

State Development, Infrastructure and Planning (Red Tape Reduction) and Other Legislation Amendment Bill 2014

Amendments during consideration in detail to be moved by

The Honourable Deputy Premier and Minister for State Development, Infrastructure and Planning

1 Clause 17 (Insertion of new ch 3, pt 6, div 2, new ch 6, pt 6, div 3, hdg and new ss 116F and 116G)

Page 27, line 17—

omit.

2 Clause 17 (Insertion of new ch 3, pt 6, div 2, new ch 6, pt 6, div 3, hdg and new ss 116F and 116G)

Page 32, after line 20—

insert—

- (3) The charge notice may form part of another notice given by the charging entity to the owner of the land.

Example of another notice given by a charging entity—

a rate notice given by a local government

3 After clause 25

Page 38, after line 17—

insert—

25A Amendment of s 16 (Saving of existing local industry policy)

- (1) Section 16, from ‘published’ to ‘Act’—

omit, insert—

in force immediately before the commencement of this section was taken to be the local industry

policy for this Act from 1 July 2011 to 3 April
2014

(2) Section 16, editor's note—

omit.

4 Clause 27 (Amendment of s 24 (Definitions for pt 4))

Page 39, lines 13 to 15—

omit.

5 Clause 30 (Amendment of s 27AB (Requirements for application))

Page 41, line 20, '34J(2)(c)'—

omit, insert—

34J(2)(b)

6 Clause 31 (Replacement of s 27A (Lapsing of declaration))

Page 42, lines 2 to 20—

omit, insert—

section 34A(1)(b), accepted a draft EIS for
the project as the final EIS.

(3) Despite subsection (2), if before the

7 Clause 34 (Replacement of s 32 (Preparation of EIS))

Page 43, lines 21 to 26, page 44, lines 1 to 29 and page 45, lines 1
to 21—

omit, insert—

(1) The proponent of the project must prepare a
draft EIS for the project.

(2) The draft EIS prepared by the proponent
must address, for the whole project, the

terms of reference to the satisfaction of the
Coordinator-General.

8 Clause 37 (Insertion of new ss 34A–34D and new pt 4, div 3, sdiv 2)

Page 47, lines 1 to 12—

omit, insert—

- (iii) any other material the
Coordinator-General considers is
relevant to the project; and
- (b) decide whether or not to accept the
draft EIS as the final EIS for the
project.
- (2) The Coordinator-General may decide not to
accept the draft EIS as the final EIS if
satisfied

9 Clause 37 (Insertion of new ss 34A–34D and new pt 4, div 3, sdiv 2)

Page 47, line 22, ‘as a’—

omit, insert—

as the

10 Clause 37 (Insertion of new ss 34A–34D and new pt 4, div 3, sdiv 2)

Page 47, lines 29 and 30—

omit, insert—

- (d) the period within which a draft EIS that
includes or attaches the additional
information (a *revised draft EIS*) must
be given to the Coordinator-General.

11 Clause 37 (Insertion of new ss 34A–34D and new pt 4, div 3, sdiv 2)

Page 48, line 4, ‘a final’—

omit, insert—

the final

12 Clause 37 (Insertion of new ss 34A–34D and new pt 4, div 3, sdiv 2)

Page 48, lines 8 to 12—

omit, insert—

period stated in the notice, give the Coordinator-General a revised draft EIS.

13 Clause 37 (Insertion of new ss 34A–34D and new pt 4, div 3, sdiv 2)

Page 48, lines 21 to 24—

omit, insert—

(b) give the Coordinator-General a revised draft EIS.

14 Clause 37 (Insertion of new ss 34A–34D and new pt 4, div 3, sdiv 2)

Page 48, after line 27—

insert—

(5) If the Coordinator-General receives a revised draft EIS under subsection (2) or (3), sections 34A and 34B apply to the revised draft EIS—

(a) as if a reference in section 34A(1) to the end of the submission period for the draft EIS were a reference to the day the Coordinator-General receives the revised draft EIS; and

- (b) as if a reference in section 34A(1)(a)(ii) to a properly made submission for the draft EIS were a reference to a properly made submission for the additional information; and
- (c) with any other necessary changes.

15 Clause 37 (Insertion of new ss 34A–34D and new pt 4, div 3, sdiv 2)

Page 48, line 31, ‘a final’—

omit, insert—

the final

16 Clause 37 (Insertion of new ss 34A–34D and new pt 4, div 3, sdiv 2)

Page 51, lines 4 and 5—

omit, insert—

- (1) This section applies if—
 - (a) a notifiable approval is required for the project; or
 - (b) the Coordinator-General gives the proponent a written notice stating that the draft IAR for the project must be publicly notified under this section.

17 Clause 37 (Insertion of new ss 34A–34D and new pt 4, div 3, sdiv 2)

Page 51, lines 25 to 27—

omit, insert—

(iii) any other material the

18 Clause 37 (Insertion of new ss 34A–34D and new pt 4, div 3, sdiv 2)

Page 52, lines 12 to 21—

omit, insert—

satisfied additional information is needed about—

- (a) an environmental effect of the project; or
- (b) any other matter the Coordinator-General considers relevant to the project.

19 Clause 37 (Insertion of new ss 34A–34D and new pt 4, div 3, sdiv 2)

Page 53, lines 5 to 13—

omit, insert—

- (b) the additional information required;
- (c) whether or not public notification of the draft IAR as amended to include or attach the additional information (the *revised draft IAR*) is required;
- (d) the period within which the revised draft IAR must be given to the Coordinator-General.

20 Clause 37 (Insertion of new ss 34A–34D and new pt 4, div 3, sdiv 2)

Page 53, line 14, ‘publicly notify draft IAR or’—

omit.

21 Clause 37 (Insertion of new ss 34A–34D and new pt 4, div 3, sdiv 2)

Page 53, lines 19 to 30 and page 54, lines 1 to 7—

omit, insert—

- (2) If the notice given under section 34J states that public notification of the revised draft IAR is not required, the proponent must, within the period stated in the notice, give the Coordinator-General the revised draft IAR.
- (3) If the notice given under section 34J states that public notification of the revised draft IAR is required, the proponent must, within the period stated in the notice—
 - (a) comply with section 33 as if a reference in that section to a draft EIS were a reference to the revised draft IAR; and
 - (b) give the Coordinator-General the revised draft IAR.
- (4) Submissions about the revised draft IAR may be made under section 34 as if the revised draft IAR were a draft EIS.
- (5) If the Coordinator-General receives a revised draft IAR under subsection (2) or (3), sections 34I and 34J apply to the revised draft IAR.

22 Clause 40 (Amendment of s 35AA (Amendment of Coordinator-General's report))

Page 55, lines 13 to 15—

omit, insert—

Section 35AA(1), after 'EIS'—

insert—

or IAR

23 Clause 41 (Replacement of s 35A (Lapsing of Coordinator-General's report))

Page 55, line 21, 'an EIS'—

omit, insert—

the EIS

24 Clause 41 (Replacement of s 35A (Lapsing of Coordinator-General's report))

Page 56, lines 4 to 25—

omit, insert—

- (2) Subsection (3) applies if—
 - (a) the project the subject of the Coordinator-General's report requires 1 or more relevant approvals; and
 - (b) the proponent applies for each relevant approval before the Coordinator-General's report would otherwise lapse under subsection (1).
- (3) Despite subsection (1), the

25 Clause 41 (Replacement of s 35A (Lapsing of Coordinator-General's report))

Page 57, lines 3 to 20—

omit, insert—

- (4) Subsection (5) applies if, before the report would otherwise lapse under subsection (1) or (3), the Coordinator-General gives the proponent written notice stating a later time for the report to lapse.
- (5) Despite subsections (1) and (3), the Coordinator-General's report does not lapse until the later time stated in the notice.
- (6) Subsection (7) applies if—

- (a) division 8 applies to the project; and
 - (b) the undertaking of the project substantially starts before the Coordinator-General's report would otherwise lapse under subsection (1), (3) or (5).
- (7) Despite subsections (1), (3) and (5), the Coordinator-General's report does not lapse and continues to have effect to the extent it imposes conditions for the undertaking of the project.
- (8) In this section—

26 Clause 42 (Amendment of s 35H (Criteria for evaluating))

Page 58, lines 13 to 15—

omit, insert—

- (2) Section 35H(b), after 'EIS'—

insert—

or IAR

27 Clause 43 (Replacement of s 35L (Lapsing of Coordinator-General's change report))

Page 59, lines 10 and 17, 'an EIS'—

omit, insert—

the EIS

28 Clause 44 (Amendment of s 36 (Application of sdiv 1))

Page 59, lines 27 to 29—

omit, insert—

- Section 36(b), after 'EIS'—

insert—

or IAR

29 Clause 45 (Amendment of s 37 (Applications for material change of use or requiring impact assessment))

Page 60, lines 3 to 9—

omit, insert—

(1) Section 37(1)(c)—

omit, insert—

(c) a properly made submission about the following is taken to be a properly made submission about the application under IDAS—

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

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

(2) Section 37(1)(d)(i), after ‘report’—

insert—

for the EIS or IAR for the project

30 Clause 46 (Amendment of s 38 (When the decision stage for the project starts under IDAS))

Page 61, lines 1 to 8—

omit, insert—

(a) if the project requires an EIS—the Coordinator-General’s report for the EIS; or

(b) if the project requires an IAR—the

31 Clause 59 (Amendment of s 153AA (Application for approval of project as a private infrastructure facility and for Coordinator-General to take land))

Page 71, lines 4 to 12—

omit.

32 Clause 65 (Replacement of s 161 (Power as to roads))

Page 75, after line 10—

insert—

- (3A) An authorisation under subsection (1) may be subject to conditions imposed by the Coordinator-General.
- (3B) Despite subsection (1)(c), the relevant land may be entered and occupied only if—
 - (a) the owner or occupier of the relevant land has been given written notice of the proposed entry and occupation, including the day the proposed entry and occupation will commence (the *proposed entry day*); and
 - (b) the entry and occupation of the relevant land does not commence until the proposed entry day or a later day agreed with the owner or occupier of the land.
- (3C) The proposed entry day stated in a notice given under subsection (3B)(a) must be a day that is at least 7 days after the day the notice is given.

33 Clause 65 (Replacement of s 161 (Power as to roads))

Page 76, after line 5—

insert—

**160B Compensation for exercise of power
under s 160A**

- (1) This section applies if the Coordinator-General, or a person authorised by the Coordinator-General, enters and occupies land under section 160A(1)(c).
- (2) The owner or occupier of the land may give the Coordinator-General a written notice that claims compensation for damage caused by the entry or occupation of the land, or the carrying out of an activity on the land.
- (3) A claim under subsection (2) must be made—
 - (a) within 1 year after the occupation or activity has ended; or
 - (b) by the later time allowed by the Coordinator-General.
- (4) The amount of compensation, if any, payable under the claim is—
 - (a) the amount agreed between the Coordinator-General and the person that gave the notice under subsection (2); or
 - (b) if the Coordinator-General and the person can not agree, the amount decided by the Land Court.
- (5) However, the amount of compensation must not be more than the compensation that would have been awarded if the land had been acquired under the *Acquisition of Land Act 1967*.

34 Clause 68 (Amendment of sch 2 (Dictionary))

Page 84, line 3, 'EIS,'—

omit.

35 Clause 68 (Amendment of sch 2 (Dictionary))

Page 85, lines 14 to 18—

omit.

36 Clause 68 (Amendment of sch 2 (Dictionary))

Page 86, after line 19—

insert—

revised draft EIS see section 34B(2)(d).

revised draft IAR see section 34J(2)(c).

37 Clause 68 (Amendment of sch 2 (Dictionary))

Page 87, lines 16 to 19—

omit.

38 Clause 68 (Amendment of sch 2 (Dictionary))

Page 87, line 30, ‘an EIS’—

omit, insert—

the EIS

39 After clause 70

Page 88, after line 17—

insert—

**70A Amendment of s 249 (When assessment
manager also has jurisdiction as concurrence
agency)**

Section 249—

insert—

- (2) Despite subsection (1)(a), the entity's fee under section 260(1)(d) for a development application is taken to include the fee that would have been payable under section 272(1)(c) for the application if the entity were a concurrence agency for the application.

70B Amendment of s 260 (Applying for development approval)

Section 260(1)(d)—

insert—

Note—

See also section 249(2).

40 Clause 103 (Insertion of new ch 13, pt 21)

Page 102, line 1, 'Transitional provision'—

omit, insert—

Saving and transitional provisions

41 Clause 103 (Insertion of new ch 13, pt 21)

Page 102, after line 7—

insert—

715A Definition for pt 21

In this part—

repealed Wild Rivers Act 2005 means the *Wild Rivers Act 2005* as in force immediately before its repeal.

715B Wild river references in existing environmental authorities

- (1) This section applies if an environmental authority (an *existing environmental*

authority) given before the commencement refers to any of the following terms (a *former term*) under the repealed *Wild Rivers Act 2005*—

- (a) a nominated waterway;
 - (b) a wild river area;
 - (c) a wild river declaration;
 - (d) a wild river high preservation area;
 - (e) a wild river preservation area;
 - (f) a wild river floodplain management area;
 - (g) a wild river special floodplain management area;
 - (h) a wild river subartesian management area;
 - (i) the wild rivers code.
- (2) For the existing environmental authority, the former term continues to have the meaning given under the repealed *Wild Rivers Act 2005* as if—
- (a) that Act had not been repealed; and
 - (b) the following documents in force under the repealed *Wild Rivers Act 2005* were still in force—
 - (i) the wild river declaration for the land to which the environmental authority relates;
 - (ii) the wild rivers code.
- (3) Subsection (2) applies despite the *Regional Planning Interests Act 2014*, section 107A.
- (4) Despite chapter 5, part 6, the administering authority may amend the existing environmental authority to replace a

condition that relates to a former term if the new condition imposes requirements that are equivalent to the replaced condition.

- (5) As soon as practicable after amending an existing environmental authority under subsection (4), the administering authority must give written notice of the amendment to the environmental authority holder.
- (6) This section expires 1 year after the commencement.

715C Wild river references in existing eligibility criteria and standard conditions

- (1) This section applies if any of the following in force immediately before the commencement refer to a former term mentioned in section 715B(1)—
 - (a) eligibility criteria for an environmentally relevant activity (the *existing eligibility criteria*);
 - (b) standard conditions for an environmental authority or environmentally relevant activity (the *existing standard conditions*).
- (2) For the existing eligibility criteria or existing standard conditions, the former term continues to have the meaning given under the repealed *Wild Rivers Act 2005* as if—
 - (a) that Act had not been repealed; and
 - (b) the following documents in force under the repealed *Wild Rivers Act 2005* were still in force—
 - (i) a wild river declaration;
 - (ii) the wild rivers code.

- (3) Subsection (2) applies despite the *Regional Planning Interests Act 2014*, section 107A.
- (4) Section 317 does not apply to an amendment to the existing eligibility criteria to replace a criterion that relates to a former term mentioned in section 715B(1) if the new criterion imposes requirements that are equivalent to the replaced criterion.
- (5) Section 318C does not apply to an amendment to the existing standard conditions to replace a condition that relates to a former term mentioned in section 715B(1) if the new condition imposes requirements that are equivalent to the replaced condition.
- (6) This section expires 1 year after the commencement.

715D Applications for environmental authorities and amendment applications for particular resource activities

- (1) This section applies to an application for an environmental authority and an amendment application for an environmental authority (each an *existing application*) if the existing application—
 - (a) was made, but not decided, before the commencement; and
 - (b) relates to a resource activity that is, or is proposed to be, carried out on land that—
 - (i) is in a strategic environmental area under the *Regional Planning Interests Act 2014*; and
 - (ii) was in a wild river area under the repealed *Wild Rivers Act 2005*

immediately before the repeal of
that Act.

(2) For assessing and deciding the existing application, the standard criteria is taken to include any relevant former wild river declaration as if the repealed *Wild Rivers Act 2005* and the former wild river declaration were still in force.

(3) In this section—

former wild river declaration means a wild river declaration in force under the repealed *Wild Rivers Act 2005* immediately before its repeal.

42 Clause 103 (Insertion of new ch 13, pt 21)

Page 102, line 20, ‘part’—

omit, insert—

section

43 After clause 120

Page 109, after line 12—

insert—

120A Insertion of new s 24A

After section 24—

insert—

**24A Exemption—wild river area under the
repealed Wild Rivers Act 2005**

(1) This section applies to a resource activity if the activity—

(a) is carried out on land that—

(i) is in a strategic environmental area; and

- (ii) was in a wild river area under the repealed *Wild Rivers Act 2005* (a **former wild river area**) immediately before the repeal of that Act; and
 - (b) is carried out under an environmental authority given, or applied for, before the repeal of the *Wild Rivers Act 2005*.
- (2) To the extent the resource activity is carried out in the former wild river area, it is an **exempt resource activity** for the strategic environmental area.
- (3) However, subsection (2) ceases to apply to the resource activity if—
 - (a) after the repeal of the *Wild Rivers Act 2005*, the authority holder makes an amendment application under the Environmental Protection Act, section 224 to amend the environmental authority; and
 - (b) the amendment application is approved; and
 - (c) the amendment involves either of the following—
 - (i) an increase in the area of land subject to expected surface impacts from the activity;
 - (ii) a change to the location of the land subject to expected surface impacts from the activity.

44 After clause 124

Page 111, after line 19—

insert—

124A Amendment of sch 1 (Dictionary)

Schedule 1, definition *exempt resource activity*, after
'24(2)'—

insert—

, 24A(2)

45 Clause 127 (Insertion of new ch 10, pt 12, div 3)

Page 112, line 6, 'Provision'—

omit, insert—

Provisions

46 Clause 127 (Insertion of new ch 10, pt 12, div 3)

Page 112, after line 7—

insert—

994A Definition for div 3

In this division—

repealed Wild Rivers Act 2005 means the
Wild Rivers Act 2005 as in force
immediately before its repeal.

994B Wild river references in existing development approvals

- (1) This section applies if a development approval (an *existing development approval*) given before the commencement refers to any of the following terms (a *former term*) under the repealed *Wild Rivers Act 2005*—
 - (a) a nominated waterway;
 - (b) a wild river area;
 - (c) a wild river declaration;
 - (d) a wild river high preservation area;

- (e) a wild river preservation area;
 - (f) a wild river floodplain management area;
 - (g) a wild river special floodplain management area;
 - (h) a wild river subartesian management area;
 - (i) the wild rivers code.
- (2) For the existing development approval, the former term continues to have the meaning given under the repealed *Wild Rivers Act 2005* as if—
- (a) that Act had not been repealed; and
 - (b) the following documents in force under the repealed *Wild Rivers Act 2005* were still in force—
 - (i) the wild river declaration for the land the subject of the development approval;
 - (ii) the wild river code.
- (3) Subsection (2) applies despite the *Regional Planning Interests Act 2014*, section 107A.
- (4) Despite chapter 6, part 8, the assessment manager for the development application to which the existing development approval relates may amend the approval to replace a condition that relates to a former term if the new condition imposes requirements that are equivalent to the replaced condition.
- (5) As soon as practicable after amending an existing development approval under subsection (4), the assessment manager must give written notice of the amendment to the holder of the approval.

Note—

See section 995A for expiry of this section.

47 Clause 127 (Insertion of new ch 10, pt 12, div 3)

Page 112, lines 20 to 21—

omit, insert—

995A Expiry of div 3

This division and any transitional regulation made under section 995 expire 1 year after the commencement.

48 Schedule 1 (Minor, consequential and other amendments)

Page 121, line 13, ‘each EIS or an IAR’—

omit, insert—

the EIS or IAR

49 Schedule 1 (Minor, consequential and other amendments)

Page 122, lines 20 to 29—

omit, insert—

- (i) if an EIS was prepared for the project—the Coordinator-General’s report for the EIS; or
- (ii) if an IAR was prepared for the

50 Schedule 1 (Minor, consequential and other amendments)

Page 123, lines 7 and 18, ‘an EIS’—

omit, insert—

the EIS

51 Schedule 1 (Minor, consequential and other amendments)

Page 124, lines 14 to 22—

omit, insert—

- (a) if an EIS was prepared for the project—the Coordinator-General's report for the EIS prepared under the State Development Act, section 34D; or
- (b) if an IAR was prepared for the project—the

52 Schedule 1 (Minor, consequential and other amendments)

Page 124, lines 30 and 31—

omit.

53 Schedule 1 (Minor, consequential and other amendments)

Page 125, lines 20 to 27 and page 126, line 1—

omit, insert—

- (a) if an EIS was prepared for the project—the Coordinator-General's report for the EIS prepared under the State Development Act, section 34D; or
- (b) if an IAR was prepared for the project—the

54 Schedule 1 (Minor, consequential and other amendments)

Page 126, lines 9 and 10—

omit.

55 Schedule 1 (Minor, consequential and other amendments)

Page 128, lines 5 to 15—

omit, insert—

- (a) if an EIS was prepared under the State Development Act for the project—the Coordinator-General’s report for the EIS prepared under the State Development Act, section 34D; or
- (b) if an IAR was prepared under the State

56 Schedule 1 (Minor, consequential and other amendments)

Page 129, lines 1, 17 and 20 and page 130, lines 3 and 7, ‘an EIS’—

omit, insert—

the EIS

57 Schedule 1 (Minor, consequential and other amendments)

Page 130, line 10, ‘a draft’—

omit, insert—

the draft

58 Schedule 1 (Minor, consequential and other amendments)

Page 130, lines 11 to 13—

omit.

59 Schedule 1 (Minor, consequential and other amendments)

Page 130, lines 16 and 19, ‘an EIS’—

omit, insert—

the EIS

60 Schedule 1 (Minor, consequential and other amendments)

Page 131, lines 11 to 13—

omit.

61 Schedule 1 (Minor, consequential and other amendments)

Page 132, line 29, ‘34K(2)’—

omit, insert—

34K(3)