</i>	12
	applying to building work	13
Clause 53	Amendment of s 30 (Relevant laws and other documents for assessment of building work)	14
	(1) Section 30, heading—	15
	<i>omit, insert—</i>	16
	Meaning of building assessment provisions	17
	(2) Section 30(1), from ‘Building’ to ‘provisions’—	18
	<i>omit, insert—</i>	19
	The following laws and documents are the <i>building assessment provisions</i>	20
	(3) Section 30(1)(a)—	21

<i>omit.</i>	1
(4) Section 30(1)(e), ‘self-assessable’—	2
<i>omit, insert—</i>	3
accepted	4
(5) Section 30(1)(b) to (h)—	5
<i>renumber</i> as section 30(1)(a) to (g).	6
(6) Section 30(2)—	7
<i>omit.</i>	8

Clause 54	Amendment of s 31 (Building assessment provisions form a code for IDAS)	9 10
(1)	Section 31, heading, ‘form a code for IDAS’—	11
	<i>omit, insert—</i>	12
	are assessment benchmarks for Planning Act	13
(2)	Section 31(1)—	14
	<i>omit, insert—</i>	15
	(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.	16 17 18 19
(3)	Section 31(2), from ‘any particular’ to ‘codes’—	20
	<i>omit, insert—</i>	21
	assessing a building development application under the Planning Act, the building assessment provisions	22 23 24
(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’—	25 26 27
	<i>omit, insert—</i>	28

[s 55]

	The effect of each of the building assessment provisions mentioned in section 30(a) to (d), (f) and (g)	1 2 3
(5)	Section 31(4), ‘a code’— <i>omit, insert</i> — an assessment benchmark	4 5 6
Clause 55	Amendment of s 33 (Alternative provisions to QDC boundary clearance and site cover provisions for particular buildings) Section 33(1)(a), ‘self-assessable’— <i>omit, insert</i> — accepted	7 8 9 10 11 12
Clause 56	Omission of s 34 (Relationship between IDAS and other building assessment provisions) Section 34— <i>omit.</i>	13 14 15 16
Clause 57	Amendment of s 34A (Decision for building development application that complies with building assessment provisions) Section 34A(1), ‘chapter 6’— <i>omit, insert</i> — chapter 3, part 4, division 2	17 18 19 20 21 22
Clause 58	Amendment of s 37 (Provision for changes to building assessment provisions) (1) Section 37(2), ‘, and IDAS’— <i>omit.</i> (2) Section 37(5)—	23 24 25 26 27

omit.

1

Clause 59 Amendment of s 38 (Applying to vary how particular building assessment provision applies)

2

3

Section 38(1)(b), ‘, other than IDAS’—

4

omit.

5

Clause 60 Amendment of s 40 (Effect of variation application on IDAS process)

6

7

(1) Section 40, heading, ‘IDAS process’—

8

omit, insert—

9

**development assessment process under the
Planning Act**

10

11

(2) Section 40, ‘process under IDAS’—

12

omit, insert—

13

development assessment process under the Planning
Act

14

15

Clause 61 Amendment of s 42 (Criteria for decision)

16

Section 42(1)(a), ‘, other than IDAS’—

17

omit.

18

Clause 62 Amendment of s 43 (Notice of decision)

19

Section 43(2), note, ‘section 532’—

20

omit, insert—

21

section 184 and schedule 1

22

Clause 63 Amendment of s 46 (Concurrence agencies may carry out building assessment work within their jurisdiction)

23

24

(1) Section 46, heading—

25

<i>omit, insert—</i>	1
46 Referral agencies may assess application against building assessment provisions	2 3
(2) Section 46(1) and (2)—	4
<i>omit, insert—</i>	5
(1) This section applies if, under the Planning Act—	6
(a) an entity is a referral agency for a building development application; and	7 8
(b) the entity is required to assess the application against a building assessment provision, or part of a building assessment provision.	9 10 11 12
(2) Only the referral agency may assess the application for compliance with the provision or part.	13 14 15
(3) Section 46(3), ‘part by the concurrence’—	16
<i>omit, insert—</i>	17
application by the referral	18
(4) Section 46(5)—	19
<i>omit, insert—</i>	20
(5) If the referral agency is required, under the Planning Act, to assess the application against the fire safety standard, the referral agency must appoint or employ a building certifier to carry out the assessment.	21 22 23 24 25
<i>Note—</i>	26
For the referral agencies for building development applications, see the regulation made under the Planning Act, section 49(2)(a).	27 28 29

Clause 64	Amendment of s 48 (Functions of private certifier (class A))	30 31
(1)	Section 48(1)(b), ‘section 246(1)’—	32

<i>omit, insert—</i>	1
section 43	2
(2) Section 48(2), from ‘chapter 7’ to ‘assessing’—	3
<i>omit, insert—</i>	4
chapter 5, part 3, a reference to an enforcement	5
(2) Section 48(5), ‘chapter 7, part 3, divisions 2 and 3’—	6
<i>omit, insert—</i>	7
chapter 5, part 3	8

Clause 65	Amendment of s 51 (Function to act on building development application or development approval unless private certifier (class A) engaged)	9
(1) Section 51(2)(a), ‘IDAS’—		10
<i>omit, insert—</i>		11
the Planning Act, chapter 3		12
(2) Section 51(4), ‘sections 30’—		13
<i>omit, insert—</i>		14
sections 31		15
(3) Section 51(5), definition <i>nominated owner</i> , ‘section 260(2)’—		16
<i>omit, insert—</i>		17
section 46(1)(a)		18

Clause 66	Replacement of s 54 (Local government may rely on documents private certifier gives it for inspection or purchase)	21
Section 54—		22
<i>omit, insert—</i>		23

	54 Local government may rely on documents private certifier gives it for providing public access	1 2 3
	If—	4
	(a) under this Act, a private certifier gives a document to the local government for a building development application; and	5 6 7
	(b) under the access rules under the Planning Act, the local government is required to make the document available to the public;	8 9 10
	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.	11 12 13 14
Clause 67	Amendment of ch 4, pt 2, div 4, hdg (Power of particular replacement assessment managers to decide status under IDAS)	15 16 17
	Chapter 4, part 2, division 4, heading, ‘under IDAS’—	18
	omit, insert—	19
	of development assessment process under the Planning Act	20 21
Clause 68	Amendment of s 55 (Power to decide what stage of IDAS application is to resume or start)	22 23
	(1) Section 55, heading, ‘IDAS’—	24
	omit, insert—	25
	development assessment process under the Planning Act	26 27
	(2) Section 55(3), ‘IDAS’—	28
	omit, insert—	29
	the development assessment process under the Planning Act	30 31

Clause 69	Amendment of s 57 (Building certifier's or concurrence agency's discretion—QDC)	1 2
	(1) Section 57, heading, 'concurrence'—	3
	<i>omit, insert—</i>	4
	referral	5
	(2) Section 57(1) and (2), 'concurrence'—	6
	<i>omit, insert—</i>	7
	referral	8
Clause 70	Amendment of s 59 (Discretion for building development applications for particular budget accommodation buildings)	9 10 11
	Section 59(2) and example—	12
	<i>omit, insert—</i>	13
	(2) The decision on the application may be inconsistent with a relevant planning scheme.	14 15
	<i>Example—</i>	16
	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.	17 18 19 20 21 22
Clause 71	Omission of s 62 (Requirement to consider any advice agency response)	23 24
	Section 62—	25
	<i>omit.</i>	26
Clause 72	Amendment of ch 4, pt 5, hdg (Conditions of building development approvals)	27 28
	Chapter 4, part 5, heading, note, 'chapter 6, part 5, division 6'—	29

omit, insert— 1
chapter 3, part 4, division 3 2

Clause 73 Amendment of s 69 (Operation of div 1) 3
(1) Section 69(4)(b)— 4
omit, insert— 5
(b) comply with the Planning Act, section 6
62(1). 7
(2) Section 69(5), ‘chapter 6, part 8, division 2 and section 378 8
do’— 9
omit, insert— 10
chapter 3, part 6, division 2, subdivision 2 does 11

**Clause 74 Amendment of s 71 (When demolition, removal and 12
rebuilding must start and be completed)** 13
Section 71(12), note, ‘section 532’— 14
omit, insert— 15
section 184 and schedule 1 16

**Clause 75 Amendment of s 83 (General restrictions on granting 17
building development approval)** 18
(1) Section 83(1)(a) and example, ‘and SPA compliance 19
permits’— 20
omit. 21
(2) Section 83(1)(d)— 22
omit, insert— 23
(d) if, under the Planning Act, a referral agency 24
is required to assess the application against a 25
building assessment provision, or part of a 26
building assessment provision—until both 27
of the following have been complied with— 28

-
- (i) the application has been assessed by the referral agency against the provision or part;
 - (ii) any security required for the building work by a local government has been given; and
 - (3) Section 83(2)—
omit, insert—
 - (2) Subsection (2A) applies if the private certifier receives the application before all other assessments for permits and approvals mentioned in subsection (1) are completed.
 - (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.

- Clause 76 Amendment of s 84 (Approval must not be inconsistent with particular earlier approvals or self-assessable development)**
- (1) Section 84, heading, ‘self-assessable’—
omit, insert—
accepted
 - (2) Section 84(1)(a), ‘or an SPA compliance permit’—
omit.
 - (3) Section 84(1)(b) and (c), ‘or permit’—
omit.
 - (4) Section 84(2)(a), ‘self-assessable’—
omit, insert—
accepted
 - (5) Section 84(2)(c)—

omit, insert— 1
(c) a local planning instrument categorised the 2
development as accepted development; and 3

Clause 77 Amendment of s 85 (Additional requirement for decision notice) 4
5
Section 85, from ‘details’ to ‘building work’— 6
omit, insert— 7
information about any requirements the building work 8
must comply with to be categorised as accepted 9
development under the Planning Act 10

Clause 78 Amendment of s 86 (Requirements on approval of application) 11
12
Section 86(2), note— 13
omit, insert— 14
Note— 15
For public access to these documents, see the Planning Act, 16
chapter 7, part 3. 17

Clause 79 Replacement of s 90 (Relevant period under the Planning Act, s 341 for development approval) 18
19
Section 90— 20
omit, insert— 21
90 Currency period under the Planning Act, s 82 for development approval 22
23
(1) For the Planning Act, the period under the 24
demolition/removal completion condition is 25
taken to be the currency period under the 26
Planning Act, section 82(1) for the development 27
approval. 28
(2) The period may not be extended under the 29
Planning Act. 30

Clause 80	Amendment of s 91 (Lapsing of building development approval)	1
		2
	Section 91(1), ‘section 341’—	3
	<i>omit, insert—</i>	4
	section 82	5
Clause 81	Amendment of s 94 (Application of div 2)	6
	Section 94(2), note, ‘chapter 6, part 5, divisions 5 and 6 and part 8, divisions 2 to 5’—	7
		8
	<i>omit, insert—</i>	9
	chapter 3, part 4, division 3 and part 6, division 2, subdivision 2 and division 4	10
		11
Clause 82	Amendment of s 95 (Reminder notice requirement for lapsing)	12
		13
	(1) Section 95(1), ‘chapter 6, part 5, divisions 5 and 6’—	14
	<i>omit, insert—</i>	15
	chapter 3, part 4, division 3 and part 6, division 4	16
	(2) Section 95(3)(b)(iv), ‘relevant period under the Planning Act, section 341’—	17
		18
	<i>omit, insert—</i>	19
	currency period under the Planning Act, section 82	20
		21
Clause 83	Amendment of s 96 (Extension of lapsing time because of application to extend relevant period under the Planning Act, s 341)	22
		23
		24
	(1) Section 96, heading, from ‘relevant’ to ‘341’—	25
	<i>omit, insert—</i>	26
	currency period under the Planning Act, s 82	27
	(2) Section 96(1)(b), from ‘relevant period’ to ‘341’—	28

[s 84]

	<i>omit, insert—</i>	1
	currency period under the Planning Act, section 82	2 3
(3)	Section 96(2)(b), ‘relevant’—	4
	<i>omit, insert—</i>	5
	currency	6
Clause 84	Amendment of s 97 (Restriction on private certifier (class A) extending relevant period under the Planning Act, s 341 more than once)	7 8 9
(1)	Section 97, heading, from ‘relevant’ to ‘341’—	10
	<i>omit, insert—</i>	11
	currency period under the Planning Act, s 82	12
(2)	Section 97(1), from ‘relevant’ to ‘341’—	13
	<i>omit, insert—</i>	14
	currency period under the Planning Act, section 82	15 16
(3)	Section 97(3), ‘chapter 6, part 5, divisions 5 and 6’—	17
	<i>omit, insert—</i>	18
	chapter 3, part 4, division 3 and part 6, division 4	19
Clause 85	Amendment of s 99 (Obligation to give owner inspection documentation on final inspection)	20 21
	Section 99(1), note—	22
	<i>omit, insert—</i>	23
	<i>Note—</i>	24
	For rights of appeal to a development tribunal, see the Planning Act, section 184 and schedule 1.	25 26

Clause 86	Amendment of s 102 (Obligation to give certificate of classification on inspection after particular events)	1
		2
	Section 102(3), note 1—	3
	<i>omit, insert—</i>	4
	1 For rights of appeal to a development tribunal, see the	5
	Planning Act, section 184 and schedule 1.	6
Clause 87	Amendment of s 107 (Building certifier’s obligation to give referral agency certificate and other documents)	7
		8
	Section 107(2)(b), from ‘within’ to ‘section 336(b)’—	9
	<i>omit, insert—</i>	10
	relevant to the agency’s function as referral	11
	agency, other than plans and specifications	12
	given to the agency under the Planning Act,	13
	section 60(3)	14
Clause 88	Amendment of s 122 (Building certifier’s obligation to give owner inspection documentation if building development approval lapses)	15
		16
		17
	Section 122, note, ‘chapter 6, part 5, divisions 5 and 6’—	18
	<i>omit, insert—</i>	19
	chapter 3, part 6, division 4	20
Clause 89	Amendment of s 131 (Access to code of conduct)	21
		22
	Section 131, from ‘for inspection as’—	22
	<i>omit, insert—</i>	23
	to the public as if the code of conduct were a	24
	document that, under the access rules under the	25
	Planning Act, the chief executive must make available	26
	to the public.	27

Clause 90	Amendment of s 146 (Agreed fee recoverable despite valid refusal of particular actions)	1 2
	Section 146(1)(b), ‘applicable code under IDAS’—	3
	<i>omit, insert—</i>	4
	assessment benchmark under the Planning Act	5 6
Clause 91	Amendment of s 204 (Decision after investigation or audit completed)	7 8
	(1) Section 204(4)(e)(iii), ‘self-assessable’—	9
	<i>omit, insert—</i>	10
	accepted	11
	(2) Section 204(4)(e)(iv)—	12
	<i>omit.</i>	13
	(3) Section 204(9)—	14
	<i>omit, insert—</i>	15
	(9) In this section—	16
	<i>accepted development</i> means development categorised under a local planning instrument as accepted development for the Planning Act.	17 18 19
Clause 92	Amendment of s 220 (Owner must ensure building conforms with fire safety standard)	20 21
	Section 220, note, from ‘section 30’ to ‘work’—	22
	<i>omit, insert—</i>	23
	chapters 2 and 4	24
Clause 93	Amendment of s 221 (Approval of longer period for conformity with fire safety standard)	25 26
	Section 221(5), note—	27
	<i>omit, insert—</i>	28

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

Clause 98	Amendment of s 242 (Local government may revoke exemption)	1
		2
	Section 242(4), note—	3
	<i>omit, insert—</i>	4
	<i>Note—</i>	5
	For rights of appeal to a development tribunal, see the Planning Act, section 184 and schedule 1.	6
		7
Clause 99	Amendment of s 244 (Keeping copy of exemption)	8
	Section 244(2)(b)—	9
	<i>omit, insert—</i>	10
	(b) make the copy available to the public as if	11
	the copy were a document that, under the	12
	access rules under the Planning Act, the	13
	local government must make available to the	14
	public.	15
Clause 100	Amendment of s 245C (Notice of decision and application of pool safety standard under exemption)	16
		17
	Section 245C(2), note—	18
	<i>omit, insert—</i>	19
	<i>Note—</i>	20
	For rights of appeal to a development tribunal, see the Planning Act, section 184 and schedule 1.	21
		22
Clause 101	Amendment of s 245E (Local government may revoke exemption)	23
		24
	Section 245E(4), note—	25
	<i>omit, insert—</i>	26
	<i>Note—</i>	27
	For rights of appeal to a development tribunal, see the Planning Act, section 184 and schedule 1.	28
		29

Clause 102	Amendment of s 245FA (Keeping copy of exemption)	1
	Section 245FA(2)(b)—	2
	<i>omit, insert—</i>	3
	(b) make the copy available to the public as if	4
	the copy were a document that, under the	5
	access rules under the Planning Act, the	6
	local government must make available to the	7
	public.	8
Clause 103	Amendment of s 245S (Appeals to building and development committee of decisions under div 6)	9
	(1) Section 245S, heading, ‘building and development committee’—	10
	<i>omit, insert—</i>	11
	development tribunal	12
	(2) Section 245S(2), ‘building and development committee under the Planning Act’—	13
	<i>omit, insert—</i>	14
	development tribunal	15
Clause 104	Amendment of s 246AO (Appeals to building and development committee of decisions under pt 3)	16
	(1) Section 246AO, heading, ‘building and development committee’—	17
	<i>omit, insert—</i>	18
	development tribunal	19
	(2) Section 246AO(2), ‘building and development committee under the Planning Act’—	20
	<i>omit, insert—</i>	21
	development tribunal	22
	(3) Section 246AO(2), note—	23

omit.

1

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

omit, insert— 1
development tribunal 2

Clause 109 Amendment of s 255 (Information to be given by the State) 3
4
Section 255(1), ‘section 232(1), is self-assessable’— 5
omit, insert— 6
is accepted 7

Clause 110 Amendment of s 259 (Access to guidelines) 8
Section 259, from ‘for inspection and purchase as’— 9
omit, insert— 10
to the public as if the guidelines were a document that, 11
under the access rules under the Planning Act, the 12
chief executive must make available to the public. 13

Clause 111 Insertion of new ch 11, pt 19 14
Chapter 11— 15
insert— 16

Part 19	Transitional provision	1
	for Planning and	2
	Development (Planning	3
	for Prosperity—	4
	Consequential	5
	Amendments) and	6
	Other Legislation	7
	Amendment Act 2015	8

345 Existing development applications under the	9
repealed Sustainable Planning Act 2009	10

- | | | |
|-----|--|----|
| (1) | This section applies to a development application to which the Planning Act, section 244 applies. | 11 |
| | | 12 |
| (2) | This Act, as in force before the commencement, continues to apply to the development application as if the <i>Planning and Development (Planning for Prosperity—Consequential Amendments) and Other Legislation Amendment Act 2015</i> had not been enacted. | 13 |
| | | 14 |
| | | 15 |
| | | 16 |
| | | 17 |
| | | 18 |

Clause 112	Amendment of sch 2 (Dictionary)	19
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- | | | |
|-----|--|----|
| (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</i> and <i>SPA compliance permit</i> — | 20 |
| | <i>omit.</i> | 21 |
| | | 22 |
| | | 23 |
| | | 24 |
| | | 25 |
| (2) | Schedule 2— | 26 |
| | <i>insert—</i> | 27 |
| | <i>accepted building work</i> see section 21(3). | 28 |
| | <i>accepted development</i> see the Planning Act, section 39(4). | 29 |
| | | 30 |

-
- | | |
|---|----------------|
| <i>building assessment provisions</i> see section 30. | 1 |
| <i>development tribunal</i> means a tribunal under the
Planning Act. | 2
3 |
| <i>Planning Act</i> means the <i>Planning and
Development (Planning for Prosperity) Act 2015</i> . | 4
5 |
| <i>planning scheme</i> means a planning scheme
under the Planning Act. | 6
7 |
| (3) Schedule 2, definition <i>assessable development</i> , ‘schedule 3’—
<i>omit, insert—</i> | 8
9 |
| section 39(3) | 10 |
| (4) Schedule 2, definition <i>decision notice</i> , ‘section 334’—
<i>omit, insert—</i> | 11
12 |
| section 60 | 13 |
| (5) Schedule 2, definition <i>development application</i> , ‘schedule
3’—
<i>omit, insert—</i> | 14
15
16 |
| schedule 2 | 17 |
| (6) Schedule 2, definition <i>development approval</i> , ‘schedule 3’—
<i>omit, insert—</i> | 18
19 |
| section 44 | 20 |
| (7) Schedule 2, definition <i>development permit</i> , ‘section 243’—
<i>omit, insert—</i> | 21
22 |
| section 44(3) | 23 |
| (8) Schedule 2, definition <i>enforcement action</i> , ‘chapter 7, part 3,
divisions 2 and 3’—
<i>omit, insert—</i> | 24
25
26 |
| chapter 5, part 3 | 27 |
| (9) Schedule 2, definition <i>local planning instrument</i> , ‘schedule
3’— | 28
29 |
-

<i>omit, insert—</i>	1
section 7(3)	2
(10) Schedule 2, definition <i>negotiated decision notice</i> , ‘section 363(1)’—	3
	4
<i>omit, insert—</i>	5
section 73(3)	6

Part 10	Amendment of Building and Construction Industry (Portable Long Service Leave) Act 1991	7
		8
		9

Clause 113	Act amended	10
	This part amends the <i>Building and Construction Industry (Portable Long Service Leave) Act 1991</i> .	11
		12
Clause 114	Amendment of s 67 (Notification of building and construction work)	13
	Section 67(2)(a), from ‘or compliance’ to ‘2009’—	14
		15
	<i>omit, insert—</i>	16
	under the Planning Act	17
Clause 115	Amendment of s 73 (Meaning of <i>cost</i> of building and construction work)	18
	Section 73(4), definition <i>environmental impact statement</i> , paragraph (c), after ‘the’—	19
		20
	<i>insert—</i>	21
		22
	repealed	23

Clause 116	Amendment of s 74 (Liability for levy)	1
	(1) Section 74(c), ‘ <i>Sustainable Planning Act 2009</i> ’—	2
	<i>omit, insert—</i>	3
	Planning Act	4
	(2) Section 74(ca)—	5
	<i>omit.</i>	6
	(3) Section 74(d), ‘(b), (c) and (ca)’—	7
	<i>omit, insert—</i>	8
	(b) and (c)	9
Clause 117	Amendment of s 75 (When levy is payable)	10
	(1) Section 75(1)(a)(i), from ‘or compliance’ to ‘2009’—	11
	<i>omit, insert—</i>	12
	under the Planning Act	13
	(2) Section 75(1)(a)(ii), ‘ <i>Sustainable Planning Act 2009</i> ’—	14
	<i>omit, insert—</i>	15
	Planning Act	16
	(3) Section 75(1)(b), ‘, compliance permit’—	17
	<i>omit.</i>	18
Clause 118	Amendment of s 77 (Duty to sight approved form)	19
	(1) Section 77(1)(a) and (b), ‘ <i>Sustainable Planning Act 2009</i> ’—	20
	<i>omit, insert—</i>	21
	Planning Act	22
	(2) Section 77(1A)—	23
	<i>omit.</i>	24
	(3) Section 77(2), from ‘manager’ to ‘compliance permit’—	25
	<i>omit, insert—</i>	26

	manager or local government (the <i>relevant authority</i>) must not give the development permit or approval	1 2 3
(4)	Section 77(5), definition <i>assessment manager</i> , paragraph (a), ‘ <i>Sustainable Planning Act 2009</i> , section 246(1)’—	4 5
	<i>omit, insert—</i>	6
	Planning Act, section 43	7

Clause 119	Insertion of new pt 11, div 8	8
	Part 11—	9
	<i>insert—</i>	10

Division 8	Transitional provision for Planning and Development (Planning for Prosperity—Consequential Amendments) and Other Legislation Amendment Act 2015	11 12 13 14 15 16 17
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125 Existing development applications and requests for compliance assessment under the repealed Sustainable Planning Act 2009	18 19 20
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(1)	This section applies to a development application or request for compliance assessment to which the Planning Act, section 244 applies.	21 22 23
(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 (Planning for Prosperity—Consequential Amendments) and Other Legislation Amendment Act 2015</i> had not been enacted.	24 25 26 27 28 29 30

Clause 120	Amendment of schedule (Dictionary)	1
(1)	Schedule, definition <i>private certifier (class A)</i> —	2
	<i>omit.</i>	3
(2)	Schedule—	4
	<i>insert—</i>	5
	<i>Planning Act</i> means the <i>Planning and Development (Planning for Prosperity) Act 2015</i> .	6
		7
	<i>private certifier</i> see the Planning Act, schedule 2.	8
	<i>private certifier (class A)</i> means a private	9
	certifier whose licence under the <i>Building Act</i>	10
	<i>1975</i> has development approval endorsement	11
	under that Act.	12
(3)	Schedule, definition <i>assessment manager</i> , ‘ <i>Sustainable Planning Act 2009</i> ’—	13
		14
	<i>omit, insert—</i>	15
	Planning Act	16

Part 11	Amendment of Cape York Peninsula Heritage Act 2007	17
		18

Clause 121	Act amended	19
	This part amends the <i>Cape York Peninsula Heritage Act 2007</i> .	20

Clause 122	Insertion of new pt 7	21
	After part 6—	22
	<i>insert—</i>	23

Part 7 **Transitional provision** 1
for Planning and 2
Development (Planning 3
for Prosperity— 4
Consequential 5
Amendments) and 6
Other Legislation 7
Amendment Act 2015 8

30 Continuing application of pt 4 9

(1) Part 4, as in force before the commencement, 10
continues to apply to an existing application as if 11
the existing application were a vegetation 12
clearing application. 13

(2) In this section— 14

existing application means a development 15
application to which the *Planning and* 16
Development (Planning for Prosperity) Act 2015, 17
section 244 applies if the application is for 18
assessable development that is— 19

(a) prescribed under section 232(1) of the 20
repealed Act; and 21

(b) operational work, as defined under the 22
repealed Act, that is the clearing of 23
vegetation. 24

repealed Act means the repealed *Sustainable* 25
Planning Act 2009. 26

Clause 123 Amendment of schedule (Dictionary) 27

Schedule, definition *vegetation clearing application*— 28

omit, insert— 29

vegetation clearing application means a 30
development application under the *Planning and* 31

<i>Development (Planning for Prosperity) Act 2015</i>	1
for development that is—	2
(a) categorised as assessable development	3
under a regulation under that Act; and	4
(b) operational work, as defined under that Act,	5
that is the clearing of vegetation.	6

Part 12	Amendment of Century Zinc	7
	Project Act 1997	8

Clause 124	Act amended	9
	This part amends the <i>Century Zinc Project Act 1997</i> .	10

Clause 125	Insertion of new pt 8	11
	After part 7—	12
	<i>insert—</i>	13

Part 8	Transitional provision	1
	for Planning and	2
	Development (Planning	3
	for Prosperity—	4
	Consequential	5
	Amendments) and	6
	Other Legislation	7
	Amendment Act 2015	8

23	Continuing application of pt 4	9
	Part 4, as in force before the commencement,	10
	continues to apply to a development application to	11
	which the <i>Planning and Development (Planning for</i>	12
	<i>Prosperity) Act 2015</i> , section 244 applies, as if the	13
	<i>Planning and Development (Planning for</i>	14
	<i>Prosperity—Consequential Amendments) and Other</i>	15
	<i>Legislation Amendment Act 2015</i> had not been	16
	enacted.	17

Clause 126	Amendment of sch 6 (Dictionary)	18
	Schedule 6, definition <i>development application</i> , paragraph (a)—	19
	<i>omit, insert—</i>	20
	(a) the <i>Planning and Development (Planning</i>	21
	<i>for Prosperity) Act 2015</i> ;	22

Part 13	Amendment of City of Brisbane	23
	Act 2010	24

Clause 127	Act amended	25
	This part amends the <i>City of Brisbane Act 2010</i> .	26

Clause 128	Amendment of s 40 (Development processes)	1
	Section 40(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 129	Amendment of s 79 (Assessment of impacts on roads from certain activities)	6
	Section 79(1)(c)(ii)—	7
	<i>omit, insert—</i>	8
	(ii) development categorised under the	9
	council’s planning scheme as	10
	assessable development for the	11
	Planning Act; or	12
		13
Clause 130	Insertion of new ch 8, pt 7	14
	Chapter 8—	15
	<i>insert—</i>	16
	Part 7	17
	Transitional provisions	18
	for Planning and	19
	Development (Planning	20
	for Prosperity—	21
	Consequential	22
	Amendments) and	23
	Other Legislation	24
	Amendment Act 2015	25
	270 Definition for pt 7	26
	In this part—	

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

271 Continuing application of s 90 3

Section 90 continues to apply to a development 4
application made under the repealed Planning Act 5
before the commencement. 6

272 Continuing application of s 121 7

Section 121 continues to apply to an application made, 8
or a permit or notice given, under the repealed 9
Planning Act before the commencement. 10

273 Existing remedial notice 11

- (1) This section applies if a remedial notice requiring 12
an owner or occupier of a property to take action 13
under the repealed Planning Act was given under 14
section 127A before the commencement. 15
- (2) The remedial notice continues to have effect as if 16
the repealed Planning Act had not been repealed. 17

274 Inside information for repealed Planning Act 18

Information about the following continues to be inside 19
information for section 173A as if the repealed 20
Planning Act had not been repealed— 21

- (a) the exercise of a power under the repealed 22
Planning Act by the council, a councillor or 23
a council employee; 24
- (b) a decision or proposed decision under the 25
repealed Planning Act of the council or any 26
of its committees; 27
- (c) the exercise of a power, under the repealed 28
Planning Act, by the State, a Minister, a 29

statutory body or an employee of the State 1
or statutory body, that affects the council, 2
any of its corporate entities or land or 3
infrastructure within Brisbane; 4

(d) any legal or financial advice about the 5
repealed Planning Act created for the 6
council, any of its committees or any of its 7
corporate entities. 8

275 Continuing application of s 228 9

Section 228(2) continues to apply to a fine imposed by 10
the court for an offence against the repealed Planning 11
Act as if that Act had not been repealed. 12

Clause 131 Amendment of sch 1 (Dictionary) 13

(1) Schedule 1, definitions *Planning Act*, *Planning and* 14
Environment Court and *planning scheme*— 15
omit. 16

(2) Schedule 1— 17
insert— 18

Planning Act means the *Planning and* 19
Development (Planning for Prosperity) Act 2015. 20

planning scheme means a planning scheme 21
under the Planning Act. 22

Part 14	Amendment of Coastal	1
	Protection and Management	2
	Act 1995	3

Clause 132	Act amended	4
	This part amends the <i>Coastal Protection and Management Act 1995</i> .	5 6

Clause 133	Amendment of s 9 (Meaning of <i>canal</i>)	7
	Section 9—	8
	<i>insert—</i>	9
	(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.	10 11 12 13 14

Clause 134	Amendment of s 21 (Content of coastal plan)	15
	(1) Section 21(3)—	16
	<i>omit, insert—</i>	17
	(3) The coastal plan may include 1 or both of the following—	18 19
	(a) a map or series of maps showing coastal resource information;	20 21
	(b) requirements about coastal resources and land management in the coastal zone.	22 23
	(2) Section 21(4)—	24
	<i>omit.</i>	25

Clause 135	Amendment of s 25 (Notice about draft coastal plan)	26
	(1) Section 25(4)(a)—	27

omit.

1

(2) Section 25(4)(b) and (c)—

2

renumber as section 25(4)(a) and (b).

3

Clause 136 Amendment of s 28 (Notice about making coastal plan)

4

(1) Section 28(3)(a)—

5

omit.

6

(2) Section 28(3)(b) and (c)—

7

renumber as section 28(3)(a) and (b).

8

Clause 137 Amendment of s 34 (Implementation of coastal plan)

9

(1) Section 34(3)(a)—

10

omit.

11

(2) Section 34(3)(b) and (c)—

12

renumber as section 34(3)(a) and (b).

13

Clause 138 Amendment of s 85 (Suspension or cancellation—grounds)

14

15

Section 85(b)(iii), after ‘applied for’—

16

insert—

17

or obtained

18

Clause 139 Omission of ch 2, pt 5, div 2 (Removal of quarry material may require other approvals)

19

20

Chapter 2, part 5, division 2—

21

omit.

22

Clause 140	Replacement of ch 2, pt 6, hdg (Development approvals for assessable development)—	1 2
	Chapter 2, part 6, heading—	3
	<i>omit, insert—</i>	4
	Part 6	5
	Land surrender and artificial waterways	6
Clause 141	Omission of ch 2, pt 6, divs 1 and 2	7
	Chapter 2, part 6, divisions 1 and 2—	8
	<i>omit.</i>	9
Clause 142	Amendment of s 109 (Application of div 3)	10
	Section 109, ‘reconfiguration of’—	11
	<i>omit, insert—</i>	12
	reconfiguring	13
Clause 143	Omission of ch 2, pt 6, div 3, sdiv 2 (Land surrender conditions)	14 15
	Chapter 2, part 6, division 3, subdivision 2—	16
	<i>omit.</i>	17
Clause 144	Amendment of s 115A (Applicant may surrender land voluntarily)	18 19
	(1) Section 115A(1), from ‘without’ to ‘subdivision 2’—	20
	<i>omit.</i>	21
	(2) Section 115A(2)—	22
	<i>omit.</i>	23

Clause 145	Amendment of s 115B (Surrendered land to be dedicated for coastal management purposes)	1 2
	Section 115B(1), ‘under a land surrender condition or’—	3
	<i>omit.</i>	4
Clause 146	Amendment of s 116 (Canals—surrender to the State)	5
	Section 116(1), ‘to reconfigure’—	6
	<i>omit, insert—</i>	7
	for reconfiguring	8
Clause 147	Omission of ch 2, pt 6, div 4, sdiv 2 (Development applications involving artificial waterways)	9 10
	Chapter 2, part 6, division 4, subdivision 2—	11
	<i>omit.</i>	12
Clause 148	Omission of ch 2, pt 6, div 5 (Exemption certificates)	13
	Chapter 2, part 6, division 5—	14
	<i>omit.</i>	15
Clause 149	Amendment of s 123 (Right to occupy and use land on which particular tidal works were, or are to be, carried out)	16 17 18
	(1) Section 123(4), from ‘are’—	19
	<i>omit, insert—</i>	20
	is accepted development under the Planning Act.	21
	(2) Section 123(5)(a), from ‘in accordance’ to ‘code’—	22
	<i>omit.</i>	23
	(3) Section 123(6), definition <i>IDAS code</i> —	24
	<i>omit.</i>	25

Clause 150	Insertion of new ch 5, pt 2A	1
	After chapter 5, part 2—	2
	<i>insert—</i>	3
	Part 2A	4
	Planning and Environment Court	5
	declarations	6
	164A Planning and Environment Court may make declarations	7
	(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.	8 9 10 11 12 13
	(2) The court may make an order about a declaration made under subsection (1).	14 15
Clause 151	Amendment of s 167 (Regulation-making power)	16
	(1) Section 167(2)(b)—	17
	<i>omit.</i>	18
	(2) Section 167(3)—	19
	<i>omit.</i>	20
	(3) Section 167(6), ‘a code for IDAS’—	21
	<i>omit, insert—</i>	22
	an assessment benchmark	23
	(4) Section 167—	24
	<i>insert—</i>	25
	(7) A regulation may, for the Planning Act, state the requirements that operational work involving tidal works, or work in a coastal management	26 27 28

	district, must comply with to be categorised as accepted development under that Act.	1 2
Clause 152	Amendment of s 177 (Relationship to particular Planning Act provisions)	3 4
	Section 177(2)—	5
	<i>omit, insert—</i>	6
	(2) The Planning Act, chapter 3, part 6, division 2, subdivision 2 and divisions 3 and 4 apply to a deemed approval.	7 8 9
Clause 153	Amendment of s 189 (Particular permits under the Beach Protection Act)	10 11
	Section 189(2), ‘section 341(1)’—	12
	<i>omit, insert—</i>	13
	section 82(1)	14
Clause 154	Amendment of s 193 (Responsible entity for request to change deemed approval)	15 16
	(1) Section 193—	17
	<i>insert—</i>	18
	(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.	19 20 21
	(2) Section 193(7)—	22
	<i>insert—</i>	23
	<i>Planning Act</i> means the <i>Sustainable Planning Act 2009</i> .	24 25

Clause	155	Amendment of s 194 (Continuing application of particular provisions)	1
			2
		Section 194(3)—	3
		<i>insert—</i>	4
		<i>Planning Act</i> means the <i>Sustainable Planning Act 2009</i> .	5
			6
 Clause	 156	 Amendment of s 204 (Development applications not decided on commencement that relate to tidal works)	 7
			8
		Section 204(3)—	9
		<i>insert—</i>	10
		<i>Planning Act</i> means the <i>Sustainable Planning Act 2009</i> .	11
			12
 Clause	 157	 Insertion of new ch 6, pt 8	 13
		Chapter 6—	14
		<i>insert—</i>	15
		Part 8	Transitional provisions
			for Planning and
			Development (Planning
			for Prosperity—
			Consequential
			Amendments) and
			Other Legislation
			Amendment Act 2015
			23
		 205 Definitions for pt 8	 24
		In this part—	25
		<i>amending Act</i> means the <i>Planning and Development</i>	26
		(<i>Planning for</i>	27

Prosperity—Consequential Amendments) and 1
Other Legislation Amendment Act 2015. 2

former, in relation to a provision, means the 3
provision as in force before the provision was 4
amended or repealed under the amending Act. 5

206 Responsible entity for change application for 6
deemed approval 7

(1) This section applies to a deemed approval 8
mentioned in section 177 if the holder of the 9
approval makes a change application for a change 10
to the deemed approval. 11

(2) The chief executive must decide who will be the 12
responsible entity for the change application. 13

(3) For the Planning Act, a copy of the change 14
application must also be given to an entity that 15
would have been a referral agency for a 16
development application for the deemed 17
approval. 18

(4) Subsection (2) applies despite the Planning Act, 19
section 75(3), but subject to subsection (5). 20

(5) The local government may elect not to be the 21
responsible entity for the change application. 22

(6) If the local government decides not to be the 23
responsible entity for the change application, the 24
local government is not required to be given a 25
copy of the change application under the 26
Planning Act. 27

(7) In this section— 28

change application see the Planning Act, section 29
75(1). 30

responsible entity, for a change application, 31
means the responsible entity under the Planning 32
Act, section 75(3) for the change application. 33

207 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) The following provisions continue to apply to the development application as if the amending Act had not been enacted—	5 6 7
(a) former section 100A;	8
(b) if the chief executive is, under the repealed <i>Sustainable Planning Act 2009</i> , the assessment manager or a concurrence agency for the development application—former chapter 2, part 6.	9 10 11 12 13

208 Land surrender conditions	14
(1) This section applies to a development approval if the approval includes a land surrender condition under former section 110.	15 16 17
(2) Former section 115B continues to apply to the surrender of land under the land surrender condition as if the amending Act had not been enacted.	18 19 20 21

Clause 158 Amendment of schedule (Dictionary)	22
(1) Schedule, definitions <i>applicable code</i> , <i>assessment manager</i> , <i>concurrence agency</i> , <i>land surrender condition</i> , <i>Planning Act</i> , <i>Planning Minister</i> and <i>planning scheme</i> —	23 24 25
<i>omit.</i>	26
(2) Schedule—	27
<i>insert—</i>	28
<i>Planning Act</i> means the <i>Planning and Development (Planning for Prosperity) Act 2015</i> .	29 30

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

Part 15 **Amendment of Criminal Organisation Act 2009** 1
2

Clause 159 Act amended 3
This part amends the *Criminal Organisation Act 2009*. 4

Clause 160 Amendment of s 40 (Relationship with Planning Act and development approvals) 5
6
Section 40(2)— 7
omit, insert— 8
(2) If, but for this subsection, the development would 9
be either of the following under the Planning Act, 10
the development is taken to be accepted 11
development under that Act— 12
(a) assessable development; 13
(b) prohibited development. 14

Clause 161 Amendment of sch 2 (Dictionary) 15
Schedule 2, definition *Planning Act*— 16
omit, insert— 17
Planning Act means the *Planning and Development (Planning for Prosperity) Act 2015*. 18
19

Part 16 **Amendment of Disaster Management Act 2003** 20
21

Clause 162 Act amended 22
This part amends the *Disaster Management Act 2003*. 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’— <i>omit.</i>	3 4
(2)	Section 20B(1)(b) and (6)(b) and (c), ‘Sustainable’— <i>omit.</i>	5 6
(3)	Section 20B(2), ‘provisions do’— <i>omit, insert—</i> provision does	7 8 9
(4)	Section 20B(6)(a), ‘provisions are’— <i>omit, insert—</i> provision is	10 11 12
(5)	Section 20B(7)— <i>omit, insert—</i>	13 14
(7)	In this section— <i>deemed approval provision</i> means the Planning Act, section 61. <i>development application</i> see the Planning Act, schedule 2. <i>Planning Act</i> means the <i>Planning and Development (Planning for Prosperity) Act 2015</i> . <i>relevant local government</i> , for a disaster situation, means a local government in whose local government area the declared area, or part of the declared area, for the disaster situation is situated.	15 16 17 18 19 20 21 22 23 24 25 26
Clause 164	Insertion of new pt 14, div 3, sdiv 3 Part 14, division 3— <i>insert—</i>	27 28 29

Subdivision 3	Transitional provision for	1
	Planning and Development	2
	(Planning for	3
	Prosperity—Consequential	4
	Amendments) and Other	5
	Legislation Amendment	6
	Act 2015	7
181	Notices about deemed approvals for existing	8
	development applications under the repealed	9
	Sustainable Planning Act 2009	10
(1)	This section applies to a development application (an <i>existing development application</i>) to which the <i>Planning and Development (Planning for Prosperity) Act 2015</i> , section 244 applies.	11 12 13 14
(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.	15 16 17 18
(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.	19 20 21 22 23
(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.	24 25 26 27
(5)	In this section— <i>amending Act</i> means the <i>Planning and Development (Planning for Prosperity—Consequential Amendments) and Other Legislation Amendment Act 2015</i> . <i>unamended Act</i> means this Act as in force before the commencement.	28 29 30 31 32 33 34

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

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

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 approval or 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

	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 Development (Planning Court) Act 2015</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

	(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’— <i>omit, insert—</i>	7 8
	development approvals and designations under the Planning Act	9 10
	(2) Section 77(1)(a), ‘an SPA development approval’— <i>omit, insert—</i>	11 12
	a development approval under the Planning Act	13 14
	(3) Section 77(1)(b)— <i>omit, insert—</i>	15 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’— <i>omit.</i>	20 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’— <i>omit, insert—</i>	25 26
	development approval under the Planning Act	27
	(2) Section 80(1)(a), ‘an SPA development approval’— <i>omit, insert—</i>	28 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

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 Development (Planning Court) Act 2015*, part 5 applies to the appeal, 13
with necessary changes, as if— 14
(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—	1 2 3 4 5
	(a)	the relevant PDA development approval were a development approval under the Planning Act; and	6 7 8
	(b)	the nominated assessing authority were an enforcement authority under the Planning Act for development under the PDA development approval; and	9 10 11 12
	(c)	a reference to a development offence under the Planning Act were a reference to a PDA development offence.	13 14 15
Clause 188	Amendment of s 100 (When approval lapses generally)		16
	(1)	Section 100(4)(a), ‘4 years’—	17
		<i>omit, insert—</i>	18
		6 years	19
	(2)	Section 100(5)(a), (b) and (c)—	20
		<i>omit, insert—</i>	21
	(a)	4 years from the day of effect; or	22
	(b)	if the approval states a different period—the stated period.	23 24
	(3)	Section 100(8), definition <i>related approval</i> , paragraph (a)(i), ‘SPA development approval’—	25 26
		<i>omit, insert—</i>	27
		development approval under the Planning Act for an application under that Act	28 29 30
	(4)	Section 100(8), definition <i>related approval</i> , paragraph (a)(i)(B), ‘an SPA development permit’—	31 32

<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
	omit, insert—	21
	<i>Planning and Development (Planning Court) Act 2015</i> , part 6	22 23
	(2) Section 109(5), definition <i>environment</i> —	24
	omit, insert—	25
	<i>environment</i> see the <i>Environmental Protection Act 1994</i> , section 8.	26 27
Clause 191	Amendment of s 110 (Offence to contravene enforcement order)	28 29
	Section 110, note, paragraph (b)—	30
	omit, insert—	31

	(b) the <i>Planning and Development (Planning Court) Act 2015</i> , section 36.	1 2
Clause 192	Amendment of s 123 (Application of local government entry powers for MEDQ’s functions or powers)	3 4
	Section 123(6), definition <i>lot</i> , ‘Sustainable Planning Act, section 10’—	5 6
	<i>omit, insert—</i>	7
	Planning Act, schedule 2	8
Clause 193	Amendment of s 127 (Direction to government entity or local government to accept transfer)	9 10
	Section 127(5), ‘Sustainable Planning Act, section 678’—	11
	<i>omit, insert—</i>	12
	Planning Act, section 156	13
Clause 194	Amendment of s 177 (Definitions for ch 6)	14
	Section 177—	15
	<i>insert—</i>	16
	<i>SPA development approval</i> means a development approval under the Sustainable Planning Act.	17 18
	<i>Sustainable Planning Act</i> means the <i>Sustainable Planning Act 2009</i> .	19 20
Clause 195	Amendment of s 195 (Relationship with Sustainable Planning Act)	21 22
	Section 195—	23
	<i>insert—</i>	24
	(8) In this section—	25

community infrastructure designation means a
 community infrastructure designation under the
 Sustainable Planning Act.
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
 (Planning for
 Prosperity—
 Consequential
 Amendments) and
 Other Legislation
 Amendment Act
 2015**

217 Definitions for ch 7
 In this chapter—
amending Act means the *Planning and
 Development (Planning for
 Prosperity—Consequential Amendments) and
 Other Legislation Amendment Act 2015*.

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.
- (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— 1
insert— 2
material change of use, of premises, see the 3
Planning Act, schedule 2. 4
Planning Act means the *Planning and* 5
Development (Planning for Prosperity) Act 2015. 6
planning scheme means a planning scheme 7
under the Planning Act. 8
reconfiguring a lot see the Planning Act, 9
schedule 2. 10
- (3) Schedule 1, definition *building work*, from ‘Sustainable’— 11
omit, insert— 12
Planning Act. 13
- (4) Schedule 1, definition *infrastructure agreement*, ‘Sustainable 14
Planning Act, schedule 3’— 15
omit, insert— 16
Planning Act, section 147 17
- (5) Schedule 1, definition *lawful use*, paragraph (b), ‘or the 18
Sustainable Planning Act’— 19
omit, insert— 20
, the Planning Act, the repealed *Sustainable* 21
Planning Act 2009 or the repealed 22
Integrated Planning Act 1997 23
- (6) Schedule 1, definition *operational work*, ‘Sustainable 24
Planning Act, section 10’— 25
omit, insert— 26
Planning Act, schedule 2 27
- (7) Schedule 1, definition *planning instrument*, ‘Sustainable’— 28
omit. 29
- (8) Schedule 1, definition *relevant development*, ‘or an SPA 30
development approval’— 31
-

<i>omit, insert—</i>	1
, development approval under the Planning Act	2
(9) Schedule 1, definition <i>relevant land</i> , paragraph (b), ‘an SPA development approval’—	3
	4
<i>omit, insert—</i>	5
a development approval under the Planning Act	6

Part 18	Amendment of Electricity Act 1994	7
		8

Clause 198	Act amended	9
	This part amends the <i>Electricity Act 1994</i> .	10

Clause 199	Replacement of s 112A (Clearing native vegetation for operating works on freehold land)	11
	Section 112A—	12
	<i>omit, insert—</i>	13
	112A Clearing native vegetation for operating works on freehold land	14
		15
	(1) This section has effect despite the Planning Act.	16
	(2) Carrying out work that is the clearing of vegetation on freehold land is accepted development under the Planning Act if the clearing—	17
		18
	(a) is for operating works for a transmission entity or distribution entity; and	19
		20
	(b) is on land designated for the operating works under the Planning Act, chapter 2, part 5.	21
		22
		23
		24
		25
		26

- (3) In this section— 1
Planning Act means the *Planning and Development (Planning for Prosperity) Act 2015*. 2
vegetation see the *Vegetation Management Act 1999*, section 8. 3
4
5

Part 19 Amendment of Environmental Offsets Act 2014 6 7

Clause 200 Act amended 8
This part amends the *Environmental Offsets Act 2014*. 9

Clause 201 Amendment of s 5 (Relationship with particular Acts) 10
(1) Section 5(2)(a), ‘*Sustainable Planning Act 2009*’— 11
omit, insert— 12
Planning Act 13
(2) Section 5(3), note, fourth dot point— 14
omit. 15

Clause 202 Amendment of s 13B (What this part is about) 16
Section 13B(2)(b), ‘section 325(1)’— 17
omit, insert— 18
section 59(2) 19

Clause 203 Amendment of s 16 (Conditions that apply under this Act to authority) 20
Section 16(5), ‘*Sustainable Planning Act 2009*, section 347(1)(b) and (c)’— 21
22
23

<i>omit, insert—</i>	1
Planning Act, section 63(1)(a) and (c)	2
Clause 204 Amendment of sch 2 (Dictionary)	3
(1) Schedule 2, definition <i>Planning Act—</i>	4
<i>omit.</i>	5
(2) Schedule 2—	6
<i>insert—</i>	7
<i>assessment manager</i> see the Planning Act, section 43.	8 9
<i>Planning Act</i> means the <i>Planning and Development (Planning for Prosperity) Act 2015</i> .	10 11
<i>referral agency</i> see the Planning Act, section 49(2).	12 13
(3) Schedule 2, definition <i>administering agency</i> , paragraph (a)(i)—	14 15
<i>omit, insert—</i>	16
(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	17 18 19 20 21
(4) Schedule 2, definition <i>administering agency</i> , paragraph (a)(ii), ‘concurrence’—	22 23
<i>omit, insert—</i>	24
referral	25

Part 20	Amendment of Environmental Protection Act 1994	1 2
Clause 205	Act amended	3
	This part amends the <i>Environmental Protection Act 1994</i> .	4
Clause 206	Amendment of s 115 (Development application taken to be application for environmental authority in particular circumstances)	5 6 7
	Section 115(1)(b)(ii)—	8
	<i>omit, insert—</i>	9
	(ii) is categorised as assessable development under a regulation under the Planning Act.	10 11
Clause 207	Amendment of s 125 (Requirements for applications generally)	12 13
	Section 125(3)(a)(ii), ‘has evaluated an EIS’—	14
	<i>omit, insert—</i>	15
	has, under the State Development Act, evaluated an EIS or IAR	16 17
Clause 208	Amendment of s 126 (Requirements for site-specific applications—CSG activities)	18 19
	Section 126(3)(a)—	20
	<i>omit, insert—</i>	21
	(a) the Coordinator-General has, under the State Development Act, evaluated an EIS or IAR for the CSG activity; and	22 23 24

Clause 209	Amendment of s 139 (Information stage does not apply if EIS process complete)		1
			2
	(1)	Section 139, heading, after ‘EIS’—	3
		<i>insert—</i>	4
		or IAR	5
	(2)	Section 139(1)(a)(ii)—	6
		<i>omit, insert—</i>	7
		(ii) the Coordinator-General has, under the	8
		State Development Act, evaluated an	9
		EIS or IAR for each relevant activity	10
		the subject of the application and there	11
		are Coordinator-General’s conditions	12
		that relate to each relevant activity; and	13
Clause 210	Amendment of s 150 (Notification stage does not apply to particular applications)		14
			15
	(1)	Section 150(1)(b), after ‘EIS’—	16
		<i>insert—</i>	17
		or IAR	18
	(2)	Section 150(1)(c), ‘mentioned in paragraph (a) or (b)’—	19
		<i>omit, insert—</i>	20
		or IAR	21
	(3)	Section 150(3), after ‘EIS’—	22
		<i>insert—</i>	23
		or IAR	24
	(4)	Section 150(4)—	25
		<i>omit.</i>	26

Clause 211	Amendment of s 153 (Required content of application notice)	1 2
	(1) Section 153(2), ‘the process for an EIS’—	3
	<i>omit, insert—</i>	4
	an EIS or IAR (the <i>relevant assessment</i>)	5
	(2) Section 153(2), note, after ‘EIS’—	6
	<i>insert—</i>	7
	or IAR	8
	(3) Section 153(3), ‘EIS’—	9
	<i>omit, insert—</i>	10
	relevant assessment	11
Clause 212	Amendment of s 161 (Acceptance of submission)	12
	(1) Section 161(4), ‘the process for an EIS’—	13
	<i>omit, insert—</i>	14
	an EIS or IAR	15
	(2) Section 161(4), note, after ‘EIS’—	16
	<i>insert—</i>	17
	or IAR	18
Clause 213	Amendment of s 166 (When does decision stage start—application relating to development applications)	19 20
	(1) Section 166(2)(a), ‘decision stage’—	21
	<i>omit, insert—</i>	22
	decision-making period	23
	(2) Section 166(2)(b)—	24
	<i>omit, insert—</i>	25
	(b) if the administering authority or the planning chief executive is a referral agency	26 27

	for the development application under the	1
	Planning Act—the day the referral agency’s	2
	period for assessing the development	3
	application starts under the Planning Act.	4
Clause 214	Amendment of s 169 (When decision must be made—particular applications)	5
		6
	Section 169(3), from ‘concurrence’ to ‘period for’—	7
	<i>omit, insert—</i>	8
	referral agency for the development application	9
	under the Planning Act, a decision under	10
	subdivision 2 must be made within the referral	11
	agency’s period for assessing	12
Clause 215	Amendment of s 173 (When particular applications must be refused)	13
		14
	(1) Section 173(2)(b)—	15
	<i>omit, insert—</i>	16
	(b) the administering authority or planning	17
	chief executive is a referral agency or	18
	assessment manager for the development	19
	application; and	20
	(c) the administering authority or planning	21
	chief executive—	22
	(i) refuses the development application or	23
	directs it be refused; or	24
	(ii) grants a preliminary approval only or	25
	directs that only a preliminary approval	26
	be given.	27
	(2) Section 173—	28
	<i>insert—</i>	29
	(5) In this section—	30

preliminary approval means a preliminary
approval under the Planning Act. 1
2

Clause 216	Amendment of s 195 (Issuing environmental authority)	3
	Section 195(c)(ii)—	4
	<i>omit, insert—</i>	5
	(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	6 7 8 9 10
	(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	11 12 13 14 15
	(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 response to the applicant for the development application; or	16 17 18 19 20 21
Clause 217	Amendment of s 205 (Conditions that must be imposed if application relates to coordinated project)	22 23
	Section 205(2), note—	24
	<i>omit.</i>	25
Clause 218	Amendment of s 332 (Administering authority may require draft program)	26 27
	Section 332(1), from ‘program’ to ‘development approval’—	28
	<i>omit, insert—</i>	29

	program as a condition of an environmental authority	1 2
Clause 219	Amendment of s 338 (Criteria for deciding draft program)	3
	Section 338(3)—	4
	<i>omit.</i>	5
Clause 220	Amendment of s 370 (Definitions for pt 8)	6
	Section 370, definition <i>compliance permit</i> —	7
	<i>omit.</i>	8
Clause 221	Omission of s 382 (Compliance permit)	9
	Section 382—	10
	<i>omit.</i>	11
Clause 222	Amendment of s 388 (Application of s div 2)	12
	Section 388(1)(a) and (b)—	13
	<i>omit, insert—</i>	14
	(a) a site investigation report for relevant land is required to be prepared under an investigation notice for the land; or	15 16 17
	(b) a validation report for relevant land is required to be prepared under a clean-up notice for the land; or	18 19 20
Clause 223	Amendment of s 580 (Regulation-making power)	21
	Section 580(4)—	22
	<i>omit, insert—</i>	23
	(4) Also, a regulation may prescribe the following for the Planning Act—	24 25

	(a) the assessment benchmarks under that Act	1
	that a development application for a	2
	prescribed ERA must be assessed against;	3
	and	4
	(b) the matters a referral agency must assess a	5
	development application for a prescribed	6
	ERA against, or having regard to.	7
Clause 224	Amendment of s 616ZB (End of environmental authority)	8
	Section 616ZB(b), ‘section 10(1)’—	9
	<i>omit, insert—</i>	10
	schedule 2	11
Clause 225	Amendment of s 624 (Effect of commencement on particular approvals)	12
	Section 624(2)(b)(ii), ‘section 10(1)’—	13
	<i>omit, insert—</i>	14
	schedule 2	15
Clause 226	Insertion of new ch 13, pt 24	16
	Chapter 13—	17
	<i>insert—</i>	18
		19

Part 24	Transitional provisions for Planning and Development (Planning for Prosperity— Consequential Amendments) and Other Legislation Amendment Act 2015	1 2 3 4 5 6 7 8
740 Definitions for pt 24		9
In this part—		10
<i>amending Act</i>	means the <i>Planning and Development (Planning for Prosperity—Consequential Amendments) and Other Legislation Amendment Act 2015</i> .	11 12 13 14
<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.	15 16 17
<i>repealed Planning Act</i>	means the repealed <i>Sustainable Planning Act 2009</i> .	18 19
<i>unamended Act</i>	means this Act as in force before the commencement.	20 21
741 Existing development applications under the repealed Planning Act		22 23
(1)	This section applies to a development application to which the Planning Act, section 244 applies if the application is taken, under former section 115, to be an application for an environmental authority.	24 25 26 27 28
(2)	The unamended Act continues to apply to the application for the environmental authority as if the amending Act had not been enacted.	29 30 31

742 Requests for compliance assessment under the repealed Planning Act 1
2

- (1) This section applies to a request for compliance assessment to which the Planning Act, section 244 applies. 3
4
5
- (2) The unamended Act continues to apply in relation to a compliance permit given under the repealed Planning Act for the request as if the amending Act had not been enacted. 6
7
8
9

743 Transitional environmental programs 10

- (1) This section applies if a condition of a development approval given before or after the commencement requires a draft transitional environmental program under former section 332(1)(b). 11
12
13
14
15
- (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. 16
17
18
19

Clause 227 Amendment of sch 1 (Exclusions relating to environmental nuisance or environmental harm) 20
21
Schedule 1, section 3(f), ‘*Sustainable Planning Act 2009*’— 22
omit, insert— 23
Planning Act 24

Clause 228 Amendment of sch 2 (Original decisions) 25

- (1) Schedule 2, part 1, division 3, entries for section 171(2) and 172(2)(a), after ‘section 34D(3)(b)’— 26
27
insert— 28
or 34L(3)(b) 29
- (2) Schedule 2, part 2, division 4, entries for sections 382(2)— 30

omit. 1

Clause 229 Amendment of sch 4 (Dictionary) 2

(1) Schedule 4, definitions *advice agency*, *compliance permit*,
concurrence agency, *Planning Act* and *referral agency*— 3
4

omit. 5

(2) Schedule 4— 6

insert— 7

Planning Act means the *Planning and*
Development (Planning for Prosperity) Act 2015. 8
9

referral agency see the *Planning Act*, section
49(2). 10
11

(3) Schedule 4, definition *assessment manager*, ‘section
246(1)’— 12
13

omit, insert— 14

section 43 15

(4) Schedule 4, definition *development*, ‘section 7’— 16

omit, insert— 17

schedule 2 18

(5) Schedule 4, definition *development condition*, paragraph 1— 19

omit, insert— 20

1 *Development condition*, of a development
approval, means a condition of the approval
imposed by, or because of a requirement
of— 21
22
23
24

(a) the administering authority as
assessment manager or referral agency
for the application for the approval; or 25
26
27

(b) the planning chief executive as
assessment manager or referral agency
for the application for the approval, if 28
29
30

the administering authority is 1
nominated as the enforcement 2
authority under the Planning Act for 3
the condition. 4

Part 21 Amendment of Fire and Emergency Services Act 1990 5 6

Clause 230 Act amended 7
This part amends the *Fire and Emergency Services Act 1990*. 8

Clause 231 Amendment of s 113 (Appeal against local government's determination) 9
10
Section 113(5)(c), '*Sustainable Planning Act 2009*'— 11
omit, insert— 12
Planning and Development (Planning for Prosperity) Act 2015 13
14

Clause 232 Amendment of s 152C (Inspection of records of local governments and building certifiers) 15
16
Section 152C(2)(b)(ii), '*Integrated Planning Act 1997* or the 17
Sustainable Planning Act 2009'— 18
omit, insert— 19
repealed *Integrated Planning Act 1997*, 20
the repealed *Sustainable Planning Act* 21
2009 or the *Planning and Development* 22
(Planning for Prosperity) Act 2015 23

Part 22	Amendment of Fisheries Act 1994	1 2
Clause 233	Act amended	3
	This part amends the <i>Fisheries Act 1994</i> .	4
Clause 234	Omission of s 22 (Integrated development assessment system regulations and guidelines)	5 6
	Section 22—	7
	<i>omit.</i>	8
Clause 235	Amendment of s 52 (Things authorised by authorities)	9
	Section 52(4)(b), note—	10
	<i>omit, insert—</i>	11
	<i>Note—</i>	12
	See also section 76T and the Planning Act, section 160.	13
Clause 236	Amendment of s 76A (Application of sdiv 1)	14
	Section 76A(a) and (b), from ‘assessable’ to ‘section 232(1)’—	15
	<i>omit, insert—</i>	16
	development categorised as assessable	17
	development under a regulation under the	18
	Planning Act	19
Clause 237	Amendment of s 76C (Nature of fisheries development approval for which resource allocation authority required)	20 21 22
	Section 76C(2), ‘section 245 of the Planning Act’—	23
	<i>omit, insert—</i>	24
	the Planning Act, section 70	25

Clause 238	Omission of pt 5, div 3A, sdiv 2 (Assessment of development applications for fisheries development approval generally)	1 2 3
	Part 5, division 3A, subdivision 2—	4
	<i>omit.</i>	5
Clause 239	Replacement of pt 5, div 3A, sdiv 3, hdg (Assessment of development applications for construction or raising of waterway barrier works)	6 7 8
	Part 5, division 3A, subdivision 3, heading—	9
	<i>omit, insert—</i>	10
	Subdivision 3 Fish movement exemption notices	11 12
Clause 240	Omission of s 76G (When chief executive may approve applications relating to waterway barrier works)	13 14
	Section 76G—	15
	<i>omit.</i>	16
Clause 241	Replacement of pt 5, div 3A, sdiv 4, hdg (Conditions on fisheries development approvals generally)	17 18
	Part 5, division 3A, subdivision 4, heading—	19
	<i>omit, insert—</i>	20
	Subdivision 4 Environmental offset conditions on fisheries development approvals	21 22 23
Clause 242	Amendment of s 76H (Relationship between sdiv 4 and Planning Act)	24 25
	Section 76H, ‘chapter 6, part 5, division 6 of the Planning Act’—	26
	<i>omit, insert—</i>	27

the Planning Act, chapter 3, part 4, division 3 1

Clause 243	Omission of s 76I (Conditions on fisheries development approvals generally)	2 3
	Section 76I—	4
	<i>omit.</i>	5
Clause 244	Amendment of s 76IA (Environmental offset conditions)	6
	Section 76IA(1), ‘sections 346 and 346A’—	7
	<i>omit, insert—</i>	8
	section 62	9
Clause 245	Omission of ss 76J, 76K and 76L	10
	Sections 76J, 76K and 76L—	11
	<i>omit.</i>	12
Clause 246	Omission of pt 5, div 3A, sdiv 5 (Amending conditions on fisheries development approvals)	13 14
	Part 5, division 3A, subdivision 5—	15
	<i>omit.</i>	16
Clause 247	Amendment of s 76S (Purpose of sdiv 6)	17
	Section 76S, note—	18
	<i>omit, insert—</i>	19
	<i>Note—</i>	20
	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.	21 22 23 24

Clause 248	Amendment of s 76T (Penalties for carrying out assessable development without permit)	1 2
(1)	Section 76T(2), from ‘section 578(1)’ to ‘development permit’—	3 4
	<i>omit, insert—</i>	5
	section 160(1), the maximum penalty for an offence mentioned in that section	6 7
(2)	Section 76T(2)(a), (b) and (c), from ‘assessable’ to ‘section 232(1)’—	8 9
	<i>omit, insert—</i>	10
	development categorised as assessable development under a regulation under the Planning Act	11 12 13
Clause 249	Amendment of s 76U (Penalties for noncompliance with particular development approvals)	14 15
	Section 76U(2), ‘section 580(1)’—	16
	<i>omit, insert—</i>	17
	section 161	18
Clause 250	Amendment of s 76V (Additional requirement for development carried out in emergency)	19 20
(1)	Section 76V(1), ‘section 584’—	21
	<i>omit, insert—</i>	22
	section 163	23
(2)	Section 76V(2)—	24
	<i>omit, insert—</i>	25
	(2) For the Planning Act, section 163(6)(a)(ii), the person must also give notice of the activity to the chief executive.	26 27 28

Clause 251	Amendment of s 88B (Carrying out particular development without resource allocation authority)	1
		2
(1)	Section 88B(1)(a), from ‘assessable’ to ‘section 232(1)’—	3
	<i>omit, insert—</i>	4
	development categorised as assessable	5
	development under a regulation under the	6
	Planning Act	7
(2)	Section 88B(1)(b), from ‘self-assessable’ to ‘section 232(1)’—	8
	<i>omit, insert—</i>	9
	development categorised as accepted	10
	development under a regulation under the	11
	Planning Act	12
(3)	Section 88B(4), definition <i>relevant person</i> , ‘for which the chief executive is not the assessment manager’—	13
	<i>omit.</i>	14
		15
		16
Clause 252	Amendment of s 145 (Entry to places)	17
(1)	Section 145(1)(c), ‘, or a self-assessable development code,’—	18
	<i>omit, insert—</i>	19
	or an accepted development requirement	20
(2)	Section 145(1)(c)(ii), ‘code,’—	21
	<i>omit, insert—</i>	22
	accepted development requirement	23
(3)	Section 145(4)—	24
	<i>omit, insert—</i>	25
	(4) In this section—	26
	<i>accepted development requirement</i> means a	27
	requirement for accepted development prescribed	28
	by a regulation under section 223(2)(aa).	29
		30

Clause 253	Amendment of s 185 (Who may apply for review)	1
	(1) Section 185(2)(b)—	2
	<i>omit.</i>	3
	(2) Section 185(2)(c) to (g)—	4
	<i>renumber</i> as section 185(2)(b) to (f).	5
Clause 254	Amendment of s 223 (Regulation-making power)	6
	Section 223(2)(a)—	7
	<i>omit, insert</i> —	8
	(a) prescribe the fees payable under this Act; or	9
	(aa) state, for the Planning Act, the requirements	10
	that fisheries development must comply	11
	with to be categorised as accepted	12
	development under that Act; or	13
	(ab) state, for the Planning Act, the types of	14
	development applications for building work	15
	that do not require referral to a referral	16
	agency under that Act; or	17
Clause 255	Amendment of s 242 (Continuing effect of existing approvals for waterway barrier works)	18
	Section 242(2)(c), note—	19
	<i>omit.</i>	20
		21
Clause 256	Amendment of s 244 (Applications in progress for particular relevant authorities)	22
	Section 244—	23
	<i>insert</i> —	24
	(4) In this section—	25
	<i>Planning Act</i> means the <i>Sustainable Planning Act 2009</i> .	26
		27
		28

Clause 257	Insertion of new pt 12, div 10	1
	Part 12—	2
	<i>insert—</i>	3
	Division 10	4
	Transitional provisions for Planning and Development (Planning for Prosperity—Consequential Amendments) and Other Legislation Amendment Act 2015	5 6 7 8 9 10
	262 Definitions for div 10	11
	In this division—	12
	<i>amending Act</i> means the <i>Planning and Development (Planning for Prosperity—Consequential Amendments) and Other Legislation Amendment Act 2015</i> .	13 14 15 16
	<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.	17 18 19
	263 Existing development applications under the repealed Sustainable Planning Act 2009	20 21
	(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 <i>Sustainable Planning Act 2009</i> for the application.	22 23 24 25 26 27
	(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.	28 29 30 31

- (3) A decision of the chief executive about the development application is not reviewable under section 185(1). 1
2
3

264 Existing appeals under former s 76Q 4

- (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. 5
6
7
8
- (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. 9
10
11
12

265 Right to appeal under former s 76Q 13

- (1) This section applies if— 14
 - (a) immediately before the commencement, a person could have appealed to the Planning and Environment Court under former section 76Q; and 15
16
17
18
 - (b) the person has not appealed before the commencement. 19
20
- (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. 21
22
23
24

Clause 258 Amendment of schedule (Dictionary) 25

- (1) Schedule, definitions *amend*, *applicable code*, *concurrency agency*, *currency period*, *environmental offset condition*, *fisheries development approval*, *Planning Act*, *prohibited development* and *self-assessable development*— 26
27
28
29
omit. 30

(2) Schedule—	1
<i>insert—</i>	2
<i>accepted development</i> see the Planning Act, section 39(4).	3 4
<i>currency period</i> , for a development approval, see the Planning Act, section 82(1).	5 6
<i>environmental offset</i> see the <i>Environmental Offsets Act 2014</i> , section 7(2).	7 8
<i>environmental offset condition</i> means a condition of a development approval that requires or otherwise relates to an environmental offset.	9 10 11
<i>fisheries development approval</i> 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.	12 13 14 15 16 17
<i>Planning Act</i> means the <i>Planning and Development (Planning for Prosperity) Act 2015</i> .	18 19
(3) Schedule, definition <i>assessable development</i> , ‘schedule 3’—	20
<i>omit, insert—</i>	21
section 39(3)	22
(4) Schedule, definition <i>assessment manager</i> , ‘section 246(1)’—	23
<i>omit, insert—</i>	24
section 43	25
(5) Schedule, definition <i>building work</i> , ‘section 10(1)’—	26
<i>omit, insert—</i>	27
schedule 2	28
(6) Schedule, definition <i>development application</i> , ‘schedule 3’—	29
<i>omit, insert—</i>	30
schedule 2	31

(7)	Schedule, definition <i>development approval</i> , ‘schedule 3’—	1
	<i>omit, insert</i> —	2
	section 44	3
(8)	Schedule, definition <i>development permit</i> , ‘section 243’—	4
	<i>omit, insert</i> —	5
	section 44(3)	6
(9)	Schedule, definition <i>fisheries development</i> , ‘self-assessable’—	7
	<i>omit, insert</i> —	8
	accepted	9
		10
(10)	Schedule, definitions <i>material change of use</i> and <i>operational work</i> , ‘section 10(1)’—	11
	<i>omit, insert</i> —	12
		13
	schedule 2	14

Part 23	Amendment of Geothermal Energy Act 2010	15
		16

Clause	259	Act amended	17
		This part amends the <i>Geothermal Energy Act 2010</i> .	18
Clause	260	Amendment of s 327 (Restriction on carrying out geothermal activities)	19
		Section 327, note 1, ‘ <i>Sustainable Planning Act 2009</i> ’—	20
		<i>omit, insert</i> —	21
			22
		<i>Planning and Development (Planning for Prosperity) Act 2015</i>	23

Part 24	Amendment of Gold Coast Waterways Authority Act 2012	1 2
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Clause 261	Act amended	3
	This part amends the <i>Gold Coast Waterways Authority Act 2012</i> .	4 5
Clause 262	Amendment of s 4 (Relationship with other Acts)	6
	Section 4(2)(c), ‘ <i>Sustainable Planning Act 2009</i> ’—	7
	<i>omit, insert—</i>	8
	<i>Planning and Development (Planning for Prosperity) Act 2015</i>	9 10

Part 25	Amendment of Inala Shopping Centre Freeholding Act 2006	11 12
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Clause 263	Act amended	13
	This part amends the <i>Inala Shopping Centre Freeholding Act 2006</i> .	14 15
Clause 264	Replacement of s 27 (Exempt development)	16
	Section 27—	17
	<i>omit, insert—</i>	18
	27 Accepted development	19
	(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.	20 21 22 23

- (2) The development is taken to be accepted development for the Planning Act. 1
2
- (3) In this section— 3
- development* see the Planning Act, schedule 2. 4
- Planning Act* means the *Planning and Development (Planning for Prosperity) Act 2015*. 5
6

Part 26 Amendment of Integrated Resort Development Act 1987 7 8

- Clause 265 Act amended** 9
- This part amends the *Integrated Resort Development Act 1987*. 10
11
- Clause 266 Amendment of s 15 (Approved scheme regulates development etc. of site)** 12
13
- Section 15(4), ‘Integrated’— 14
omit. 15
- Clause 267 Amendment of s 20 (Effect of revocation)** 16
- Section 20(1)(b), from ‘Integrated’ to ‘again’— 17
omit, insert— 18
- Planning Act prescribed for section 90 19
- Clause 268 Amendment of s 72 (Boundary adjustment plan)** 20
- Section 72(5)— 21
omit. 22

Clause 269	Amendment of s 90 (Construction of canals)	1
	Section 90(3), ‘Integrated’—	2
	<i>omit.</i>	3
Clause 270	Amendment of s 96 (Surrender of canal to the State)	4
	Section 96(7), ‘Integrated’—	5
	<i>omit.</i>	6
Clause 271	Amendment of sch 7 (Dictionary)	7
	(1) Schedule 7, definition <i>Integrated Planning Act</i> —	8
	<i>omit.</i>	9
	(2) Schedule 7—	10
	<i>insert—</i>	11
	<i>Planning Act</i> means the <i>Planning and</i>	12
	<i>Development (Planning for Prosperity) Act 2015.</i>	13
Part 27	Amendment of Integrity Act	14
	2009	15
Clause 272	Act amended	16
	This part amends the <i>Integrity Act 2009</i> .	17
Clause 273	Amendment of s 42 (Meaning of <i>lobbying activity</i> and <i>contact</i>)	18
	Section 42(1)(a)(v), ‘ <i>Sustainable Planning Act 2009</i> ’—	19
	<i>omit, insert—</i>	20
	<i>Planning and Development (Planning</i>	21
	<i>for Prosperity) Act 2015</i>	22
		23

Part 28	Amendment of Land Act 1994	1
Clause 274	Act amended	2
	This part amends the <i>Land Act 1994</i> .	3
Clause 275	Amendment of s 55D (Registration surrenders deed of grant in trust)	4
	Section 55D(4), ‘ <i>Sustainable Planning Act 2009</i> ’—	5
	<i>omit, insert—</i>	6
	Planning Act	7
Clause 276	Amendment of s 109A (Simultaneous opening and closing of roads—deed of grant)	8
	Section 109A(4), ‘ <i>Sustainable Planning Act 2009</i> ’—	9
	<i>omit, insert—</i>	10
	Planning Act	11
Clause 277	Amendment of s 109B (Simultaneous opening and closure of roads—trust land or lease land)	12
	Section 109B(5), ‘ <i>Sustainable Planning Act 2009</i> ’—	13
	<i>omit, insert—</i>	14
	Planning Act	15
Clause 278	Amendment of s 294B (Building management statement may be registered)	16
	Section 294B(7), definition <i>building development approval</i> , from	17
	‘or compliance’ to ‘2009,’—	18
	<i>omit, insert—</i>	19
	under the Planning Act	20

Clause 279	Amendment of s 373A (Covenant by registration)	1
	(1) Section 373A(7)(a) and note—	2
	<i>omit, insert—</i>	3
	(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	4 5 6 7
	<i>Note—</i>	8
	See also the Planning Act, section 102.	9
	(aa) be inconsistent with a planning scheme under the Planning Act that—	10 11
	(i) applies to the land subject to the covenant; and	12 13
	(ii) is in effect when the document creating the covenant is registered; or	14 15
	(2) Section 373A(7)(aa) and (b)—	16
	<i>renumber</i> as section 373A(7)(b) and (c).	17
	(3) Section 373A—	18
	<i>insert—</i>	19
	(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.	20 21 22 23
Clause 280	Amendment of s 431N (Ability to prosecute under other Acts)	24 25
	Section 431N(a), ' <i>Sustainable Planning Act 2009</i> '—	26
	<i>omit, insert—</i>	27
	Planning Act	28

Clause 281	Amendment of sch 6 (Dictionary)	1
	Schedule 6—	2
	<i>insert—</i>	3
	<i>Planning Act</i> means the <i>Planning and Development (Planning for Prosperity) Act 2015</i> .	4
		5
Part 29	Amendment of Land Sales Act 1984	6
		7
Clause 282	Act amended	8
	This part amends the <i>Land Sales Act 1984</i> .	9
Clause 283	Amendment of s 12 (Requirements for disclosure statement)	10
		11
	Section 12(3), definition <i>development approval</i> , paragraph (a), ‘compliance permit or development permit’—	12
		13
	<i>omit, insert—</i>	14
	development approval	15
Clause 284	Amendment of sch 1 (Dictionary)	16
	(1) Schedule 1, definition <i>Planning Act</i> —	17
	<i>omit.</i>	18
	(2) Schedule 1—	19
	<i>insert—</i>	20
	<i>Planning Act</i> means the <i>Planning and Development (Planning for Prosperity) Act 2015</i> .	21
		22
	(3) Schedule 1, definition <i>operational work</i> , ‘section 10(1)’—	23
	<i>omit, insert—</i>	24

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

Part 30	Amendment of Land Tax Act 2010	5 6
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Clause 285	Act amended	7
	This part amends the <i>Land Tax Act 2010</i> .	8

Clause 286	Amendment of s 55 (Port authority land)	9
	Section 55(3)(a) and (b), ‘ <i>Sustainable Planning Act 2009</i> ’—	10
	omit, insert—	11
	<i>Planning and Development (Planning for Prosperity) Act 2015</i>	12 13

Part 31	Amendment of Land Title Act 1994	14 15
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Clause 287	Act amended	16
	This part amends the <i>Land Title Act 1994</i> .	17

Clause 288	Amendment of s 50 (Requirements for registration of plan of subdivision)	18 19
	(1) Section 50(3)(a) and (b)—	20

- omit, insert—* 1
- (a) for a plan that would have required approval 2
by MEDQ—the plan is not a plan of 3
subdivision as defined under the *Economic* 4
Development Act 2012, section 104(3); or 5
- (b) for a plan that would have required approval 6
by the relevant local government—the plan 7
is not a plan of subdivision as defined under 8
the Planning Act, schedule 2. 9
- (2) Section 50(5)— 10
- omit, insert—* 11
- (5) If the approval of a plan of subdivision for 12
subsection (1)(h) or (i) is given under the 13
Economic Development Act 2012, section 104 or 14
the Planning Act, the plan of subdivision must be 15
lodged for registration within 6 months after the 16
approval is given. 17

**Clause 289 Amendment of s 54A (Building management statement 18
may be registered) 19**

Section 54A(6), definition *building development approval*, from 20
‘or compliance’ to ‘2009,’— 21

omit, insert— 22

under the Planning Act 23

**Clause 290 Amendment of s 65 (Requirements of instrument of 24
lease) 25**

Section 65(3A), from ‘the reconfiguration’ to ‘2009’— 26

omit, insert— 27

reconfiguring a lot within the meaning of the 28
Planning Act 29

Clause 291	Amendment of s 83 (Registration of easement)	1
	(1) Section 83(2), ‘ <i>Sustainable Planning Act 2009</i> ’—	2
	<i>omit, insert—</i>	3
	Planning Act	4
	(2) Section 83(3) and (4)—	5
	<i>omit, insert—</i>	6
	(3) However, subsection (2)(a) applies to a plan of	7
	survey only if the plan is not a plan of subdivision	8
	as defined under the <i>Economic Development Act</i>	9
	<i>2012</i> , section 104(3).	10
	(4) Also, subsection (2)(b) applies to a plan of survey	11
	only if the plan is not a plan of subdivision as	12
	defined under the Planning Act, schedule 2.	13
Clause 292	Amendment of s 94 (Meaning of <i>high-density development easement</i>)	14
	Section 94(4), definition <i>relevant development approval</i> , paragraph	15
	(a), from ‘ <i>Sustainable</i> ’ to ‘that Act’—	16
	<i>omit, insert—</i>	17
	Planning Act for any of the following as	18
	defined in that Act	19
		20
Clause 293	Amendment of s 97A (Covenant by registration)	21
	(1) Section 97A(6)(a) and note—	22
	<i>omit, insert—</i>	23
	(a) secure the payment of money or money’s	24
	worth payable under a condition of a	25
	development approval or an infrastructure	26
	agreement under the Planning Act; or	27
	<i>Note—</i>	28
	See also the Planning Act, section 102.	29

	(aa) be inconsistent with a planning scheme under the Planning Act that—	1 2
	(i) applies to the land subject to the covenant; and	3 4
	(ii) is in effect when the instrument of covenant is registered; or	5 6
(2)	Section 97A(6)(aa) and (b)— <i>renumber</i> as section 97A(6)(b) and (c).	7 8
(3)	Section 97A— <i>insert</i> —	9 10
	(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.	11 12 13 14
Clause 294	Amendment of s 115I (Enlarging the number of lots through progressive subdivision)	15 16
	(1) Section 115I(1)(a)— <i>omit, insert</i> —	17 18
	(a) an application for development approval is made under the Planning Act; or	19 20
	(aa) an application for development approval or a request for compliance assessment of development was made under the repealed <i>Sustainable Planning Act 2009</i> ; or	21 22 23 24
(2)	Section 115I(1)(aa) and (b)— <i>renumber</i> as section 115I(1)(b) and (c).	25 26
Clause 295	Amendment of sch 2 (Dictionary)	27
	Schedule 2—	28
	<i>insert</i> —	29

Planning Act means the *Planning and Development (Planning for Prosperity) Act 2015*. 1
2

Part 32 **Amendment of Land Valuation Act 2010** 3
4

Clause 296 Act amended 5

This part amends the *Land Valuation Act 2010*. 6

Clause 297 Replacement of s 10 (Zoned rural land) 7

Section 10— 8

omit, insert— 9

10 Zoned rural land 10

- (1) An area of land is zoned rural land if more than 11
half the land is zoned as rural, however called, 12
under a planning scheme. 13

Note— 14

For public access to planning schemes, see the Planning 15
Act, chapter 7, part 3. 16

- (2) However, land is not zoned as rural under a 17
planning scheme if the land is zoned as 18
rural-residential, however called, under the 19
planning scheme. 20

Clause 298 Amendment of s 11 (Cessation of zoned rural land) 21

Section 11, ‘preliminary approval under the Planning Act’— 22

omit, insert— 23

development approval 24

Clause 299	Amendment of schedule (Dictionary)	1
(1)	Schedule, definition <i>Planning Act</i> —	2
	<i>omit.</i>	3
(2)	Schedule—	4
	<i>insert—</i>	5
	<i>Planning Act</i> means the <i>Planning and Development (Planning for Prosperity) Act 2015</i> .	6
	<i>planning scheme</i> means a planning scheme under the Planning Act.	7
(3)	Schedule, definition <i>development</i> , ‘section 7’—	8
	<i>omit, insert—</i>	9
	schedule 2	10
(4)	Schedule, definition <i>development approval</i> , ‘schedule 3’—	11
	<i>omit, insert—</i>	12
	section 44	13
		14
		15

Part 33 Amendment of Liquor Act 1992 16

Clause 300	Act amended	17
	This part amends the <i>Liquor Act 1992</i> .	18
Clause 301	Amendment of s 4 (Definitions)	19
(1)	Section 4, definition <i>development approval</i> —	20
	<i>omit.</i>	21
(2)	Section 4—	22
	<i>insert—</i>	23

	<i>development approval</i> see the Planning Act, section 44.	1 2
	<i>Planning Act</i> means the <i>Planning and Development (Planning for Prosperity) Act 2015</i> .	3 4
(3)	Section 4, definition <i>relevant period</i> , paragraph (a)— <i>omit, insert—</i>	5 6
	(a) the currency period for the approval under the Planning Act;	7 8
Clause 302	Amendment of s 105B (Application for adult entertainment permit requires local government consent) Section 105B(5), definition <i>consent</i> , ‘ <i>Sustainable Planning Act 2009</i> ’— <i>omit, insert—</i> Planning Act	9 10 11 12 13 14
Clause 303	Amendment of s 121 (Matters the commissioner must have regard to) Section 121(1)(h), ‘ <i>Sustainable Planning Act 2009</i> ’— <i>omit, insert—</i> Planning Act	15 16 17 18 19
Clause 304	Amendment of s 123 (Commissioner may grant provisional licence) Section 123(1)(b), ‘ <i>Sustainable Planning Act 2009</i> ’— <i>omit, insert—</i> Planning Act	20 21 22 23 24

Part 34	Amendment of Local Government Act 2009	1
		2
Clause 305	Act amended	3
	This part amends the <i>Local Government Act 2009</i> .	4
Clause 306	Amendment of s 37 (Development processes)	5
	Section 37(2), ‘a process in the Planning Act, chapter 6’—	6
	<i>omit, insert—</i>	7
	the development assessment process under the Planning Act	8
		9
Clause 307	Amendment of s 72 (Assessment of impacts on roads from certain activities)	10
	Section 72(1)(c)(ii)—	11
	<i>omit, insert—</i>	12
	(ii) development categorised under the local government’s planning scheme as assessable development under the Planning Act; or	13
		14
		15
		16
		17
Clause 308	Amendment of s 93 (Land on which rates are levied)	18
	Section 93(4)(a), ‘or compliance permit’—	19
	<i>omit.</i>	20
Clause 309	Insertion of new ch 9, pt 9	21
	Chapter 9—	22
	<i>insert—</i>	23

Part 9 **Transitional provisions** 1
for Planning and 2
Development (Planning 3
for Prosperity— 4
Consequential 5
Amendments) and 6
Other Legislation 7
Amendment Act 2015 8

308 Definition for pt 9 9
In this part— 10
repealed Planning Act means the repealed 11
Sustainable Planning Act 2009. 12

309 Continuing application of s 132 13
Section 132 continues to apply to an application made, 14
or a permit or notice given, under the repealed 15
Planning Act before the commencement. 16

310 Existing remedial notice 17
(1) This section applies if a remedial notice requiring 18
an owner or occupier of a property to take action 19
under the repealed Planning Act was given under 20
section 138AA before the commencement. 21
(2) The remedial notice continues to have effect as if 22
the repealed Planning Act had not been repealed. 23

311 Inside information for repealed Planning Act 24
Information about the following continues to be inside 25
information for section 171A as if the repealed 26
Planning Act had not been repealed— 27

- (a) a decision or proposed decision under the repealed Planning Act of the local government or any of its committees; 1
2
3
- (b) the exercise of a power under the repealed Planning Act by the local government, a councillor or a local government employee; 4
5
6
- (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; 7
8
9
10
11
12
13
- (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. 14
15
16
17

312 Continuing application of s 246 18

Section 246(2) continues to apply to a fine imposed by the court for an offence against the repealed Planning Act as if the repealed Planning Act had not been repealed. 19
20
21
22

Clause 310 Amendment of sch 4 (Dictionary) 23

- (1) Schedule 4, definitions *Planning Act*, *Planning and Environment Court* and *planning scheme*— 24
25
omit. 26

- (2) Schedule 4— 27
insert— 28

Planning Act means the *Planning and Development (Planning for Prosperity) Act 2015*. 29
30

planning scheme means a planning scheme under the Planning Act. 31
32

Part 35 **Amendment of Local** 1
Government (Robina Central 2
Planning Agreement) Act 1992 3

Clause 311 Act amended 4
This part amends the *Local Government (Robina Central* 5
Planning Agreement) Act 1992. 6

Clause 312 Amendment of s 6 (Amendment of planning agreement) 7
(1) Section 6(a)— 8
omit, insert— 9
(a) firstly, the Planning Act, section 16 must be 10
complied with as if the further agreement 11
were a planning scheme amendment under 12
that Act; and 13
(2) Section 6— 14
insert— 15
(2) For subsection (1)(a), instead of complying with 16
the Planning Act, section 16, the further 17
agreement may be made following the process in 18
the Minister’s rules under section 15 of that Act 19
as if the further agreement were a planning 20
scheme amendment under that Act. 21
(3) However, subsection (2) applies only if the 22
Minister’s rules apply to an amendment of the 23
type being made. 24
(4) Despite subsections (1) and (2), any requirement 25
in a notice given under the Planning Act, section 26
16(3), or the Minister’s rules, to adopt a planning 27
scheme amendment does not apply to the further 28
agreement. 29
(5) In this section— 30

Planning Act means the *Planning and Development (Planning for Prosperity) Act 2015*. 1
2

Clause 313 Insertion of new s 12 3

After section 11— 4

insert— 5

12 Transitional provision for Planning and Development (Planning for Prosperity) Act 2015 and Planning and Development (Planning for Prosperity—Consequential Amendments) and Other Legislation Amendment Act 2015 6
7
8
9
10

(1) This section applies if, immediately before the commencement, the parties to the planning agreement started the process under former section 6 for making a further agreement. 11
12
13
14

(2) The parties may continue to make the further agreement as if the *Planning and Development (Planning for Prosperity) Act 2015* and *Planning and Development (Planning for Prosperity—Consequential Amendments) and Other Legislation Amendment Act 2015* had not been enacted. 15
16
17
18
19
20
21

(3) In this section— 22

former section 6 means section 6 as in force before the commencement. 23
24

Part 36 Amendment of Major Events Act 2014 25
26

Clause 314 Act amended 27

This part amends the *Major Events Act 2014*. 28

Clause 315	Amendment of s 78 (Application of other Acts to activities or works for major event)	1 2
	Section 78(2)(f), ‘ <i>Sustainable Planning Act 2009</i> ’—	3
	<i>omit, insert—</i>	4
	<i>Planning and Development (Planning for Prosperity) Act 2015</i>	5 6
Part 37	Amendment of Major Sports Facilities Act 2001	7 8
Clause 316	Act amended	9
	This part amends the <i>Major Sports Facilities Act 2001</i> .	10
Clause 317	Amendment of s 30AI (Definitions for div 1)	11
	Section 30AI, definition <i>relevant development approval</i> , ‘ <i>Sustainable Planning Act 2009</i> ’—	12 13
	<i>omit, insert—</i>	14
	repealed <i>Sustainable Planning Act 2009</i> and the Planning Act	15 16
Clause 318	Amendment of s 30AN (Use of Suncorp Stadium for major sport events)	17 18
	Section 30AN(2)—	19
	<i>omit, insert—</i>	20
	(2) Subsection (1) applies despite the following—	21
	(a) the <i>relevant development approval condition</i> ;	22 23
	(b) the Planning Act;	24

	(c) any local planning instrument under the Planning Act that applies to the land on which the facility is located;	1 2 3
	(d) any development approval under the Planning Act relating to the facility and any condition attached to the approval.	4 5 6
Clause 319	Amendment of s 30A (Lawful use for major sports facilities for prescribed special events)	7 8
	Section 30A(2)—	9
	<i>omit, insert—</i>	10
	(2) The use of the facility for the event is a lawful use of the facility despite the following—	11 12
	(a) the Planning Act;	13
	(b) any local planning instrument under the Planning Act that applies to the land on which the facility is located;	14 15 16
	(c) any development approval under the Planning Act relating to the facility and any condition attached to the approval.	17 18 19
Clause 320	Amendment of sch 2 (Dictionary)	20
	(1) Schedule 2—	21
	<i>insert—</i>	22
	<i>Planning Act</i> means the <i>Planning and Development (Planning for Prosperity) Act 2015</i> .	23 24
	(2) Schedule 2, definition <i>use</i> , paragraphs (a) and (b), ‘ <i>Sustainable Planning Act 2009</i> ’—	25 26
	<i>omit, insert—</i>	27
	Planning Act	28

	Part 38	Amendment of Marine Parks Act 2004	1
			2

Clause	321	Act amended	3
		This part amends the <i>Marine Parks Act 2004</i> .	4

Clause	322	Amendment of schedule (Dictionary)	5
		Schedule, definition <i>environment conservation legislation</i> ,	6
		examples, fifth dot point, ‘ <i>Sustainable Planning Act 2009</i> ’—	7
		<i>omit, insert—</i>	8
		<i>Planning and Development (Planning for Prosperity) Act 2015</i>	9

	Part 39	Amendment of Mineral Resources Act 1989	10
			11

Clause	323	Act amended	12
		This part amends the <i>Mineral Resources Act 1989</i> .	13

Clause	324	Amendment of ch 1, pt 3, hdg (Relationship with Sustainable Planning Act 2009)	14
		Chapter 1, part 3, heading, ‘ <i>Sustainable Planning Act 2009</i> ’—	15
		<i>omit, insert—</i>	16
		Planning Act	17
			18

Clause	325	Amendment of s 4A (Effect on development)	19
		(1) Section 4A(2), from ‘For’ to ‘applies to’—	20
		<i>omit, insert—</i>	21
		The Planning Act applies to development on	22

-
- (2) Section 4A(3)(b)— 1
- omit, insert—* 2
- (b) the building work is taken to be accepted 3
development under the Planning Act if the 4
building work complies with— 5
- (i) generally— 6
- (A) any relevant deemed-to-satisfy 7
provision under the BCA or 8
relevant acceptable solution under 9
the Queensland Development 10
Code for the building work; and 11
- (B) any other building assessment 12
provision under the *Building Act* 13
1975 that applies to the work; or 14
- (ii) if alternative provisions under the 15
Building Act 1975, section 33, or 16
varied provisions under section 44 of 17
that Act, apply to the building work— 18
- (A) the alternative or varied 19
provisions; and 20
- (B) any relevant deemed-to-satisfy 21
provision under the BCA or 22
relevant acceptable solution under 23
the Queensland Development 24
Code for the building work, other 25
than the boundary clearance and 26
site cover provisions in the 27
Queensland Development Code; 28
and 29
- (C) any other building assessment 30
provision under the *Building Act* 31
1975 that applies to the work. 32
- (3) Section 4A(3), note— 33
- omit.* 34
-

[s 326]

(4) Section 4A—	1
<i>insert—</i>	2
(4) In this section—	3
<i>BCA</i> see the <i>Building Act 1975</i> , section 12.	4
<i>Queensland Development Code</i> see the <i>Building Act 1975</i> , section 13.	5
	6

Clause 326	Amendment of s 4B (Notice to local government and chief executive (planning) of particular mining tenements)	7
		8
		9
	Section 4B(4)(b), ‘for administering IDAS for the Heritage Act, in relation to’—	10
		11
	<i>omit, insert—</i>	12
	development on	13

Clause 327	Amendment of sch 2 (Dictionary)	14
(1)	Schedule 2, definitions <i>IDAS</i> , <i>Planning Act</i> and <i>planning scheme—</i>	15
		16
	<i>omit.</i>	17
(2)	Schedule 2—	18
	<i>insert—</i>	19
	<i>Planning Act</i> means the <i>Planning and Development (Planning for Prosperity) Act 2015</i> .	20
		21
	<i>planning scheme</i> means a planning scheme under the Planning Act.	22
		23
(3)	Schedule 2, definition <i>development</i> , ‘section 7’—	24
	<i>omit, insert—</i>	25
	schedule 2	26

Part 40	Amendment of Nature Conservation Act 1992	1
		2
Clause 328	Act amended	3
	This part amends the <i>Nature Conservation Act 1992</i> .	4
Clause 329	Omission of s 106 (Orders prevail over planning schemes)	5
	Section 106—	6
	<i>omit.</i>	7
		8
Clause 330	Omission of s 122 (Conservation plans and regulations prevail over planning schemes)	9
	Section 122—	10
	<i>omit.</i>	11
		12
Clause 331	Amendment of schedule (Dictionary)	13
	Schedule, definition <i>planning scheme</i> —	14
	<i>omit.</i>	15
Part 41	Amendment of Neighbourhood Disputes (Dividing Fences and Trees) Act 2011	16
		17
		18
Clause 332	Act amended	19
	This part amends the <i>Neighbourhood Disputes (Dividing Fences and Trees) Act 2011</i> .	20
		21

Clause 333	Amendment of schedule (Dictionary)	1
	Schedule, definition <i>development approval</i> —	2
	<i>omit, insert</i> —	3
	<i>development approval</i> see the <i>Planning and Development (Planning for Prosperity) Act 2015</i> , section 44.	4
		5
		6

Part 42	Amendment of Nuclear Facilities Prohibition Act 2007	7
		8

Clause 334	Act amended	9
	This part amends the <i>Nuclear Facilities Prohibition Act 2007</i> .	10

Clause 335	Amendment of s 8 (No development approval or mining tenement for a nuclear facility)	11
		12
	Section 8(4), definition <i>development approval</i> , from ‘or compliance’ to ‘2009’—	13
		14
	<i>omit, insert</i> —	15
	under the <i>Planning and Development (Planning for Prosperity) Act 2015</i>	16
		17

Part 43	Amendment of Petroleum and Gas (Production and Safety) Act 2004	1
		2
		3
Clause 336	Act amended	4
	This part amends the <i>Petroleum and Gas (Production and Safety) Act 2004</i> .	5
		6
Clause 337	Amendment of s 33 (Incidental activities)	7
	Section 33(2)(a), note, ‘ <i>Sustainable Planning Act 2009</i> , chapter 6’—	8
		9
	<i>omit, insert—</i>	10
	<i>Planning and Development (Planning for Prosperity) Act 2015</i> , chapter 3	11
Clause 338	Amendment of s 112 (Incidental activities)	12
	Section 112(2), note—	13
	<i>omit, insert—</i>	14
	<i>Note—</i>	15
	For development generally, see the <i>Planning and Development (Planning for Prosperity) Act 2015</i> , chapter 3.	16
		17
Clause 339	Amendment of s 403 (Incidental activities)	18
	Section 403(4), note—	19
	<i>omit, insert—</i>	20
	<i>Note—</i>	21
	For development generally, see the <i>Planning and Development (Planning for Prosperity) Act 2015</i> , chapter 3.	22
		23
Clause 340	Amendment of s 442 (Incidental activities)	24
	Section 442(3), note—	25

omit, insert— 1

Note— 2

For development generally, see the *Planning and Development* 3
(*Planning for Prosperity*) Act 2015, chapter 3. 4

Part 44 Amendment of Plumbing and 5 **Drainage Act 2002** 6

Clause 341 Act amended 7
This part amends the *Plumbing and Drainage Act 2002*. 8

Clause 342 Amendment of s 85 (Process for assessing plans) 9
Section 85(10), note, ‘*Sustainable Planning Act 2009*, chapter 7, 10
part 2, divisions 6, 8 and 9’— 11
omit, insert— 12
Planning Act, chapter 6 13

Clause 343 Amendment of s 86 (General process for assessing 14
compliance assessable work) 15
Section 86(12), note, ‘*Sustainable Planning Act 2009*, chapter 7, 16
part 2, divisions 6, 8 and 9’— 17
omit, insert— 18
Planning Act, chapter 6 19

Clause 344 Amendment of s 86A (Process for assessing certain 20
compliance assessable work in remote areas) 21
Section 86A(8), note, ‘*Sustainable Planning Act 2009*, chapter 7, 22
part 2, divisions 6, 8 and 9’— 23
omit, insert— 24
Planning Act, chapter 6 25

Clause 345	Amendment of s 95 (Information notice)	1
	Section 95, note, ‘ <i>Sustainable Planning Act 2009</i> , chapter 7, part 2, divisions 6, 8 and 9’—	2
		3
	<i>omit, insert</i> —	4
	Planning Act, chapter 6	5
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)	6
		7
		8
	Section 114(1)(b), ‘ <i>Sustainable Planning Act 2009</i> ’—	9
	<i>omit, insert</i> —	10
	Planning Act	11
Clause 347	Amendment of s 118 (Relationship with Sustainable Planning Act 2009)	12
		13
	(1) Section 118, heading, ‘ <i>Sustainable Planning Act 2009</i> ’—	14
	<i>omit, insert</i> —	15
	Planning Act	16
	(2) Section 118(1), ‘ <i>Sustainable Planning Act 2009</i> ’—	17
	<i>omit, insert</i> —	18
	Planning Act	19
	(3) Section 118(1), note, ‘ <i>Sustainable Planning Act 2009</i> , section 594 (Offences relating to enforcement notices)’—	20
		21
	<i>omit, insert</i> —	22
	Planning Act, section 165(5) and (7)	23
	(4) Section 118(3), ‘ <i>Sustainable Planning Act 2009</i> , section 533(2)’—	24
		25
	<i>omit, insert</i> —	26
	Planning Act, section 184	27

Clause 348	Amendment of schedule (Dictionary)	1
	(1) Schedule, definition <i>building and development dispute resolution committee</i> —	2
	<i>omit.</i>	3
		4
	(2) Schedule—	5
	<i>insert—</i>	6
	<i>Planning Act</i> means the <i>Planning and Development (Planning for Prosperity) Act 2015.</i>	7
		8
	(3) Schedule, definition <i>development approval, ‘Sustainable Planning Act 2009’</i> —	9
	<i>omit, insert—</i>	10
		11
	Planning Act	12
	(4) Schedule, definition <i>information notice</i> , paragraph (b)(iii), ‘building and development dispute resolution committee’—	13
	<i>omit, insert—</i>	14
		15
	tribunal under the Planning Act	16

Part 45	Amendment of Private Health Facilities Act 1999	17
		18

Clause 349	Act amended	19
	This part amends the <i>Private Health Facilities Act 1999.</i>	20

Clause 350	Amendment of s 62 (Meaning of <i>prescribed alteration</i>)	21
	Section 62(2), from ‘or compliance’ to ‘2009’—	22
	<i>omit, insert—</i>	23
	under the <i>Planning and Development (Planning for Prosperity) Act 2015</i>	24
		25

Part 46	Amendment of Prostitution Act 1999	1 2
Clause 351	Act amended	3
	This part amends the <i>Prostitution Act 1999</i> .	4
Clause 352	Amendment of s 62 (Definition for pt 4)	5
	Section 62, definition <i>development application</i> , paragraph (b)—	6
	<i>omit, insert—</i>	7
	(b) a change application under the Planning Act for a development approval for a brothel.	8 9
Clause 353	Amendment of s 63B (Notification by assessment manager of development application)	10 11
	Section 63B(b), ‘code assessment or impact’—	12
	<i>omit, insert—</i>	13
	standard assessment or merit	14
Clause 354	Amendment of pt 4, div 3 (Review by QCAT)	15
	Part 4, division 3, editor’s note—	16
	<i>omit.</i>	17
Clause 355	Amendment of s 64A (Review of decisions about code assessment)	18 19
	(1) Section 64A, heading, ‘code’—	20
	<i>omit, insert—</i>	21
	standard	22
	(2) Section 64A(1), ‘code assessment under the Integrated’—	23
	<i>omit, insert—</i>	24

	standard assessment under the	1
(3)	Section 64A(2)(a), ‘code assessment under the Integrated’—	2
	<i>omit, insert—</i>	3
	standard assessment under the	4
(4)	Section 64A(2)(b) to (f)—	5
	<i>omit, insert—</i>	6
	(b) a refusal or deemed refusal of all or part of the application;	7 8
	(c) a provision of the development approval;	9
	(d) a decision to give a preliminary approval when a development permit was applied for.	10 11
(5)	Section 64A(3), ‘Integrated’—	12
	<i>omit.</i>	13
(6)	Section 64A(5), ‘Integrated Planning Act, section 4.1.21’—	14
	<i>omit, insert—</i>	15
	<i>Planning and Development (Planning Court) Act 2015, section 11</i>	16 17

Clause 356	Amendment of s 64B (Review of decisions about impact assessment)	18
		19
(1)	Section 64B, heading, ‘impact’—	20
	<i>omit, insert—</i>	21
	merit	22
(2)	Section 64B(1)—	23
	<i>omit, insert—</i>	24
	(1) This section applies if an assessment manager decides a development application requires merit assessment under the Planning Act.	25 26 27
(3)	Section 64B(2), ‘impact’—	28

<i>omit, insert—</i>	1
merit	2
(4) Section 64B(3), ‘the acknowledgement notice’—	3
<i>omit, insert—</i>	4
a notice by the assessment manager under the	5
development assessment rules under the Planning	6
Act accepting the application	7
(5) Section 64B(5), ‘Integrated Planning Act, section 4.1.21’—	8
<i>omit, insert—</i>	9
<i>Planning and Development (Planning Court) Act</i>	10
<i>2015, section 11</i>	11

Clause 357	Amendment of s 64D (No appeal from QCAT’s decision under the Integrated Planning Act)	12
(1)	Section 64D, heading, ‘Integrated’—	13
	<i>omit.</i>	14
(2)	Section 64D(2), ‘Integrated’—	15
	<i>omit.</i>	16
		17

Clause 358	Amendment of s 140 (Regulation-making power)	18
	Section 140(2)(f)—	19
	<i>omit, insert—</i>	20
	(f) assessment benchmarks under the Planning	21
	Act that development applications	22
	mentioned in part 4 must be assessed against	23
	under that Act;	24

Clause 359	Insertion of new pt 9, div 8	25
	Part 9—	26
	<i>insert—</i>	27

Division 8	Provisions for Planning and Development	1
	(Planning for Prosperity—Consequential Amendments) and Other Legislation Amendment Act 2015	2
		3
		4
		5
		6
		7
164 Existing development applications under the repealed Sustainable Planning Act 2009		8
		9
(1)	This section applies to the following to which the Planning Act, section 244 applies—	10
		11
(a)	a development application under the repealed <i>Sustainable Planning Act 2009</i> for a material change of use of premises for a brothel;	12
		13
		14
		15
(b)	a request under the repealed <i>Sustainable Planning Act 2009</i> to change a development approval for a brothel.	16
		17
		18
(2)	Part 4, as in force before the commencement, continues to apply to the development application or request as if the <i>Planning and Development (Planning for Prosperity—Consequential Amendments) and Other Legislation Amendment Act 2015</i> had not been enacted.	19
		20
		21
		22
		23
		24
165 QCAT review proceedings		25
(1)	Subsection (2) applies if—	26
(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	27
		28
		29
		30
(b)	a decision about the review proceedings has not been made before the commencement.	31
		32

- (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 review proceedings under the unamended Act, as if the amending Act had not been enacted.
- (5) In this section—

amending Act means the *Planning and Development (Planning for Prosperity—Consequential Amendments) and Other Legislation Amendment Act 2015*.

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

Clause 360 Amendment of sch 4 (Dictionary) 25

- (1) Schedule 4, definitions *IDAS* and *Planning Act*—

omit.
- (2) Schedule 4—

insert—

development approval see the Planning Act, section 44.

	<i>Planning Act</i> means the <i>Planning and Development (Planning for Prosperity) Act 2015</i> .	1 2
(3)	Schedule 4, definition <i>assessment manager</i> , ‘section 246(1)’—	3 4
	<i>omit, insert—</i>	5
	section 43	6

Part 47	Amendment of Queensland Building and Construction Commission Act 1991	7 8 9
----------------	--	-------------

Clause 361	Act amended	10
	This part amends the <i>Queensland Building and Construction Commission Act 1991</i> .	11 12

Clause 362	Amendment of s 68E (Obligation of assessment manager or compliance assessor in relation to insurance premium)	13 14 15
(1)	Section 68E, heading, ‘or compliance assessor’—	16
	<i>omit.</i>	17
(2)	Section 68E(1), from ‘or compliance assessor must’ to ‘compliance permit’—	18 19
	<i>omit, insert—</i>	20
	must not, under the Planning Act, issue a development approval	21 22
(3)	Section 68E(1)(a), ‘or compliance assessor’—	23
	<i>omit.</i>	24

Clause 363	Amendment of s 108 (Obligation of assessment manager)	1
	Section 108(2), definition <i>assessment manager</i> , ‘Sustainable Planning Act 2009’—	2
		3
	<i>omit, insert</i> —	4
	Planning Act	5
Clause 364	Amendment of sch 1B (Domestic building contracts)	6
	Schedule 1B, section 1, definition <i>development approval</i> , ‘Sustainable Planning Act 2009’—	7
		8
	<i>omit, insert</i> —	9
	Planning Act	10
Clause 365	Amendment of sch 2 (Dictionary)	11
	(1) Schedule 2—	12
	<i>insert</i> —	13
	<i>Planning Act</i> means the <i>Planning and Development (Planning for Prosperity) Act 2015</i> .	14
		15
	(2) Schedule 2, definition <i>assessment manager</i> , ‘Sustainable Planning Act 2009, section 246(1)’—	16
		17
	<i>omit, insert</i> —	18
	Planning Act, section 43	19
Part 48	Amendment of Queensland Heritage Act 1992	20
		21
Clause 366	Act amended	22
	This part amends the <i>Queensland Heritage Act 1992</i> .	23

Clause 367	Amendment of pt 6, div 1, hdg (Assessing development applications)	1 2
	Part 6, division 1, heading, ‘Assessing development applications’—	3 4
	<i>omit, insert—</i>	5
	Development of Queensland heritage place by State	6 7
Clause 368	Omission of ss 68–70	8
	Sections 68 to 70—	9
	<i>omit.</i>	10
Clause 369	Amendment of s 77 (Purpose of div 3)	11
	Section 77, from ‘assessable’ to ‘section 232(1)’—	12
	<i>omit, insert—</i>	13
	categorised as assessable development under a regulation under the Planning Act	14 15
Clause 370	Amendment of s 111 (Appeals about permit to enter protected area)	16 17
	Section 111(5)—	18
	<i>omit, insert—</i>	19
	(5) The <i>Planning and Development (Planning Court) Act 2015</i> , part 5, division 1, with any changes the court considers appropriate, applies to the appeal as if the appeal were a Planning Act appeal under that Act.	20 21 22 23 24
Clause 371	Amendment of s 112 (Local government to identify places in planning scheme or local heritage register)	25 26
	Section 112(2)—	27

omit.

1

Clause 372	Replacement of pt 11, div 4 (Code for IDAS for local heritage places on local heritage registers)	2
	Part 11, division 4—	3
	<i>omit, insert—</i>	4
	Division 4	5
	Assessing development applications under the Planning Act	6
		7
		8
	121 Assessing development applications	9
	(1) This section applies to a development application for development on a local heritage place on a local heritage register.	10
		11
		12
	(2) A regulation may, for the purposes of the Planning Act, prescribe—	13
		14
	(a) assessment benchmarks under that Act for the development application; and	15
		16
	(b) matters a referral agency under that Act must assess the development application against, or having regard to.	17
		18
		19
Clause 373	Amendment of s 123 (Local heritage register may be adopted in planning scheme)	20
	Section 123(2)—	21
	<i>omit.</i>	22
		23
Clause 374	Amendment of s 124 (Provision about entitlement to claim compensation)	24
	(1) Section 124(2)—	25
	<i>omit, insert—</i>	26
		27

	(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.	1 2 3 4
	(2) Section 124(3), ‘section 704’— <i>omit, insert—</i> section 25	5 6 7
	(3) Section 124(4)(c), ‘chapter 9, part 3’— <i>omit, insert—</i> chapter 2, part 4, division 2	8 9 10
	(4) Section 124(5), ‘section 704’— <i>omit, insert—</i> section 25	11 12 13
Clause 375	Replacement of s 164 (Court process for appeal)	14
	Section 164— <i>omit, insert—</i>	15 16
	164 Court process for appeal	17
	The <i>Planning and Development (Planning Court) Act 2015</i> , 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.	18 19 20 21 22
Clause 376	Amendment of s 164B (Restoration orders)	23
	Section 164B(7), definition <i>offence</i> , paragraph (b), ‘section 578(1) or 580’— <i>omit, insert—</i> section 160(1) or 161	24 25 26 27

Clause 377	Amendment of s 164C (Non-development orders)	1
	Section 164C(10), definition <i>offence</i> , paragraph (b), ‘section 578 or 580’—	2
		3
	<i>omit, insert</i> —	4
	section 160 or 161	5
Clause 378	Amendment of s 164D (Education and public benefit orders)	6
		7
	Section 164D(5), definitions <i>education order</i> and <i>offence</i> , paragraph (b), ‘section 578 or 580’—	8
		9
	<i>omit, insert</i> —	10
	section 160 or 161	11
Clause 379	Amendment of s 198 (Local governments prescribed under the pre-amended Act, s 112)	12
		13
	Section 198(2)(b)—	14
	<i>omit, insert</i> —	15
	(b) the local government makes a new planning scheme under the Planning Act.	16
		17
Clause 380	Insertion of new pt 15, div 5	18
	Part 15—	19
	<i>insert</i> —	20

Division 5	Transitional provisions for Planning and Development (Planning for Prosperity—Consequential Amendments) and Other Legislation Amendment Act 2015	1 2 3 4 5 6 7
200 Definitions for div 5		8
In this division—		9
<i>amending Act</i>	means the <i>Planning and Development (Planning for Prosperity—Consequential Amendments) and Other Legislation Amendment Act 2015</i> .	10 11 12 13
<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.	14 15 16
201 Existing development applications under the repealed Sustainable Planning Act 2009		17 18
(1)	This section applies to a development application to which the Planning Act, section 244 applies.	19 20
(2)	Section 59 continues to apply to the development application as if the amending Act had not been enacted.	21 22 23
(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.	24 25 26 27 28

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—
development application means a development application under the Planning Act.

<i>Planning Act</i> means the <i>Planning and Development (Planning for Prosperity) Act 2015</i> .	1
	2
<i>planning scheme</i> means a planning scheme under the Planning Act.	3
	4

Part 49	Amendment of Queensland Reconstruction Authority Act 2011	5
		6
		7

Clause 382	Act amended	8
	This part amends the <i>Queensland Reconstruction Authority Act 2011</i> .	9
		10

Clause 383	Amendment of s 47 (Definitions for pt 5)	11
	(1) Section 47, definition <i>decision-maker</i> , paragraph (b), examples—	12
		13
	<i>omit, insert—</i>	14
	<i>Example of a decision-maker for paragraph (b)—</i>	15
	a referral agency	16
	(2) Section 47, definition <i>prescribed process</i> , ‘in a stage of IDAS’—	17
		18
	<i>omit, insert—</i>	19
	under the development assessment process under the Planning Act	20
		21
	(3) Section 47, definition <i>prescribed process</i> , example—	22
	<i>omit.</i>	23

Clause 384	Amendment of s 49 (Progression notice)	24
	Section 49(2)(a), from ‘process,’ to ‘IDAS’—	25

omit, insert— 1

process 2

Clause 385 Amendment of s 50 (Notice to decide) 3

Section 50(7), from ‘decision stage’ to ‘Sustainable’— 4

omit, insert— 5

decision-making period for the application under
the 6
7

Clause 386 Amendment of s 53 (Providing assistance or recommendations) 8
9

Section 53(3), from ‘infrastructure’ to ‘part 1, applies’— 10

omit, insert— 11

trunk infrastructure or non-trunk infrastructure
under the Planning Act 12
13

Clause 387 Amendment of s 54 (Effects of step-in notice) 14

(1) Section 54(1)(d), from ‘concurrence’ to ‘process’— 15

omit, insert— 16

referral agency for the application may,
under the Planning Act, give the authority
advice about the application 17
18
19

(2) Section 54(2), definition *advice agency*— 20

omit. 21

Clause 388 Amendment of s 55 (Authority’s decision) 22

Section 55(4)— 23

omit, insert— 24

(4) Subsection (4A) applies if— 25

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

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

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), 7
‘Sustainable Planning Act’— 8
omit, insert— 9
Planning Act, the repealed *Sustainable* 10
Planning Act 2009 or the repealed 11
Integrated Planning Act 1997 12
(2) Section 89(3), definition *material change of use*— 13
omit, insert— 14
material change of use, of premises, see the 15
Planning Act, schedule 2. 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'—	3
	<i>omit.</i>	4
	(2) Section 92(2), 'Sustainable'—	5
	<i>omit.</i>	6
	(3) Section 92(3), from 'keep' to 'Act'—	7
	<i>omit, insert—</i>	8
	comply with the provisions of the access rules	9
	under the Planning Act about access to	10
	development approvals, as if the notice were a	11
	development approval	12
	(4) Section 92(5) to (8)—	13
	<i>omit.</i>	14
	(5) Section 92(10), definition <i>existing</i> , from 'or a compliance permit' to 'or compliance permit'—	15
	<i>omit, insert—</i>	16
	, means a development approval	17
	(6) Section 92(9) and (10)—	18
	<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—	23
	<i>omit, insert—</i>	24

Subdivision 6	Designations under the	1
	Planning Act	2

93	Designations of land for development of	3
	infrastructure under the Planning Act	4

- | | | |
|-----|---|----------------------|
| (1) | A designation under the Planning Act, chapter 2,
part 5 may be made for land to which a
development scheme applies. | 5
6
7 |
| (2) | A designation of land that is in force immediately
before a development scheme takes effect for
land continues in force for the land. | 8
9
10 |
| (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. | 11
12
13
14 |

Clause 403	Amendment of s 95 (Planning and Environment Court may make declarations)	15 16
	Section 95(3)—	17
	<i>omit.</i>	18

Clause 404	Amendment of s 110 (Application of Sustainable Planning Act)	19 20
	(1) Section 110, heading, ‘Sustainable’—	21
	<i>omit.</i>	22
	(2) Section 110, ‘Sustainable Planning Act, section 14(1)’—	23
	<i>omit, insert—</i>	24
	Planning Act, section 5(1)	25

Clause 405	Amendment of s 112 (Power of Minister to direct local government to take particular action about local planning instrument)	1
		2
		3
	(1) Section 112(2)(c), example—	4
	<i>omit.</i>	5
	(2) Section 112(4)(c), after ‘make’—	6
	<i>insert—</i>	7
	, amend	8
	(3) Section 112(5)—	9
	<i>omit, insert—</i>	10
	(5) In this section—	11
	<i>planning scheme</i> means a planning scheme	12
	under the Planning Act.	13
	<i>planning scheme policy</i> means a planning	14
	scheme policy under the Planning Act.	15
	<i>temporary local planning instrument</i> means a	16
	temporary local planning instrument under the	17
	Planning Act.	18
Clause 406	Amendment of s 114 (Minister to give notice of direction)	19
	Section 114, ‘Sustainable’—	20
	<i>omit.</i>	21
Clause 407	Insertion of new pt 12	22
	After part 11—	23
	<i>insert—</i>	24

Part 12	Transitional provisions	1
	for Planning and	2
	Development (Planning	3
	for Prosperity—	4
	Consequential	5
	Amendments) and	6
	Other Legislation	7
	Amendment Act 2015	8
140 Definitions for pt 12		9
In this part—		10
<i>amending Act</i>	means the <i>Planning and</i>	11
<i>Development</i>	(<i>Planning for</i>	12
<i>Prosperity—Consequential Amendments</i>) and		13
<i>Other Legislation Amendment Act 2015</i> .		14
<i>unamended Act</i>	means this Act as in force before	15
the commencement.		16
141 Existing development schemes		17
(1) In a development scheme (an <i>existing</i>		18
<i>development scheme</i>) in force immediately		19
before the commencement—		20
(a) a reference to the following is taken to be a		21
reference to accepted development under the		22
Planning Act—		23
(i) exempt development;		24
(ii) self-assessable development, to the		25
extent the development complies with		26
the requirements for the development		27
stated in the existing development		28
scheme; and		29

-
- | | | |
|---|---|-----------------------|
| (b) | a reference to the following is taken to be a reference to assessable development requiring standard assessment under the Planning Act— | 1
2
3
4 |
| (i) | self-assessable development, to the extent the development does not comply with the requirements for the development stated in the existing development scheme; | 5
6
7
8
9 |
| (ii) | development requiring compliance assessment; and | 10
11 |
| (c) | a reference to code assessment is taken to be a reference to standard assessment under the Planning Act; and | 12
13
14 |
| (d) | a reference to impact assessment is taken to be a reference to merit assessment under the Planning Act. | 15
16
17 |
| (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. | 18
19
20
21 |
| 142 Existing development applications under the repealed Sustainable Planning Act 2009 | | 22
23 |
| (1) | This section applies to a development application to which the Planning Act, section 244 applies. | 24
25 |
| (2) | The unamended Act continues to apply to the development application as if the amending Act had not been enacted. | 26
27
28 |

**143 Existing request for compliance assessment
under the repealed Sustainable Planning Act
2009**

- (1) This section applies to a request for compliance assessment of a development, document or work to which the Planning Act, section 244 applies.
- (2) The unamended Act continues to apply to the request as if the amending Act had not been enacted.

Clause 408 Amendment of schedule (Dictionary)

- (1) Schedule, definitions *community infrastructure designation*, *compliance permit*, *concurrence agency*, *IDAS* and *Sustainable Planning Act*—

omit.

- (2) Schedule—

insert—

Planning Act means the *Planning and Development (Planning for Prosperity) Act 2015*.

- (3) Schedule, definition *assessment manager*, ‘Sustainable Planning Act, section 246(1)’—

omit, insert—

Planning Act, section 43

- (4) Schedule, definition *community infrastructure*, paragraphs (a) and (b)—

omit, insert—

(a) infrastructure prescribed under the Planning Act, section 29(1); and

(b) other infrastructure prescribed under a regulation.

- (5) Schedule, definitions *development*, *development application* and *development approval*, ‘Sustainable’—

<i>omit.</i>	1
(6) Schedule, definition <i>infrastructure</i> , ‘Sustainable Planning Act, schedule 3’—	2 3
<i>omit, insert</i> —	4
Planning Act, schedule 2	5
(7) Schedule, definition <i>local planning instrument</i> , ‘Sustainable Planning Act, schedule 3’—	6 7
<i>omit, insert</i> —	8
Planning Act, section 7(3)	9
(8) Schedule, definition <i>planning instrument</i> , ‘Sustainable Planning Act, schedule 3’—	10 11
<i>omit, insert</i> —	12
Planning Act, section 7(1)	13
(9) Schedule, definition <i>referral agency</i> , ‘Sustainable Planning Act, section 252’—	14 15
<i>omit, insert</i> —	16
Planning Act, section 49(2)	17

Part 50	Amendment of Regional Planning Interests Act 2014	18 19
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Clause 409	Act amended	20
	This part amends the <i>Regional Planning Interests Act 2014</i> .	21
Clause 410	Amendment of s 5 (Relationship with resource Acts and Environmental Protection Act)	22 23
	Section 5(1), ‘ <i>Sustainable Planning Act 2009</i> ’—	24
	<i>omit, insert</i> —	25

	Planning Act	1
Clause 411	Amendment of s 25 (Exemption—pre-existing regulated activity)	2
	Section 25(1), after ‘under the’—	3
	<i>insert—</i>	4
	Planning Act or the repealed	5
		6
Clause 412	Amendment of s 71 (Definitions for pt 5)	7
	Section 71, definition <i>court</i> , ‘under the <i>Sustainable Planning Act 2009</i> ’—	8
	<i>omit.</i>	9
		10
Clause 413	Amendment of s 72 (Appeal to Planning and Environment Court)	11
	Section 72, note—	12
	<i>omit, insert—</i>	13
	<i>Note—</i>	14
	See the <i>Planning and Development (Planning Court) Act 2015</i> for provisions about the powers, processes and procedures of the court.	15
		16
		17
		18
Clause 414	Insertion of new s 77A	19
	Part 5—	20
	<i>insert—</i>	21
	77A Appeal decision	22
	(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—	23
		24
	(a) confirm it;	25
		26
	(b) change it;	27
		27

	(c) set it aside and—	1
	(i) make a decision replacing it; or	2
	(ii) return the matter to the entity that made	3
	the decision appealed against with	4
	directions the court considers	5
	appropriate.	6
	(2) The appeal decision may also include other	7
	orders, declarations or directions the court	8
	considers appropriate.	9
	(3) The appeal decision, other than one to confirm	10
	the decision or return a matter, is taken, for this	11
	Act (other than this part), to have been made by	12
	the entity that made the decision appealed	13
	against.	14
Clause 415	Amendment of s 78 (Declarations)	15
	Section 78(2)—	16
	<i>omit, insert—</i>	17
	(2) The court may also make an order about any	18
	declaration it makes.	19
Clause 416	Amendment of sch 1 (Dictionary)	20
	(1) Schedule 1, definition <i>regional plan</i> —	21
	<i>omit.</i>	22
	(2) Schedule 1—	23
	<i>insert—</i>	24
	<i>Planning Act</i> means the <i>Planning and</i>	25
	<i>Development (Planning for Prosperity) Act 2015.</i>	26
	<i>regional plan</i> means a regional plan under the	27
	Planning Act.	28
	(3) Schedule 1, definition <i>road</i> , ‘ <i>Sustainable Planning Act 2009</i> ,	29
	<i>schedule 3</i> ’—	30

omit, insert—

1

Planning Act, schedule 2

2

Part 51

Amendment of Residential Services (Accreditation) Act 2002

3

4

5

Clause 417 Act amended

6

This part amends the *Residential Services (Accreditation) Act 2002*.

7

8

Clause 418 Amendment of s 29 (Notice of compliance with prescribed building requirements)

9

10

Section 29(4)(b), from ‘building’ to ‘*Sustainable Planning Act 2009*’—

11

12

omit, insert—

13

tribunal under the Planning Act

14

Clause 419 Amendment of s 30 (Appeal)

15

Section 30(2), from ‘building’ to ‘*Sustainable Planning Act 2009*’—

16

17

omit, insert—

18

tribunal under the Planning Act

19

Clause 420 Amendment of s 31 (Decision on appeal)

20

(1) Section 31(1), ‘building and development dispute resolution committee’—

21

22

omit, insert—

23

	tribunal under the Planning Act	1
(2)	Section 31(2), ‘committee’s’—	2
	<i>omit, insert—</i>	3
	tribunal’s	4
Clause 421	Amendment of s 33 (Prescribed fire safety document)	5
(1)	Section 33(2A)—	6
	<i>omit.</i>	7
(2)	Section 33(3), ‘or (2A)’—	8
	<i>omit.</i>	9
Clause 422	Amendment of sch 2 (Dictionary)	10
(1)	Schedule 2—	11
	<i>insert—</i>	12
	<i>Planning Act</i> means the <i>Planning and Development (Planning for Prosperity) Act 2015</i> .	13 14
(2)	Schedule 2, definition <i>development application</i> , ‘Sustainable Planning Act 2009, schedule 3’—	15 16
	<i>omit, insert—</i>	17
	Planning Act, schedule 2	18
(3)	Schedule 2, definition <i>development approval</i> , ‘Sustainable Planning Act 2009, schedule 3’—	19 20
	<i>omit, insert—</i>	21
	Planning Act, section 44	22

Clause	426	Act amended	17
		This part amends the <i>South Bank Corporation Act 1989</i> .	18
Clause	427	Amendment of s 3 (Definitions)	19
	(1)	Section 3, definitions <i>planning scheme</i> and <i>Sustainable Planning Act</i> —	20
			21

omit. 1

(2) Section 3— 2

insert— 3

Planning Act means the *Planning and Development (Planning for Prosperity) Act 2015*. 4
5

planning scheme means a planning scheme 6
under the Planning Act. 7

(3) Section 3, definition *operational work*, ‘Sustainable Planning Act, section 10(1)’— 8
9

omit, insert— 10

Planning Act, schedule 2 11

Clause 428 Amendment of s 4 (Meaning of *assessable development*) 12

Section 4(b)— 13

omit, insert— 14

(b) development categorised as assessable 15
development or accepted development by a 16
regulation under the Planning Act. 17

Clause 429 Amendment of pt 7, div 5, hdg (Relationship with the Sustainable Planning Act until the development completion date) 18
19
20

Part 7, division 5, heading, ‘Sustainable Planning Act’— 21

omit, insert— 22

Planning Act and Planning and Development (Planning Court) Act 2015 23
24

Clause 430 Replacement of ss 77 and 78 25

Sections 77 and 78— 26

omit, insert— 27

77 Application of div 5 1

- (1) This division applies to a development 2
application made under the Planning Act if the 3
corporation is a referral agency under that Act for 4
the application. 5
- (2) However, this division only applies until the 6
development completion date. 7

78 Modified application of the Planning Act 8

- (1) Despite the Planning Act, section 184, the 9
applicant for the development application can not 10
appeal against the corporation’s referral agency 11
response for the application given under the 12
Planning Act. 13
- (2) The Planning Act, section 63 does not apply to a 14
condition the corporation directs the assessment 15
manager for the application to impose on any 16
development approval given under the Planning 17
Act. 18

**78A Modified application of Planning and 19
Development (Planning Court) Act 2015** 20

The Planning and Development (Planning Court) Act 21
2015, section 11 does not apply in relation to the 22
development application to the extent a declaration is 23
sought about anything done or omitted to be done by 24
the corporation in relation to the development 25
application. 26

Clause 431	Amendment of pt 7, div 6, hdg (Relationship with the	27
	Sustainable Planning Act on development completion	28
	date)	29
	Part 7, division 6, heading, ‘Sustainable’—	30
	<i>omit.</i>	31

Clause 432	Amendment of s 79 (Effect of development completion date)	1
		2
	Section 79, ‘Sustainable Planning Act, section 243’—	3
	<i>omit, insert—</i>	4
	Planning Act	5
Clause 433	Insertion of new pt 11, div 9	6
	Part 11—	7
	<i>insert—</i>	8
	Division 9	9
	Transitional provision for Planning and Development (Planning for Prosperity—Consequential Amendments) and Other Legislation Amendment Act 2015	10
		11
		12
		13
		14
		15
	141 Application of s 78 to particular existing development applications	16
		17
	(1) This section applies to an existing development application if the corporation is a concurrence agency under the repealed Planning Act for the application.	18
		19
		20
		21
	(2) Section 78, as in force before the commencement, continues to apply in relation to the existing development application.	22
		23
		24
	(3) In this section—	25
	<i>existing development application</i> means a development application to which the Planning Act, section 244 applies.	26
		27
		28
	<i>repealed Planning Act</i> means the repealed Sustainable Planning Act 2009.	29
		30

Clause 434	Amendment of sch 4 (Modified Building Units and Group Titles Act)	1 2
	Schedule 4, section 7(1), definition <i>building approvals authority</i> , ' <i>Sustainable Planning Act 2009</i> '—	3 4
	<i>omit, insert—</i>	5
	Planning Act	6
 Part 54	 Amendment of South-East Queensland Water (Distribution and Retail Restructuring) Act 2009	 7 8 9 10
 Clause 435	 Act amended	 11
	This part amends the <i>South-East Queensland Water (Distribution and Retail Restructuring) Act 2009</i> .	12 13
 Clause 436	 Amendment of s 53 (Delegation)	 14
	(1) Section 53(5)(c), 'concurrence'—	15
	<i>omit, insert—</i>	16
	referral	17
	(2) Section 53(9), definition <i>concurrence agency</i> —	18
	<i>omit, insert—</i>	19
	<i>referral agency</i> see the Planning Act, section 49(2).	20 21
 Clause 437	 Amendment of s 77H (Provision for things done under agreement before the transfer)	 22 23
	(1) Section 77H(a)—	24
	<i>omit, insert—</i>	25

	(a) an infrastructure charge or cost levied by the local government under the repealed SPA, chapter 8, part 1 or the repealed IPA, chapter 5, part 1;	1 2 3 4
	(2) Section 77H(b) and (c), ‘Planning Act’— <i>omit, insert—</i> repealed SPA	5 6 7
Clause 438	Amendment of s 77I (Application of sdiv 3A) Section 77I(3), definition <i>relevant action</i> , paragraphs (a) to (d), ‘Planning Act’— <i>omit, insert—</i> repealed SPA	8 9 10 11 12
Clause 439	Amendment of s 78 (Reconfiguring a lot after transfer scheme or notice takes effect) (1) Section 78(3)— <i>omit, insert—</i> (3) The Planning Act does not apply to the reconfiguring of the lot. (2) Section 78(5), definition <i>reconfiguring a lot</i> — <i>omit, insert—</i> <i>reconfiguring a lot</i> see the Planning Act, schedule 2. (3) Section 78(5), definition <i>State planning regulatory provision</i> — <i>omit.</i>	13 14 15 16 17 18 19 20 21 22 23 24 25
Clause 440	Omission of ch 3, pt 3, div 2, sdiv 5 (Planning schemes and declared master planned areas) Chapter 3, part 3, division 2, subdivision 5—	26 27 28

omit. 1

Clause 441 Amendment of ch 3A, pt 5, div 6, hdg (Planning Act) 2

Chapter 3A, part 5, division 6, heading, ‘Planning Act’— 3

omit, insert— 4

Sustainable Planning Act 2009 5

Clause 442 Amendment of s 92DI (Cessation of Allconnex’s functions) 6
7

(1) Section 92DI(1), ‘Planning Act’— 8

omit, insert— 9

repealed SPA 10

(2) Section 92DI(2)(a)— 11

omit, insert— 12

(a) Allconnex has functions under the repealed SPA— 13
14

(i) as a concurrence agency for a development application under that Act; or 15
16
17

(ii) for a request for compliance assessment under that Act; and 18
19

(3) Section 92DI(3), after ‘functions’— 20

insert— 21

under the repealed SPA 22

(4) Section 92DI(4), ‘Planning Act’— 23

omit, insert— 24

repealed SPA 25

Clause 443	Omission of s 92DJ (Continued effect of non-application of planning schemes under s 78A)	1
	Section 92DJ—	2
	<i>omit.</i>	3
		4
Clause 444	Amendment of s 99BO (Content of part A of plan)	5
	Section 99BO(4), definition <i>priority infrastructure area</i> , ‘schedule 3’—	6
	<i>omit, insert—</i>	7
	schedule 2	8
		9
Clause 445	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 446	Amendment of ch 4C, pt 4, div 3, hdg (Appeals to a building and development committee)	14
	Chapter 4C, part 4, division 3, heading, ‘building and development committee’—	15
	<i>omit, insert—</i>	16
	development tribunal	17
		18
		19
Clause 447	Amendment of s 99BRBE (Appeals about applications for connections—general)	20
	(1) Section 99BRBE(1)(a)—	21
	<i>omit, insert—</i>	22
	(a) the land to which the connection relates is subject to a development application; and	23
		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 448	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 449	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 450	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 451	Insertion of new s 99BRBGA	9
	After section 99BRBG—	10
	<i>insert—</i>	11
	99BRBGA Tribunal to decide appeal based on particular laws	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 laws applying when the application was made, but may give the weight the tribunal considers appropriate, in all the circumstances, to any new laws.	18
		19
		20
		21
		22

Clause 452	Amendment of ss 99BRBH (Notice of appeal)	23
	Section 99BRBH(2), ‘building and development committees’—	24
	<i>omit, insert—</i>	25
	development tribunals	26

Clause 453	Amendment of s 99BRBK (Registrar must ask distributor-retailer for material in particular proceedings)	27
		28
	Section 99BRBK(2), ‘building and development committees’—	29

omit, insert— 1
development tribunals 2

Clause 454 Amendment of s 99BRBL (Lodging appeal stops particular actions) 3
4
Section 99BRBL(2)— 5
omit, insert— 6
(2) Despite subsection (1), if the development 7
tribunal is satisfied the outcome of the appeal 8
would not be affected if all or part of the work 9
was started before the appeal is decided, the 10
tribunal may allow all or part of the work to start 11
before the appeal is decided. 12

Clause 455 Amendment of s 99BRBQ (Application of relevant court provisions) 13
14
(1) Section 99BRBQ(1)(a) to (f)— 15
omit, insert— 16
(a) a Planning Act appeal or Planning Act 17
proceeding were a reference to an appeal 18
under this division; and 19
(b) the Planning Act were a reference to this 20
Act; and 21
(c) the assessing authority were a reference to 22
the distributor-retailer that made the 23
decision the subject of the appeal; and 24
(d) a development permit were a reference to a 25
water approval. 26
(2) Section 99BRBQ(2), definition *relevant court appeal* 27
provisions, paragraph (a)— 28
omit, insert— 29

	(a) the <i>Planning and Development (Planning Court) Act 2015</i> , part 5, other than sections 45 and 46(3), (5) and (6); and	1 2 3
Clause 456	Insertion of new s 99BRBQA	4
	After section 99BRBQ—	5
	<i>insert—</i>	6
	99BRBQA Planning and Environment Court to decide appeal based on particular statutory instruments	7 8 9
	(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.	10 11 12 13
	(2) The Planning and Environment Court must decide the appeal based on the statutory instruments applying when the application was made.	14 15 16 17
	(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.	18 19 20 21 22 23
Clause 457	Replacement of s 99BRBU (Who must prove case for appeals)	24 25
	Section 99BRBU—	26
	<i>omit, insert—</i>	27
	99BRBU Who must prove case for appeals	28
	(1) In an appeal under section 99BRBN, 99BRBO or 99BRBOA, the appellant must establish the appeal should be upheld.	29 30 31

	(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 458	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 459	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 460	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 461	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 462	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 463	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 <i>levied charge</i>) under an infrastructure charges notice—	1 2
	(a)	is subject to sections 99BRCJ and 99BRCT; and	3 4
	(b)	is payable by the applicant; and	5
	(c)	attaches to the premises; and	6
	(d)	becomes payable as provided for under subdivision 4; and	7 8
	(e)	is subject to any agreement under section 99BRCM(1); and	9 10
	(f)	may be recovered, in whole or part, by the distributor-retailer from the applicant as a debt.	11 12 13
Clause 464		Amendment of s 99BRCJ (Limitation of levied charge)	14
		Section 99BRCJ(4), definition <i>charges notice</i> , paragraph (b), ‘Planning Act’—	15 16
		<i>omit, insert—</i>	17
		repealed SPA	18
Clause 465		Amendment of s 99BRCL (Payment triggers generally)	19
	(1)	Section 99BRCL(1)(a), ‘or development requiring compliance assessment’—	20 21
		<i>omit.</i>	22
	(2)	Section 99BRCL(3), definition <i>assessable development</i> , ‘schedule 3’—	23 24
		<i>omit, insert—</i>	25
		section 39(3)	26

Clause 466	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 467	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 468	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 469	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

	<i>omit, insert—</i>	1
	schedule 2	2
Clause 470	Amendment of s 99BU (Requirements for infrastructure charges register)	3 4
	Section 99BU(2)(f), from ‘or compliance permit’ to ‘permit will’—	5 6
	<i>omit, insert—</i>	7
	under the Planning Act—the approval reference number and the day the approval will	8 9 10
Clause 471	Amendment of s 100G (Documents and information about water approvals and development approvals)	11 12
	Section 100G—	13
	<i>insert—</i>	14
	(5) In this section—	15
	<i>development application</i> includes a development application made under the repealed IPA or repealed SPA.	16 17 18
Clause 472	Amendment of s 102 (Regulation-making power)	19
	Section 102(2)(g)—	20
	<i>omit.</i>	21
Clause 473	Amendment of s 131 (Definitions for pt 9)	22
	Section 131—	23
	<i>insert—</i>	24
	<i>Planning Act</i> means the <i>Sustainable Planning Act 2009</i> .	25 26

Clause 474	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 475	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 (Planning	13
	for Prosperity—	14
	Consequential	15
	Amendments) and	16
	Other Legislation	17
	Amendment Act 2015	18
	142 Definitions for pt 11	19
	In this part—	20
	<i>amending Act</i> means the <i>Planning and Development (Planning for Prosperity—Consequential Amendments) and Other Legislation Amendment Act 2015</i> .	21
		22
	<i>development application</i> includes a development application made under the repealed SPA.	23
		24
	<i>development approval</i> means a development approval under the Planning Act.	25
		26
	<i>related application</i> means a development application for a development approval that—	27
		28
		29

(a) involves a water connection aspect; and	1
(b) relates to another development approval given under the repealed SPA before 1 July 2014.	2 3 4
<i>water connection aspect—</i>	5
(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	6 7 8 9 10
(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.	11 12 13 14 15
143 Existing development applications or requests for compliance assessment	16 17
(1) This section applies to a development application or request to which the Planning Act, section 244 applies.	18 19 20
(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.	21 22 23 24
144 Continuing application of s 78B	25
(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.	26 27 28 29
(2) In this section—	30

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) This section applies if—
 (a) a levied charge for a water approval was
 levied before the commencement; and
 (b) there is a related reconfiguring of a lot for
 the water approval; and
 (c) a development application or request for
 compliance assessment was made for the
 reconfiguration under the repealed SPA
 before the commencement.
 (2) Section 99BRCL, as in force before the
 commencement, continues to apply to the levied
 charge.

146 Water connection aspect of development approvals

- (1) This section applies to a development approval
 involving a water connection aspect if—
 (a) the approval is given after the
 commencement of the Planning Act; and
 (b) the approval is for a material change of use
 of premises or reconfiguring a lot under that
 Act; and
 (c) either—

(i)	the repealed SPA, section 959B applies to the development application for the approval; or	1 2 3
(ii)	the development application for the approval is a related application.	4 5
(2)	After the development approval takes effect—	6
(a)	the Planning Act does not apply to the water connection aspect of the development approval; and	7 8 9
(b)	the water connection aspect of the development approval is taken to be a water approval for a staged connection; and	10 11 12
(c)	all conditions of the development approval relating to the water connection aspect are taken to be conditions of the water approval.	13 14 15
147	Related applications made after commencement	16 17
(1)	This section applies to a related application made after the commencement.	18 19
(2)	Despite the Planning Act, for deciding the water connection aspect of the application—	20 21
(a)	the following provisions of the Planning Act do not apply—	22 23
(i)	chapter 4;	24
(ii)	section 63(1)(c) and (f); and	25
(b)	section 99BRAJ(2)(h), (3) and (4) and chapter 4C, part 7, divisions 4 and 6 apply—	26 27
(i)	as if a reference to an application for a water approval were a reference to a related application; and	28 29 30

- (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.
- (3) The distributor-retailer or its participating local government may, under chapter 4C, part 7, impose on a development approval given for the related application a condition about infrastructure for the distributor-retailer's water service or wastewater service as if the development approval were a water approval.
- (4) To remove any doubt, it is declared that if a condition is imposed on a development approval under subsection (3), the condition is a condition of the development approval.
- Note—*
- The water connection aspect of a development approval given for a related application becomes a water approval under section 146.

148 Giving infrastructure charges notices for particular development approvals taken to be water approvals

- (1) This section applies if a water connection aspect of a development approval is taken to be a water approval under section 146.

(2)	Section 140E(2) to (4) applies to the development approval as if—	1 2
(a)	a reference in the section to a development approval were a reference to an approval mentioned in subsection (1); and	3 4 5
(b)	a reference in section 140E(2) to the Planning Act were a reference to the <i>Planning and Development (Planning for Prosperity) Act 2015</i> ; and	6 7 8 9
(c)	a reference in section 140E(3) to the Planning Act were a reference to the repealed SPA or the <i>Planning and Development (Planning for Prosperity) Act 2015</i> .	10 11 12 13 14
149	Giving infrastructure charges notices for other development approvals	15 16
(1)	This section applies if—	17
(a)	a notice (an <i>original notice</i>) levying a charge is given under the Planning Act or the repealed SPA for a development approval that—	18 19 20 21
(i)	was given before 1 July 2014; and	22
(ii)	did not become a water approval under section 135; and	23 24
(iii)	involves a water connection aspect; and	25
(b)	a request under the Planning Act to change or extend the development approval is approved.	26 27 28
(2)	An infrastructure charges notice may be given under chapter 4C, part 7, division 2, subdivision 3 to replace the original notice as if—	29 30 31
(a)	the original notice were an infrastructure charges notice under this Act; and	32 33

- (b) a reference to a water approval were a reference to a development approval. 1
2
- (3) However, section 99BRDC does not apply to an infrastructure charges notice given under subsection (2). 3
4
5

150 Delegations 6

- (1) Subsection (2) applies to— 7
 - (a) a related application made after the commencement of the Planning Act; and 8
9
 - (b) a development approval involving a water connection aspect. 10
11
- (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 approval were a reference to an application or approval mentioned in subsection (1). 12
13
14
15
16
- (3) Subsection (4) applies to a compliance assessment mentioned in the repealed SPA, section 959F if, under the Planning Act, the compliance assessment may continue to be carried out after the commencement of that Act. 17
18
19
20
21
- (4) Section 133(2) and (3) applies to the compliance assessment. 22
23

Clause 476 Amendment of schedule (Dictionary) 24

- (1) Schedule, definitions *building and development committee*, *compliance assessment*, *ecological sustainability*, *infrastructure agreement*, *Planning Act*, *planning scheme* and *SPRP (adopted charges)*— 25
26
27
28
omit. 29
- (2) Schedule— 30
insert— 31

<i>development tribunal</i> means a tribunal under the Planning Act.	1 2
<i>ecological sustainability</i> means the balance that integrates—	3 4
(a) protection of ecological processes and natural systems at local, regional, State and wider levels; and	5 6 7
(b) economic development; and	8
(c) maintenance of the cultural, economic, physical and social wellbeing of people and communities.	9 10 11
<i>infrastructure agreement</i> means any of the following—	12 13
(a) an infrastructure agreement under the Planning Act;	14 15
(b) an infrastructure agreement under the repealed SPA;	16 17
(c) an infrastructure agreement under the repealed IPA, mentioned in the repealed SPA, section 840;	18 19 20
(d) an infrastructure agreement under the repealed <i>Local Government Planning and Environment Act 1990</i> to which the repealed SPA, section 855 applied;	21 22 23 24
(e) an agreement to which the repealed SPA, section 856 applied.	25 26
<i>Planning Act</i> means the <i>Planning and Development (Planning for Prosperity) Act 2015</i> .	27 28
<i>planning scheme</i> means a planning scheme under the Planning Act.	29 30
<i>repealed IPA</i> means the repealed <i>Integrated Planning Act 1997</i> .	31 32

- repealed SPA* means the repealed *Sustainable Planning Act 2009*. 1
2
- (3) Schedule, definition *Allconnex infrastructure funding matter*, 3
‘Planning Act’— 4
omit, insert— 5
repealed SPA 6
- (4) Schedule, definition *charges breakup*, ‘section 627’— 7
omit, insert— 8
schedule 2 9
- (5) Schedule, definition *conversion application*, ‘section 10
99BRDE(1)’— 11
omit, insert— 12
section 99BRDE(2) 13
- (6) Schedule, definition *development application*, ‘schedule 3’— 14
omit, insert— 15
schedule 2 16
- (7) Schedule, definition *development infrastructure*, ‘section 17
627’— 18
omit, insert— 19
schedule 2 20
- (8) Schedule, definition *infrastructure charges notice*, paragraph 21
(b), ‘section 643(1)’— 22
omit, insert— 23
section 120(3) 24
- (9) Schedule, definitions *premises*, paragraph (b)(i), and 25
reconfiguring a lot, ‘section 10(1)’— 26
omit, insert— 27
schedule 2 28

Part 55	Amendment of Southern	1
	Moreton Bay Islands	2
	Development Entitlements	3
	Protection Act 2004	4

Clause 477	Act amended	5
	This part amends the <i>Southern Moreton Bay Islands</i>	6
	<i>Development Entitlements Protection Act 2004.</i>	7

Clause 478	Amendment of s 4 (What is an SMBI application)	8
	Section 4, ‘development application (superseded planning	9
	scheme)’—	10
	<i>omit, insert—</i>	11
	superseded planning scheme application	12

Clause 479	Amendment of s 4A (What is an SMBI request)	13
	(1) Section 4A, ‘ <i>Sustainable Planning Act 2009</i> , section	14
	95(1)(a)’—	15
	<i>omit, insert—</i>	16
	Planning Act, section 23(4)(b)	17
	(2) Section 4A(a), ‘a superseded’—	18
	<i>omit, insert—</i>	19
	the superseded	20

Clause 480	Amendment of s 7 (Modified application of Sustainable	21
	Planning Act 2009)	22
	(1) Section 7, heading, ‘ <i>Sustainable Planning Act 2009</i> ’—	23
	<i>omit, insert—</i>	24
	Planning Act	25

- (2) Section 7(1)— 1
omit, insert— 2
- (1) Despite the Planning Act, section 23(6), if a 3
person makes an SMBI request, the local 4
government must agree to the request. 5
- (3) Section 7(2), ‘Sustainable Planning Act 2009, chapter 3, part 6
2, division 5’— 7
omit, insert— 8
Planning Act, chapter 2, part 4 9
- (4) Section 7(3)— 10
omit, insert— 11
- (3) For the Planning Act, an SMBI application must 12
be assessed under the superseded planning 13
scheme. 14
- (5) Section 7(4), ‘Sustainable Planning Act 2009, section 245’— 15
omit, insert— 16
Planning Act, section 70 17
- (6) Section 7(5), ‘Sustainable Planning Act 2009, section 714’— 18
omit, insert— 19
Planning Act, section 216 20

Clause 481 Omission of s 8 (Certain rights unaffected) 21
Section 8— 22
omit. 23

Clause 482 Insertion of new s 12 24
After section 11— 25
insert— 26

12 Transitional provision for Planning and Development (Planning for Prosperity—Consequential Amendments) and Other Legislation Amendment Act 2015	1
	2
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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.	5
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(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 (Planning for Prosperity—Consequential Amendments) and Other Legislation Amendment Act 2015</i> had not been enacted.	10
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<i>Note—</i>	17
See also the Planning Act, chapter 8, part 1.	18
(3) Subsection (4) applies to a development approval given, before the commencement, for an SMBI application as defined under this Act immediately before the commencement.	19
	20
	21
	22
(4) Section 7(4), as in force before the commencement, continues to apply to the development approval.	23
	24
	25

Clause 483 Amendment of schedule (Dictionary)	26
(1) Schedule, definitions <i>assessment manager</i> , <i>development</i> , <i>development application</i> , <i>development application (superseded planning scheme)</i> , <i>development approval</i> , <i>development permit</i> and <i>superseded planning scheme—omit</i> .	27
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	31
(2) Schedule—	32
<i>insert—</i>	33

<i>assessment manager</i> see the Planning Act,	1
section 43.	2
<i>development</i> see the Planning Act, schedule 2.	3
<i>development application</i> see the Planning Act,	4
schedule 2.	5
<i>development approval</i> see the Planning Act,	6
section 44.	7
<i>development permit</i> see the Planning Act, section	8
44(3).	9
<i>Planning Act</i> means the <i>Planning and</i>	10
<i>Development (Planning for Prosperity) Act 2015</i> .	11
<i>superseded planning scheme</i> means the planning	12
scheme in force for the Redland local	13
government area immediately before the	14
Redland's IPA planning scheme took effect.	15
<i>superseded planning scheme application</i> means	16
a development application—	17
(a) for development to which the superseded	18
planning scheme applies; and	19
(b) made only to the council as assessment	20
manager; and	21
(c) made within 10 years after the Redland's	22
IPA planning scheme had effect.	23

Part 56	Amendment of State	1
	Development and Public Works	2
	Organisation Act 1971	3

Clause 484	Act amended	4
	This part amends the <i>State Development and Public Works</i>	5
	<i>Organisation Act 1971</i> .	6

Clause 485	Amendment of s 24 (Definitions for pt 4)	7
	Section 24, definition <i>assessment manager</i> , ‘Sustainable’—	8
	<i>omit</i> .	9

Clause 486	Amendment of s 34G (Preparation of draft IAR)	10
	(1) Section 34G(2)(c)(i), ‘Sustainable Planning Act, require	11
	impact assessment’—	12
	<i>omit, insert—</i>	13
	Planning Act, require merit assessment	14
	and public notification	15
	(2) Section 34G(2)(c)(iii)(A), ‘Sustainable’—	16
	<i>omit</i> .	17

Clause 487	Amendment of s 35A (Lapsing of Coordinator-General’s report)	18
	Section 35A(8), definition <i>relevant approval</i> , paragraph (g),	19
	‘Sustainable’—	20
	<i>omit</i> .	21
		22

Clause 488	Amendment of pt 4, div 4, hdg (Relationship with Sustainable Planning Act)	23
	Part 4, division 4, heading, ‘Sustainable’—	24
		25

omit.

1

**Clause 489 Amendment of s 37 (Applications for material change of
use or requiring impact assessment)**

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(1) Section 37, heading, ‘impact’—

4

omit, insert—

5

merit

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(2) Section 37(1)—

7

omit, insert—

8

(1) To the extent the application is for a material
change of use of premises, or requires merit
assessment, under the Planning Act—

9

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11

(a) the application does not require public
notification under the Planning Act, section
48; and

12

13

14

(b) there are no referral agencies under the
Planning Act for the application; and

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16

(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—

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(i) a draft EIS or draft IAR for the project;

21

(ii) any additional information required for
the project that was publicly notified
under section 34C(3); and

22

23

24

(d) despite paragraph (b), until the development
approval applied for has effect—

25

26

(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

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- (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.
- (3) Section 37(2), ‘code assessment under the Sustainable’—
omit, insert—
standard assessment under the
- (4) Section 37(3), definition *material change of use*, ‘Sustainable Planning Act, section 10(1)’—
omit, insert—
Planning Act, schedule 2

- Clause 490 Amendment of s 38 (When the decision stage for the project starts under IDAS)**
- (1) Section 38, heading, from ‘decision stage’ to ‘IDAS’—
omit, insert—
decision-making period for the project starts under the Planning Act
 - (2) Section 38(1), from ‘Sustainable’ to ‘IDAS’—
omit, insert—
Planning Act, the decision-making period
 - (3) Section 38(2)—
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 491	Amendment of s 39 (Application of Coordinator-General's report to IDAS)	1 2
(1)	Section 39, heading, 'IDAS'— <i>omit, insert—</i>	3 4
	assessment of development application under Planning Act	5 6
(2)	Section 39(3), 'Sustainable'— <i>omit.</i>	7 8
(3)	Section 39(6)(a), 'Sustainable Planning Act, section 339'— <i>omit, insert—</i>	9 10
	Planning Act, section 68	11
(4)	Section 39(6)(b), from 'concurrence' to 'Sustainable'— <i>omit, insert—</i>	12 13
	referral agency condition under the	14
(5)	Section 39(7), from 'concurrence' to 'Sustainable'— <i>omit, insert—</i>	15 16
	referral agency condition under the	17
Clause 492	Amendment of s 41 (Concurrence agencies for conditions of development approvals)	18 19
(1)	Section 41, heading, 'Concurrence'— <i>omit, insert—</i>	20 21
	Referral	22
(2)	Section 41(1) and (2), 'concurrence'— <i>omit, insert—</i>	23 24
	referral	25

Clause 493	Amendment of s 42 (Changing or cancelling a condition of a development approval)	1
		2
	Section 42(2), ‘Sustainable Planning Act, section 369’—	3
	<i>omit, insert—</i>	4
	Planning Act, section 75	5
Clause 494	Amendment of s 42A (Application of Coordinator-General’s change report to IDAS)	6
		7
	(1) Section 42A, heading, ‘IDAS’—	8
	<i>omit, insert—</i>	9
	assessment of development application under Planning Act	10
		11
	(2) Section 42A—	12
	<i>insert—</i>	13
	(1A) The Coordinator-General must give a copy of the change report to the assessment manager for the development application.	14
		15
		16
	(3) Section 42A(2), from ‘concurrence’ to ‘agreement to’—	17
	<i>omit, insert—</i>	18
	referral agency response under the Planning Act that the applicant has agreed to	19
		20
	(4) Section 42A(3), after ‘given’—	21
	<i>insert—</i>	22
	to the proponent	23
	(5) Section 42A(3)(a), ‘decision stage of IDAS’—	24
	<i>omit, insert—</i>	25
	decision-making period under the Planning Act	26
	(6) Section 42A(4)—	27
	<i>omit, insert—</i>	28

- (4) Despite the Planning Act, the decision-making period under that Act for the application—
 - (a) stops on the day the change report is given to the proponent; and
 - (b) starts again from its beginning the day after the assessment manager receives a copy of the change report.
- (7) Section 42A(5)(a), after ‘given’—
insert—
to the proponent
- (8) Section 42A(5)(b) and (6), ‘Sustainable’—
omit.

Clause 495 Amendment of pt 4, div 4, sdiv 2, hdg (Community infrastructure)
Part 4, division 4, subdivision 2, heading, ‘Community infrastructure’—
omit, insert—
Designation of land under the Planning Act

Clause 496 Amendment of s 43 (Application of Coordinator-General’s report to designation)
(1) Section 43(1), from ‘as community’ to ‘chapter 5’—
omit, insert—
under the Planning Act, chapter 2, part 5
(2) Section 43(2), ‘Sustainable Planning Act, section 202(a)’—
omit, insert—
Planning Act, section 29(2)(a) and (b)

Clause 497	Amendment of s 50 (Application of div 7)	1
	Section 50, ‘Sustainable’—	2
	<i>omit.</i>	3
Clause 498	Amendment of s 54A (Application of div 8)	4
	Section 54A(a), ‘Sustainable Planning Act requiring impact’—	5
	<i>omit, insert—</i>	6
	Planning Act requiring merit	7
Clause 499	Amendment of s 54C (Provision for what conditions may be imposed)	8
	Section 54C, ‘Sustainable Planning Act, sections 345(1) and 346(1) apply’—	9
	<i>omit, insert—</i>	10
	Planning Act, section 62 applies	11
Clause 500	Amendment of s 54D (Effect of imposed conditions)	12
	(1) Section 54D(2), ‘Sustainable Planning Act, section 580’—	13
	<i>omit, insert—</i>	14
	Planning Act, section 161	15
	(2) Section 54D(5)(a)—	16
	<i>omit, insert—</i>	17
	(a) the Planning Act, section 181 applies in relation to an offence against section 161 of that Act; and	18
		19
Clause 501	Amendment of s 54F (Provision about enforcement orders under the Sustainable Planning Act)	20
	(1) Section 54F, heading, ‘Sustainable’—	21
	<i>omit.</i>	22

- (2) Section 54F(1)(a)(i)— 1
omit, insert— 2
(i) the Planning Act, chapter 5, part 5; or 3

Clause 502 Amendment of s 54G (Declaration-making powers) 4

- (1) Section 54G(1), ‘Sustainable Planning Act, section 456(1) or
(2)’— 5
omit, insert— 6
Planning and Development (Planning Court) Act 8
2015, section 11 9
(2) Section 54G(3) and (4)— 10
omit, insert— 11
(3) The court may also make an order about any
declaration it makes. 12
(3) Section 54G(5)— 14
renumber as section 54G(4). 15

Clause 503 Amendment of s 54ZM (Declarations) 16

- (1) Section 54ZM(1), ‘Environmental’— 17
omit, insert— 18
Environment 19
(2) Section 54ZM(2)— 20
omit, insert— 21
(2) The *Planning and Development (Planning* 22
Court) Act 2015, section 11 applies to a 23
proceeding started under this section as if it were 24
a proceeding relating to the Planning Act. 25

Clause 504 Amendment of s 76D (Definitions for pt 5A) 26

- (1) Section 76D— 27

<i>insert—</i>	1
<i>relevant local government</i> , for a prescribed	2
decision, means the local government for the	3
local government area to which the prescribed	4
decision relates.	5
(2) Section 76D, definition <i>decision maker</i> , paragraph (a),	6
example, ‘Sustainable’—	7
<i>omit.</i>	8
(3) Section 76D, definition <i>decision maker</i> , paragraph (b),	9
examples—	10
<i>omit, insert—</i>	11
<i>Example of a decision maker for paragraph (b)—</i>	12
a referral agency	13
(4) Section 76D, definition <i>prescribed decision</i> , examples, first	14
dot point, ‘Sustainable’—	15
<i>omit.</i>	16
(5) Section 76D, definition <i>prescribed process</i> , ‘in a stage of	17
IDAS’—	18
<i>omit, insert—</i>	19
under the development assessment process under	20
the Planning Act	21
(6) Section 76D, definition <i>prescribed process</i> , example—	22
<i>omit.</i>	23
Clause 505 Amendment of s 76I (Progression notice)	24
Section 76I(2)(b), from ‘the process’ to ‘IDAS’—	25
<i>omit, insert—</i>	26
the process	27

Clause 506	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 507	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 508	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 509	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

- (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
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3
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Clause 510 Amendment of s 76Q (Notice of decision) 5

Section 76Q— 6

insert— 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 511 Amendment of s 85 (Carrying out particular development, use or works not an offence) 17
18

Section 85— 19

insert— 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
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Clause 512 Amendment of s 136 (Powers in respect of land for purposes of works) 27
28

(1) Section 136, heading, ‘purposes of works’— 29

omit, insert— 30

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- (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 513 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
omit, insert— 10
accepted development under the 11

Clause 514 Amendment of s 157A (What is an *enforceable condition*) 12
Section 157A(1)(b), ‘as community infrastructure under the Sustainable Planning Act, section 208’— 13
14
omit, insert— 15
under the Planning Act, chapter 2, part 5 16

Clause 515 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
omit, insert— 20
Planning and Development (Planning Court) Act 2015 21

Clause 516 Amendment of s 157M (Powers about enforcement orders) 22
23
Section 157M(4), note, ‘Sustainable Planning Act, section 457’— 24
omit, insert— 25
Planning and Development (Planning Court) Act 2015, 26
part 6 27

Clause 517	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 Development (Planning Court) Act 2015, section 36</i>	6 7
Clause 518	Insertion of new pt 9, div 9	8
	Part 9—	9
	<i>insert—</i>	10
	Division 9	11
	Transitional provision for Planning and Development (Planning for Prosperity—Consequential Amendments) and Other Legislation Amendment Act 2015	12 13 14 15 16 17
	203 Existing development applications under the repealed Sustainable Planning Act 2009	18 19
	(1) This section applies to a development application to which the Planning Act, section 244 applies.	20 21
	(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 (Planning for Prosperity—Consequential Amendments) and Other Legislation Amendment Act 2015</i> had not been enacted.	22 23 24 25 26 27 28

Clause 519	Amendment of sch 2 (Dictionary)	1
(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</i> <i>and Environment Court</i> , <i>relevant local government</i> and <i>Sustainable Planning Act</i> —	2 3 4 5
	<i>omit.</i>	6
(2)	Schedule 2—	7
	<i>insert</i> —	8
	<i>authorised development</i> , for land, means	9
	development of the land authorised under a	10
	development approval, or an instrument taken to	11
	be a development approval, under the Planning	12
	Act.	13
	<i>Planning Act</i> means the <i>Planning and</i> <i>Development (Planning for Prosperity) Act 2015</i> .	14 15
	<i>referral agency</i> see the Planning Act, section	16
	49(2).	17
	<i>relevant local government</i> —	18
	(a) for part 4, see section 24; or	19
	(b) for part 5A, see section 76D.	20
(3)	Schedule 2, definition <i>building work</i> , ‘Sustainable Planning Act, section 10(1)’—	21 22
	<i>omit, insert</i> —	23
	Planning Act, schedule 2	24
(4)	Schedule 2, definition <i>development approval</i> , ‘Sustainable’—	25
	<i>omit.</i>	26
(5)	Schedule 2, definition <i>operational work</i> , ‘Sustainable Planning Act, section 10(1)’—	27 28
	<i>omit, insert</i> —	29
	Planning Act, schedule 2	30

- (6) Schedule 2, definition *reconfiguring a lot*, ‘Sustainable Planning Act, section 10(1)’— 1
2
omit, insert— 3
Planning Act, schedule 2 4

Part 57 Amendment of Statutory Instruments Act 1992 5 6

Clause 520 Act amended 7
This part amends the *Statutory Instruments Act 1992*. 8

Clause 521 Amendment of sch 2A (Subordinate legislation to which part 7 does not apply) 9
10
Schedule 2A, ‘*Sustainable Planning Act 2009*’— 11
omit, insert— 12
Planning and Development (Planning Court) Act 2015 13
14

Part 58 Amendment of Supreme Court of Queensland Act 1991 15 16

Clause 522 Act amended 17
This part amends the *Supreme Court of Queensland Act 1991*. 18

Clause 523 Amendment of long title 19
Long title, after ‘Magistrates Courts’— 20

	<i>insert—</i>	1
	, and for Planning and Environment Court fees	2
Clause 524	Amendment of s 92 (Regulation-making power)	3
	Section 92(2)(a), ‘or Magistrates Courts’—	4
	<i>omit, insert—</i>	5
	, Magistrates Courts or Planning and Environment Court	6
		7

Part 59	Amendment of Torres Strait Islander Cultural Heritage Act 2003	8
		9
		10

Clause 525	Act amended	11
	This part amends the <i>Torres Strait Islander Cultural Heritage Act 2003</i> .	12
		13
Clause 526	Omission of s 89 (Cultural heritage management plan needed under Planning Act)	14
	Section 89—	15
	<i>omit.</i>	16
		17

Part 60	Amendment of Torres Strait Islander Land Act 1991	18
		19

Clause 527	Act amended	20
	This part amends the <i>Torres Strait Islander Land Act 1991</i> .	21

Clause 528	Amendment of s 28B (Definitions for pt 2A)	1
	Section 28B, definition <i>planning scheme</i> —	2
	<i>omit, insert</i> —	3
	<i>planning scheme</i> means a planning scheme	4
	under the <i>Planning and Development (Planning</i>	5
	<i>for Prosperity) Act 2015.</i>	6
Part 61	Amendment of Transport	7
	Infrastructure Act 1994	8
Clause 529	Act amended	9
	This part amends the <i>Transport Infrastructure Act 1994</i> .	10
Clause 530	Amendment of s 42 (Impact of certain local government decisions on State-controlled roads)	11
	Section 42(2), after ‘chief executive’—	12
	<i>insert</i> —	13
	or planning chief executive	14
Clause 531	Amendment of s 49 (Assessment of impacts on State-controlled roads from certain activities)	15
	Section 49(1)(b)(ii)—	16
	<i>omit, insert</i> —	17
	(ii) development categorised under a	18
	planning scheme as assessable	19
	development under the Planning Act;	20
	or	21
		22
		23

Clause 532	Amendment of s 49A (Impact of particular development and State-controlled roads)	1 2
	Section 49A(4), ‘section 282 and chapter 6, part 5, division 2’—	3
	<i>omit, insert—</i>	4
	sections 50, 56 and 57	5
Clause 533	Amendment of s 74 (Cases where compensation not payable)	6 7
	(1) Section 74(6), definition <i>development</i> , ‘section 7’—	8
	<i>omit, insert—</i>	9
	schedule 2	10
	(2) Section 74(6), definition <i>premises</i> , ‘schedule 3’—	11
	<i>omit, insert—</i>	12
	schedule 2	13
Clause 534	Amendment of s 75 (Conditions in development approval)	14
	Section 75(b), from ‘the chief’ to ‘application’—	15
	<i>omit, insert—</i>	16
	a referral agency response given under the	17
	Planning Act by the chief executive or	18
	planning chief executive	19
Clause 535	Amendment of s 85B (Application of Queensland Heritage Act 1992 for development for a franchised road)	20 21
	Section 85B(3), definition <i>development</i> , ‘section 7’—	22
	<i>omit, insert—</i>	23
	schedule 2	24

Clause 536	Amendment of s 93A (Application of Queensland Heritage Act 1992 for development for a toll road)	1 2
	Section 93A(3), definition <i>development</i> , ‘section 7’—	3
	<i>omit, insert</i> —	4
	schedule 2	5
Clause 537	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)	6 7 8
	Section 247(1)(a), ‘community infrastructure’—	9
	<i>omit, insert</i> —	10
	the development of infrastructure	11
Clause 538	Amendment of s 258 (Impact of particular development and railways)	12 13
	Section 258(4), ‘section 282 and chapter 6, part 5, division 2’—	14
	<i>omit, insert</i> —	15
	sections 50 and 57	16
Clause 539	Amendment of s 258A (Impact of change of management of local government road on railways)	17 18
	Section 258A(5)—	19
	<i>omit, insert</i> —	20
	(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.	21 22 23 24 25

Clause 540	Amendment of s 283I (Definitions for pt 3C)	1
(1)	Section 283I, definitions <i>Brisbane port railway land</i> , <i>community infrastructure designation</i> , <i>planning chief</i> <i>executive</i> , <i>priority infrastructure plan</i> and <i>valuable features</i> —	2 3 4
	<i>omit.</i>	5
(2)	Section 283I—	6
	<i>insert—</i>	7
	<i>infrastructure designation</i> means a designation of land for the development of infrastructure under the Planning Act, chapter 2, part 5.	8 9 10
	<i>LGIP</i> , of a local government, means the local government’s LGIP under the Planning Act.	11 12
	<i>merit assessment</i> see the Planning Act, section 40(4).	13 14
	<i>standard assessment</i> see the Planning Act, section 40(3).	15 16
(3)	Section 283I, definition <i>minor amendment (LUP)</i> , paragraph (a)(viii), from ‘a State planning regulatory provision’ to ‘Planning Act’—	17 18 19
	<i>omit, insert—</i>	20
	the Planning Act or a State planning instrument under that Act	21 22
(4)	Section 283I, definition <i>minor amendment (LUP)</i> , paragraph (c)(ii), ‘a community’—	23 24
	<i>omit, insert—</i>	25
	an	26
(5)	Section 283I, definition <i>planned transport infrastructure</i> , paragraph (b), ‘a community’—	27 28
	<i>omit, insert—</i>	29
	an	30
(6)	Section 283I, definition <i>premises</i> , ‘schedule 3’—	31

<i>omit, insert—</i>	1
schedule 2	2
(7) Section 283I, definition <i>priority infrastructure interface plan</i> , ‘priority infrastructure plan’—	3 4
<i>omit, insert—</i>	5
LGIP	6
(8) Section 283I, definition <i>State interest</i> , ‘schedule 3’—	7
<i>omit, insert—</i>	8
schedule 2	9
(9) Section 283I, definition <i>table of assessment</i> , paragraph (a), from ‘exempt’ to ‘assessment’—	10 11
<i>omit, insert—</i>	12
accepted development	13
(10) Section 283I, definition <i>transport reasons</i> , paragraph (e), from ‘for which’ to ‘jurisdiction’—	14 15
<i>omit, insert—</i>	16
within the powers of the chief executive administering this Act or any of the following Acts	17 18 19

Clause 541	Amendment of s 283M (Application of Planning Act)	20
	Section 283M(4) and note—	21
	<i>omit.</i>	22
Clause 542	Amendment of s 283S (Content of plan—mandatory requirements)	23 24
	(1) Section 283S(4)(a), from ‘exempt’ to ‘assessment’—	25
	<i>omit, insert—</i>	26
	accepted development	27
	(2) Section 283S(4)(b), ‘code or impact’—	28

<i>omit, insert—</i>	1
standard or merit	2
(3) Section 283S(5)—	3
<i>insert—</i>	4
(d) require an applicant to give public notification of a development application requiring merit assessment; or	5 6 7
(e) for the Planning Act, set out the assessment benchmarks that an assessment manager must assess assessable development under the Brisbane port LUP against.	8 9 10 11
(4) Section 283S—	12
<i>insert—</i>	13
(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.	14 15 16 17

Clause 543	Amendment of s 283T (Content of plan—matters about development)	18 19
(1)	Section 283T(3), ‘exempt development or self-assessable’—	20
	<i>omit, insert—</i>	21
	accepted	22
(2)	Section 283T(4), from ‘exempt’ to ‘code’—	23
	<i>omit, insert—</i>	24
	accepted development or assessable development requiring standard	25 26
(3)	Section 283T(5)(a), from ‘exempt’ to ‘compliance assessment’—	27 28
	<i>omit, insert—</i>	29
	accepted development	30

-
- (4) Section 283T(5)(b), from ‘section 232(2)’ to ‘assessment or’— 1
2
omit, insert— 3
section 38(3)(b) is 4
(5) Section 283T(5)(c)(ii)— 5
omit, insert— 6
(ii) development categorised as accepted 7
development under a regulation under 8
the Planning Act; or 9
(6) Section 283T(5)(d), ‘impact’— 10
omit, insert— 11
merit 12
(7) Section 283T(6) and (7)— 13
omit. 14

- Clause 544 Amendment of s 283X (When plan must include priority infrastructure interface plan)** 15
16
(1) Section 283X(a) and (b), after ‘priority infrastructure plan’— 17
insert— 18
under the *Sustainable Planning Act 2009* 19
(2) After section 283X(b)— 20
insert— 21
Note— 22
On and from 1 July 2014, a local government’s priority 23
infrastructure plan under the *Sustainable Planning Act* 24
2009 became the local government’s LGIP under that Act 25
(see the *Sustainable Planning Act 2009*, section 982). 26

- Clause 545 Amendment of s 283ZI (Recording matters about Brisbane port LUP)** 27
28
Section 283ZI(2)— 29

omit, insert— 1
(2) A record made under subsection (1) is not an 2
amendment of the planning scheme. 3

**Clause 546 Amendment of s 283ZL (Effect of land ceasing to be 4
Brisbane core port land) 5**
Section 283ZL(7), ‘standard planning scheme provisions under the 6
Planning Act’— 7
omit, insert— 8
requirements for the contents of planning 9
schemes prescribed by regulation under the 10
Planning Act, section 14 11

Clause 547 Amendment of s 283ZM (Reconfiguring a lot) 12
(1) Section 283ZM(2), ‘exempt’— 13
omit, insert— 14
accepted 15
(2) Section 283ZM(4), ‘code’— 16
omit, insert— 17
standard 18

Clause 548 Amendment of s 283ZN (Port prohibited development) 19
(1) Section 283ZN(1), ‘or request for compliance assessment 20
can’— 21
omit, insert— 22
may 23
(2) Section 283ZN(2), from ‘or request for’ to ‘does not’— 24
omit, insert— 25
is made and any part of the development applied 26
for is port prohibited development, the 27

	application is taken not to have been made and	1
	the Planning Act, chapter 3, parts 3 and 4 do not	2
(3)	Section 283ZN(3)—	3
	<i>omit.</i>	4
Clause 549	Replacement of s 283ZO (Code assessment under	5
	Brisbane port LUP)	6
	Section 283ZO—	7
	<i>omit, insert—</i>	8
	283ZO Standard assessment under Brisbane port	9
	LUP	10
(1)	This section applies to any part of a development	11
	application requiring standard assessment under	12
	the Brisbane port LUP for port related	13
	development.	14
(2)	The assessment manager must approve the part if	15
	the port related development—	16
(a)	is consistent with the Brisbane port LUP;	17
	and	18
(b)	complies with all assessment benchmarks	19
	under the Planning Act for the application.	20
(3)	Subsection (2) is subject to any requirements of a	21
	referral agency for the part.	22
Clause 550	Amendment of ch 8, pt 3C, div 5, sdiv 2, hdg (Provisions	23
	about assessment manager and referral agencies)	24
	Chapter 8, part 3C, division 5, subdivision 2, heading, ‘assessment	25
	manager and referral agencies’—	26
	<i>omit, insert—</i>	27
	local heritage places and infrastructure	28
	contributions	29

Clause 551	Omission of ss 283ZP–283ZU	1
	Sections 283ZP to 283ZU—	2
	<i>omit.</i>	3
Clause 552	Amendment of s 283ZV (Assessment and referrals for heritage places)	4
	(1) Section 283ZV, heading, ‘Assessment and referrals for’—	5
	<i>omit, insert—</i>	6
	Development on	7
	(2) Section 283ZV(1), from ‘prescribed’ to ‘section 232(1) of’—	8
	<i>omit, insert—</i>	9
	categorised as assessable development under a	10
	regulation under	11
	(2) Section 283ZV(3), ‘referral agency jurisdiction’—	12
	<i>omit, insert—</i>	13
	functions or powers of a referral agency	14
Clause 553	Omission of ss 283ZW–283ZY	15
	Sections 283ZW to 283ZY—	16
	<i>omit.</i>	17
Clause 554	Amendment of s 283ZZA (Particular provisions of Planning Act do not apply in relation to Brisbane core port land)	18
	(1) Section 283ZZA(1), ‘section 714’—	19
	<i>omit, insert—</i>	20
	section 216	21
	(2) Section 283ZZA(1), note—	22
	<i>omit.</i>	23
		24
		25
		26

- (3) Section 283ZZA(2), ‘chapter 9, part 3’— 1
omit, insert— 2
chapter 2, part 4, division 2 3

- Clause 555 Replacement of s 283ZZB (Modified application of** 4
Planning Act, ch 9, pt 6, div 4) 5
Section 283ZZB— 6
omit, insert— 7
283ZZB Modified application of Planning Act, s 220 8
- (1) A person may apply to the planning chief 9
executive for a planning and development 10
certificate under the Planning Act, section 220, 11
for premises on Brisbane core port land. 12
- (2) The application must be accompanied by the fee 13
prescribed by regulation. 14
- (3) For subsection (1)— 15
- (a) the Planning Act, section 220(3) applies as 16
if a reference in the subsection to a local 17
government were a reference to the planning 18
chief executive; and 19
- (b) the access rules under the Planning Act 20
apply— 21
- (i) as if a reference in the access rules to a 22
local government were a reference to 23
the planning chief executive; and 24
- (ii) as if a reference in the access rules to 25
any planning scheme were a reference 26
to the Brisbane port LUP; and 27
- (iii) as if a reference in the access rules to 28
any LGIP were a reference to any 29
contributions schedule under the 30
Brisbane port LUP; and 31

	(iv) as if the access rules provide that a	1
	planning and development certificate	2
	be accompanied by any statement of	3
	proposal or draft plan for Brisbane core	4
	port land published under section	5
	283ZB(2), but not yet approved under	6
	section 283ZE; and	7
	(v) with other necessary changes.	8
Clause 556	Replacement of s 283ZZC (Restriction on designation for community infrastructure)	9
	Section 283ZZC—	10
	<i>omit, insert—</i>	11
	283ZZC Effect of infrastructure designation	12
	(1) Development under an infrastructure designation	13
	is accepted development under the Planning Act	14
	to the extent the development would, but for this	15
	section, be assessable development for that Act	16
	under the Brisbane port LUP.	17
	(2) Subsection (1) does not limit the Planning Act,	18
	section 39(6)(b).	19
Clause 557	Omission of s 283ZZD (Restriction on application of master plan)	20
	Section 283ZZD—	21
	<i>omit.</i>	22
Clause 558	Amendment of s 283ZZJ (Particular development applications—Brisbane core port land)	23
	Section 283ZZJ(2)(b) and (8), ‘IDAS process’—	24
	<i>omit, insert—</i>	25
	development assessment process	26
		27
		28
		29

Clause 559	Amendment of s 283ZZK (Particular development applications—balance port land or former Brisbane core port land)	1 2 3
	Section 283ZZK(2)(c) and (7), ‘IDAS process’—	4
	<i>omit, insert—</i>	5
	development assessment process	6
Clause 560	Amendment of s 284 (Definitions for div 1)	7
	Section 284, definition <i>valuable features</i> —	8
	<i>omit.</i>	9
Clause 561	Amendment of s 287 (Strategic port land not subject to local planning instrument)	10 11
	Section 287(2), ‘chapter 3’—	12
	<i>omit, insert—</i>	13
	chapter 2, part 3	14
Clause 562	Amendment of s 287A (Impact of particular development and port operations)	15 16
	Section 287A(4), ‘section 282 and chapter 6, part 5, division 2’—	17
	<i>omit, insert—</i>	18
	sections 50, 56 and 57	19
Clause 563	Amendment of s 287B (Guidelines for s 287A)	20
	Section 287B(1), ‘ <i>Sustainable Planning Act 2009</i> ’—	21
	<i>omit, insert—</i>	22
	Planning Act	23

Clause 564	Amendment of s 476 (Amounts payable are debts owing to the State)	1
	Section 476, after ‘this Act’—	2
	<i>insert—</i>	3
	, the repealed <i>Sustainable Planning Act 2009</i>	4
		5
Clause 565	Amendment of s 477A (Power to deal with particular land)	6
	(1) Section 477A(1)(b), ‘community’—	7
	<i>omit.</i>	8
	(2) Section 477A(2), definition <i>community infrastructure</i> —	9
	<i>omit.</i>	10
Clause 566	Amendment of s 477AA (Chief executive taken to be owner of particular transport land for particular circumstances under Planning Act)	11
	Section 477AA(1)(a), ‘community’—	12
	<i>omit.</i>	13
		14
		15
Clause 567	Amendment of s 513 (Continuing application of previous provisions to non-IDAS applications)	16
	(1) Section 513, heading, ‘non-IDAS’—	17
	<i>omit, insert—</i>	18
	particular	19
	(2) Section 513(1)(b), ‘or the <i>Sustainable Planning Act 2009</i> ’—	20
	<i>omit, insert—</i>	21
	, the repealed <i>Sustainable Planning Act 2009</i> or the <i>Planning and Development (Planning for Prosperity) Act 2015</i>	22
		23
		24
		25

Clause 568	Insertion of new ch 21, pt 5	1
	Chapter 21—	2
	<i>insert—</i>	3
	Part 5	4
	Transitional provisions	5
	for Planning and	6
	Development (Planning	7
	for Prosperity—	8
	Consequential	9
	Amendments) and	10
	Other Legislation	11
	Amendment Act 2015	
	583 Definition for pt 5	12
	In this part—	13
	<i>amending Act</i> means the <i>Planning and</i>	14
	<i>Development (Planning for</i>	15
	<i>Prosperity—Consequential Amendments) and</i>	16
	<i>Other Legislation Amendment Act 2015.</i>	17
	584 Existing development applications under the	18
	repealed Sustainable Planning Act 2009	19
	(1) This section applies to a development application	20
	to which the Planning Act, section 244 applies.	21
	(2) This Act, as in force before the commencement,	22
	continues to apply to the application as if the	23
	amending Act had not been enacted.	24
	585 Existing Brisbane port LUP	25
	(1) In a Brisbane port LUP (an <i>existing LUP</i>) in	26
	force immediately before the commencement—	27

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|------|--|----------------------------|
| (a) | a reference to the following is taken to be a reference to accepted development under the Planning Act— | 1
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3 |
| (i) | exempt development; | 4 |
| (ii) | self-assessable development, to the extent the development complies with the requirements for the development stated in the existing LUP; and | 5
6
7
8 |
| (b) | a reference to the following is taken to be a reference to assessable development requiring standard assessment under the Planning Act— | 9
10
11
12 |
| (i) | self-assessable development, to the extent the development does not comply with the requirements for the development stated in the existing LUP; | 13
14
15
16
17 |
| (ii) | development requiring compliance assessment; and | 18
19 |
| (c) | a reference to code assessment is taken to be a reference to standard assessment under the Planning Act; and | 20
21
22 |
| (d) | a reference to impact assessment is taken to be a reference to merit assessment under the Planning Act; and | 23
24
25 |
| (e) | a reference to a code is taken to be a reference to an assessment benchmark under the Planning Act. | 26
27
28 |
| (2) | If an existing LUP states that development requires impact assessment— | 29
30 |
| (a) | the development is taken to require public notification under the Planning Act, section 48; and | 31
32
33 |
| (b) | the Planning Act, section 48(4) to (8) applies to the development. | 34
35 |
-

-
- (3) Subsection (4) applies if, immediately before the commencement, an existing LUP requires code assessment for particular development.

1
2
3
 - (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).

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11
 - (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.

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 - (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).

19
20
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22
 - (7) Subsection (4) stops having effect 1 year after this section commences.

23
24

586 References to Brisbane port railway land 25

- (1) This section applies to a document in force before the commencement if the document defines the term 'Brisbane port railway land' as having the meaning given in this Act.

26
27
28
29
- (2) The term in the document continues to have the meaning given in former section 283I as if the amending Act had not been enacted.

30
31
32
- (3) In this section—

33

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

Clause 569 Amendment of sch 6 (Dictionary)

(1) Schedule 6, definitions *advice agency*, *Brisbane port railway*
land, *community infrastructure*, *community infrastructure*
designation, *concurrence agency*, *IDAS*, *IDAS process*,
Planning Act, *planning Minister*, *priority infrastructure plan*
and valuable features—
omit.

(2) Schedule 6—
insert—

development assessment process see the
Planning Act, schedule 2.

infrastructure, for sections 477A and 477AA,
means infrastructure prescribed under the
Planning Act, section 29(1).

infrastructure designation, for chapter 8, part
3C, see section 283I.

LGIP, of a local government, for chapter 8, part
3C, see section 283I.

merit assessment, for chapter 8, part 3C, see
section 283I.

Planning Act means the *Planning and*
Development (Planning for Prosperity) Act 2015.

planning Minister, for chapter 8, part 3C, see
section 283I.

standard assessment, for chapter 8, part 3C, see
section 283I.

valuable features includes each of the following,
whether terrestrial or aquatic—

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

schedule 2 1

Part 62 **Amendment of Transport Operations (Marine Safety) Act 1994** 2
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4

Clause 570 **Act amended** 5
This part amends the *Transport Operations (Marine Safety) Act 1994*. 6
7

Clause 571 **Amendment of s 10A (Meaning of *commercial ship*, *fishing ship* and *recreational ship*, and related provision)** 8
9
Section 10A(2)(b)— 10
omit, insert— 11
(b) a ship used as part of an aquaculture use 12
authorised under a development permit 13
under the *Planning and Development* 14
(*Planning for Prosperity*) Act 2015; or 15

Part 63 **Amendment of Transport Planning and Coordination Act 1994** 16
17
18

Clause 572 **Act amended** 19
This part amends the *Transport Planning and Coordination Act 1994*. 20
21

Clause 573	Amendment of s 3 (Definitions)	1
	(1) Section 3, definition <i>IDAS</i> —	2
	<i>omit.</i>	3
	(2) Section 3—	4
	<i>insert—</i>	5
	<i>Planning Act</i> means the <i>Planning and Development (Planning for Prosperity) Act 2015.</i>	6
		7
Clause 574	Amendment of s 8B (Impact of particular development on public passenger transport or active transport)	8
	(1) Section 8B(1), ‘ <i>Sustainable Planning Act 2009</i> ’—	9
	<i>omit, insert—</i>	10
	Planning Act	11
	(2) Section 8B(3), from ‘ <i>Sustainable</i> ’ to ‘division 2’—	12
	<i>omit, insert—</i>	13
	Planning Act, section 50 and chapter 3, part 4, division 2	14
		15
		16
Clause 575	Amendment of s 8C (Impact of road works on local government road)	17
	(1) Section 8C(2), ‘for <i>IDAS</i> ’—	18
	<i>omit, insert—</i>	19
	prescribed by regulation for this section	20
	(2) Section 8C(3) and (4), ‘for <i>IDAS</i> ’—	21
	<i>omit.</i>	22
		23
Clause 576	Amendment of s 8D (Impact of change of management of local government road on public passenger transport)	24
	(1) Section 8D(8)(a)—	25
	<i>omit, insert—</i>	26
		27

- (a) the chief executive or planning chief executive has considered the change of management of the local government road as part of considering a development application under the Planning Act; or
- (2) Section 8D—
insert—
- (9) In this section—
planning chief executive means the chief executive of the department in which the Planning Act is administered.

Clause 577 Amendment of s 8E (Guidelines for pt 2A)
Section 8E(3)(a), ‘*Sustainable Planning Act 2009*’—
omit, insert—
Planning Act

Clause 578 Amendment of s 38 (Regulation-making power)
Section 38(2)(a)—
omit.

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

Clause 579 Act amended
This part amends the *Transport (South Bank Corporation Area Land) Act 1999*.

Clause 580	Amendment of s 12 (State may sign plans and other documents)	1
	Section 12(3) and (4)—	2
	<i>omit.</i>	3
		4
Part 65	Amendment of Vegetation Management Act 1999	5
		6
Clause 581	Act amended	7
	This part amends the <i>Vegetation Management Act 1999</i> .	8
Clause 582	Amendment of s 3 (Purpose of Act)	9
	(1) Section 3(2)(a)—	10
	<i>omit, insert—</i>	11
	(a) matters that a development application under the Planning Act may be assessed against or having regard to; and	12
		13
		14
	(2) Section 3(2)(e)—	15
	<i>omit.</i>	16
Clause 583	Amendment of s 7 (Application of Act)	17
	Section 7(6) and (7)—	18
	<i>omit.</i>	19
Clause 584	Omission of pt 2, divs 2A and 3	20
	Part 2, divisions 2A and 3—	21
	<i>omit.</i>	22

Clause 585	Amendment of s 16 (Preparing declaration)	1
	Section 16(3)—	2
	<i>omit, insert—</i>	3
	(3) The proposed declaration must include the	4
	proposed matters a development application for	5
	the clearing of vegetation in the stated area must	6
	be assessed against or having regard to.	7
Clause 586	Amendment of s 17 (Making declaration)	8
	(1) Section 17(2)—	9
	<i>omit.</i>	10
	(2) Section 17(3)—	11
	<i>renumber</i> as section 17(2).	12
Clause 587	Omission of ss 19A–19C	13
	Sections 19A to 19C—	14
	<i>omit.</i>	15
Clause 588	Amendment of s 19F (Making declaration)	16
	Section 19F(3)—	17
	<i>omit, insert—</i>	18
	(3) The chief executive need not make a declaration	19
	for the stated area if the chief executive considers	20
	the making of the declaration is not in the	21
	interests of the State, having regard to the public	22
	interest.	23
Clause 589	Omission of s 19H (Code for clearing of vegetation)	24
	Section 19H—	25
	<i>omit.</i>	26

Clause 590	Amendment of pt 2, div 4A, hdg (Code for clearing vegetation for special indigenous purpose)	1
		2
	Part 2, division 4A, heading, ‘Code for clearing’—	3
	<i>omit, insert—</i>	4
	Clearing	5
Clause 591	Replacement of s 19N (Code for clearing vegetation for special indigenous purpose)	6
		7
	Section 19N—	8
	<i>omit, insert—</i>	9
	19N Proposed matters for assessing development application for clearing vegetation for special indigenous purpose	10
		11
		12
	(1) The Minister may prepare a document setting out the proposed matters a development application must be assessed against or having regard to if—	13
		14
		15
	(a) the application is for the clearing of vegetation for development; and	16
		17
	(b) the Minister is satisfied, under the CYPH Act, the development is for a special indigenous purpose.	18
		19
		20
	(2) In preparing the document, the Minister—	21
	(a) must consult with the following entities—	22
	(i) the relevant landholders;	23
	(ii) the Cape York Peninsula Regional Advisory Committee; and	24
		25
	(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).	26
		27
		28
		29
		30
	(3) In this section—	31

	<i>Cape York Peninsula Region</i> means the Cape York Peninsula Region under the CYPH Act.	1 2
	<i>Cape York Peninsula Regional Advisory Committee</i> means the Cape York Peninsula Regional Advisory Committee established under the CYPH Act.	3 4 5 6
	<i>DOGIT land</i> means DOGIT land under the <i>Aboriginal Land Act 1991</i> .	7 8
	<i>relevant landholders</i> means each of the following—	9 10
	(a) the land trusts for Aboriginal land, under the <i>Aboriginal Land Act 1991</i> , that is in the Cape York Peninsula Region;	11 12 13
	(b) the Aurukun Shire Council;	14
	(c) the trustees, under the <i>Land Act 1994</i> , of DOGIT land in the Cape York Peninsula Region.	15 16 17
Clause 592	Amendment of pt 2, div 4B, hdg (Self-assessable codes)	18
	Part 2, division 4B, heading, ‘Self-assessable codes’—	19
	<i>omit, insert—</i>	20
	Accepted development	21
Clause 593	Amendment of s 19O (Self-assessable vegetation clearing code)	22 23
	(1) Section 19O, heading, ‘Self-assessable’—	24
	<i>omit, insert—</i>	25
	Accepted development	26
	(2) Section 19O(1), ‘a <i>self-assessable</i> ’—	27
	<i>omit, insert—</i>	28
	an <i>accepted development</i>	29

-
- | | | |
|-----|--|---|
| (3) | Section 19O(2), ‘a <i>self-assessable</i> ’— | 1 |
| | <i>omit, insert</i> — | 2 |
| | an <i>accepted development</i> | 3 |
| (4) | Section 19O(3), ‘A self-assessable’— | 4 |
| | <i>omit, insert</i> — | 5 |
| | An accepted development | 6 |
| (5) | Section 19O(4), ‘A self-assessable’— | 7 |
| | <i>omit, insert</i> — | 8 |
| | An accepted development | 9 |

Clause 594	Amendment of s 19P (When self-assessable vegetation clearing code takes effect)	10
		11

- | | | |
|-----|--|----|
| (1) | Section 19P, heading, ‘self-assessable’— | 12 |
| | <i>omit, insert</i> — | 13 |
| | accepted development | 14 |
| (2) | Section 19P, ‘A self-assessable’— | 15 |
| | <i>omit, insert</i> — | 16 |
| | An accepted development | 17 |

Clause 595	Amendment of s 19Q (Code compliant clearing and native forest practices self-assessable)	18
		19

- | | | |
|-----|--|----|
| (1) | Section 19Q, heading, ‘self-assessable’— | 20 |
| | <i>omit, insert</i> — | 21 |
| | accepted development | 22 |
| (2) | Section 19Q(1), ‘a self-assessable’— | 23 |
| | <i>omit, insert</i> — | 24 |
| | an accepted development | 25 |
| (3) | Section 19Q(2) and note— | 26 |

<i>omit, insert—</i>	1
(2) For the Planning Act, the activity is—	2
(a) accepted development to the extent the activity complies with the code; or	3
	4
(b) assessable development to the extent—	5
(i) the activity does not comply with the code; and	6
	7
(ii) any vegetation clearing application for the activity would be for a relevant purpose under section 22A; or	8
	9
	10
(c) prohibited development to the extent—	11
(i) the activity does not comply with the code; and	12
	13
(ii) any vegetation clearing application for the activity would not be for a relevant purpose under section 22A.	14
	15
	16
<i>Note—</i>	17
For offences relating to carrying out assessable development without a development permit under the Planning Act, see chapter 5, part 2 of that Act.	18
	19
	20

Clause 596	Amendment of s 19R (Register of self-assessable notices given under code)	21
		22
(1)	Section 19R, heading, ‘self-assessable’—	23
	<i>omit, insert—</i>	24
	accepted development	25
(2)	Section 19R(1), ‘a self-assessable’—	26
	<i>omit, insert—</i>	27
	an accepted development	28

Clause 597	Omission of pt 2, div 5 (Declarations about codes)	1
	Part 2, division 5—	2
	<i>omit.</i>	3
Clause 598	Amendment of s 20AH (Deciding to show particular areas as category B areas)	4
	Section 20AH(c)(ii), ‘a self-assessable’—	5
	<i>omit, insert—</i>	6
	an accepted development	7
Clause 599	Amendment of s 20AI (Deciding to show particular areas as category C areas)	8
	Section 20AI(a), ‘a self-assessable’—	9
	<i>omit, insert—</i>	10
	an accepted development	11
Clause 600	Amendment of s 20CA (Process before making PMAV)	12
	(1) Section 20CA(2)(a), ‘exempt’—	13
	<i>omit, insert—</i>	14
	accepted	15
	(2) Section 20CA(2)(d), ‘a self-assessable’—	16
	<i>omit, insert—</i>	17
	an accepted development	18
Clause 601	Amendment of s 20D (When PMAV may be replaced)	19
	Section 20D(3A)(c), ‘a self-assessable’—	20
	<i>omit, insert—</i>	21
	an accepted development	22

Clause 602	Amendment of s 20P (Criteria for approving draft plan or accrediting planning document)	1 2
	Section 20P(e)(ii)—	3
	<i>omit, insert—</i>	4
	(ii) a matter the chief executive administering the Planning Act may, under that Act, assess a development application for clearing vegetation against.	5 6 7 8 9
Clause 603	Amendment of s 20R (Imposing additional condition on approval of draft plan)	10 11
	Section 20R(2)(b)(ii)—	12
	<i>omit, insert—</i>	13
	(ii) a matter the chief executive administering the Planning Act may, under that Act, assess a development application for clearing vegetation against.	14 15 16 17 18
Clause 604	Amendment of s 20UA (Chief executive may make area management plans)	19 20
	Section 20UA(2)(d)(ii)—	21
	<i>omit, insert—</i>	22
	(ii) a matter the chief executive administering the Planning Act may, under that Act, assess a development application for clearing vegetation against.	23 24 25 26 27
Clause 605	Amendment of s 20ZB (Amendment by chief executive)	28
	(1) Section 20ZB(1)(b)(i) and (ii) and examples—	29
	<i>omit, insert—</i>	30

	(i) has become inconsistent with the State policy; or	1 2
	(ii) has become inconsistent with a matter the chief executive administering the Planning Act may, under that Act, assess a development application for clearing vegetation against; or	3 4 5 6 7
	(iii) will become inconsistent with the State policy or a matter mentioned in subparagraph (ii) if the plan is not amended; or	8 9 10 11
	<i>Examples—</i>	12
	1 An area management plan becomes inconsistent with a matter mentioned in subparagraph (ii) because of a change to the matter.	13 14 15
	2 An area management plan consisting of an accredited existing planning document becomes inconsistent with a matter mentioned in subparagraph (ii) because of an amendment of the document.	16 17 18 19
Clause 606	Omission of s 21 (Modifying effect on vegetation clearing applications)	20 21
	Section 21—	22
	<i>omit.</i>	23
Clause 607	Omission of s 22 (Declarations for the Planning Act)	24
	Section 22—	25
	<i>omit.</i>	26
Clause 608	Amendment of s 22A (Particular vegetation clearing applications may be assessed)	27 28
	(1) Section 22A, heading—	29
	<i>omit, insert—</i>	30

**22A When vegetation clearing application is for a
relevant purpose**

(2) Section 22A(1), ‘for the Planning Act, schedule 1, item 3’—
omit.

(3) Section 22A(2), after ‘chief executive’—
insert—

, or the chief executive administering the
Planning Act,

(4) Section 22A(2C)—
omit.

Clause 609 Omission of ss 22B–22D

Sections 22B to 22D—
omit.

**Clause 610 Amendment of pt 2, div 6, sdiv 1A, hdg (Particular
vegetation clearing applications)**

Part 2, division 6, subdivision 1A, heading, ‘Particular vegetation
clearing applications’—
omit, insert—

**High value agriculture clearing and irrigated high
value agriculture clearing**

Clause 611 Omission of s 22DAA (Application of subdivision)

Section 22DAA—
omit.

Clause 612	Amendment of s 22DAB (Requirements for making application)	1
		2
(1)	Section 22DAB, heading, ‘Requirements for making application’—	3
	<i>omit, insert</i> —	4
		5
	Restrictions on clearing	6
(2)	Section 22DAB(1) and (2)—	7
	<i>omit.</i>	8
(3)	Section 22DAB(3), ‘For subsection (2)(f), a’—	9
	<i>omit, insert</i> —	10
	A	11
Clause 613	Amendment of s 22DAC (Matters for deciding application)	12
(1)	Section 22DAC, heading, ‘Matters for deciding application’—	13
	<i>omit, insert</i> —	14
		15
	When a vegetation clearing application is for irrigated or high value agriculture clearing	16
		17
(2)	Section 22DAC(1), ‘, having regard to the development plan, the’—	18
	<i>omit, insert</i> —	19
	a	20
		21
(3)	Section 22DAC(1)(e), ‘section 22DAB(2)(f)’—	22
	<i>omit, insert</i> —	23
	section 22DAB	24
Clause 614	Omission of pt 2, div 6, sdiv 2 (Referral agency assessment and responses)	25
		26
	Part 2, division 6, subdivision 2—	27
	<i>omit.</i>	28

Clause 615	Omission of pt 2, div 7 (Broadscale applications and ballots)	1 2
	Part 2, division 7—	3
	<i>omit.</i>	4
Clause 616	Omission of s 22M (Refusing vegetation clearing application after conviction for vegetation clearing offence)	5 6 7
	Section 22M—	8
	<i>omit.</i>	9
Clause 617	Amendment of s 70AB (Copies of documents to be available for inspection and purchase)	10 11
	(1) Section 70AB(1)(b), (c), (f) and (g)(iii)—	12
	<i>omit.</i>	13
	(2) Section 70AB(1)(d)—	14
	<i>omit, insert—</i>	15
	(d) an accepted development vegetation clearing code;	16 17
	(3) Section 70AB(1)(h), from ‘that’ to ‘section 20V(2)(c)’—	18
	<i>omit.</i>	19
	(4) Section 70AB(1)(d) to (h)—	20
	<i>renumber</i> as section 70AB(1)(b) to (e).	21
	(5) Section 70AB(2)(b), ‘subsection (1)(g)’—	22
	<i>omit, insert—</i>	23
	subsection (1)(d)	24

Clause 618	Amendment of s 70A (Application of development approvals and exemptions for Forestry Act)	1
		2
	Section 70A(3) and (4), from ‘assessable development’ to ‘section 232(1)’—	3
		4
	<i>omit, insert—</i>	5
	categorised as assessable development under a regulation under the Planning Act	6
		7
Clause 619	Amendment of s 70B (Record of particular matters in land registry)	8
		9
	(1) Section 70B(1)—	10
	<i>omit, insert—</i>	11
	(1) This section applies if a PMAV is made and contains a category A area.	12
		13
	(2) Section 70B(2), from ‘approval is’ to ‘approval or’—	14
	<i>omit, insert—</i>	15
	PMAV is made, the chief executive must give the registrar of titles written notice of	16
		17
	(3) Section 70B(3), from ‘the approval has’ to ‘approval, or’—	18
	<i>omit.</i>	19
	(4) Section 70B(4), from ‘approval or PMAV’ to ‘approval, or’—	20
	<i>omit, insert—</i>	21
	PMAV will show	22
	(5) Section 70B(5), from ‘the approval’ to ‘or’—	23
	<i>omit.</i>	24
	(6) Section 70B(5A) and (6), ‘approval or’—	25
	<i>omit.</i>	26
	(7) Section 70B(7)—	27
	<i>omit.</i>	28

Clause 620	Amendment of s 72 (Regulation-making power)	1
	Section 72(2)—	2
	<i>omit, insert—</i>	3
	(2) A regulation may prescribe the fees that are payable under this Act.	4 5
Clause 621	Amendment of s 74 (Existing development control plans and special facilities zones)	6 7
	Section 74(2)(b)(ii) and (iii)—	8
	<i>omit, insert—</i>	9
	(ii) an acknowledgement notice mentioned in the repealed <i>Integrated Planning Act 1997</i> , section 3.2.5(1); or	10 11 12
	(iii) a request made under the repealed <i>Sustainable Planning Act 2009</i> , 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	13 14 15 16 17 18
	(iv) a development permit granted for a development application (superseded planning scheme) under the repealed <i>Sustainable Planning Act 2009</i> or a superseded planning scheme request under the Planning Act.	19 20 21 22 23 24
Clause 622	Omission of ss 75–78	25
	Sections 75 to 78—	26
	<i>omit.</i>	27
Clause 623	Omission of s 80 (Modifying effect of repealed Integrated Planning Act 1997 for owner’s consent)	28 29
	Section 80—	30

omit. 1

Clause 624	Amendment of s 81 (Effect on existing riverine protection permits)	2 3
	Section 81(2), from ‘assessable’ to ‘section 232(1)’—	4
	<i>omit, insert—</i>	5
	categorised as assessable development under a regulation under the Planning Act	6 7
Clause 625	Omission of s 83 (Validation of regional vegetation management codes)	8 9
	Section 83—	10
	<i>omit.</i>	11
Clause 626	Omission of pt 6, div 6 (Transitional provision for Sustainable Planning Act 2009)	12 13
	Part 6, division 6—	14
	<i>omit.</i>	15
Clause 627	Omission of ss 90–95	16
	Sections 90 to 95—	17
	<i>omit.</i>	18
Clause 628	Amendment of s 100 (Clearing of regulated regrowth vegetation in retrospective period not an offence)	19 20
	Section 100(1), ‘Planning Act’—	21
	<i>omit, insert—</i>	22
	repealed <i>Integrated Planning Act 1997</i>	23

Clause 629	Omission of ss 105–106	1
	Sections 105 and 106—	2
	<i>omit.</i>	3
Clause 630	Omission of s 108 (Appeals)	4
	Section 108—	5
	<i>omit.</i>	6
Clause 631	Insertion of new pt 6, div 12	7
	Part 6—	8
	<i>insert—</i>	9
	Division 12	10
	Transitional provisions for	11
	Planning and Development	12
	(Planning for	13
	Prosperity—Consequential	14
	Amendments) and Other	15
	Legislation Amendment	16
	Act 2015	16
	125 Self-assessable vegetation clearing code	17
	continues in effect	18
	A self-assessable vegetation clearing code in force	19
	immediately before the commencement—	20
	(a) continues in effect; and	21
	(b) is taken to be an accepted development	22
	vegetation clearing code.	23

**126 Existing vegetation clearing application or
concurrence agency application under the
repealed Sustainable Planning Act 2009**

- (1) This section applies to a vegetation clearing application or concurrence agency application, as defined under this Act immediately before the commencement, to which the Planning Act, section 244 applies.
- (2) This Act, as in force before the commencement, continues to apply to the application as if the *Planning and Development (Planning for Prosperity—Consequential Amendments) and Other Legislation Amendment Act 2015* had not been enacted.

Clause 632 Amendment of schedule (Dictionary)

- (1) Schedule, definitions *applicable code*, *ballot application period*, *broadscale application*, *clearing allocation*, *concurrence agency*, *concurrence agency application*, *concurrence agency policy*, *currency period*, *declared area code*, *development plan*, *exempt development*, *IDAS*, *information request*, *material change of use*, *Planning Act*, *property vegetation management plan*, *protected wildlife*, *reconfiguring a lot*, *referral agency's response*, *regional vegetation management code*, *self-assessable vegetation clearing code* and *special clearing code*—
omit.
- (2) Schedule—
insert—

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

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

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

-
- Planning Act* means the *Planning and Development (Planning for Prosperity) Act 2015*. 1
2
- protected wildlife* means native wildlife 3
prescribed under the Nature Conservation Act as 4
endangered or vulnerable wildlife. 5
- (3) Schedule, definition *exchange area*, from ‘a self-assessable’ 6
to ‘regrowth vegetation’— 7
omit, insert— 8
- an accepted development vegetation clearing 9
code in exchange for clearing vegetation under 10
the code 11
- (4) Schedule, definition *forest practice*, item 1, paragraph (b)(i), 12
‘self-assessable’— 13
omit, insert— 14
- accepted development 15
- (5) Schedule, definition *high risk species*, paragraph (b)— 16
omit, insert— 17
- (b) another plant prescribed by regulation. 18
- (6) Schedule, definition *unlawfully cleared—* 19
insert— 20
- (c) the repealed *Sustainable Planning Act 2009*, 21
section 578(1), 580(1), 581, 582 or 594(1), 22
if the person— 23
- (i) has not contested an infringement 24
notice given for the contravention; or 25
- (ii) has been convicted of the 26
contravention, whether or not the 27
conviction is recorded. 28
- (7) Schedule, definition *vegetation clearing application*, 29
paragraphs (a) and (b)— 30
omit, insert— 31

- | | |
|--|--------|
| (a) the clearing of vegetation; and | 1 |
| (b) categorised as assessable development
under a regulation under the Planning Act. | 2
3 |
| (8) Schedule, definition <i>vegetation clearing provision</i> , ‘section
578(1), 580(1), 581, 582 or 594(1)’— | 4
5 |
| <i>omit, insert—</i> | 6 |
| section 159, 160(1), 161, 162 or 165(5) | 7 |

Part 66	Amendment of Water Supply (Safety and Reliability) Act 2008	8 9
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- | | | | |
|---------------|------------|--|----------|
| Clause | 633 | Act amended | 10 |
| | | This part amends the <i>Water Supply (Safety and Reliability)</i>
<i>Act 2008</i> . | 11
12 |
| Clause | 634 | Amendment of s 559 (Definition for pt 2) | 13 |
| | | Section 559, definition <i>relevant operational work</i> , ‘, section
10(1)’— | 14
15 |
| | | <i>omit.</i> | 16 |
| Clause | 635 | Omission of s 560 (Codes for Planning Act) | 17 |
| | | Section 560— | 18 |
| | | <i>omit.</i> | 19 |
| Clause | 636 | Amendment of s 561 (Development applications for
relevant operational work) | 20
21 |
| | | Section 561(3) and (4)— | 22 |
| | | <i>omit.</i> | 23 |

Clause 637	Amendment of s 562 (When applicant may appeal to Land Court)	1
		2
	Section 562(2), ‘chapter 7’—	3
	<i>omit, insert—</i>	4
	chapter 6	5
 Clause 638	 Insertion of new ch 10, pt 9	 6
	Chapter 10—	7
	<i>insert—</i>	8
	Part 9	9
	Transitional provision	10
	for Planning and	11
	Development (Planning	12
	for Prosperity—	13
	Consequential	14
	Amendments) and	15
	Other Legislation	16
	Amendment Act 2015	17
	 672 Existing development applications under the	18
	repealed Sustainable Planning Act 2009	19
	(1) This section applies to a development application	20
	to which the Planning Act, section 244 applies.	21
	(2) Chapter 8, part 2, as in force before the	22
	commencement, continues to apply to the	23
	development application as if the <i>Planning and</i>	24
	<i>Development</i> (<i>Planning for</i>	25
	<i>Prosperity—Consequential Amendments</i>) and	26
	<i>Other Legislation Amendment Act 2015</i> had not	27
	been enacted.	

Clause 639	Amendment of sch 3 (Dictionary)	1
(1)	Schedule 3, definitions <i>assessment manager</i> , <i>concurrence agency</i> , <i>Planning Act</i> and <i>referral agency</i> —	2
	<i>omit.</i>	3
		4
(2)	Schedule 3—	5
	<i>insert—</i>	6
	<i>Planning Act</i> means the <i>Planning and Development (Planning for Prosperity) Act 2015</i> .	7
		8
(3)	Schedule 3, definition <i>development</i> , ‘section 7’—	9
	<i>omit, insert—</i>	10
	schedule 2	11
(4)	Schedule 3, definition <i>development condition</i> , paragraph 1—	12
	<i>omit, insert—</i>	13
	1 <i>Development condition</i> , of a development approval, means a condition of the approval that relates to a referable dam and was imposed by—	14
	(a) the chief executive; or	15
	(b) the chief executive administering the Planning Act.	16
		17
		18
		19
(5)	Schedule 3, definition <i>Planning Act offence</i> , from ‘section 574(1)’ to ‘594’—	20
	<i>omit, insert—</i>	21
	section 159, 160(1), 161, 162 or 165(5) or (7)	22
		23
(6)	Schedule 3, definition <i>premises</i> , paragraph (a), ‘section 10(1)’—	24
	<i>omit, insert—</i>	25
		26
	schedule 2	27

Part 67	Amendment of Wet Tropics	1
	World Heritage Protection and	2
	Management Act 1993	3

Clause 640	Act amended	4
	<i>This part amends the Wet Tropics World Heritage Protection</i>	5
	<i>and Management Act 1993.</i>	6

Clause 641	Amendment of sch 3 (Dictionary)	7
(1)	Schedule 3, definition <i>planning scheme</i> —	8
	<i>omit, insert—</i>	9
	<i>planning scheme</i> means a planning scheme	10
	under the <i>Planning and Development (Planning</i>	11
	<i>for Prosperity) Act 2015.</i>	12
(2)	Schedule 3, definition <i>reconfiguring a lot</i> , ‘ <i>Sustainable</i>	13
	<i>Planning Act 2009</i> , section 10(1)’—	14
	<i>omit, insert—</i>	15
	<i>Planning and Development (Planning for</i>	16
	<i>Prosperity) Act 2015</i> , schedule 2	17

Authorised by the Parliamentary Counsel