



Queensland

Planning (Consequential) and Other Legislation Amendment Bill 2015

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2015

A Bill

for

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

Consultation Draft

The Parliament of Queensland enacts—

Part 1 Preliminary

1 Short title

This Act may be cited as the *Planning (Consequential) and Other Legislation Amendment Act 2015*.

2 Commencement

This Act commences on a day to be fixed by proclamation.

Part 2 Amendment of Aboriginal Cultural Heritage Act 2003

3 Act amended

This part amends the *Aboriginal Cultural Heritage Act 2003*.

4 Omission of s 89 (Cultural heritage management plan needed under Planning Act)

Section 89—

omit.

Part 3 Amendment of Aboriginal Land Act 1991

5 Act amended

This part amends the *Aboriginal Land Act 1991*.

6 Amendment of s 32B (Definitions for pt 2A)

Section 32B, definition *planning scheme*—

omit, insert—

planning scheme means a planning scheme under the *Planning Act 2015*.

Part 4 Amendment of Acquisition of Land Act 1967

7 Act amended

This part amends the *Acquisition of Land Act 1967*.

8 Amendment of sch 1 (Purposes for taking land)

- (1) Schedule 1, part 2, fourth dot point, '*Sustainable Planning Act 2009*'—

omit, insert—

Planning Act 2015

- (2) Schedule 1, part 2, fourth dot point, after 'Moreton Bay Regional Council,'—

insert—

Noosa Shire Council,

Part 5 Amendment of Acts Interpretation Act 1954

9 Act amended

This part amends the *Acts Interpretation Act 1954*.

10 Amendment of sch 1 (Meaning of commonly used words and expressions)

Schedule 1—

insert—

Planning and Environment Court means the court continued in existence as the Planning and Environment Court under the *Planning and Environment Court Act 2015*.

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

11 Act amended

This part amends the *Airport Assets (Restructuring and Disposal) Act 2008*.

12 Omission of ch 3, pt 1, divs 2 and 3

Chapter 3, part 1, divisions 2 and 3—

omit.

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

Section 34—

omit.

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

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

omit, insert—

- (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

Note—

See also section 43.

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

(2) Section 35(2)—

omit, insert—

- (2) A land use plan may, for the Planning Act, do one or more of the following—
 - (a) categorise development on the airport land as assessable or accepted development;
 - (b) specify whether assessable development under the plan requires [standard/code?] or [merit/impact?] assessment under the Planning Act;
 - (c) set out the assessment benchmarks under the Planning Act that an assessment manager must assess assessable development against;

- (d) set out the types of development applications requiring [merit/impact?] assessment under the plan for which public notification is required;
 - (e) state that particular development inconsistent with the plan is assessable development requiring [merit/impact?] assessment under the Planning Act.
- (3) Section 35(3), ‘Without limiting subsection (1)’—
omit, insert—
 - Also
- (4) Section 35(3)(c)—
omit.
- (5) Section 35(3)(d)—
renumber as section 35(c).
- (6) Section 35(4)—
omit, insert—
 - (4) Despite subsection (2)(a) and (e), a land use plan must not state that the following development is assessable development under the Planning Act—
 - (a) development that is a material change of use of premises for core airport infrastructure if the development is consistent with the plan;
 - (b) development categorised as accepted development under a regulation under the Planning Act;
 - (c) development that a local categorising instrument under the Planning Act may not, under section 41(3)(b) [Categorising instruments] of that Act, state is assessable development.

-
- (5) If a land use plan requires an applicant to give public notification of a development application, the Planning Act, section 51(2) to (7) [Publicly notifying certain development applications] applies to the application.
 - (6) In this section—
material change of use, of premises, see the Planning Act, schedule 1 [Dictionary].

15 Amendment of s 36 (Statement of proposal for preparation of land use plan or amendment of plan)

- (1) Section 36(1)(b)(ii)(B), ‘either exempt or self-assessable’—
omit, insert—
accepted
- (2) Section 36(4)—
omit.

16 Amendment of s 46 (Ministerial direction to airport lessee)

- (1) Section 46(1) and (2)—
omit, insert—
 - (1) This section applies if the planning Minister is satisfied a minor amendment of a land use plan for airport land is required.
 - (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.
- (2) Section 46(6)—
omit.

[s 17]

17 Replacement of s 48 (Airport land not subject to local planning instrument)

Section 48—

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 [Local planning instruments].

18 Omission of ss 49 and 50

Sections 49 and 50—

omit.

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 284 [Taking or purchasing land for planning purposes]

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

omit, insert—

chapter 2, part 4, division 2 [Compensation]

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 286 [Planning and development certificates]

(2) Section 53(1), ‘chapter 9, part 6, division 4’—

omit, insert—

section 286 [Planning and development certificates]

(3) Section 53(3)—

omit, insert—

(3) For subsection (1)—

(a) the Planning Act, section 286(3) [Planning and development certificates] applies as if a reference in the subsection to a local government were a reference to the planning chief executive; and

(b) a regulation made under the Planning Act, section 286(4) [Planning and development certificates] applies—

(i) as if a reference in the regulation to a local government were a reference to the planning chief executive; and

(ii) as if a reference in the regulation to a planning scheme were a reference to a land use plan; and

(iii) as if a reference in the regulation to an LGIP were a reference to a charges schedule under a land use plan; and

(iv) as if the regulation provides that a planning and development certificate be accompanied by any statement of

[s 21]

proposal or draft plan for the airport land published under section 38(2), but not yet approved under section 41; and

- (v) with other necessary changes.

21 Amendment of s 54 (Development on local heritage place not assessable development)

- (1) Section 54(1)—

omit, insert—

- (1) Subsection (1A) applies if a regulation under the Planning Act categorises development on a local heritage place as assessable development.

- (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.

- (2) Section 54(2), ‘Subsection (1)’—

omit, insert—

Subsection (2)

- (3) Section 54(1A) to (3)—

renumber as section 54(2) to (4).

22 Replacement of s 55 (Restriction on designation for community infrastructure)

Section 55—

omit, insert—

55 Restriction on designation for development of infrastructure

- (1) Despite the Planning Act, chapter 2, part 5 [Designation of premises...], only the planning

Minister may, under that Act, designate airport land for infrastructure.

- (2) Development under a designation made by the planning Minister under the Planning Act, chapter 2, part 5 [Designation of premises...] is accepted development to the extent the development would, but for this section, be assessable development under a land use plan.
- (3) Subsection (1) does not limit the Planning Act, section 42(6)(b) [Categories of development].

23 Omission of s 56 (Restriction on application of master plan)

Section 56—

omit.

24 Replacement of ss 58 and 59

Sections 58 and 59—

omit, insert—

58 Application of Planning Act, ss 281 and 282

The Planning Act, sections 281 [Existing lawful uses, works and approvals] and 282 [Implied and uncommenced right to use] apply to a use or work on, or a development approval for, airport land as if a reference in the sections to a planning instrument change were a reference to—

- (a) the commencement of a land use plan or an amendment of a land use plan for the airport land; or
- (b) if the land stops being airport land—the start of the application of the relevant planning scheme to the land.

[s 25]

25 Amendment of s 61 (Amendment of planning schemes)

Section 61(3), ‘made under the Planning Act, section 117(1)’—

omit, insert—

or rule made under the Planning Act, section 16
[Minister’s rules and guidelines], or a notice
 given by the planning chief executive under the
 Planning Act, section 17(3) [Making or
 amending planning schemes],

26 Amendment of s 97 (Application of particular local laws to airport land)

Section 97(2), example—

omit.

27 Omission of ch 6, pt 1, hdg (Miscellaneous)

Chapter 6, part 1, heading—

omit.

28 Omission of ch 6, pt 2 (Transitional provisions)

Chapter 6, part 2—

omit.

29 Insertion of new ch 7

After chapter 6—

insert—

Chapter 7 Transitional provisions for Planning (Consequential) and

Other Legislation Amendment Act 2015

119 Definition for ch 7

In this chapter—

amending Act means the *Planning (Consequential) and Other Legislation Amendment Act 2015*.

120 Existing land use plans

- (1) In a land use plan (an *existing land use plan*) in force immediately before the commencement—
 - (a) a reference to the following is taken to be a reference to accepted development under the Planning Act—
 - (i) exempt development;
 - (ii) self-assessable development, to the extent the development complies with the requirements for the development stated in the existing land use plan; and
 - (b) a reference to the following is taken to be a reference to assessable development requiring [standard/code?] 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;

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- (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/impact?] 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.
- (2) Development requiring [merit/impact?] assessment under subsection (1)(c) does not require public notification under the Planning Act, section 51 [Publicly notifying certain development applications].

121 Existing development applications under the repealed Sustainable Planning Act 2009

- (1) This section applies to a development application to which the Planning Act, section 310 [Applications generally] applies.
- (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.

122 Amendment of planning scheme under repealed Sustainable Planning Act 2009

- (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 309 [Statutory instruments] applies to the amendment.
- (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.

30 Amendment of sch 3 (Dictionary)

- (1) Schedule 3, definitions *first land use plan*, *Planning Act*, *priority infrastructure interface plan*, *priority infrastructure plan* and *TIA*—
omit.
- (2) Schedule 3—
insert—

accepted development see the Planning Act, section 42(4) [Categories of development].

assessable development see the Planning Act, section 42(3) [Categories of development].

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.

LGIP, of a local government, means an LGIP made by the local government under the Planning Act.

minor amendment, of a land use plan, means—

- (a) an amendment correcting or changing any of the following—
 - (i) an explanatory matter about the plan, this Act or the Planning Act;
 - (ii) the format or presentation of the plan;
 - (iii) a spelling, typographical, grammatical or mapping error in the plan;
 - (iv) a factual matter incorrectly stated in the plan;
 - (v) a redundant or outdated term;
 - (vi) inconsistent numbering of provisions in the plan;
 - (vii) cross-references to provisions in the plan;
 - (viii) a matter in the land use plan to make it consistent with this Act, the Planning Act or a statutory instrument under the Planning Act; or
- (b) an amendment to include a statement in the plan that a State planning instrument under the Planning Act, or part of a State planning instrument, is appropriately reflected in the plan, if the planning Minister has advised the airport lessee that the planning Minister is satisfied the plan reflects the instrument; or
- (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 [Designation of premises for development of infrastructure]; or

-
- (d) an amendment the planning Minister is satisfied has involved adequate public consultation.

Planning Act means the *Planning 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 1 [Dictionary]

Part 7 Amendment of Biosecurity Act 2014

31 Act amended

This part amends the *Biosecurity Act 2014*.

32 Amendment of s 9 (Relationship with particular Acts)

Section 9(6), definition *relevant Act*, paragraph (e)—
omit, insert—

- (e) *Planning Act 2015*;
(f) *Vegetation Management Act 1999*.

33 Amendment of s 119 (Additional powers of inspector for place within a biosecurity emergency area)

- (1) Section 119(8)—
omit.

-
- (ii) the relevant planning body were the only other party to the appeal; and
- (c) the appellant must give the relevant planning body notice of the appeal under the *Planning and Environment Court Act 2015* within 10 business days after starting the appeal.
- (4) Section 60(9), definition *planning instrument*, paragraph (a)(i), '*Sustainable Planning Act 2009*'—
omit, insert—
Planning Act

36 Amendment of s 313 (Representation in planning proceedings)

Section 313(1), '*Sustainable Planning Act 2009*'—
omit, insert—

Planning Act or the *Planning and Environment Court Act 2015*

37 Amendment of sch 6 (Dictionary)

(1) Schedule 6—
insert—

Planning Act means the *Planning Act 2015*.

(2) Schedule 6, definition *development approval*, paragraph (a), '*Sustainable Planning Act 2009*'—
omit, insert—

Planning Act

Part 9 Amendment of Building Act 1975

38 Act amended

This part amends the *Building Act 1975*.

39 Amendment of s 3 (Simplified outline of main provisions of Act)

(1) Section 3(1), after ‘assessable development’—

insert—

or accepted development

(2) Section 3(3)(a), from ‘and the’ to ‘work’—

omit.

40 Amendment of s 5 (What is *building work*)

Section 5(1)(d), ‘, other than IDAS’—

omit.

41 Amendment of s 10 (What is a *building certifying function*)

Section 10(a) and (b), ‘concurrency’—

omit, insert—

referral

42 Amendment of s 11 (Who is the *assessment manager* for a building development application)

Section 11(1), ‘section 246(1)’—

omit, insert—

section 46 [Who is the assessment manager]

43 Amendment of s 16 (Reference in Act to applicants, development, assessment managers, referral agencies, building work or building certifiers)

Section 16(1)(f)—

omit, insert—

- (f) a referral agency—a referral agency for the application;

44 Replacement of ch 2, hdg (When building work is assessable, self-assessable or exempt development)

Chapter 2, heading and notes—

omit, insert—

Chapter 2 When building work is assessable or accepted development

Notes—

- 1 For the development assessment process under the Planning Act and offences against the Planning Act, including development offences, see the Planning Act, chapters 3 [Development assessment] and 5 [Offences and enforcement].
- 2 See chapters 3 and 4 for additional provisions for applying for and obtaining a building development approval and assessing building work.

45 Amendment of s 20 (Building work that is assessable development for the Planning Act)

Section 20, from ‘unless’ to ‘self-assessable development’—

omit, insert—

unless the building work is accepted development under section 21(2) or the Planning Act

46 Amendment of s 21 (Building work that is self-assessable for the Planning Act)

- (1) Section 21, heading, ‘self-assessable’—
omit, insert—
accepted development
- (2) Section 21(1), from ‘, section 232(1)’ to ‘self-assessable’—
omit, insert—
prescribes that this Act may declare building work to be accepted
- (3) Section 21(2) and (3)—
omit, insert—
 - (2) Building work is declared to be accepted development for the Planning Act if—
 - (a) the building work is prescribed by regulation; and
 - (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.
 - (3) Building work that is accepted development under a regulation under the Planning Act or subsection (2) is ***accepted building work***.
- (4) Section 21—
insert—
- (5) In this section—
relevant provisions, for building work, means—
 - (a) generally—
 - (i) a relevant deemed-to-satisfy provision under the BCA or relevant acceptable

solution under the QDC for the building work; and

- (ii) any other building assessment provision that applies to the work; or
- (b) if an alternative provision under section 33, or a varied provision under section 44, applies to the building work—
 - (i) the alternative or varied provision; and
 - (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
 - (iii) any other building assessment provision that applies to the work.

47 Omission of s 22 (Building work that is exempt development for the Planning Act)

Section 22—

omit.

48 Amendment of ch 3, hdg (Additional requirements for building development applications)

Chapter 3, heading, note, ‘sections 260 to 264’—

omit, insert—

section 49 [Making development applications]

49 Amendment of s 25 (General requirements for supporting documents)

(1) Section 25(1), ‘, other than IDAS’—

omit.

- (2) Section 25(2)(a)(ii), 'concurrence'—
omit, insert—
referral
- (3) Section 25(2)(c)(i)—
omit, insert—
 - (i) the application relates to development categorised as accepted development under a planning scheme; and
- (4) Section 25(2)(d)(ii), 'self-assessable'—
omit, insert—
accepted

50 Replacement of ch 4, hdg (Assessment of building development applications and carrying out self-assessable building work)

Chapter 4, heading—

omit, insert—

Chapter 4 Building assessment provisions and assessing building development applications

51 Amendment of ch 4, pt 1, hdg (Laws and other documents under which building work must be assessed)

Chapter 4, part 1, heading, 'under which building work must be assessed'—

omit, insert—

applying to building work

52 Amendment of ch 4, pt 1, div 1, hdg (General provisions about the laws and documents for the assessment)

Chapter 4, part 1, division 1, heading, ‘for the assessment’—

omit, insert—

applying to building work

53 Amendment of s 30 (Relevant laws and other documents for assessment of building work)

(1) Section 30, heading—

omit, insert—

Meaning of *building assessment provisions*

(2) Section 30(1), from ‘Building’ to ‘*provisions*’—

omit, insert—

The following laws and documents are the
building assessment provisions

(3) Section 30(1)(a)—

omit.

(4) Section 30(1)(e), ‘self-assessable’—

omit, insert—

accepted

(5) Section 30(1)(b) to (h)—

renumber as section 30(1)(a) to (g).

(6) Section 30(2)—

omit.

54 Amendment of s 31 (Building assessment provisions form a code for IDAS)

- (1) Section 31, heading, ‘form a code for IDAS’—

omit, insert—

are assessment benchmarks for Planning Act

- (2) Section 31(1)—

omit, insert—

- (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.

- (3) Section 31(2), from ‘any particular’ to ‘codes’—

omit, insert—

assessing a building development application under the Planning Act, the building assessment provisions

- (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’—

omit, insert—

The effect of each of the building assessment provisions mentioned in section 30(a) to (d), (f) and (g)

- (5) Section 31(4), ‘a code’—

omit, insert—

an assessment benchmark

55 Amendment of s 33 (Alternative provisions to QDC boundary clearance and site cover provisions for particular buildings)

Section 33(1)(a), ‘self-assessable’—

omit, insert—

accepted

56 Omission of s 34 (Relationship between IDAS and other building assessment provisions)

Section 34—

omit.

57 Amendment of s 34A (Decision for building development application that complies with building assessment provisions)

Section 34A(1), ‘chapter 6’—

omit, insert—

chapter 3, part 4, division 2 [Assessment manager’s decision]

58 Amendment of s 37 (Provision for changes to building assessment provisions)

(1) Section 37(2), ‘, and IDAS’—

omit.

(2) Section 37(5)—

omit.

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

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

omit.

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

(1) Section 40, heading, 'IDAS process'—

omit, insert—

**development assessment process under the
Planning Act**

(2) Section 40, 'process under IDAS'—

omit, insert—

development assessment process under the Planning
Act

61 Amendment of s 42 (Criteria for decision)

Section 42(1)(a), ', other than IDAS'—

omit.

62 Amendment of s 43 (Notice of decision)

Section 43(2), note, 'section 532'—

omit, insert—

section 239 [Building and plumbing and drainage matters]

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

(1) Section 46, heading—

omit, insert—

**46 Referral agencies may assess application
against building assessment provisions**

(2) Section 46(1) and (2)—

omit, insert—

(1) This section applies if, under the Planning Act—

-
- (a) an entity is a referral agency for a building development application; and
 - (b) the entity is required to assess the application against a building assessment provision, or part of a building assessment provision.
- (2) Only the referral agency may assess the application for compliance with the provision or part.
- (3) Section 46(3), ‘part by the concurrence’—
omit, insert—
application by the referral
 - (4) Section 46(5)—
omit, insert—
 - (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.

Note—

For the referral agencies for building development applications, see the regulation made under the Planning Act, section 52(2)(a) [Copy of application to referral agency].

64 Amendment of s 48 (Functions of private certifier (class A))

- (1) Section 48(1)(b), ‘section 246(1)’—
omit, insert—
section 46 [Who is the assessment manager]
- (2) Section 48(2), from ‘chapter 7’ to ‘assessing’—
omit, insert—

[s 65]

chapter 5, part 3 [Enforcement notices], a reference to an enforcement

- (2) Section 48(5), ‘chapter 7, part 3, divisions 2 and 3’—

omit, insert—

chapter 5, part 3 [Enforcement notices]

65 Amendment of s 51 (Function to act on building development application or development approval unless private certifier (class A) engaged)

- (1) Section 51(2)(a), ‘IDAS’—

omit, insert—

the Planning Act, chapter 3 [Development assessment]

- (2) Section 51(4), ‘sections 30’—

omit, insert—

sections 31

- (3) Section 51(5), definition *nominated owner*, ‘section 260(2)’—

omit, insert—

section 49(1)(a) [Making development applications]

66 Replacement of s 54 (Local government may rely on documents private certifier gives it for inspection or purchase)

Section 54—

omit, insert—

54 Local government may rely on documents private certifier gives it for providing public access

If—

(a) under this Act, a private certifier gives a document to the local government for a building development application; and

(b) under the Planning Act, the local government is required to make the document available to the public;

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.

67 Amendment of ch 4, pt 2, div 4, hdg (Power of particular replacement assessment managers to decide status under IDAS)

Chapter 4, part 2, division 4, heading, ‘under IDAS’—

omit, insert—

of development assessment process under the Planning Act

68 Amendment of s 55 (Power to decide what stage of IDAS application is to resume or start)

(1) Section 55, heading, ‘IDAS’—

omit, insert—

development assessment process under the Planning Act

(2) Section 55(3), ‘IDAS’—

omit, insert—

the development assessment process under the Planning Act

69 Amendment of s 57 (Building certifier's or concurrence agency's discretion—QDC)

(1) Section 57, heading, 'concurrence'—

omit, insert—

referral

(2) Section 57(1) and (2), 'concurrence'—

omit, insert—

referral

70 Amendment of s 59 (Discretion for building development applications for particular budget accommodation buildings)

Section 59(2) and example—

omit, insert—

(2) The decision on the application may be inconsistent with a relevant planning scheme.

Example—

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.

71 Omission of s 62 (Requirement to consider any advice agency response)

Section 62—

omit.

72 Amendment of ch 4, pt 5, hdg (Conditions of building development approvals)

Chapter 4, part 5, heading, note, 'chapter 6, part 5, division 6'—

omit, insert—

chapter 3, part 4, division 3 [Development conditions]

73 Amendment of s 69 (Operation of div 1)

(1) Section 69(4)(b)—

omit, insert—

(b) comply with the Planning Act, section 63(1) [Permitted development conditions].

(2) Section 69(5), ‘chapter 6, part 8, division 2 and section 378 do’—

omit, insert—

chapter 3, part 6, division 2, subdivision 2 [Changes after appeal period] does

74 Amendment of s 71 (When demolition, removal and rebuilding must start and be completed)

Section 71(12), note, ‘section 532’—

omit, insert—

section 239 [Building and plumbing and drainage matters]

75 Amendment of s 83 (General restrictions on granting building development approval)

(1) Section 83(1)(a) and example, ‘and SPA compliance permits’—

omit.

(2) Section 83(1)(d)—

omit, insert—

(d) if, under the Planning Act, a referral agency is required to assess the application against a building assessment provision, or part of a

building assessment provision—until both of the following have been complied with—

- (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.

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—

(c) a local planning instrument categorised the development as accepted development; and

77 Amendment of s 85 (Additional requirement for decision notice)

Section 85, from ‘details’ to ‘building work’—

omit, insert—

information about any requirements the building work must comply with to be categorised as accepted development under the Planning Act

78 Amendment of s 86 (Requirements on approval of application)

Section 86(2), note—

omit, insert—

Note—

For public access to these documents, see the Planning Act, chapter 7, part 3 [[Public access to documents](#)].

79 Replacement of s 90 (Relevant period under the Planning Act, s 341 for development approval)

Section 90—

omit, insert—

90 Currency period under the Planning Act, s 83 for development approval

(1) For the Planning Act, the period under the demolition/removal completion condition is

[s 80]

taken to be the currency period under the Planning Act, section 83(1) [Lapsing of approval at end of currency period] for the development approval.

- (2) The period may not be extended under the Planning Act.

80 Amendment of s 91 (Lapsing of building development approval)

Section 91(1), ‘section 341’—

omit, insert—

section 83 [Lapsing of approval at end of currency period]

81 Amendment of s 94 (Application of div 2)

Section 94(2), note, ‘chapter 6, part 5, divisions 5 and 6 and part 8, divisions 2 to 5’—

omit, insert—

chapter 3, part 4, division 3 [Development conditions] and part 6, division 2, subdivision 2 [Changes after appeal period] and division 4 [Lapsing of and extending development approvals]

82 Amendment of s 95 (Reminder notice requirement for lapsing)

- (1) Section 95(1), ‘chapter 6, part 5, divisions 5 and 6’—

omit, insert—

chapter 3, part 4, division 3 [Development conditions] and part 6, division 4 [Lapsing of and extending development approvals]

- (2) Section 95(3)(b)(iv), ‘relevant period under the Planning Act, section 341’—

omit, insert—

currency period under the Planning Act, section 83 [Lapsing of approval at end of currency period]

83 Amendment of s 96 (Extension of lapsing time because of application to extend relevant period under the Planning Act, s 341)

- (1) Section 96, heading, from 'relevant' to '341'—

omit, insert—

currency period under the Planning Act, s 83

- (2) Section 96(1)(b), from 'relevant period' to '341'—

omit, insert—

currency period under the Planning Act, section 83 [Lapsing of approval at end of currency period]

- (3) Section 96(2)(b), 'relevant'—

omit, insert—

currency

84 Amendment of s 97 (Restriction on private certifier (class A) extending relevant period under the Planning Act, s 341 more than once)

- (1) Section 97, heading, from 'relevant' to '341'—

omit, insert—

currency period under the Planning Act, s 83

- (2) Section 97(1), from 'relevant' to '341'—

omit, insert—

currency period under the Planning Act, section 83 [Lapsing of approval at end of currency period]

(3) Section 97(3), ‘chapter 6, part 5, divisions 5 and 6’—

omit, insert—

chapter 3, part 4, division 3 [Development conditions] and part 6, division 4 [Lapsing of and extending development approvals]

85 Amendment of s 99 (Obligation to give owner inspection documentation on final inspection)

Section 99(1), note—

omit, insert—

Note—

For rights of appeal to a development tribunal, see the Planning Act, section 239 [Building and plumbing and drainage matters].

86 Amendment of s 102 (Obligation to give certificate of classification on inspection after particular events)

Section 102(3), note 1—

omit, insert—

1 For rights of appeal to a development tribunal, see the Planning Act, section 239 [Building and plumbing and drainage matters].

87 Amendment of s 107 (Building certifier’s obligation to give referral agency certificate and other documents)

Section 107(2)(b), from ‘within’ to ‘section 336(b)’—

omit, insert—

relevant to the agency’s function as referral agency, other than plans and specifications given to the agency under the Planning Act, section 61(3) [Notice of decision]

88 Amendment of s 122 (Building certifier's obligation to give owner inspection documentation if building development approval lapses)

Section 122, note, 'chapter 6, part 5, divisions 5 and 6'—

omit, insert—

chapter 3, part 6, division 4 [Lapsing of and extending development approvals]

89 Amendment of s 131 (Access to code of conduct)

Section 131, from 'for inspection as'—

omit, insert—

to the public as if the code of conduct were a document that, under the Planning Act, the chief executive must make available to the public.

90 Amendment of s 146 (Agreed fee recoverable despite valid refusal of particular actions)

Section 146(1)(b), 'applicable code under IDAS'—

omit, insert—

assessment benchmark under the Planning Act

91 Amendment of s 204 (Decision after investigation or audit completed)

(1) Section 204(4)(e)(iii), 'self-assessable'—

omit, insert—

accepted

(2) Section 204(4)(e)(iv)—

omit.

(3) Section 204(9)—

omit, insert—

(9) In this section—

accepted development means development categorised under a local planning instrument as accepted development for the Planning Act.

92 Amendment of s 220 (Owner must ensure building conforms with fire safety standard)

Section 220, note, from ‘section 30’ to ‘work’—

omit, insert—

chapters 2 and 4

93 Amendment of s 221 (Approval of longer period for conformity with fire safety standard)

Section 221(5), note—

omit, insert—

Note—

For rights of appeal to a development tribunal, see the Planning Act, section 239 [~~Building and plumbing and drainage matters~~].

94 Amendment of s 223 (Stay of operation of local government decision)

Section 223(a), ‘building and development dispute resolution committee’—

omit, insert—

development tribunal

95 Amendment of s 231AI (RCB assessment reports)

Section 231AI(5), note—

omit, insert—

Note—

For rights of appeal to a development tribunal, see the Planning Act, section 239 [Building and plumbing and drainage matters].

96 Amendment of s 231AL (Approval of later day for obtaining fire safety (RCB) compliance certificate or certificate of classification)

Section 231AL(6), note 2—

omit, insert—

2 For rights of appeal to a development tribunal, see the Planning Act, section 239 [Building and plumbing and drainage matters].

97 Amendment of s 238 (Notice of decision)

Section 238(2), note—

omit, insert—

Note—

For rights of appeal to a development tribunal, see the Planning Act, section 239 [Building and plumbing and drainage matters].

98 Amendment of s 242 (Local government may revoke exemption)

Section 242(4), note—

omit, insert—

Note—

For rights of appeal to a development tribunal, see the Planning Act, section 239 [Building and plumbing and drainage matters].

99 Amendment of s 244 (Keeping copy of exemption)

Section 244(2)(b), ‘chapter 9, part 6,’—

omit.

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

Section 245C(2), note—

omit, insert—

Note—

For rights of appeal to a development tribunal, see the Planning Act, section 239 [Building and plumbing and drainage matters].

101 Amendment of s 245E (Local government may revoke exemption)

Section 245E(4), note—

omit, insert—

Note—

For rights of appeal to a development tribunal, see the Planning Act, section 239 [Building and plumbing and drainage matters].

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

Section 245FA(2)(b), ‘chapter 9, part 6,’—

omit.

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

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

omit, insert—

development tribunal

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

omit, insert—

development tribunal

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

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

omit, insert—

development tribunal

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

omit, insert—

development tribunal

- (3) Section 246AO(2), note—

omit.

105 Amendment of s 246ATB (Private certifier to take enforcement action)

- (1) Section 246ATB(2)(b), ‘chapter 7, part 3, divisions 2 and 3 to an assessing’—

omit, insert—

chapter 5, part 3 [Enforcement notices] to an enforcement

- (2) Section 246ATB(4), ‘section 588(2)’—

omit, insert—

section 165 [Show cause notices]

- (3) Section 246ATB(5), ‘chapter 7, part 3, divisions 2 and 3’—

omit, insert—

chapter 5, part 3 [Enforcement notices]

106 Amendment of ch 9, hdg (Show cause and enforcement notices)

Chapter 9, heading, note, ‘chapter 7, part 3, divisions 2 and 3’—

omit, insert—

chapter 5, part 3 [Enforcement notices]

107 Amendment of s 248 (Enforcement notices)

Section 248(5), ‘section 590’—

omit, insert—

section 166 [Enforcement notices]

108 Amendment of s 250 (Appeals against enforcement notices)

Section 250(1), ‘building and development dispute resolution committee’—

omit, insert—

development tribunal

109 Amendment of s 255 (Information to be given by the State)

Section 255(1), ‘section 232(1), is self-assessable’—

omit, insert—

is accepted

110 Amendment of s 259 (Access to guidelines)

Section 259, ‘chapter 9, part 6,’—

omit.

111 Insertion of new ch 11, pt 19

Chapter 11—

insert—

Part 19 **Transitional provision
for Planning
(Consequential) and
Other Legislation
Amendment Act 2015**

**345 Existing development applications under the
repealed Sustainable Planning Act 2009**

- (1) This section applies to a development application to which the Planning Act, section 310 [Applications generally] applies.
- (2) This Act, as in force before the commencement, continues to apply to the development application as if the *Planning (Consequential) and Other Legislation Amendment Act 2015* had not been enacted.

112 Amendment of sch 2 (Dictionary)

- (1) Schedule 2, definitions *advice agency, building and development dispute resolution committee, building assessment provisions, concurrence agency, IDAS, Planning Act, planning scheme, self-assessable building work, SPA compliance certificate* and *SPA compliance permit*—
omit.
- (2) Schedule 2—
insert—

accepted building work see section 21(3).

accepted development see the Planning Act, section 42(4) [Categories of development].

building assessment provisions see section 30.

development tribunal means a tribunal under the Planning Act.

Planning Act means the *Planning Act 2015*.

planning scheme means a planning scheme under the Planning Act.

- (3) Schedule 2, definition *assessable development*, ‘schedule 3’—
omit, insert—
section 42(3) [Categories of development]
- (4) Schedule 2, definition *decision notice*, ‘section 334’—
omit, insert—
section 61 [Notice of decision]
- (5) Schedule 2, definition *development application*, ‘schedule 3’—
omit, insert—
schedule 1 [Dictionary]
- (6) Schedule 2, definition *development approval*, ‘schedule 3’—
omit, insert—
section 47(1) [What is a development approval]
- (7) Schedule 2, definition *development permit*, ‘section 243’—
omit, insert—
section 47(3) [What is a development approval]
- (8) Schedule 2, definition *enforcement action*, ‘chapter 7, part 3, divisions 2 and 3’—
omit, insert—
chapter 5, part 3 [Enforcement notices]
- (9) Schedule 2, definition *local planning instrument*, ‘schedule 3’—
omit, insert—
section 7(3) [What are planning instruments]

- (10) Schedule 2, definition *negotiated decision notice*, ‘section 363(1)’—

omit, insert—

section 74(3) [Deciding change representations]

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

113 Act amended

This part amends the *Building and Construction Industry (Portable Long Service Leave) Act 1991*.

114 Amendment of s 67 (Notification of building and construction work)

Section 67(2)(a), from ‘or compliance’ to ‘2009’—

omit, insert—

under the Planning Act

115 Amendment of s 73 (Meaning of cost of building and construction work)

Section 73(4), definition *environmental impact statement*, paragraph (c), after ‘the’—

insert—

repealed

116 Amendment of s 74 (Liability for levy)

- (1) Section 74(c), ‘*Sustainable Planning Act 2009*’—

omit, insert—

Planning Act

- (2) Section 74(ca)—

omit.

- (3) Section 74(d), ‘(b), (c) and (ca)’—

omit, insert—

(b) and (c)

117 Amendment of s 75 (When levy is payable)

- (1) Section 75(1)(a)(i), from ‘or compliance’ to ‘2009’—

omit, insert—

under the Planning Act

- (2) Section 75(1)(a)(ii), ‘Sustainable Planning Act 2009’—

omit, insert—

Planning Act

- (3) Section 75(1)(b), ‘, compliance permit’—

omit.

118 Amendment of s 77 (Duty to sight approved form)

- (1) Section 77(1)(a) and (b), ‘Sustainable Planning Act 2009’—

omit, insert—

Planning Act

- (2) Section 77(1A)—

omit.

- (3) Section 77(2), from ‘manager’ to ‘compliance permit’—

omit, insert—

manager or local government (the *relevant authority*) must not give the development permit or approval

- (4) Section 77(5), definition *assessment manager*, paragraph (a), ‘*Sustainable Planning Act 2009*, section 246(1)’—

omit, insert—

Planning Act, section 46 [Who is the assessment manager]

119 Insertion of new pt 11, div 8

Part 11—

insert—

**Division 8 Transitional provision for
Planning (Consequential)
and Other Legislation
Amendment Act 2015**

**125 Existing development applications and
requests for compliance assessment under
the repealed Sustainable Planning Act 2009**

- (1) This section applies to a development application or request for compliance assessment to which the Planning Act, section 310 [Applications generally] applies.
- (2) Sections 74, 75 and 77, as in force before the commencement, continue to apply to the development application or request as if the *Planning (Consequential) and Other Legislation Amendment Act 2015* had not been enacted.

120 Amendment of schedule (Dictionary)

- (1) Schedule, definition *private certifier (class A)*—

omit.

[s 121]

- (2) Schedule—

insert—

Planning Act means the *Planning Act 2015*.

private certifier see the Planning Act, schedule 1 [Dictionary].

private certifier (class A) means a private certifier whose licence under the *Building Act 1975* has development approval endorsement under that Act.

- (3) Schedule, definition *assessment manager*, ‘*Sustainable Planning Act 2009*’—

omit, insert—

Planning Act

Part 11 Amendment of Cape York Peninsula Heritage Act 2007

121 Act amended

This part amends the *Cape York Peninsula Heritage Act 2007*.

122 Insertion of new pt 7

After part 6—

insert—

Part 7 Transitional provision for Planning (Consequential) and Other Legislation Amendment Act 2015

30 Continuing application of pt 4

- (1) Part 4, as in force before the commencement, continues to apply to an existing application as if the existing application were a vegetation clearing application.
- (2) In this section—

existing application means a development application to which the *Planning Act 2015*, section 310 [~~Applications generally~~] applies if the application is for assessable development that is—

 - (a) prescribed under section 232(1) of the repealed Act; and
 - (b) operational work, as defined under the repealed Act, that is the clearing of vegetation.

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

123 Amendment of schedule (Dictionary)

Schedule, definition *vegetation clearing application*—

omit, insert—

vegetation clearing application means a development application under the *Planning Act 2015* for development that is—

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

Planning (Consequential) and Other Legislation Amendment Bill 2015

Part 12 Amendment of Century Zinc Project Act 1997

[s 124]

Part 12 Amendment of Century Zinc Project Act 1997

124 Act amended

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

125 Insertion of new pt 8

After part 7—

insert—

Part 8 **Transitional provision
for Planning
(Consequential) and
Other Legislation
Amendment Act 2015**

23 Continuing application of pt 4

Part 4, as in force before the commencement, continues to apply to a development application to which the *Planning Act 2015*, section 310 [Applications generally] applies, as if the *Planning (Consequential) and Other Legislation Amendment Act 2015* had not been enacted.

126 Amendment of sch 6 (Dictionary)

Schedule 6, definition *development application*, paragraph (a)—
omit, insert—

- (a) the *Planning Act 2015*;

Part 13 **Amendment of City of Brisbane
Act 2010**

127 Act amended

This part amends the *City of Brisbane Act 2010*.

128 Amendment of s 40 (Development processes)

Section 40(2), ‘a process in the Planning Act, chapter 6’—
omit, insert—

the development assessment process under the Planning Act

129 Amendment of s 79 (Assessment of impacts on roads from certain activities)

Section 79(1)(c)(ii)—

omit, insert—

- (ii) development categorised under the council's planning scheme as assessable development for the Planning Act; or

130 Insertion of new ch 8, pt 7

Chapter 8—

insert—

Part 7 Transitional provisions for Planning (Consequential) and Other Legislation Amendment Act 2015

270 Definition for pt 7

In this part—

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

271 Continuing application of s 90

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

272 Continuing application of s 121

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

273 Existing remedial notice

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

274 Inside information for repealed Planning Act

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

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

275 Continuing application of s 228

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

131 Amendment of sch 1 (Dictionary)

(1) Schedule 1, definitions *Planning Act*, *Planning and Environment Court* and *planning scheme*—

omit.

(2) Schedule 1—

insert—

Planning Act means the *Planning Act 2015*.

planning scheme means a planning scheme under the Planning Act.

Part 14 Amendment of Coastal Protection and Management Act 1995

132 Act amended

This part amends the *Coastal Protection and Management Act 1995*.

133 Amendment of s 9 (Meaning of *canal*)

Section 9—

insert—

(4) Also, *canal* 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.

134 Amendment of s 21 (Content of coastal plan)

(1) Section 21(3)—

omit, insert—

(3) The coastal plan may include 1 or both of the following—

(a) a map or series of maps showing coastal resource information;

(b) requirements about coastal resources and land management in the coastal zone.

(2) Section 21(4)—

omit.

135 Amendment of s 25 (Notice about draft coastal plan)

(1) Section 25(4)(a)—

omit.

(2) Section 25(4)(b) and (c)—

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

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

(1) Section 28(3)(a)—

omit.

(2) Section 28(3)(b) and (c)—

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

[s 137]

137 Amendment of s 34 (Implementation of coastal plan)

(1) Section 34(3)(a)—

omit.

(2) Section 34(3)(b) and (c)—

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

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

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

insert—

or obtained

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

Chapter 2, part 5, division 2—

omit.

140 Replacement of ch 2, pt 6, hdg (Development approvals for assessable development)—

Chapter 2, part 6, heading—

omit, insert—

Part 6 Land surrender and artificial waterways

141 Omission of ch 2, pt 6, divs 1 and 2

Chapter 2, part 6, divisions 1 and 2—

omit.

142 Amendment of s 109 (Application of div 3)

Section 109, ‘reconfiguration of’—

omit, insert—

reconfiguring

143 Omission of ch 2, pt 6, div 3, sdiv 2 (Land surrender conditions)

Chapter 2, part 6, division 3, subdivision 2—

omit.

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

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

omit.

(2) Section 115A(2)—

omit.

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

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

omit.

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

Section 116(1), ‘to reconfigure’—

omit, insert—

for reconfiguring

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

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

omit.

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

Chapter 2, part 6, division 5—

omit.

149 Amendment of s 123 (Right to occupy and use land on which particular tidal works were, or are to be, carried out)

(1) Section 123(4), from ‘are’—

omit, insert—

is accepted development under the Planning Act.

(2) Section 123(5)(a), from ‘in accordance’ to ‘code’—

omit.

(3) Section 123(6), definition *IDAS code*—

omit.

150 Insertion of new ch 5, pt 2A

After chapter 5, part 2—

insert—

Part 2A

**Planning and
Environment Court
declarations**

164A Planning and Environment Court may make declarations

- (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.
- (2) The court may make an order about a declaration made under subsection (1).

151 Amendment of s 167 (Regulation-making power)

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

152 Amendment of s 177 (Relationship to particular Planning Act provisions)

- Section 177(2)—
omit, insert—

- (2) The Planning Act, chapter 3, part 6, division 2, subdivision 2 [Changes after appeal period] and divisions 3 [Cancelling development approvals] and 4 [Lapsing of and extending development approvals] apply to a deemed approval.

153 Amendment of s 189 (Particular permits under the Beach Protection Act)

Section 189(2), ‘section 341(1)’—

omit, insert—

section 83(1) [Lapsing of approval at end of currency period]

154 Amendment of s 193 (Responsible entity for request to change deemed approval)

(1) Section 193—

insert—

- (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.

(2) Section 193(7)—

insert—

Planning Act means the *Sustainable Planning Act 2009*.

155 Amendment of s 194 (Continuing application of particular provisions)

Section 194(3)—

insert—

Planning Act means the *Sustainable Planning Act 2009*.

156 Amendment of s 204 (Development applications not decided on commencement that relate to tidal works)

Section 204(3)—

insert—

Planning Act means the *Sustainable Planning Act 2009*.

157 Insertion of new ch 6, pt 8

Chapter 6—

insert—

Part 8 Transitional provisions for Planning (Consequential) and Other Legislation Amendment Act 2015

205 Definitions for pt 8

In this part—

amending Act means the *Planning (Consequential) 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.

206 Responsible entity for change application for deemed approval

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

- (2) The chief executive must decide who will be the responsible entity for the change application.
- (3) For the Planning Act, a copy of the change application must also be given to an entity that would have been a referral agency for a development application for the deemed approval.
- (4) Subsection (2) applies despite the Planning Act, section 76(3) [Making change application], but subject to subsection (5).
- (5) The local government may elect not to be the responsible entity for the change application.
- (6) If the local government decides not to be the responsible entity for the change application, the local government is not required to be given a copy of the change application under the Planning Act.
- (7) In this section—
 - change application* see the Planning Act, section 76(1) [Making change application].
 - responsible entity*, for a change application, means the responsible entity under the Planning Act, section 76(3) [Making change application] for the change application.

207 Existing development applications under the repealed Sustainable Planning Act 2009

- (1) This section applies to a development application to which the Planning Act, section 310 [Applications generally] applies.
- (2) The following provisions continue to apply to the development application as if the amending Act had not been enacted—
 - (a) former section 100A;

-
- (b) if the chief executive is, under the repealed *Sustainable Planning Act 2009*, the assessment manager or a concurrence agency for the development application—former chapter 2, part 6.

208 Land surrender conditions

- (1) This section applies to a development approval if the approval includes a land surrender condition under former section 110.
- (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.

158 Amendment of schedule (Dictionary)

- (1) Schedule, definitions *applicable code*, *assessment manager*, *concurrence agency*, *land surrender condition*, *Planning Act*, *Planning Minister* and *planning scheme*—
omit.
- (2) Schedule—
insert—
- Planning Act*** means the *Planning Act 2015*.
- planning scheme*** means a planning scheme under the *Planning Act*.
- (3) Schedule, definition *assessable development*, ‘schedule 3’—
omit, insert—
- section 42(3) [Categories of development]
- (4) Schedule, definition *currency period*, ‘section 341’—
omit, insert—

- section 83(1) [Lapsing of approval at end of currency period]
- (5) Schedule, definition *development*, ‘section 7’—
omit, insert—
 schedule 1 [Dictionary]
- (6) Schedule, definition *development approval*, ‘schedule 3’—
omit, insert—
 section 47(1) [What is a development approval]
- (7) Schedule, definition *development permit*, ‘schedule 3’—
omit, insert—
 section 47(3) [What is a development approval]
- (8) Schedule, definition *operational work*, ‘section 10(1)’—
omit, insert—
 schedule 1 [Dictionary]
- (9) Schedule, definition *preliminary approval*, ‘schedule 3’—
omit, insert—
 section 47(2) [What is a development approval]
- (10) Schedule, definition *referral agency*, ‘schedule 3’—
omit, insert—
 section 52 [Copy of application to referral agency]

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

159 Act amended

This part amends the *Criminal Organisation Act 2009*.

160 Amendment of s 40 (Relationship with Planning Act and development approvals)

Section 40(2)—

omit, insert—

- (2) If, but for this subsection, the development would be either of the following under the Planning Act, the development is taken to be accepted development under that Act—
- (a) assessable development;
 - (b) prohibited development.

161 Amendment of sch 2 (Dictionary)

Schedule 2, definition *Planning Act*—

omit, insert—

Planning Act means the *Planning Act 2015*.

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

162 Act amended

This part amends the *Disaster Management Act 2003*.

163 Amendment of s 20B (Chairperson may give notice about deemed approvals under Sustainable Planning Act)

- (1) Section 20B, heading, ‘Sustainable’—

omit.

- (2) Section 20B(1)(b) and (6)(b) and (c), ‘Sustainable’—

omit.

- (3) Section 20B(2), ‘provisions do’—

omit, insert—

provision does

- (4) Section 20B(6)(a), ‘provisions are’—

omit, insert—

provision is

- (5) Section 20B(7)—

omit, insert—

- (7) In this section—

deemed approval provision means the Planning Act, section 62 [Deemed approval of applications].

development application see the Planning Act, schedule 1 [Dictionary].

Planning Act means the *Planning Act 2015*.

relevant local government, 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.

164 Insertion of new pt 14, div 3, sdiv 3

- Part 14, division 3—

insert—

**Subdivision 3 Transitional provision for
Planning (Consequential)
and Other Legislation
Amendment Act 2015**

**181 Notices about deemed approvals for existing
development applications under the repealed
Sustainable Planning Act 2009**

- (1) This section applies to a development application (an *existing development application*) to which the *Planning Act 2015*, section 310 [Applications generally] applies.
- (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.
- (3) If, before the commencement, a notice (an *existing notice*) 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.
- (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.
- (5) In this section—
amending Act means the *Planning (Consequential) and Other Legislation Amendment Act 2015*.
unamended Act means this Act as in force before the commencement.

Part 17 Amendment of Economic Development Act 2012

165 Act amended

This part amends the *Economic Development Act 2012*.

166 Amendment of s 34 (Declaration)

Section 34(2)(b)(iii), ‘Sustainable’ —
omit.

167 Amendment of s 37 (Declaration)

Section 37(2)(b)(iii), ‘Sustainable’ —
omit.

168 Amendment of s 41 (Cessation of provisional priority development area)

(1) Section 41(3), ‘Sustainable’ —
omit.

(2) Section 41(4), ‘Sustainable Planning Act, section 117 does’ —
omit, insert—

Planning Act, sections 17 [Making or amending
planning schemes] to 20 [Making or amending
TLPI’s] do

169 Amendment of s 42K (Effect of planning instrument change)

(1) Section 42K(1), ‘Sustainable’ —
omit.

- (2) Section 42K(2), ‘Sustainable Planning Act, section 117 does’—

omit, insert—

Planning Act, sections 17 [Making or amending planning schemes] to 20 [Making or amending TLPI’s] do

170 Amendment of ch 3, pt 2, div 4, hdg (Relationship with Sustainable Planning Act)

Chapter 3, part 2, division 4, heading, ‘Sustainable’—

omit.

171 Amendment of s 44 (Existing SPA development applications)

- (1) Section 44, heading, ‘SPA development applications’—

omit, insert—

development applications under the Planning Act

- (2) Section 44(1)(a)—

omit, insert—

(a) a development application under the Planning Act had been made for land in the area; and

- (3) Section 44(2), ‘Sustainable’—

omit.

172 Amendment of s 45 (Existing SPA development approvals)

- (1) Section 45, heading, ‘SPA development approvals’—

omit, insert—

development approvals under the Planning Act

- (2) Section 45, ‘an SPA development approval’—
omit, insert—
 a development approval under the Planning Act

173 Replacement of s 47 (Community infrastructure designations)

Section 47—

omit, insert—

47 Designations of premises for development of infrastructure under the Planning Act

- (1) A designation under the Planning Act, chapter 2, part 5 [Designation of premises for development of infrastructure] may be made for premises in a priority development area.
- (2) The Planning Act, chapter 2, part 5 [Designation of premises for development of infrastructure] applies for making the designation.
- (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.

174 Amendment of s 48 (Conversion of PDA development approval to SPA development approval)

- (1) Section 48, heading, ‘SPA development approval’—

omit, insert—

development approval under the Planning Act

- (2) Section 48(2), ‘an SPA development approval’—

omit, insert—

a development approval under the Planning Act

175 Amendment of s 49 (Outstanding PDA development applications)

Section 49(3), ‘an SPA development approval’—

omit, insert—

a development approval under the Planning Act

176 Amendment of s 50 (Provisions for converted SPA development approval)

(1) Section 50, heading, ‘SPA development approval’—

omit, insert—

development approval under the Planning Act

(2) Section 50(1), ‘an SPA development approval’—

omit, insert—

a development approval under the Planning Act

(3) Section 50(2), ‘SPA development approval’—

omit, insert—

development approval under the Planning Act

(4) Section 50(3)—

omit, insert—

(3) Despite the Planning Act, section 228 [Appeals to tribunal or P&E Court], 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.

(5) Section 50(5)—

omit, insert—

(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—

- (a) the relevant land had never been in a priority development area; and
- (b) a development application under the Planning Act had been made for the relevant development when the PDA development application for the PDA development approval was made.

(6) Section 50(6)—

omit, insert—

- (6) A person other than the enforcement authority under subsection (5) can not bring a proceeding under the *Planning and Environment Court Act 2015*, section 11 [General declaratory jurisdiction] in relation to the development approval under the Planning Act or the conditions.

177 Amendment of s 51 (Lawful uses in priority development area)

Section 51, ‘Sustainable’—

omit.

178 Amendment of s 57 (Content of development scheme)

Section 57(5)(b)—

omit, insert—

- (b) an assessment benchmark prescribed by regulation under the Planning Act;
- (c) an assessment benchmark made under another Act for the Planning Act.

179 Amendment of s 71 (Development scheme prevails over particular instruments)

Section 71(b)—

omit, insert—

- (b) an assessment benchmark prescribed by regulation under the Planning Act;
- (c) an assessment benchmark made under another Act for the Planning Act.

180 Amendment of s 77 (Exemption for particular SPA development approvals and community infrastructure designations)

(1) Section 77, heading, from ‘SPA’—

omit, insert—

development approvals and designations under the Planning Act

(2) Section 77(1)(a), ‘an SPA development approval’—

omit, insert—

a development approval under the Planning Act

(3) Section 77(1)(b)—

omit, insert—

- (b) a designation under the Planning Act, chapter 2, part 5 [Designation of premises for development of infrastructure] for premises in a priority development area.

(4) Section 77(2), ‘community infrastructure’—

omit.

[s 181]

181 Amendment of s 80 (Amendment of relevant development instrument does not affect existing SPA or PDA development approval)

(1) Section 80, heading, ‘SPA’—

omit, insert—

development approval under the Planning Act

(2) Section 80(1)(a), ‘an SPA development approval’—

omit, insert—

a development approval under the Planning Act

182 Amendment of s 81 (Development or use carried out in emergency)

(1) Section 81(1)(a)(iii), ‘community’—

omit.

(2) Section 81—

insert—

(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.

Example of an action not done because of an emergency—

the carrying out, in winter, of a use or building or operational work in anticipation of the next cyclone season

183 Amendment of s 82 (How to make application)

Section 82(1)(b)—

omit, insert—

-
- (b) contain, or be accompanied by, the consent of the owner of the relevant land, other than to the extent—
 - (i) the State is the owner of the land; or
 - (ii) the application is for operational work; and

184 Amendment of s 86 (Restrictions on granting approval)

Section 86(1)(a), ‘an SPA preliminary approval’—

omit, insert—

a preliminary approval under the Planning Act

185 Amendment of s 87 (Matters to be considered in making decision)

Section 87(1)(f), ‘SPA preliminary approval’—

omit, insert—

preliminary approval under the Planning Act

186 Amendment of s 90 (Right of appeal against particular conditions)

(1) Section 90(4)—

omit, insert—

- (4) The *Planning and Environment Court Act 2015*, part 5 [Planning Act proceedings] applies to the appeal, with necessary changes, as if—
 - (a) the appeal were a Planning Act appeal under that Act; and
 - (b) the entity were the only other party to the appeal.

[s 187]

- (2) Section 90(5)(a), ‘Sustainable Planning Act, chapter 7, part 1, division 11’—

omit, insert—

Planning Act

187 Amendment of s 97 (Provision for enforcement of PDA development conditions)

Section 97(1)—

omit, insert—

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

188 Amendment of s 100 (When approval lapses generally)

- (1) Section 100(4)(a), ‘4 years’—

omit, insert—

6 years

- (2) Section 100(5)(a), (b) and (c)—

omit, insert—

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

189 Replacement of s 104 (Plans of subdivision)

Section 104—

omit, insert—

104 Plans of subdivision

- (1) This section applies to a plan of subdivision if, under another Act, the plan requires MEDQ’s approval, in whatever form, before the plan can be registered or otherwise recorded under that Act.

- (2) In deciding whether to approve the plan of subdivision, MEDQ must comply with the process prescribed by regulation for approving plans of subdivision.
- (3) In this section—
 - plan of subdivision*—
 - (a) means a plan or agreement, however called, for reconfiguring a lot; and
 - (b) does not include a plan for reconfiguring a lot if the reconfiguration relates to—
 - (i) the acquisition, including by agreement, under the *Acquisition of Land Act 1967*, of land by a constructing authority, as defined under that Act, or an authorised electricity entity, for a purpose for which land may be taken under that Act; or
 - (ii) the acquisition by agreement, other than under the *Acquisition of Land Act 1967*, of land by a constructing authority, as defined under that Act, or an authorised electricity entity, for a purpose for which land may be taken under that Act; or
 - (iii) land held by the State, or a statutory body representing the State, that is being reconfigured for a purpose for which land may be taken under the *Acquisition of Land Act 1967*, whether or not the land relates to an acquisition; or
 - (iv) the acquisition of land for a water infrastructure facility; or

- (v) a lot that consists of strategic port land under the *Transport Infrastructure Act 1994*.

190 Amendment of s 109 (Powers about enforcement orders)

- (1) Section 109(4), note, ‘Sustainable Planning Act, section 457’—

omit, insert—

Planning and Environment Court Act 2015, part 6
[Costs]

- (2) Section 109(5), definition *environment*—

omit, insert—

environment see the *Environmental Protection Act 1994*, section 8.

191 Amendment of s 110 (Offence to contravene enforcement order)

Section 110, note, paragraph (b)—

omit, insert—

- (b) the *Planning and Environment Court Act 2015*, section 36
[Contempt and contravention of orders].

192 Amendment of s 123 (Application of local government entry powers for MEDQ’s functions or powers)

Section 123(6), definition *lot*, ‘Sustainable Planning Act, section 10’—

omit, insert—

Planning Act, schedule 1 [Dictionary]

193 Amendment of s 127 (Direction to government entity or local government to accept transfer)

Section 127(5), ‘Sustainable Planning Act, section 678’—

omit, insert—

Planning Act, section 157 [Particular local government land held on trust]

194 Amendment of s 177 (Definitions for ch 6)

Section 177—

insert—

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

Sustainable Planning Act means the *Sustainable Planning Act 2009*.

195 Amendment of s 195 (Relationship with Sustainable Planning Act)

Section 195—

insert—

(8) In this section—

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.

196 Insertion of new ch 7

After section 216—

insert—

Chapter 7 Transitional provisions for Planning (Consequential) and Other Legislation Amendment Act 2015

217 Definitions for ch 7

In this chapter—

amending Act means the *Planning (Consequential) 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 310 [Applications generally] 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.

197 Amendment of sch 1 (Dictionary)

- (1) Schedule 1, definitions *commencement*, *community infrastructure designation*, *material change of use*, *Planning and Environment Court*, *planning scheme*, *reconfiguring a lot*, *SPA development application*, *SPA development approval*, *SPA preliminary approval* and *Sustainable Planning Act*—
omit.
- (2) Schedule 1—
insert—

 - material change of use*, of premises, see the Planning Act, schedule 1 [Dictionary].
 - Planning Act* means the *Planning Act 2015*.
 - planning scheme* means a planning scheme under the Planning Act.
 - reconfiguring a lot* see the Planning Act, schedule 1 [Dictionary].
- (3) Schedule 1, definition *building work*, from ‘Sustainable’—
omit, insert—

 - Planning Act.
- (4) Schedule 1, definition *infrastructure agreement*, ‘Sustainable Planning Act, schedule 3’—

omit, insert—

Planning Act, section 148 [Infrastructure agreement]

- (5) Schedule 1, definition *lawful use*, paragraph (b), ‘or the Sustainable Planning Act’—

omit, insert—

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

- (6) Schedule 1, definition *operational work*, ‘Sustainable Planning Act, section 10’—

omit, insert—

Planning Act, schedule 1 [Dictionary]

- (7) Schedule 1, definition *planning instrument*, ‘Sustainable’—

omit.

- (8) Schedule 1, definition *relevant development*, ‘or an SPA development approval’—

omit, insert—

, development approval under the Planning Act

- (9) Schedule 1, definition *relevant land*, paragraph (b), ‘an SPA development approval’—

omit, insert—

a development approval under the Planning Act

Part 19 Amendment of Environmental Offsets Act 2014

200 Act amended

This part amends the *Environmental Offsets Act 2014*.

201 Amendment of s 5 (Relationship with particular Acts)

- (1) Section 5(2)(a), ‘*Sustainable Planning Act 2009*’—
omit, insert—

Planning Act

- (2) Section 5(3), note, fourth dot point—
omit.

202 Amendment of s 13B (What this part is about)

Section 13B(2)(b), ‘section 325(1)’—
omit, insert—

section 60 [Complying with referral agency responses]

203 Amendment of s 16 (Conditions that apply under this Act to authority)

Section 16(5), ‘*Sustainable Planning Act 2009*, section 347(1)(b) and (c)’—

omit, insert—

Planning Act, section 64(1)(a) and (c)
[Prohibited development conditions]

204 Amendment of sch 2 (Dictionary)

- (1) Schedule 2, definition *Planning Act*—

omit.

- (2) Schedule 2—

insert—

assessment manager see the Planning Act, section 46 [Who is the assessment manager].

Planning Act means the *Planning Act 2015*.

referral agency see the Planning Act, section 52 [Copy of application to referral agency].

- (3) Schedule 2, definition *administering agency*, paragraph (a)(i)—

omit, insert—

- (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

- (4) Schedule 2, definition *administering agency*, paragraph (a)(ii), ‘concurrency’—

omit, insert—

referral

Part 20 Amendment of Environmental Protection Act 1994

205 Act amended

This part amends the *Environmental Protection Act 1994*.

206 Amendment of s 115 (Development application taken to be application for environmental authority in particular circumstances)

Section 115(1)(b)(ii)—

omit, insert—

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

207 Amendment of s 166 (When does decision stage start—application relating to development applications)

- (1) Section 166(2)(a), ‘decision stage’—

omit, insert—

decision-making period

- (2) Section 166(2)(b)—

omit, insert—

- (b) if the administering authority or the planning chief executive is a referral agency for the development application under the Planning Act—the day the referral agency’s period for assessing the development application starts under the Planning Act.

208 Amendment of s 169 (When decision must be made—particular applications)

Section 169(3), from ‘concurrence’ to ‘period for’—

omit, insert—

referral agency for the development application under the Planning Act, a decision under subdivision 2 must be made within the referral agency’s period for assessing

209 Amendment of s 173 (When particular applications must be refused)

(1) Section 173(2)(b)—

omit, insert—

- (b) the administering authority or planning chief executive is a referral agency or assessment manager for the development application; and
- (c) the administering authority or planning chief executive—
 - (i) refuses the development application or directs it be refused; or
 - (ii) grants a preliminary approval only or directs that only a preliminary approval be given.

(2) Section 173—

insert—

(5) In this section—

preliminary approval means a preliminary approval under the Planning Act.

210 Amendment of s 195 (Issuing environmental authority)

Section 195(c)(ii)—

omit, insert—

- (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
- (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

- (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

211 Amendment of s 332 (Administering authority may require draft program)

Section 332(1), from ‘program’ to ‘development approval’—

omit, insert—

program as a condition of an environmental authority

212 Amendment of s 338 (Criteria for deciding draft program)

Section 338(3)—

omit.

213 Amendment of s 370 (Definitions for pt 8)

Section 370, definition *compliance permit*—

omit.

214 Omission of s 382 (Compliance permit)

Section 382—

omit.

215 Amendment of s 388 (Application of s div 2)

Section 388(1)(a) and (b)—

omit, insert—

- (a) a site investigation report for relevant land is required to be prepared under an investigation notice for the land; or
- (b) a validation report for relevant land is required to be prepared under a clean-up notice for the land; or

216 Amendment of s 580 (Regulation-making power)

Section 580(4)—

omit, insert—

- (4) Also, a regulation may prescribe the following for the Planning Act—
 - (a) the assessment benchmarks under that Act that a development application for a prescribed ERA must be assessed against; and
 - (b) the matters a referral agency must assess a development application for a prescribed ERA against, or having regard to.

217 Amendment of s 616ZB (End of environmental authority)

Section 616ZB(b), ‘section 10(1)’—

omit, insert—

schedule 1 [\[Dictionary\]](#)

218 Amendment of s 624 (Effect of commencement on particular approvals)

Section 624(2)(b)(ii), ‘section 10(1)’—

omit, insert—

schedule 1 [\[Dictionary\]](#)

219 Insertion of new ch 13, pt 24

Chapter 13—

insert—

**Part 24 Transitional provisions
for Planning
(Consequential) and
Other Legislation
Amendment Act 2015**

740 Definitions for pt 24

In this part—

amending Act means the *Planning (Consequential) 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.

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

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

741 Existing development applications under the repealed Planning Act

- (1) This section applies to a development application to which the Planning Act, section 310 [Applications generally] applies if the application is taken, under former section 115, to be an application for an environmental authority.
- (2) The unamended Act continues to apply to the application for the environmental authority as if the amending Act had not been enacted.

742 Requests for compliance assessment under the repealed Planning Act

- (1) This section applies to a request for compliance assessment to which the Planning Act, section 310 [Applications generally] applies.
- (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.

743 Transitional environmental programs

- (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).
- (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.

220 Amendment of sch 1 (Exclusions relating to environmental nuisance or environmental harm)

Schedule 1, section 3(f), ‘*Sustainable Planning Act 2009*’—
omit, insert—

Planning Act

221 Amendment of sch 2 (Original decisions)

Schedule 2, part 2, division 4, entries for sections 382(2)—
omit.

222 Amendment of sch 4 (Dictionary)

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

(2) Schedule 4—
insert—

Planning Act means the *Planning Act 2015*.

referral agency see the *Planning Act*, section 52
[Copy of application to referral agency].

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

section 46 [Who is the assessment manager]

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

schedule 1 [Dictionary]

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

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

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

(b) the planning chief executive as assessment manager or referral agency for the application for the approval, if the administering authority is nominated as the enforcement

authority under the Planning Act for the condition.

Part 21 Amendment of Exhibited Animals Act 2015

223 Act amended

This part amends the *Exhibited Animals Act 2015*.

224 Section 58 (General criteria for decision)

Section 58(3)—

omit, insert—

(3) In this section—

assessable development see the *Planning Act 2015*, section 42(3) [Categories of development].

development approval see the *Planning Act 2015*, section 47(1) [What is a development approval].

Part 22 Amendment of Fire and Emergency Services Act 1990

225 Act amended

This part amends the *Fire and Emergency Services Act 1990*.

226 Amendment of s 113 (Appeal against local government's determination)

Section 113(5)(c), '*Sustainable Planning Act 2009*'—

omit, insert—

Planning Act 2015

227 Amendment of s 152C (Inspection of records of local governments and building certifiers)

Section 152C(2)(b)(ii), '*Integrated Planning Act 1997* or the *Sustainable Planning Act 2009*'—

omit, insert—

repealed *Integrated Planning Act 1997*,
the repealed *Sustainable Planning Act 2009* or the *Planning Act 2015*

Part 23 Amendment of Fisheries Act 1994

228 Act amended

This part amends the *Fisheries Act 1994*.

229 Omission of s 22 (Integrated development assessment system regulations and guidelines)

Section 22—

omit.

230 Amendment of s 52 (Things authorised by authorities)

Section 52(4)(b), note—

[s 231]

omit, insert—

Note—

See also section 76T and the Planning Act, section 161
[Carrying out assessable development without permit].

231 Amendment of s 76A (Application of sdiv 1)

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

omit, insert—

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

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

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

omit, insert—

the Planning Act, section 71 [Attachment to the premises]

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

Part 5, division 3A, subdivision 2—

omit.

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

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

omit, insert—

Subdivision 3 Fish movement exemption notices

235 Omission of s 76G (When chief executive may approve applications relating to waterway barrier works)

Section 76G—

omit.

236 Replacement of pt 5, div 3A, sdiv 4, hdg (Conditions on fisheries development approvals generally)

Part 5, division 3A, subdivision 4, heading—

omit, insert—

Subdivision 4 Environmental offset conditions on fisheries development approvals

237 Amendment of s 76H (Relationship between sdiv 4 and Planning Act)

Section 76H, ‘chapter 6, part 5, division 6 of the Planning Act’—

omit, insert—

the Planning Act, chapter 3, part 4, division 3 [Development conditions]

238 Omission of s 76I (Conditions on fisheries development approvals generally)

Section 76I—

omit.

239 Amendment of s 76IA (Environmental offset conditions)

Section 76IA(1), ‘sections 346 and 346A’—

omit, insert—

section 63 [Permitted development conditions]

240 Omission of ss 76J, 76K and 76L

Sections 76J, 76K and 76L—

omit.

241 Omission of pt 5, div 3A, sdiv 5 (Amending conditions on fisheries development approvals)

Part 5, division 3A, subdivision 5—

omit.

242 Amendment of s 76S (Purpose of sdiv 6)

Section 76S, note—

omit, insert—

Note—

The Planning Act, section 223(1) [Application of other Acts] provides that provisions of another Act about, or for the prosecution of, offences against the Planning Act prevail over the Planning Act, chapter 5 [Offences and enforcement] to the extent of any inconsistency.

243 Amendment of s 76T (Penalties for carrying out assessable development without permit)

(1) Section 76T(2), from ‘section 578(1)’ to ‘development permit’—

omit, insert—

section 161(1) [Carrying out assessable development without permit], the maximum penalty for an offence mentioned in that section

-
- (2) Section 76T(2)(a), (b) and (c), from ‘assessable’ to ‘section 232(1)’—

omit, insert—

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

244 Amendment of s 76U (Penalties for noncompliance with particular development approvals)

Section 76U(2), ‘section 580(1)’—

omit, insert—

section 162 [Compliance with development approval]

245 Amendment of s 76V (Additional requirement for development carried out in emergency)

- (1) Section 76V(1), ‘section 584’—

omit, insert—

section 164 [Exemptions if emergency causing safety concern]

- (2) Section 76V(2)—

omit, insert—

- (2) For the Planning Act, section 164(6)(a)(ii) [Exemptions if emergency causing safety concern], the person must also give notice of the activity to the chief executive.

246 Amendment of s 88B (Carrying out particular development without resource allocation authority)

- (1) Section 88B(1)(a), from ‘assessable’ to ‘section 232(1)’—

omit, insert—

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

- (2) Section 88B(1)(b), from ‘self-assessable’ to ‘section 232(1)’—

omit, insert—

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

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

omit.

247 Amendment of s 145 (Entry to places)

- (1) Section 145(1)(c), ‘, or a self-assessable development code,’—

omit, insert—

or an accepted development requirement

- (2) Section 145(1)(c)(ii), ‘code,’—

omit, insert—

accepted development requirement

- (3) Section 145(4)—

omit, insert—

- (4) In this section—

accepted development requirement means a requirement for accepted development prescribed by regulation under section 223(2)(aa).

248 Amendment of s 185 (Who may apply for review)

- (1) Section 185(2)(b)—

omit.

- (2) Section 185(2)(c) to (g)—
renumber as section 185(2)(b) to (f).

249 Amendment of s 223 (Regulation-making power)

Section 223(2)(a)—

omit, insert—

- (a) prescribe the fees payable under this Act; or
- (aa) state, for the Planning Act, the requirements that fisheries development must comply with to be categorised as accepted development under that Act; or
- (ab) state, for the Planning Act, the types of development applications for building work that do not require referral to a referral agency under that Act; or

250 Amendment of s 242 (Continuing effect of existing approvals for waterway barrier works)

Section 242(2)(c), note—

omit.

251 Amendment of s 244 (Applications in progress for particular relevant authorities)

Section 244—

insert—

- (4) In this section—
Planning Act means the *Sustainable Planning Act 2009*.

252 Insertion of new pt 12, div 10

Part 12—

insert—

**Division 10 Transitional provisions for
Planning (Consequential)
and Other Legislation
Amendment Act 2015**

262 Definitions for div 10

In this division—

amending Act means the *Planning (Consequential) 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.

263 Existing development applications under the repealed Sustainable Planning Act 2009

- (1) This section applies to a development application to which the Planning Act, section 310 [Applications generally] applies if the chief executive is the assessment manager or a concurrence agency under the repealed *Sustainable Planning Act 2009* for the application.
- (2) Former sections 76D and 76G and former part 5, division 3A, subdivision 4 continue to apply to the development application as if the amending Act had not been enacted.
- (3) A decision of the chief executive about the development application is not reviewable under section 185(1).

264 Existing appeals under former s 76Q

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

265 Right to appeal under former s 76Q

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

253 Amendment of schedule (Dictionary)

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

accepted development see the Planning Act, section 42(4) [Categories of development].

currency period, for a development approval, see the Planning Act, section 83(1) [Lapsing of approval at end of currency period].

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

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

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

Planning Act means the *Planning Act 2015*.

- (3) Schedule, definition *assessable development*, ‘schedule 3’—
omit, insert—
section 42(3) [Categories of development]
- (4) Schedule, definition *assessment manager*, ‘section 246(1)’—
omit, insert—
section 46 [Who is the assessment manager]
- (5) Schedule, definition *building work*, ‘section 10(1)’—
omit, insert—
schedule 1 [Dictionary]
- (6) Schedule, definition *development application*, ‘schedule 3’—
omit, insert—
schedule 1 [Dictionary]
- (7) Schedule, definition *development approval*, ‘schedule 3’—

omit, insert—

section 47(1) [What is a development approval]

- (8) Schedule, definition *development permit*, ‘section 243’—

omit, insert—

section 47(3) [What is a development approval]

- (9) Schedule, definition *fisheries development*, ‘self-assessable’—

omit, insert—

accepted

- (10) Schedule, definitions *material change of use* and *operational work*, ‘section 10(1)’—

omit, insert—

schedule 1 [Dictionary]

Part 24 Amendment of Geothermal Energy Act 2010

254 Act amended

This part amends the *Geothermal Energy Act 2010*.

255 Amendment of s 327 (Restriction on carrying out geothermal activities)

Section 327, note 1, ‘*Sustainable Planning Act 2009*’—

omit, insert—

Planning Act 2015

**Part 25 Amendment of Gold Coast
Waterways Authority Act 2012**

256 Act amended

This part amends the *Gold Coast Waterways Authority Act 2012*.

257 Amendment of s 4 (Relationship with other Acts)

Section 4(2)(c), ‘*Sustainable Planning Act 2009*’—
omit, insert—

Planning Act 2015

**Part 26 Amendment of Inala Shopping
Centre Freeholding Act 2006**

258 Act amended

This part amends the *Inala Shopping Centre Freeholding Act 2006*.

259 Replacement of s 27 (Exempt development)

Section 27—
omit, insert—

27 Accepted development

- (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.

(2) The development is taken to be accepted development for the Planning Act.

(3) In this section—

development see the Planning Act, schedule 1 [Dictionary].

Planning Act means the *Planning Act 2015*.

Part 27 **Amendment of Integrated Resort Development Act 1987**

260 Act amended

This part amends the *Integrated Resort Development Act 1987*.

261 Amendment of s 15 (Approved scheme regulates development etc. of site)

Section 15(4), ‘Integrated’—

omit.

262 Amendment of s 20 (Effect of revocation)

Section 20(1)(b), from ‘Integrated’ to ‘again’—

omit, insert—

Planning Act prescribed for section 90

263 Amendment of s 72 (Boundary adjustment plan)

Section 72(5)—

omit.

264 Amendment of s 90 (Construction of canals)

Section 90(3), ‘Integrated’—
omit.

265 Amendment of s 96 (Surrender of canal to the State)

Section 96(7), ‘Integrated’—
omit.

266 Amendment of sch 7 (Dictionary)

(1) Schedule 7, definition *Integrated Planning Act*—
omit.

(2) Schedule 7—
insert—

Planning Act means the *Planning Act 2015*.

Part 28 Amendment of Integrity Act 2009

267 Act amended

This part amends the *Integrity Act 2009*.

268 Amendment of s 42 (Meaning of *lobbying activity* and *contact*)

Section 42(1)(a)(v), ‘*Sustainable Planning Act 2009*’—
omit, insert—

Planning Act 2015

Part 29 Amendment of Land Act 1994

269 Act amended

This part amends the *Land Act 1994*.

270 Amendment of s 55D (Registration surrenders deed of grant in trust)

Section 55D(4), ‘*Sustainable Planning Act 2009*’—
omit, insert—

Planning Act

271 Amendment of s 109A (Simultaneous opening and closing of roads—deed of grant)

Section 109A(4), ‘*Sustainable Planning Act 2009*’—
omit, insert—

Planning Act

272 Amendment of s 109B (Simultaneous opening and closure of roads—trust land or lease land)

Section 109B(5), ‘*Sustainable Planning Act 2009*’—
omit, insert—

Planning Act

273 Amendment of s 294B (Building management statement may be registered)

Section 294B(7), definition *building development approval*, from ‘or compliance’ to ‘2009,’—

omit, insert—

under the Planning Act

274 Amendment of s 373A (Covenant by registration)

(1) Section 373A(1), ‘Non-freehold’—

omit, insert—

Subject to this section, non-freehold

(2) Section 373A(7)—

omit, insert—

(7) Also, the covenant must not—

(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

Note—

See also the Planning Act, section 104 [Valid use or preservation covenants].

(b) be inconsistent with a planning scheme under the Planning Act that—

(i) applies to the land subject to the covenant; and

(ii) is in effect when the document creating the covenant is registered; or

(c) provide for anything capable of being the subject of a document creating an easement.

(3) Section 373A—

insert—

(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.

275 Amendment of s 373AB (Compliance with s 373A)

Section 373AB—

insert—

- (4) However, the chief executive is not obliged to consider whether a document creating or purporting to create a covenant is consistent with section 373A(7)(b).

276 Amendment of s 431N (Ability to prosecute under other Acts)

Section 431N(a), ‘*Sustainable Planning Act 2009*’—

omit, insert—

Planning Act

277 Amendment of sch 6 (Dictionary)

Schedule 6—

insert—

Planning Act means the *Planning Act 2015*.

Part 30 Amendment of Land Sales Act 1984

278 Act amended

This part amends the *Land Sales Act 1984*.

279 Amendment of s 12 (Requirements for disclosure statement)

Section 12(3), definition *development approval*, paragraph (a), ‘compliance permit or development permit’—

omit, insert—

development approval

280 Amendment of sch 1 (Dictionary)

(1) Schedule 1, definition *Planning Act*—
omit.

(2) Schedule 1—
insert—

Planning Act means the *Planning Act 2015*.

(3) Schedule 1, definition *operational work*, ‘section 10(1)’—
omit, insert—

schedule 1 [Dictionary]

(4) Schedule 1, definition *reconfiguring a lot*, ‘section 10(1)’—
omit, insert—

schedule 1 [Dictionary]

Part 31 Amendment of Land Tax Act 2010

281 Act amended

This part amends the *Land Tax Act 2010*.

282 Amendment of s 55 (Port authority land)

Section 55(3)(a) and (b), ‘*Sustainable Planning Act 2009*’—
omit, insert—

Planning Act 2015

Part 32 Amendment of Land Title Act 1994

283 Act amended

This part amends the *Land Title Act 1994*.

284 Amendment of s 50 (Requirements for registration of plan of subdivision)

(1) Section 50(3)(a) and (b)—

omit, insert—

- (a) for a plan that would have required approval by MEDQ—the plan is not a plan of subdivision as defined under the *Economic Development Act 2012*, section 104(3); or
- (b) for a plan that would have required approval by the relevant local government—the plan is not a plan for which an approval process is prescribed under the Planning Act, section 306(2)(b) [Regulation-making power].

(2) Section 50(5)—

omit, insert—

- (5) If the approval of a plan of subdivision for subsection (1)(h) or (i) is given under the *Economic Development Act 2012*, section 104 or the Planning Act, the plan of subdivision must be lodged for registration within 6 months after the approval is given.

285 Amendment of s 54A (Building management statement may be registered)

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

omit, insert—

under the Planning Act

286 Amendment of s 65 (Requirements of instrument of lease)

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

omit, insert—

reconfiguring a lot within the meaning of the Planning Act

287 Amendment of s 83 (Registration of easement)

(1) Section 83(2), ‘*Sustainable Planning Act 2009*’—

omit, insert—

Planning Act

(2) Section 83(3) and (4)—

omit, insert—

(3) However, subsection (2)(a) applies to a plan of survey only if the plan is a plan of subdivision as defined under the *Economic Development Act 2012*, section 104(3).

(4) Also, subsection (2)(b) applies to a plan of survey only if the plan is a plan for which an approval process is prescribed under the Planning Act, section 306(2)(b) [Regulation-making power].

288 Amendment of s 94 (Meaning of *high-density development easement*)

Section 94(4), definition *relevant development approval*, paragraph (a), from ‘*Sustainable*’ to ‘that Act’—

omit, insert—

Planning Act for any of the following as defined in that Act

289 Amendment of s 97A (Covenant by registration)

(1) Section 97A(1), ‘A’—

omit, insert—

Subject to this section, a

(2) Section 97A(6)—

omit, insert—

(6) Also, the covenant must not—

(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

Note—

See also the Planning Act, section 104 [Valid use or preservation covenants].

(b) be inconsistent with a planning scheme under the Planning Act that—

(i) applies to the land subject to the covenant; and

(ii) is in effect when the instrument of covenant is registered; or

(c) provide for anything capable of being the subject of an instrument of easement.

(3) Section 97A—

insert—

- (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.

290 Amendment of s 97AA (Compliance with s 97A)

Section 97AA—

insert—

- (4) However, the registrar is not obliged to consider whether an instrument purporting to be an instrument of covenant is consistent with section 97A(6)(b).

291 Amendment of s 115I (Enlarging the number of lots through progressive subdivision)

- (1) Section 115I(1)(a)—

omit, insert—

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

- (2) Section 115I(1)(aa) and (b)—

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

292 Amendment of sch 2 (Dictionary)

Schedule 2—

insert—

Planning Act means the *Planning Act 2015*.

Part 33 Amendment of Land Valuation Act 2010

293 Act amended

This part amends the *Land Valuation Act 2010*.

294 Replacement of s 10 (Zoned rural land)

Section 10—

omit, insert—

10 Zoned rural land

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

Note—

For public access to planning schemes, see the Planning Act, chapter 7, part 3 [[Public access to documents](#)].

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

295 Amendment of s 11 (Cessation of zoned rural land)

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

omit, insert—

development approval

296 Amendment of schedule (Dictionary)

- (1) Schedule, definition *Planning Act*—

omit.

- (2) Schedule—

insert—

Planning Act means the *Planning Act 2015*.

planning scheme means a planning scheme under the Planning Act.

- (3) Schedule, definition *development*, ‘section 7’—

omit, insert—

schedule 1 [Dictionary]

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

omit, insert—

section 47(1) [What is a development approval]

Part 34 Amendment of Liquor Act 1992

297 Act amended

This part amends the *Liquor Act 1992*.

298 Amendment of s 4 (Definitions)

- (1) Section 4, definition *development approval*—

omit.

- (2) Section 4—

insert—

development approval see the Planning Act, section 47(1) [What is a development approval].

Planning Act means the *Planning Act 2015*.

- (3) Section 4, definition *relevant period*, paragraph (a)—

omit, insert—

-
- (a) the currency period for the approval under the Planning Act;

299 Amendment of s 105B (Application for adult entertainment permit requires local government consent)

Section 105B(5), definition *consent*, ‘*Sustainable Planning Act 2009*’—

omit, insert—

Planning Act

300 Amendment of s 121 (Matters the commissioner must have regard to)

Section 121(1)(h), ‘*Sustainable Planning Act 2009*’—

omit, insert—

Planning Act

301 Amendment of s 123 (Commissioner may grant provisional licence)

Section 123(1)(b), ‘*Sustainable Planning Act 2009*’—

omit, insert—

Planning Act

Part 35 Amendment of Local Government Act 2009

302 Act amended

This part amends the *Local Government Act 2009*.

303 Amendment of s 37 (Development processes)

Section 37(2), ‘a process in the Planning Act, chapter 6’—

omit, insert—

the development assessment process under the Planning Act

304 Amendment of s 72 (Assessment of impacts on roads from certain activities)

Section 72(1)(c)(ii)—

omit, insert—

(ii) development categorised under the local government’s planning scheme as assessable development under the Planning Act; or

305 Amendment of s 93 (Land on which rates are levied)

Section 93(4)(a), ‘or compliance permit’—

omit.

306 Insertion of new ch 9, pt 9

Chapter 9—

insert—

Part 9 Transitional provisions for Planning (Consequential) and Other Legislation Amendment Act 2015

308 Definition for pt 9

In this part—

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

309 Continuing application of s 132

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

310 Existing remedial notice

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

311 Inside information for repealed Planning Act

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

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

Planning (Consequential) and Other Legislation Amendment Bill 2015

Part 36 Amendment of Local Government (Robina Central Planning Agreement) Act 1992

[s 307]

- (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.

312 Continuing application of s 246

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.

307 Amendment of sch 4 (Dictionary)

- (1) Schedule 4, definitions *Planning Act*, *Planning and Environment Court* and *planning scheme*—
omit.
- (2) Schedule 4—
insert—

Planning Act means the *Planning Act 2015*.

planning scheme means a planning scheme under the Planning Act.

Part 36

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

308 Act amended

This part amends the *Local Government (Robina Central Planning Agreement) Act 1992*.

309 Amendment of s 6 (Amendment of planning agreement)

(1) Section 6(a)—

omit, insert—

(a) firstly, the Planning Act, section 17 [Making or amending planning schemes] must be complied with as if the further agreement were a planning scheme amendment under that Act; and

(2) Section 6—

insert—

(2) For subsection (1)(a), instead of complying with the Planning Act, section 17 [Making or amending planning schemes], the further agreement may be made following the process in the Minister's rules under section 16 [Minister's rules and guidelines] of that Act as if the further agreement were a planning scheme amendment under that Act.

(3) However, subsection (2) applies only if the Minister's rules apply to an amendment of the type being made.

(4) Despite subsections (1) and (2), any requirement in a notice given under the Planning Act, section 17(3) [Making or amending planning schemes], or the Minister's rules, to adopt a planning scheme amendment does not apply to the further agreement.

(5) In this section—

Planning Act means the *Planning Act 2015*.

310 Insertion of new s 12

After section 11—

insert—

12 Transitional provision for Planning Act 2015 and Planning (Consequential) and Other Legislation Amendment Act 2015

- (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.
- (2) The parties may continue to make the further agreement as if the *Planning Act 2015* and *Planning (Consequential) and Other Legislation Amendment Act 2015* had not been enacted.
- (3) In this section—
former section 6 means section 6 as in force before the commencement.

Part 37 Amendment of Major Events Act 2014

311 Act amended

This part amends the *Major Events Act 2014*.

312 Amendment of s 78 (Application of other Acts to activities or works for major event)

Section 78(2)(f), ‘*Sustainable Planning Act 2009*’—
omit, insert—

Planning Act 2015

Part 38 Amendment of Major Sports Facilities Act 2001

313 Act amended

This part amends the *Major Sports Facilities Act 2001*.

314 Amendment of s 30AI (Definitions for div 1)

Section 30AI, definition *relevant development approval*,
'*Sustainable Planning Act 2009*'—

omit, insert—

repealed *Sustainable Planning Act 2009* and the
Planning Act

315 Amendment of s 30AN (Use of Suncorp Stadium for major sport events)

Section 30AN(2)—

omit, insert—

- (2) Subsection (1) applies despite the following—
 - (a) the relevant development approval condition;
 - (b) the Planning Act;
 - (c) any local planning instrument under the Planning Act that applies to the land on which the facility is located;
 - (d) any development approval under the Planning Act relating to the facility and any condition attached to the approval.

316 Amendment of s 30A (Lawful use for major sports facilities for prescribed special events)

Section 30A(2)—

omit, insert—

- (2) The use of the facility for the event is a lawful use of the facility despite the following—
 - (a) the Planning Act;
 - (b) any local planning instrument under the Planning Act that applies to the land on which the facility is located;
 - (c) any development approval under the Planning Act relating to the facility and any condition attached to the approval.

317 Amendment of sch 2 (Dictionary)

- (1) Schedule 2—

insert—

Planning Act means the *Planning Act 2015*.

- (2) Schedule 2, definition *use*, paragraphs (a) and (b), ‘*Sustainable Planning Act 2009*’—

omit, insert—

Planning Act

Part 39 Amendment of Marine Parks Act 2004

318 Act amended

This part amends the *Marine Parks Act 2004*.

319 Amendment of schedule (Dictionary)

Schedule, definition *environment conservation legislation*, examples, fifth dot point, ‘*Sustainable Planning Act 2009*’—

omit, insert—

Planning Act 2015

Part 40 Amendment of Mineral Resources Act 1989

320 Act amended

This part amends the *Mineral Resources Act 1989*.

321 Amendment of ch 1, pt 3, hdg (Relationship with Sustainable Planning Act 2009)

Chapter 1, part 3, heading, ‘*Sustainable Planning Act 2009*’—

omit, insert—

Planning Act

322 Amendment of s 4A (Effect on development)

(1) Section 4A(2), from ‘For’ to ‘applies to’—

omit, insert—

The Planning Act applies to development on

(2) Section 4A(3)(b)—

omit, insert—

(b) the building work is taken to be accepted development under the Planning Act if the building work complies with—

(i) generally—

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

omit.
- (4) Section 4A—

insert—

 - (4) In this section—

BCA see the *Building Act 1975*, section 12.

Queensland Development Code see the *Building Act 1975*, section 13.

323 Amendment of s 4B (Notice to local government and chief executive (planning) of particular mining tenements)

Section 4B(4)(b), ‘for administering IDAS for the Heritage Act, in relation to’—

omit, insert—

development on

324 Amendment of sch 2 (Dictionary)

(1) Schedule 2, definitions *IDAS*, *Planning Act* and *planning scheme*—

omit.

(2) Schedule 2—

insert—

Planning Act means the *Planning Act 2015*.

planning scheme means a planning scheme under the Planning Act.

(3) Schedule 2, definition *development*, ‘section 7’—

omit, insert—

schedule 1 [Dictionary]

Part 41 **Amendment of Nature
Conservation Act 1992**

325 Act amended

This part amends the *Nature Conservation Act 1992*.

326 Omission of s 106 (Orders prevail over planning schemes)

Section 106—

omit.

327 Omission of s 122 (Conservation plans and regulations prevail over planning schemes)

Section 122—

omit.

328 Amendment of schedule (Dictionary)

Schedule, definition *planning scheme*—

omit.

Part 42 **Amendment of Neighbourhood
Disputes (Dividing Fences and
Trees) Act 2011**

329 Act amended

This part amends the *Neighbourhood Disputes (Dividing Fences and Trees) Act 2011*.

330 Amendment of schedule (Dictionary)

Schedule, definition *development approval*—

omit, insert—

development approval see the *Planning Act 2015*, section 47(1) [What is a development approval].

Part 43 Amendment of Nuclear Facilities Prohibition Act 2007

331 Act amended

This part amends the *Nuclear Facilities Prohibition Act 2007*.

332 Amendment of s 8 (No development approval or mining tenement for a nuclear facility)

Section 8(4), definition *development approval*, from ‘or compliance’ to ‘2009’—

omit, insert—

under the *Planning Act 2015*

Part 44 Amendment of Petroleum and Gas (Production and Safety) Act 2004

333 Act amended

This part amends the *Petroleum and Gas (Production and Safety) Act 2004*.

334 Amendment of s 33 (Incidental activities)

Section 33(2)(a), note, ‘*Sustainable Planning Act 2009*, chapter 6’—

omit, insert—

Planning Act 2015, chapter 3 [Development assessment]

335 Amendment of s 112 (Incidental activities)

Section 112(2), note—

omit, insert—

Note—

For development generally, see the *Planning Act 2015*, chapter 3 [Development assessment].

336 Amendment of s 403 (Incidental activities)

Section 403(4), note—

omit, insert—

Note—

For development generally, see the *Planning Act 2015*, chapter 3 [Development assessment].

337 Amendment of s 442 (Incidental activities)

Section 442(3), note—

omit, insert—

Note—

For development generally, see the *Planning Act 2015*, chapter 3 [Development assessment].

Part 45 Amendment of Plumbing and Drainage Act 2002

338 Act amended

This part amends the *Plumbing and Drainage Act 2002*.

339 Amendment of s 85 (Process for assessing plans)

Section 85(10), note, ‘*Sustainable Planning Act 2009*, chapter 7, part 2, divisions 6, 8 and 9’—

omit, insert—

Planning Act, chapter 6 [Dispute resolution]

340 Amendment of s 86 (General process for assessing compliance assessable work)

Section 86(12), note, ‘*Sustainable Planning Act 2009*, chapter 7, part 2, divisions 6, 8 and 9’—

omit, insert—

Planning Act, chapter 6 [Dispute resolution]

341 Amendment of s 86A (Process for assessing certain compliance assessable work in remote areas)

Section 86A(8), note, ‘*Sustainable Planning Act 2009*, chapter 7, part 2, divisions 6, 8 and 9’—

omit, insert—

Planning Act, chapter 6 [Dispute resolution]

342 Amendment of s 95 (Information notice)

Section 95, note, ‘*Sustainable Planning Act 2009*, chapter 7, part 2, divisions 6, 8 and 9’—

omit, insert—

Planning Act, chapter 6 [Dispute resolution]

343 Amendment of s 114 (Functions and powers of inspectors and relationship to the Local Government Act 2009 and City of Brisbane Act 2010)

Section 114(1)(b), ‘*Sustainable Planning Act 2009*’—

omit, insert—

Planning Act

344 Amendment of s 118 (Relationship with Sustainable Planning Act 2009)

(1) Section 118, heading, ‘*Sustainable Planning Act 2009*’—

omit, insert—

Planning Act

(2) Section 118(1), ‘*Sustainable Planning Act 2009*’—

omit, insert—

Planning Act

(3) Section 118(1), note, ‘*Sustainable Planning Act 2009*, section 594 (Offences relating to enforcement notices)’—

omit, insert—

Planning Act, section 166(5) and (7) [Enforcement notices]

- (4) Section 118(3), ‘*Sustainable Planning Act 2009*, section 533(2)’—

omit, insert—

Planning Act, section 228 [Appeals to tribunal or P&E Court]

345 Amendment of schedule (Dictionary)

- (1) Schedule, definition *building and development dispute resolution committee*—

omit.

- (2) Schedule—

insert—

Planning Act means the *Planning Act 2015*.

- (3) Schedule, definition *development approval*, ‘*Sustainable Planning Act 2009*’—

omit, insert—

Planning Act

- (4) Schedule, definition *information notice*, paragraph (b)(iii), ‘*building and development dispute resolution committee*’—

omit, insert—

tribunal under the Planning Act

**Part 46 Amendment of Private Health
Facilities Act 1999**

346 Act amended

This part amends the *Private Health Facilities Act 1999*.

347 Amendment of s 62 (Meaning of *prescribed alteration*)

Section 62(2), from ‘or compliance’ to ‘2009’—

omit, insert—

under the *Planning Act 2015*

**Part 47 Amendment of Prostitution Act
1999**

348 Act amended

This part amends the *Prostitution Act 1999*.

349 Amendment of s 62 (Definition for pt 4)

Section 62, definition *development application*, paragraph (b)—

omit, insert—

(b) a change application under the Planning Act
for a development approval for a brothel.

**350 Amendment of s 63B (Notification by assessment
manager of development application)**

Section 63B(b), ‘code assessment or impact’—

omit, insert—

[standard/code?] assessment or
[merit/impact?]

351 Amendment of pt 4, div 3 (Review by QCAT)

Part 4, division 3, editor's note—

omit.

352 Amendment of s 64A (Review of decisions about code assessment)

(1) Section 64A, heading, 'code'—

omit, insert—

[standard/code?]

(2) Section 64A(1), 'code assessment under the Integrated'—

omit, insert—

[standard/code?] assessment under the

(3) Section 64A(2)(a), 'code assessment under the Integrated'—

omit, insert—

[standard/code?] assessment under the

(4) Section 64A(2)(b) to (f)—

omit, insert—

(b) a refusal or deemed refusal of all or part of the application;

(c) a provision of the development approval;

(d) a decision to give a preliminary approval when a development permit was applied for.

(5) Section 64A(3), 'Integrated'—

omit.

(6) Section 64A(5), 'Integrated Planning Act, section 4.1.21'—

omit, insert—

Planning and Environment Court Act 2015,
 section 11 [General declaratory jurisdiction]

353 Amendment of s 64B (Review of decisions about impact assessment)

- (1) Section 64B, heading, ‘impact’—

omit, insert—

[merit/impact?]

- (2) Section 64B(1)—

omit, insert—

- (1) This section applies if an assessment manager decides a development application requires [merit/impact?] assessment under the Planning Act.

- (3) Section 64B(2), ‘impact’—

omit, insert—

[merit/impact?]

- (4) Section 64B(3), ‘the acknowledgement notice’—

omit, insert—

a notice by the assessment manager under the development assessment rules under the Planning Act accepting the application

- (5) Section 64B(5), ‘Integrated Planning Act, section 4.1.21’—

omit, insert—

Planning and Environment Court Act 2015,
 section 11 [General declaratory jurisdiction]

354 Amendment of s 64D (No appeal from QCAT's decision under the Integrated Planning Act)

(1) Section 64D, heading, 'Integrated'—

omit.

(2) Section 64D(2), 'Integrated'—

omit.

355 Amendment of s 140 (Regulation-making power)

Section 140(2)(f)—

omit, insert—

- (f) assessment benchmarks under the Planning Act that development applications mentioned in part 4 must be assessed against under that Act;

356 Insertion of new pt 9, div 8

Part 9—

insert—

Division 8 Provisions for Planning (Consequential) and Other Legislation Amendment Act 2015

164 Existing development applications under the repealed Sustainable Planning Act 2009

(1) This section applies to the following to which the Planning Act, section 310 [Applications generally] applies—

- (a) a development application under the repealed *Sustainable Planning Act 2009* for a material change of use of premises for a brothel;

- (b) a request under the repealed *Sustainable Planning Act 2009* to change a development approval for a brothel.
- (2) Part 4, as in force before the commencement, continues to apply to the development application or request as if the *Planning (Consequential) and Other Legislation Amendment Act 2015* had not been enacted.

165 QCAT review proceedings

- (1) Subsection (2) applies if—
 - (a) a person has, before the commencement, applied to QCAT for review of a decision under section 64A or 64B as in force before the commencement; and
 - (b) a decision about the review proceedings has not been made before the commencement.
- (2) QCAT must hear, or continue to hear, and decide the review proceedings under the unamended Act as if the amending Act had not been enacted.
- (3) Subsection (4) applies if—
 - (a) immediately before the commencement, a person could have applied to QCAT for review of a decision under section 64A or 64B as in force before the commencement; and
 - (b) the person has not applied to QCAT for review of the decision before the commencement.
- (4) The person may apply to QCAT for review of the decision, and QCAT must hear and decide the review proceedings under the unamended Act, as if the amending Act had not been enacted.

(5) In this section—

amending Act means the *Planning (Consequential) and Other Legislation Amendment Act 2015*.

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

357 Amendment of sch 4 (Dictionary)

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

(2) Schedule 4—
insert—

development approval see the Planning Act, section 47(1) [What is a development approval].

Planning Act means the *Planning Act 2015*.

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

omit, insert—

section 46 [Who is the assessment manager]

Part 48 Amendment of Queensland Building and Construction Commission Act 1991

358 Act amended

This part amends the *Queensland Building and Construction Commission Act 1991*.

359 Amendment of s 68E (Obligation of assessment manager or compliance assessor in relation to insurance premium)

- (1) Section 68E, heading, ‘or compliance assessor’—
omit.
- (2) Section 68E(1), from ‘or compliance assessor must’ to ‘compliance permit’—
omit, insert—
must not, under the Planning Act, issue a development approval
- (3) Section 68E(1)(a), ‘or compliance assessor’—
omit.

360 Amendment of s 108 (Obligation of assessment manager)

Section 108(2), definition *assessment manager*, ‘Sustainable Planning Act 2009’—

omit, insert—

Planning Act

361 Amendment of sch 1B (Domestic building contracts)

Schedule 1B, section 1, definition *development approval*, ‘Sustainable Planning Act 2009’—

omit, insert—

Planning Act

362 Amendment of sch 2 (Dictionary)

- (1) Schedule 2—

insert—

Planning Act means the *Planning Act 2015*.

-
- (2) Schedule 2, definition *assessment manager*, ‘*Sustainable Planning Act 2009*, section 246(1)’—

omit, insert—

Planning Act, section 46 [Who is the assessment manager]

Part 49 **Amendment of Queensland Heritage Act 1992**

363 Act amended

This part amends the *Queensland Heritage Act 1992*.

364 Amendment of pt 6, div 1, hdg (Assessing development applications)

Part 6, division 1, heading, ‘Assessing development applications’—

omit, insert—

Development of Queensland heritage place by State

365 Omission of ss 68–70

Sections 68 to 70—

omit.

366 Amendment of s 77 (Purpose of div 3)

Section 77, from ‘assessable’ to ‘section 232(1)’—

omit, insert—

categorised as assessable development under a regulation under the Planning Act

367 Amendment of s 111 (Appeals about permit to enter protected area)

Section 111(5)—

omit, insert—

- (5) The *Planning and Environment Court Act 2015*, part 5, division 1 [Planning Act appeals], with any changes the court considers appropriate, applies to the appeal as if the appeal were a Planning Act appeal under that Act.

368 Amendment of s 112 (Local government to identify places in planning scheme or local heritage register)

Section 112(2)—

omit.

369 Replacement of pt 11, div 4 (Code for IDAS for local heritage places on local heritage registers)

Part 11, division 4—

omit, insert—

Division 4 Assessing development applications under the Planning Act

121 Assessing development applications

- (1) This section applies to a development application for development on a local heritage place on a local heritage register.
- (2) A regulation may, for the Planning Act, prescribe—

-
- (a) assessment benchmarks under that Act for the development application; and
 - (b) matters a referral agency under that Act must assess the development application against, or having regard to.

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

Section 123(2)—

omit.

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

(1) Section 124(2)—

omit, insert—

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

(2) Section 124(3), 'section 704'—

omit, insert—

section 28 [Right to compensation]

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

omit, insert—

chapter 2, part 4, division 2 [Compensation]

(4) Section 124(5), 'section 704'—

omit, insert—

section 28 [Right to compensation]

372 Replacement of s 164 (Court process for appeal)

Section 164—

omit, insert—

164 Court process for appeal

The *Planning and Environment Court Act 2015*, part 5, division 1 [Planning Act appeals], 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.

373 Amendment of s 164B (Restoration orders)

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

omit, insert—

section 161(1) [Carrying out assessable development without permit] or 162 [Compliance with development approval]

374 Amendment of s 164C (Non-development orders)

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

omit, insert—

section 161 [Carrying out assessable development without permit] or 162 [Compliance with development approval]

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

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

omit, insert—

section 161 [Carrying out assessable development without permit] or 162 [Compliance with development approval]

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

Section 198(2)(b)—

omit, insert—

- (b) the local government makes a new planning scheme under the Planning Act.

377 Insertion of new pt 15, div 5

Part 15—

insert—

Division 5 Transitional provisions for Planning (Consequential) and Other Legislation Amendment Act 2015

200 Definitions for div 5

In this division—

amending Act means the *Planning (Consequential) 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.

201 Existing development applications under the repealed Sustainable Planning Act 2009

- (1) This section applies to a development application to which the Planning Act, section 310 [Applications generally] applies.
- (2) Section 59 continues to apply to the development application as if the amending Act had not been enacted.
- (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.

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).

378 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.

Planning Act means the *Planning Act 2015*.

planning scheme means a planning scheme under the Planning Act.

Part 50 **Amendment of Queensland
Reconstruction Authority Act
2011**

379 Act amended

This part amends the *Queensland Reconstruction Authority Act 2011*.

380 Amendment of s 47 (Definitions for pt 5)

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

omit, insert—

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

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

omit, insert—

under the development assessment process under the Planning Act

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

omit.

381 Amendment of s 49 (Progression notice)

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

omit, insert—

process

382 Amendment of s 50 (Notice to decide)

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

omit, insert—

decision-making period for the application under the

383 Amendment of s 53 (Providing assistance or recommendations)

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

omit, insert—

trunk infrastructure or non-trunk infrastructure under the Planning Act

384 Amendment of s 54 (Effects of step-in notice)

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

omit, insert—

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

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

omit.

385 Amendment of s 55 (Authority’s decision)

Section 55(4)—

omit, insert—

(4) Subsection (4A) applies if—

(a) the prescribed decision is the deciding of a development application under the Planning Act; and

(b) the authority decides to give a development approval for all or part of the development application.

(4A) The local government for the land to which the prescribed decision relates must give an infrastructure charges notice under the Planning Act, section 117 [When charge may be levied and recovered] to the applicant for the development application.

386 Amendment of s 57 (Notice of decision)

Section 57—

insert—

(1A) The authority must also give notice of its decision about a prescribed decision to the local

[s 387]

government for the land to which the prescribed decision relates if—

- (a) the prescribed decision is the deciding of a development application under the Planning Act; and
- (b) the local government is not the decision-maker for the prescribed decision.

387 Amendment of s 63 (Content of development scheme)

(1) Section 63(3)(b) to (e)—

omit, insert—

- (b) identify development for the project or in the area to be any of the following categories of development under the Planning Act—
 - (i) accepted development;
 - (ii) assessable development;
 - (iii) prohibited development; or
- (c) require [standard/code?] assessment or [merit/impact?] assessment, or both [standard/code?] assessment and [merit/impact?] assessment, under the Planning Act for assessable development; or
- (d) require public notification for a development application for assessable development that requires [merit/impact?] assessment; or
- (e) include, for the Planning Act, assessment benchmarks that an assessment manager must assess a development application against; or
- (f) state that particular development is consistent or inconsistent with the plan.

(2) Section 63(4)(b)—

omit, insert—

- (b) an assessment benchmark prescribed by regulation under the Planning Act;
- (c) an assessment benchmark made under another Act for the Planning Act.

(3) Section 63—

insert—

- (5) If a land use plan requires an applicant to give public notification of a development application, the Planning Act, section 51(2) to (7) [Publicly notifying certain development applications] applies to the application.

388 Amendment of s 64 (Development scheme may make provision for particular assessable development)

(1) Section 64(1), ‘assessable development prescribed under the Sustainable Planning Act, section 232(1)’—

omit, insert—

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

(2) Section 64(2), ‘Sustainable Planning Act, section 232(1)’—

omit, insert—

Planning Act

(3) Section 64(4), ‘Sustainable’—

omit.

389 Amendment of s 78 (Relationship with other instruments)

Section 78(1)(b)—

omit, insert—

- (b) an assessment benchmark prescribed by regulation under the Planning Act;
- (c) an assessment benchmark made under another Act for the Planning Act.

390 Amendment of pt 6, div 4, hdg (Relationship with Sustainable Planning Act)

Part 6, division 4, heading, ‘Sustainable’—

omit.

391 Amendment of s 80 (Referral agency’s assessment of development application)

Section 80(2), ‘Sustainable Planning Act, section 282’—

omit, insert—

Planning Act, section 53 [Referral agency’s assessment]

392 Amendment of s 81 (Assessment manager’s assessment of development application)

(1) Section 81(1), after ‘scheme’—

insert—

in effect when the application was properly made under the Planning Act

(2) Section 81(2)—

omit, insert—

(2) Subsection (2A) applies if the development scheme is amended before the assessment manager decides the application.

(2A) Despite subsection (1), the assessment manager may assess the application against the amended

development scheme to the extent the assessment manager considers appropriate in the circumstances.

- (3) Section 81(3), ‘Sustainable Planning Act, sections 313, 314 and 316’—

omit, insert—

Planning Act, section 58 [Deciding development applications]

393 Omission of s 82 (Decision generally)

Section 82—

omit.

394 Amendment of s 83 (Restriction on granting development approval)

Section 83(1)(a), ‘Sustainable’—

omit.

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

Part 6, division 4, subdivision 4—

omit.

396 Amendment of s 89 (Lawful use of premises protected)

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

omit, insert—

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

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

material change of use, of premises, see the Planning Act, schedule 1 [Dictionary].

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

- (1) Section 91, heading, ‘or compliance permit’—
omit.
- (2) Section 91(1)(a), ‘or compliance permit’—
omit.
- (3) Section 91(1)(b) and (2), ‘or permit’—
omit.

398 Amendment of s 92 (Minister’s power to amend development approval or compliance permit)

- (1) Section 92, heading, ‘or compliance permit’—
omit.
- (2) Section 92(2) and (3), ‘Sustainable’—
omit.
- (3) Section 92(5) to (8)—
omit.
- (4) Section 92(10), definition *existing*, from ‘or a compliance permit’ to ‘or compliance permit’—
omit, insert—

, means a development approval
- (5) Section 92(9) and (10)—
renumber as section 92(5) and (6).

399 Replacement of pt 6, div 4, sdiv 6 (Community infrastructure designations)

Part 6, division 4, subdivision 6—

omit, insert—

Subdivision 6 Designations under the Planning Act

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

- (1) A designation under the Planning Act, chapter 2, part 5 [Designation of premises for development of infrastructure] may be made for land to which a development scheme applies.
- (2) A designation of land that is in force immediately before a development scheme takes effect for land continues in force for the land.
- (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.

400 Amendment of s 95 (Planning and Environment Court may make declarations)

Section 95(3)—

omit.

401 Amendment of s 110 (Application of Sustainable Planning Act)

- (1) Section 110, heading, ‘Sustainable’—

omit.

- (2) Section 110, ‘Sustainable Planning Act, section 14(1)’—

omit, insert—

Planning Act, section 5(1) [Act binds all persons]

402 Amendment of s 112 (Power of Minister to direct local government to take particular action about local planning instrument)

(1) Section 112(2)(c), example—

omit.

(2) Section 112(4)(c), after ‘make’—

insert—

, amend

(3) Section 112(5)—

omit, insert—

(5) In this section—

planning scheme means a planning scheme under the Planning Act.

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

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

403 Amendment of s 114 (Minister to give notice of direction)

Section 114, ‘Sustainable’—

omit.

404 Insertion of new pt 11

After part 10—

insert—

Part 11 Transitional provisions for Planning (Consequential) and Other Legislation Amendment Act 2015

139 Definitions for pt 11

In this part—

amending Act means the *Planning (Consequential) and Other Legislation Amendment Act 2015*.

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

140 Existing development schemes

- (1) In a development scheme (an *existing development scheme*) in force immediately before the commencement—
 - (a) a reference to the following is taken to be a reference to accepted development under the Planning Act—
 - (i) exempt development;
 - (ii) self-assessable development, to the extent the development complies with the requirements for the development stated in the existing development scheme; and
 - (b) a reference to the following is taken to be a reference to assessable development requiring [standard/code?] assessment under the Planning Act—
 - (i) self-assessable development, to the extent the development does not

comply with the requirements for the development stated in the existing development scheme;

- (ii) development requiring compliance assessment; and
 - (c) a reference to code assessment is taken to be a reference to [standard/code?] assessment under the Planning Act; and
 - (d) a reference to impact assessment is taken to be a reference to [merit/impact?] assessment under the Planning Act.
- (2) If an existing development scheme states that development requires impact assessment, the development is taken to require public notification under the Planning Act, section 51 [Publicly notifying certain development applications].

141 Existing development applications under the repealed Sustainable Planning Act 2009

- (1) This section applies to a development application to which the Planning Act, section 310 [Applications generally] applies.
- (2) The unamended Act continues to apply to the development application as if the amending Act had not been enacted.

142 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 310 [Applications generally] applies.

- (2) The unamended Act continues to apply to the request as if the amending Act had not been enacted.

405 Amendment of schedule (Dictionary)

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

omit.

- (2) Schedule—

insert—

Planning Act means the *Planning Act 2015*.

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

omit, insert—

Planning Act, section 46 [Who is the assessment manager]

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

omit, insert—

(a) infrastructure prescribed under the Planning Act, section 32(1) [What is a designation]; and

(b) other infrastructure prescribed by regulation.

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

omit.

- (6) Schedule, definition *infrastructure*, ‘Sustainable Planning Act, schedule 3’—

omit, insert—

Planning Act, schedule 1 [Dictionary]

- (7) Schedule, definition *local planning instrument*, ‘Sustainable Planning Act, schedule 3’—

omit, insert—

Planning Act, section 7(3) [What are planning instruments]

- (8) Schedule, definition *planning instrument*, ‘Sustainable Planning Act, schedule 3’—

omit, insert—

Planning Act, section 7(1) [What are planning instruments]

- (9) Schedule, definition *referral agency*, ‘Sustainable Planning Act, section 252’—

omit, insert—

Planning Act, section 52 [Copy of application to referral agency]

Part 51 **Amendment of Regional Planning Interests Act 2014**

406 Act amended

This part amends the *Regional Planning Interests Act 2014*.

407 Amendment of s 5 (Relationship with resource Acts and Environmental Protection Act)

Section 5(1), ‘*Sustainable Planning Act 2009*’—

omit, insert—

Planning Act

408 Amendment of s 25 (Exemption—pre-existing regulated activity)

Section 25(1), after ‘under the’—

insert—

Planning Act or the repealed

409 Amendment of s 71 (Definitions for pt 5)

Section 71, definition *court*, ‘under the *Sustainable Planning Act 2009*’—

omit.

410 Amendment of s 72 (Appeal to Planning and Environment Court)

Section 72, note—

omit, insert—

Note—

See the *Planning and Environment Court Act 2015* for provisions about the powers, processes and procedures of the court.

411 Insertion of new s 77A

Part 5—

insert—

77A Appeal decision

- (1) In deciding an appeal, the court must decide (the ***appeal decision***) to do 1 of the following for the regional interests decision appealed against—
 - (a) confirm it;
 - (b) change it;
 - (c) set it aside and—

- (i) make a decision replacing it; or
 - (ii) return the matter to the entity that made the decision appealed against with directions the court considers appropriate.
- (2) The appeal decision may also include other orders, declarations or directions the court considers appropriate.
 - (3) The appeal decision, other than one to confirm the decision or return a matter, is taken, for this Act (other than this part), to have been made by the entity that made the decision appealed against.

412 Amendment of s 78 (Declarations)

Section 78(2)—

omit, insert—

- (2) The court may also make an order about any declaration it makes.

413 Amendment of sch 1 (Dictionary)

- (1) Schedule 1, definition *regional plan*—

omit.

- (2) Schedule 1—

insert—

Planning Act means the *Planning Act 2015*.

regional plan means a regional plan under the Planning Act.

- (3) Schedule 1, definition *road*, ‘*Sustainable Planning Act 2009*, schedule 3’—

omit, insert—

Planning Act, schedule 1 [Dictionary]

Part 52 **Amendment of Residential
Services (Accreditation) Act
2002**

414 Act amended

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

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

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

omit, insert—

tribunal under the Planning Act

416 Amendment of s 30 (Appeal)

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

omit, insert—

tribunal under the Planning Act

417 Amendment of s 31 (Decision on appeal)

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

omit, insert—

tribunal under the Planning Act

[s 418]

- (2) Section 31(2), ‘committee’s’—
omit, insert—
tribunal’s

418 Amendment of s 33 (Prescribed fire safety document)

- (1) Section 33(2A)—
omit.
- (2) Section 33(3), ‘or (2A)’—
omit.

419 Amendment of sch 2 (Dictionary)

- (1) Schedule 2—
insert—

Planning Act means the *Planning Act 2015*.
- (2) Schedule 2, definition *development application*, ‘Sustainable Planning Act 2009, schedule 3’—
omit, insert—

Planning Act, schedule 1 [Dictionary]
- (3) Schedule 2, definition *development approval*, ‘Sustainable Planning Act 2009, schedule 3’—
omit, insert—

Planning Act, section 47(1) [What is a development approval]

Part 53 **Amendment of Sanctuary Cove Resort Act 1985**

420 Act amended

This part amends the *Sanctuary Cove Resort Act 1985*.

421 Amendment of ss 9, 12E and 103

Sections 9(1) and (3), 12E(1) and (3) and 103(2), ‘Integrated’—
omit.

422 Amendment of sch 9 (Dictionary)

- (1) Schedule 9, definition *Integrated Planning Act*—
omit.
- (2) Schedule 9—
insert—

Planning Act means the *Planning Act 2015*.

Part 54 **Amendment of South Bank Corporation Act 1989**

423 Act amended

This part amends the *South Bank Corporation Act 1989*.

424 Amendment of s 3 (Definitions)

- (1) Section 3, definitions *planning scheme* and *Sustainable Planning Act*—

omit.

(2) Section 3—

insert—

Planning Act means the *Planning Act 2015*.

planning scheme means a planning scheme under the Planning Act.

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

omit, insert—

Planning Act, schedule 1 [Dictionary]

425 Amendment of s 4 (Meaning of *assessable development*)

Section 4(b)—

omit, insert—

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

426 Amendment of pt 7, div 5, hdg (Relationship with the Sustainable Planning Act until the development completion date)

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

omit, insert—

Planning Act and Planning and Environment Court Act 2015

427 Replacement of ss 77 and 78

Sections 77 and 78—

omit, insert—

77 Application of div 5

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

78 Modified application of the Planning Act

- (1) Despite the Planning Act, section 228 [Appeals to tribunal or P&E Court], the applicant for the development application can not appeal against the corporation's referral agency response for the application given under the Planning Act.
- (2) The Planning Act, section 64 [Prohibited development conditions] does not apply to a condition the corporation directs the assessment manager for the application to impose on any development approval given under the Planning Act.

78A Modified application of Planning and Environment Court Act 2015

The *Planning and Environment Court Act 2015*, section 11 [General declaratory jurisdiction] does not apply in relation to the development application to the extent a declaration is sought about anything done or omitted to be done by the corporation in relation to the development application.

428 Amendment of pt 7, div 6, hdg (Relationship with the Sustainable Planning Act on development completion date)

Part 7, division 6, heading, 'Sustainable'—

omit.

429 Amendment of s 79 (Effect of development completion date)

Section 79, ‘Sustainable Planning Act, section 243’—

omit, insert—

Planning Act

430 Insertion of new pt 11, div 9

Part 11—

insert—

**Division 9 Transitional provision for
Planning (Consequential)
and Other Legislation
Amendment Act 2015**

141 Application of s 78 to particular existing development applications

- (1) This section applies to an existing development application if the corporation is a concurrence agency under the repealed Planning Act for the application.
- (2) Section 78, as in force before the commencement, continues to apply in relation to the existing development application.
- (3) In this section—

existing development application means a development application to which the Planning Act, section 310 [Applications generally] applies.

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

431 Amendment of sch 4 (Modified Building Units and Group Titles Act)

Schedule 4, section 7(1), definition *building approvals authority*, ‘*Sustainable Planning Act 2009*’—

omit, insert—

Planning Act

Part 55 Amendment of South-East Queensland Water (Distribution and Retail Restructuring) Act 2009

432 Act amended

This part amends the *South-East Queensland Water (Distribution and Retail Restructuring) Act 2009*.

433 Amendment of s 53 (Delegation)

(1) Section 53(5)(c), ‘concurrency’—

omit, insert—

referral

(2) Section 53(9), definition *concurrency agency*—

omit, insert—

referral agency see the Planning Act, section 52
[Copy of application to referral agency].

434 Amendment of s 77H (Provision for things done under agreement before the transfer)

(1) Section 77H(a)—

omit, insert—

- (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;

- (2) Section 77H(b) and (c), ‘Planning Act’—

omit, insert—

repealed SPA

435 Amendment of s 77I (Application of sdiv 3A)

Section 77I(3), definition *relevant action*, paragraphs (a) to (d), ‘Planning Act’—

omit, insert—

repealed SPA

436 Amendment of s 78 (Reconfiguring a lot after transfer scheme or notice takes effect)

- (1) Section 78(3)—

omit, insert—

- (3) The Planning Act does not apply to the reconfiguring of the lot.

- (2) Section 78(5), definition *reconfiguring a lot*—

omit, insert—

reconfiguring a lot see the Planning Act, schedule 1 [Dictionary].

- (3) Section 78(5), definition *State planning regulatory provision*—

omit.

437 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—

omit.

438 Amendment of ch 3A, pt 5, div 6, hdg (Planning Act)

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

omit, insert—

Sustainable Planning Act 2009

439 Amendment of s 92DI (Cessation of Allconnex’s functions)

(1) Section 92DI(1), ‘Planning Act’—

omit, insert—

repealed SPA

(2) Section 92DI(2)(a)—

omit, insert—

(a) Allconnex has functions under the repealed SPA—

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

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

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

insert—

under the repealed SPA

(4) Section 92DI(4), ‘Planning Act’—

omit, insert—

repealed SPA

440 Omission of s 92DJ (Continued effect of non-application of planning schemes under s 78A)

Section 92DJ—

omit.

441 Amendment of s 99BO (Content of part A of plan)

Section 99BO(4), definition *priority infrastructure area*, ‘schedule 3’—

omit, insert—

schedule 1 [Dictionary]

442 Amendment of s 99BRBC (Notice of review decision)

Section 99BRBC(3)(a), ‘building and development committee’—

omit, insert—

development tribunal

443 Amendment of ch 4C, pt 4, div 3, hdg (Appeals to a building and development committee)

Chapter 4C, part 4, division 3, heading, ‘building and development committee’—

omit, insert—

development tribunal

444 Amendment of s 99BRBE (Appeals about applications for connections—general)

(1) Section 99BRBE(1)(a)—

omit, insert—

-
- (a) the land to which the connection relates is subject to a development application; and
- (aa) a development tribunal has jurisdiction, under the Planning Act, to hear an appeal against a decision on the development application; and
- (2) Section 99BRBE(2), ‘building and development committee’—
omit, insert—
development tribunal

445 Amendment of s 99BRBF (Appeals about applications for connections—particular charges)

- Section 99BRBF(2), ‘building and development committee’—
omit, insert—
development tribunal

446 Amendment of s 99BRBFA (Appeals against refusal of conversion application)

- Section 99BRBFA(2), ‘building and development committee’—
omit, insert—
development tribunal

447 Amendment of s 99BRBG (Application of relevant committee appeal provisions)

- (1) Section 99BRBG, heading, ‘committee’—
omit, insert—
development tribunal
- (2) Section 99BRBG(1), ‘committee’—
omit, insert—

development tribunal

(3) Section 99BRBG(2), definition *relevant committee appeal provisions*—

omit, insert—

relevant development tribunal provisions
means—

- (a) the Planning Act, chapter 6, part 5, division 3 [Tribunal proceedings], other than sections 272 [Matters tribunal may consider] and 275(2)(e) [Deciding appeals to tribunal]; and
- (b) any definitions in that Act relevant to the sections mentioned in paragraph (a).

448 Insertion of new s 99BRBGA

After section 99BRBG—

insert—

99BRBGA Tribunal to decide appeal based on particular laws

- (1) This section applies if an appeal is about an application for a connection, including a water approval given for an application for a connection.
- (2) The development tribunal must decide the appeal based on the laws in effect when the application was made, but may give the weight the tribunal considers appropriate, in all the circumstances, to any new laws.

449 Amendment of ss 99BRBH (Notice of appeal)

Section 99BRBH(2), ‘building and development committees’—

omit, insert—

development tribunals

450 Amendment of s 99BRBK (Registrar must ask distributor-retailer for material in particular proceedings)

Section 99BRBK(2), ‘building and development committees’—
omit, insert—

development tribunals

451 Amendment of s 99BRBL (Lodging appeal stops particular actions)

Section 99BRBL(2)—
omit, insert—

- (2) Despite subsection (1), if the development tribunal is satisfied the outcome of the appeal would not be affected if all or part of the work was started before the appeal is decided, the tribunal may allow all or part of the work to start before the appeal is decided.

452 Amendment of s 99BRBQ (Application of relevant court provisions)

(1) Section 99BRBQ(1)(a) to (f)—
omit, insert—

- (a) a Planning Act appeal or Planning Act proceeding were a reference to an appeal under this division; and
- (b) the Planning Act were a reference to this Act; and
- (c) the assessing authority were a reference to the distributor-retailer that made the decision the subject of the appeal; and

- (d) a development permit were a reference to a water approval.
- (2) Section 99BRBQ(2), definition *relevant court appeal provisions*, paragraph (a)—
 - omit, insert—*
 - (a) the *Planning and Environment Court Act 2015*, part 5 [Planning Act proceedings], other than sections 45 [Who must prove case] and 46(3), (5) and (6) [Nature of appeal]; and

453 Insertion of new s 99BRBQA

After section 99BRBQ—

insert—

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

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

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

Section 99BRBU—

omit, insert—

99BRBU Who must prove case for appeals

- (1) In an appeal under section 99BRBN, 99BRBO or 99BRBOA, the appellant must establish the appeal should be upheld.
- (2) In an appeal by the recipient of a water connection compliance notice, the distributor-retailer must establish the appeal should be dismissed.

455 Amendment of s 99BRBV (Lodging appeal stops particular actions)

Section 99BRBV(2)—

omit, insert—

- (2) Despite subsection (1), if the Planning and Environment Court is satisfied the outcome of the appeal would not be affected if all or part of the work was started before the appeal is decided, the court may allow all or part of the work to start before the appeal is decided.

456 Amendment of s 99BRCC (Definitions for pt 7)

- (1) Section 99BRCC, definition *breakup agreement*, ‘section 632(2)’—

omit, insert—

section 113(2) [Provisions for participating local governments and distributor-retailers]

- (2) Section 99BRCC, definition *SPRP (adopted charges)*—

omit.

457 Amendment of s 99BRCF (Power to adopt charges by board decision)

Section 99BRCF(2)(c)—

insert—

- (iii) trunk infrastructure related to development under a designation under the Planning Act.

458 Amendment of s 99BRCG (Matters for board decision)

(1) Section 99BRCG(1)(a)—

omit, insert—

- (a) prescribed by regulation under the Planning Act; and

(2) Section 99BRCG(1)(b)(ii), ‘the SPRP (adopted charges)’—

omit, insert—

a regulation under the Planning Act

(3) Section 99BRCG(3)(b)—

omit, insert—

- (b) include a provision (an ***automatic increase provision***) that provides for automatic increases in levied charges from when they are levied to when they are paid.

(4) Section 99BRCG(6), definition *maximum adopted charge*, from ‘imposed’ to ‘section 629(2)’—

omit, insert—

prescribed by regulation under the Planning Act, section 110(1) [Regulation prescribing charges] as the amount of that maximum is changed, from time to time, under the Planning Act, section 110(2) [Regulation prescribing charges]

459 Amendment of s 99BRCH (Working out cost of infrastructure for offset or refund)

Section 99BRCH(2), from ‘under—’ to ‘section 633(2)(b)’—

omit, insert—

under a guideline under the Planning Act, section 114(2) [Working out cost of infrastructure for offset or refund]

460 Amendment of s 99BRCHA (Criteria for deciding conversion application)

Section 99BRCHA(2), ‘section 633A(2)’—

omit, insert—

section 115(2) [Criteria for deciding conversion application]

461 Amendment of s 99BRCI (When charge may be levied and recovered)

(1) Section 99BRCI(1)(c)—

omit.

(2) Section 99BRCI(6) and (7)—

omit, insert—

(6) A charge (a *levied charge*) under an infrastructure charges notice—

(a) is subject to sections 99BRCJ and 99BRCT; and

(b) is payable by the applicant; and

(c) attaches to the premises; and

(d) becomes payable as provided for under subdivision 4; and

- (e) is subject to any agreement under section 99BRCM(1); and
- (f) may be recovered, in whole or part, by the distributor-retailer from the applicant as a debt.

462 Amendment of s 99BRCJ (Limitation of levied charge)

Section 99BRCJ(4), definition *charges notice*, paragraph (b), ‘Planning Act’—

omit, insert—

repealed SPA

463 Amendment of s 99BRCL (Payment triggers generally)

- (1) Section 99BRCL(1)(a), ‘or development requiring compliance assessment’—

omit.

- (2) Section 99BRCL(3), definition *assessable development*, ‘schedule 3’—

omit, insert—

section 42(3) [Categories of development]

464 Amendment of s 99BRCN (Application of Planning Act, ch 8, pt 2, div 1, sdiv 5)

- (1) Section 99BRCN, heading, ‘ch 8, pt 2, div 1, sdiv 5’—

omit, insert—

ch 4, pt 2, div 2, sdiv 5

- (2) Section 99BRCN, ‘chapter 8, part 2, division 1, subdivision 5’—

omit, insert—

chapter 4, part 2, division 2, subdivision 5 [Changing charges during relevant appeal period]

465 Amendment of s 99BRDB (No conditions on State infrastructure suppliers)

Section 99BRDB(2), definition *State infrastructure*, ‘schedule 3’—

omit, insert—

schedule 1 [Dictionary]

466 Amendment of s 99BRDE (Application to convert infrastructure to trunk infrastructure)

Section 99BRDE(1) and (2)—

omit, insert—

- (1) The applicant for a water approval may apply to convert non-trunk infrastructure to trunk infrastructure.
- (2) The application (the *conversion application*) must be made to the distributor-retailer, in writing, within 1 year after the water approval takes effect.

467 Amendment of s 99BRDN (When water infrastructure agreement binds successors in title)

Section 99BRDN(7), definition *public sector entity*, ‘schedule 3’—

omit, insert—

schedule 1 [Dictionary]

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

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

omit, insert—

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

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

Section 100G—

insert—

(5) In this section—

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

470 Amendment of s 102 (Regulation-making power)

Section 102(2)(g)—

omit.

471 Amendment of s 131 (Definitions for pt 9)

Section 131—

insert—

Planning Act means the *Sustainable Planning Act 2009*.

472 Amendment of s 140B (Definitions for pt 10)

Section 140B—

insert—

Planning Act means the *Sustainable Planning Act 2009*.

473 Insertion of new ch 6, pt 11

Chapter 6—

insert—

Part 11 Transitional provisions inserted under Planning (Consequential) and Other Legislation Amendment Act 2015

141 Definitions for pt 11

In this part—

amending Act means the *Planning (Consequential) and Other Legislation Amendment Act 2015*.

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

development approval means a development approval under the Planning Act.

related application means a development application for a development approval that—

- (a) involves a water connection aspect; and
- (b) relates to another development approval given under the repealed SPA before 1 July 2014.

water connection aspect—

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

142 Existing development applications or requests for compliance assessment

- (1) This section applies to a development application or request to which the Planning Act, section 310 [Applications generally] applies.
- (2) This Act, as in force before the commencement, continues to apply to the development application or request as if the amending Act had not been enacted.

143 Continuing application of s 78B

- (1) Section 78B, as in force before the commencement, continues to apply to an SEQ declared master planned area as if the amending Act had not been enacted.
- (2) In this section—

SEQ declared master planned area means a declared master planned area under the repealed SPA that—

 - (a) is in the SEQ region; and
 - (b) immediately before 1 July 2010, was identified in a master planned area declaration under the repealed SPA.

144 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.

145 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
 - (ii) the development application for the approval is a related application.
- (2) After the development approval takes effect—

- (a) the Planning Act does not apply to the water connection aspect of the development approval; and
- (b) the water connection aspect of the development approval is taken to be a water approval for a staged connection; and
- (c) all conditions of the development approval relating to the water connection aspect are taken to be conditions of the water approval.

146 Related applications made after commencement

- (1) This section applies to a related application made after the commencement.
- (2) Despite the Planning Act, for deciding the water connection aspect of the application—
 - (a) the following provisions of the Planning Act do not apply—
 - (i) chapter 4 [Infrastructure];
 - (ii) section 64(1)(c) and (f) [Prohibited development conditions]; and
 - (b) section 99BRAJ(2)(h), (3) and (4) and chapter 4C, part 7, divisions 4 and 6 apply—
 - (i) as if a reference to an application for a water approval were a reference to a related application; and
 - (ii) as if a reference to an applicant for a water approval were a reference to an applicant for a related application; and
 - (iii) as if a reference to a water approval were a reference to a development approval; and

-
- (iv) as if a reference to a water approval condition were a reference to a condition of a development approval; and
 - (v) as if a reference to a distributor-retailer were a reference to the referral agency for the related application; and
 - (vi) with any other necessary changes.
- (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 145.

147 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 145.
- (2) Section 140E(2) to (4) applies to the development approval as if—
 - (a) a reference in the section to a development approval were a reference to an approval mentioned in subsection (1); and

- (b) a reference in section 140E(2) to the Planning Act were a reference to the *Planning Act 2015*; and
- (c) a reference in section 140E(3) to the Planning Act were a reference to the repealed SPA or the *Planning Act 2015*.

148 Giving infrastructure charges notices for other development approvals

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

149 Delegations

- (1) Subsection (2) applies to—
 - (a) a related application made after the commencement of the Planning Act; and
 - (b) a development approval involving a water connection aspect.
- (2) Section 132(2) to (4) applies to the application or approval as if a reference in that section to a development application or development approval were a reference to an application or approval mentioned in subsection (1).
- (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.
- (4) Section 133(2) and (3) applies to the compliance assessment.

474 Amendment of schedule (Dictionary)

- (1) Schedule, definitions *building and development committee*, *compliance assessment*, *ecological sustainability*, *infrastructure agreement*, *Planning Act*, *planning scheme* and *SPRP (adopted charges)*—

omit.

- (2) Schedule—

insert—

development tribunal means a tribunal under the Planning Act.

ecological sustainability means the balance that integrates—

- (a) protection of ecological processes and natural systems at local, regional, State and wider levels; and
- (b) economic development; and
- (c) maintenance of the cultural, economic, physical and social wellbeing of people and communities.

infrastructure agreement means any of the following—

- (a) an infrastructure agreement under the Planning Act;
- (b) an infrastructure agreement under the repealed SPA;
- (c) an infrastructure agreement under the repealed IPA, mentioned in the repealed SPA, section 840;
- (d) an infrastructure agreement under the repealed *Local Government Planning and Environment Act 1990* to which the repealed SPA, section 855 applied;
- (e) an agreement to which the repealed SPA, section 856 applied.

Planning Act means the *Planning Act 2015*.

planning scheme means a planning scheme under the Planning Act.

repealed IPA means the repealed *Integrated Planning Act 1997*.

repealed SPA means the repealed *Sustainable Planning Act 2009*.

- (3) Schedule, definition *Allconnex infrastructure funding matter*, ‘Planning Act’—
omit, insert—

repealed SPA

- (4) Schedule, definition *charges breakup*, ‘section 627’—
omit, insert—
schedule 1 [Dictionary]
- (5) Schedule, definition *conversion application*, ‘section 99BRDE(1)’—
omit, insert—
section 99BRDE(2)
- (6) Schedule, definition *development application*, ‘schedule 3’—
omit, insert—
schedule 1 [Dictionary]
- (7) Schedule, definition *development infrastructure*, ‘section 627’—
omit, insert—
schedule 1 [Dictionary]
- (8) Schedule, definition *infrastructure charges notice*, paragraph (b), ‘section 643(1)’—
omit, insert—
section 123(3) [Representations about infrastructure charges notice]
- (9) Schedule, definitions *premises*, paragraph (b)(i), and *reconfiguring a lot*, ‘section 10(1)’—
omit, insert—
schedule 1 [Dictionary]

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Development Entitlements Protection Act 2004

475 Act amended

This part amends the *Southern Moreton Bay Islands Development Entitlements Protection Act 2004*.

476 Amendment of s 4 (What is an SMBI application)

Section 4, ‘development application (superseded planning scheme)’—

omit, insert—

superseded planning scheme application

477 Amendment of s 4A (What is an SMBI request)

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

omit, insert—

Planning Act, section 26(4)(b) [Request to apply superseded planning scheme]

(2) Section 4A(a), ‘a superseded’—

omit, insert—

the superseded

478 Amendment of s 7 (Modified application of Sustainable Planning Act 2009)

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

omit, insert—

Planning Act

(2) Section 7(1)—

omit, insert—

- (1) Despite the Planning Act, section 26(6) [Request to apply superseded planning scheme], if a person makes an SMBI request, the local government must agree to the request.
- (3) Section 7(2), ‘*Sustainable Planning Act 2009*, chapter 3, part 2, division 5’—

omit, insert—

Planning Act, chapter 2, part 4 [Superseded planning schemes]

- (4) Section 7(3)—

omit, insert—

- (3) For the Planning Act, an SMBI application must be assessed under the superseded planning scheme.
- (5) Section 7(4), ‘*Sustainable Planning Act 2009*, section 245’—

omit, insert—

Planning Act, section 71 [Attachment to the premises]

- (6) Section 7(5), ‘*Sustainable Planning Act 2009*, section 714’—

omit, insert—

Planning Act, section 284 [Taking or purchasing land for planning purposes]

479 Omission of s 8 (Certain rights unaffected)

Section 8—

omit.

480 Insertion of new s 12

After section 11—

insert—

12 Transitional provision for Planning (Consequential) and Other Legislation Amendment Act 2015

- (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.
- (2) This Act, as in force before the commencement, continues to apply to the SMBI application or SMBI request as if the *Planning (Consequential) and Other Legislation Amendment Act 2015* had not been enacted.

Note—

See also the Planning Act, chapter 8, part 1 [Transitional provisions].

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

481 Amendment of schedule (Dictionary)

- (1) Schedule, definitions *assessment manager*, *development*, *development application*, *development application (superseded planning scheme)*, *development approval*, *development permit* and *superseded planning scheme—*
omit.
- (2) Schedule—
insert—

assessment manager see the Planning Act, section 46 [Who is the assessment manager].

development see the Planning Act, schedule 1 [Dictionary].

development application see the Planning Act, schedule 1 [Dictionary].

development approval see the Planning Act, section 47(1) [What is a development approval].

development permit see the Planning Act, section 47(3) [What is a development approval].

Planning Act means the *Planning Act 2015*.

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

superseded planning scheme application means a development application—

- (a) for development to which the superseded planning scheme applies; and
- (b) made only to the council as assessment manager; and
- (c) made within 10 years after the Redland's IPA planning scheme had effect.

**Part 57 Amendment of State
Development and Public Works
Organisation Act 1971**

482 Act amended

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

483 Amendment of s 24 (Definitions for pt 4)

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

484 Amendment of s 34G (Preparation of draft IAR)

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

omit, insert—

Planning Act, require [merit/impact?]
assessment and public notification

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

omit.

485 Amendment of s 35A (Lapsing of Coordinator-General’s report)

Section 35A(8), definition *relevant approval*, paragraph (g), ‘Sustainable’—

omit.

486 Amendment of pt 4, div 4, hdg (Relationship with Sustainable Planning Act)

Part 4, division 4, heading, ‘Sustainable’—

omit.

487 Amendment of s 37 (Applications for material change of use or requiring impact assessment)

(1) Section 37, heading, ‘impact’—

omit, insert—

[merit/impact?]

(2) Section 37(1)—

omit, insert—

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

(a) the application does not require public notification under the Planning Act, section 51 [Publicly notifying certain development applications]; and

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

(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 [Development assessment]—

(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

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

(i) the Coordinator-General’s report for the EIS or IAR for the project is taken

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to be a referral agency response for the application under the Planning Act, chapter 3 [Development assessment]; and

(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/code?] assessment under the

(4) Section 37(3), definition *material change of use*, ‘Sustainable Planning Act, section 10(1)’—

omit, insert—

Planning Act, schedule 1 [Dictionary]

488 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.

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

- (1) Section 39, heading, 'IDAS'—

omit, insert—

assessment of development application under Planning Act

- (2) Section 39(3), 'Sustainable'—

omit.

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

omit, insert—

Planning Act, section 69 [When development approval has effect]

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

omit, insert—

condition that a referral agency requires be imposed on any development approval under the

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

omit, insert—

condition a referral agency has required be imposed on the approval under the Planning Act,

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

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

omit, insert—

Referral

[s 491]

- (2) Section 41(1) and (2), ‘concurrency’—

omit, insert—

referral

491 Amendment of s 42 (Changing or cancelling a condition of a development approval)

Section 42(2), ‘Sustainable Planning Act, section 369’—

omit, insert—

Planning Act, section 76 [Making change application]

492 Amendment of s 42A (Application of Coordinator-General’s change report to IDAS)

- (1) Section 42A, heading, ‘IDAS’—

omit, insert—

assessment of development application under Planning Act

- (2) Section 42A—

insert—

- (1A) The Coordinator-General must give a copy of the change report to the assessment manager for the development application.

- (3) Section 42A(2)—

omit, insert—

- (2) The change report is taken to be a referral agency response under the Planning Act and replaces the referral agency response mentioned in section 37(1)(d)(i).

- (4) Section 42A(3), after ‘given’—

insert—

to the proponent

- (5) Section 42A(3)(a), ‘decision stage of IDAS’—

omit, insert—

decision-making period under the Planning Act

- (6) Section 42A(4)—

omit, insert—

- (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.

493 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

494 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
[Designation of premises...]

(2) Section 43(2), ‘Sustainable Planning Act, section 202(a)’—

omit, insert—

Planning Act, section 32(2)(a) and (b) [What is a designation]

495 Amendment of s 50 (Application of div 7)

Section 50, ‘Sustainable’—

omit.

496 Amendment of s 54A (Application of div 8)

Section 54A(a), ‘Sustainable Planning Act requiring impact’—

omit, insert—

Planning Act requiring [merit/impact?]

497 Amendment of s 54C (Provision for what conditions may be imposed)

Section 54C, ‘Sustainable Planning Act, sections 345(1) and 346(1) apply’—

omit, insert—

Planning Act, section 63 [Permitted development conditions] applies

498 Amendment of s 54D (Effect of imposed conditions)

(1) Section 54D(2), ‘Sustainable Planning Act, section 580’—

omit, insert—

Planning Act, section 162 [Compliance with development approval]

(2) Section 54D(5)(a)—

omit, insert—

(a) the Planning Act, section 225 [Executive officer must ensure corporation...] applies in relation to an offence against section 162 [Compliance with development approval] of that Act; and

499 Amendment of s 54F (Provision about enforcement orders under the Sustainable Planning Act)

(1) Section 54F, heading, ‘Sustainable’—

omit.

(2) Section 54F(1)(a)(i)—

omit, insert—

(i) the Planning Act, chapter 5, part 5 [Enforcement orders in P&E Court]; or

500 Amendment of s 54G (Declaration-making powers)

(1) Section 54G(1), ‘Sustainable Planning Act, section 456(1) or (2)’—

omit, insert—

Planning and Environment Court Act 2015,
section 11 [General declaratory jurisdiction]

(2) Section 54G(3) and (4)—

omit, insert—

(3) The court may also make an order about any declaration it makes.

(3) Section 54G(5)—

renumber as section 54G(4).

501 Amendment of s 54ZM (Declarations)

- (1) Section 54ZM(1), ‘Environmental’—
omit, insert—
Environment
- (2) Section 54ZM(2)—
omit, insert—
(2) The *Planning and Environment Court Act 2015*, section 11 [General declaratory jurisdiction] applies to a proceeding started under this section as if it were a proceeding relating to the Planning Act.

502 Amendment of s 76D (Definitions for pt 5A)

- (1) Section 76D—
insert—
relevant local government, for a prescribed decision, means the local government for the local government area to which the prescribed decision relates.
- (2) Section 76D, definition *decision maker*, paragraph (a), example, ‘Sustainable’—
omit.
- (3) Section 76D, definition *decision maker*, paragraph (b), examples—
omit, insert—
Example of a decision maker for paragraph (b)—
a referral agency

-
- (4) Section 76D, definition *prescribed decision*, examples, first dot point, ‘Sustainable’—

omit.

- (5) Section 76D, definition *prescribed process*, ‘in a stage of IDAS’—

omit, insert—

under the development assessment process under the Planning Act

- (6) Section 76D, definition *prescribed process*, example—

omit.

503 Amendment of s 76I (Progression notice)

Section 76I(2)(b), from ‘the process’ to ‘IDAS’—

omit, insert—

the process

504 Amendment of s 76J (Notice to decide)

Section 76J(7), ‘decision stage for the application starts’—

omit, insert—

decision-making period for the application starts under the Planning Act

505 Amendment of s 76M (Providing assistance or recommendations)

Section 76M(3), from ‘infrastructure’ to ‘part 1, applies’—

omit, insert—

trunk infrastructure or non-trunk infrastructure under the Planning Act

[s 506]

506 Amendment of s 76N (Effects of step in notice)

Section 76N(d), from ‘concurrence’ to ‘process’—

omit, insert—

referral agency for the application may, under the Planning Act, give the Coordinator-General advice about the application

507 Amendment of s 76O (Coordinator-General’s decision)

Section 76O(4B)—

omit, insert—

(4B) Subsection (4C) applies if—

- (a) the prescribed decision is the deciding of a development application under the Planning Act; and
- (b) the Coordinator-General decides to give a development approval for all or part of the development application.

(4C) The relevant local government must give an infrastructure charges notice under the Planning Act, section 117 [When charge may be levied and recovered] to the applicant for the development application.

508 Amendment of s 76Q (Notice of decision)

Section 76Q—

insert—

(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—

- (a) the prescribed decision is the deciding of a development application under the Planning Act; and
- (b) the relevant local government is not the decision maker for the prescribed decision.

509 Amendment of s 85 (Carrying out particular development, use or works not an offence)

Section 85—

insert—

- (5) Subsection (6) applies if land is designated for infrastructure under the Planning Act, chapter 2, part 5 [Designation of premises for development of infrastructure].
- (6) Sections 84A and 84B do not apply to the development of the land in accordance with the designation.

510 Amendment of s 140 (Powers in respect of particular works on foreshore and under waters)

Section 140(1)(b), ‘exempt development under the Sustainable’—

omit, insert—

accepted development under the

511 Amendment of s 157A (What is an enforceable condition)

Section 157A(1)(b), ‘as community infrastructure under the Sustainable Planning Act, section 208’—

omit, insert—

under the Planning Act, chapter 2, part 5 [Designation of premises for development of infrastructure]

Planning (Consequential) and Other Legislation Amendment Bill 2015

Part 57 Amendment of State Development and Public Works Organisation Act 1971

[s 512]

512 Amendment of s 157D (Right of appeal)

Section 157D(2), note, ‘Sustainable Planning Act, chapter 7, part 1, divisions 11 to 13’—

omit, insert—

Planning and Environment Court Act 2015

513 Amendment of s 157M (Powers about enforcement orders)

Section 157M(4), note, ‘Sustainable Planning Act, section 457’—

omit, insert—

Planning and Environment Court Act 2015, part 6 [Costs]

514 Amendment of s 157N (Offence to contravene enforcement order)

Section 157N, note, ‘Sustainable Planning Act, section 439 (Contempt and contravention of orders)’—

omit, insert—

Planning and Environment Court Act 2015, section 36 [Contempt and contravention of orders]

515 Insertion of new pt 9, div 9

Part 9—

insert—

Division 9

**Transitional provision for
Planning (Consequential)
and Other Legislation
Amendment Act 2015**

203 Existing development applications under the repealed Sustainable Planning Act 2009

- (1) This section applies to a development application to which the Planning Act, section 310 [Applications generally] applies.
- (2) Part 4, division 4, as in force before the commencement, continues to apply to the development application as if the *Planning (Consequential) and Other Legislation Amendment Act 2015* had not been enacted.

516 Amendment of sch 2 (Dictionary)

- (1) Schedule 2, definitions *advice agency, applicable code, authorised development, concurrence agency, IDAS, Planning and Environment Court, relevant local government* and *Sustainable Planning Act*—

omit.

- (2) Schedule 2—

insert—

authorised development, for land, means development of the land authorised under a development approval, or an instrument taken to be a development approval, under the Planning Act.

Planning Act means the *Planning Act 2015*.

referral agency see the Planning Act, section 52 [Copy of application to referral agency].

relevant local government—

- (a) for part 4, see section 24; or
- (b) for part 5A, see section 76D.

- (3) Schedule 2, definition *building work*, ‘Sustainable Planning Act, section 10(1)’—

Planning (Consequential) and Other Legislation Amendment Bill 2015

Part 58 Amendment of Statutory Instruments Act 1992

[s 517]

omit, insert—

Planning Act, schedule 1 [Dictionary]

(4) Schedule 2, definition *development approval*, ‘Sustainable’—
omit.

(5) Schedule 2, definition *operational work*, ‘Sustainable Planning Act, section 10(1)’—

omit, insert—

Planning Act, schedule 1 [Dictionary]

(6) Schedule 2, definition *reconfiguring a lot*, ‘Sustainable Planning Act, section 10(1)’—

omit, insert—

Planning Act, schedule 1 [Dictionary]

Part 58 Amendment of Statutory Instruments Act 1992

517 Act amended

This part amends the *Statutory Instruments Act 1992*.

518 Amendment of sch 2A (Subordinate legislation to which part 7 does not apply)

Schedule 2A, ‘*Sustainable Planning Act 2009*’—

omit, insert—

Planning and Environment Court Act 2015

Part 59 **Amendment of Supreme Court of Queensland Act 1991**

519 Act amended

This part amends the *Supreme Court of Queensland Act 1991*.

520 Amendment of long title

Long title, after ‘Magistrates Courts’—

insert—

, and for Planning and Environment Court fees

521 Amendment of s 92 (Regulation-making power)

Section 92(2)(a), ‘or Magistrates Courts’—

omit, insert—

, Magistrates Courts or Planning and Environment
Court

Part 60 **Amendment of Surat Basin Rail (Infrastructure Development and Management) Act 2012**

522 Act amended

This part amends the *Surat Basin Rail (Infrastructure
Development and Management) Act 2012*.

Planning (Consequential) and Other Legislation Amendment Bill 2015

Part 61 Amendment of Torres Strait Islander Cultural Heritage Act 2003

[s 523]

523 Amendment of s 34 (Impact of change of management of local government road on the railway)

Section 34(6), definition *development approval*, ‘Sustainable Planning Act 2009’—

omit, insert—

Planning Act 2015

524 Amendment of s 48 (Power to require information from local governments)

Section 48(1)(b), after ‘under the’—

insert—

Planning Act 2015 or the repealed

Part 61 Amendment of Torres Strait Islander Cultural Heritage Act 2003

525 Act amended

This part amends the *Torres Strait Islander Cultural Heritage Act 2003*.

526 Omission of s 89 (Cultural heritage management plan needed under Planning Act)

Section 89—

omit.

Part 62 Amendment of Torres Strait Islander Land Act 1991

527 Act amended

This part amends the *Torres Strait Islander Land Act 1991*.

528 Amendment of s 28B (Definitions for pt 2A)

Section 28B, definition *planning scheme*—

omit, insert—

planning scheme means a planning scheme under the *Planning Act 2015*.

Part 63 Amendment of Transport Infrastructure Act 1994

529 Act amended

This part amends the *Transport Infrastructure Act 1994*.

530 Amendment of s 42 (Impact of certain local government decisions on State-controlled roads)

Section 42(2), after ‘chief executive’—

insert—

or planning chief executive

531 Amendment of s 49 (Assessment of impacts on State-controlled roads from certain activities)

Section 49(1)(b)(ii)—

omit, insert—

- (ii) development categorised under a planning scheme as assessable development under the Planning Act; or

532 Amendment of s 49A (Impact of particular development and State-controlled roads)

Section 49A(4), ‘section 282 and chapter 6, part 5, division 2’—

omit, insert—

sections 53 [Referral agency’s assessment], 58 [Deciding development applications] and 59 [Deciding variation requests]

533 Amendment of s 74 (Cases where compensation not payable)

- (1) Section 74(6), definition *development*, ‘section 7’—

omit, insert—

schedule 1 [Dictionary]

- (2) Section 74(6), definition *premises*, ‘schedule 3’—

omit, insert—

schedule 1 [Dictionary]

534 Amendment of s 75 (Conditions in development approval)

Section 75(b), from ‘the chief’ to ‘application’—

omit, insert—

a referral agency response given under the Planning Act by the chief executive or planning chief executive

-
- 535 Amendment of s 85B (Application of Queensland Heritage Act 1992 for development for a franchised road)**
Section 85B(3), definition *development*, ‘section 7’—
omit, insert—
schedule 1 [Dictionary]
- 536 Amendment of s 93A (Application of Queensland Heritage Act 1992 for development for a toll road)**
Section 93A(3), definition *development*, ‘section 7’—
omit, insert—
schedule 1 [Dictionary]
- 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)**
Section 247(1)(a), ‘community infrastructure’—
omit, insert—
the development of infrastructure
- 538 Amendment of s 258 (Impact of particular development and railways)**
Section 258(4), ‘section 282 and chapter 6, part 5, division 2’—
omit, insert—
sections 53 [Referral agency’s assessment], 58 [Deciding development applications] and 59 [Deciding variation requests]
- 539 Amendment of s 258A (Impact of change of management of local government road on railways)**
Section 258A(5)—

omit, insert—

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

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

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

omit.

- (2) Section 283I—

insert—

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

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

[merit/impact?] assessment see the Planning Act, section 43(4) [Categories of assessment].

[standard/code?] assessment see the Planning Act, section 43(3) [Categories of assessment].

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

omit, insert—

the Planning Act or a State planning instrument under that Act

-
- (4) Section 283I, definition *minor amendment (LUP)*, paragraph (c)(ii), ‘a community’—
omit, insert—
an
- (5) Section 283I, definition *planned transport infrastructure*, paragraph (b), ‘a community’—
omit, insert—
an
- (6) Section 283I, definition *premises*, ‘schedule 3’—
omit, insert—
schedule 1 [Dictionary]
- (7) Section 283I, definition *priority infrastructure interface plan*, ‘priority infrastructure plan’—
omit, insert—
LGIP
- (8) Section 283I, definition *State interest*, ‘schedule 3’—
omit, insert—
schedule 1 [Dictionary]
- (9) Section 283I, definition *table of assessment*, paragraph (a), from ‘exempt’ to ‘assessment’—
omit, insert—
accepted development
- (10) Section 283I, definition *transport reasons*, paragraph (e), from ‘for which’ to ‘jurisdiction’—
omit, insert—
within the powers of the chief executive administering this Act or any of the following Acts

[s 541]

541 Amendment of s 283M (Application of Planning Act)

Section 283M(4) and note—

omit.

542 Amendment of s 283S (Content of plan—mandatory requirements)

(1) Section 283S(4)(a), from ‘exempt’ to ‘assessment’—

omit, insert—

accepted development

(2) Section 283S(4)(b), ‘code or impact’—

omit, insert—

[standard/code?] or [merit/impact?]

(3) Section 283S(5)—

insert—

(d) require an applicant to give public notification of a development application requiring [merit/impact?] assessment; or

(e) for the Planning Act, set out the assessment benchmarks that an assessment manager must assess assessable development under the Brisbane port LUP against.

(4) Section 283S—

insert—

(6) If the Brisbane port LUP requires an applicant to give public notification of a development application, the Planning Act, section 51(2) to (7) [Publicly notifying certain development applications] applies to the application.

543 Amendment of s 283T (Content of plan—matters about development)

- (1) Section 283T(3), ‘exempt development or self-assessable’—
omit, insert—
accepted
- (2) Section 283T(4), from ‘exempt’ to ‘code’—
omit, insert—
accepted development or assessable development
requiring [standard/code?]
- (3) Section 283T(5)(a), from ‘exempt’ to ‘compliance
assessment’—
omit, insert—
accepted development
- (4) Section 283T(5)(b), from ‘section 232(2)’ to ‘assessment
or’—
omit, insert—
section 41(3)(b) [Categorising instruments]
is
- (5) Section 283T(5)(c)(ii)—
omit, insert—
(ii) development categorised as accepted
development under a regulation under
the Planning Act; or
- (6) Section 283T(5)(d), ‘impact’—
omit, insert—
[merit/impact?]
- (7) Section 283T(6) and (7)—
omit.

544 Amendment of s 283X (When plan must include priority infrastructure interface plan)

(1) Section 283X(a) and (b), after ‘priority infrastructure plan’—
insert—

under the *Sustainable Planning Act 2009*

(2) After section 283X(b)—
insert—

Note—

On and from 1 July 2014, a local government’s priority infrastructure plan under the *Sustainable Planning Act 2009* became the local government’s LGIP under that Act (see the *Sustainable Planning Act 2009*, section 982).

545 Amendment of s 283ZI (Recording matters about Brisbane port LUP)

Section 283ZI(2)—
omit, insert—

(2) A record made under subsection (1) is not an amendment of the planning scheme.

546 Amendment of s 283ZL (Effect of land ceasing to be Brisbane core port land)

Section 283ZL(7), ‘standard planning scheme provisions under the Planning Act’—

omit, insert—

requirements for the contents of planning schemes prescribed by regulation under the Planning Act, section 15(2) [Contents of local planning instruments]

547 Amendment of s 283ZM (Reconfiguring a lot)

- (1) Section 283ZM(2), ‘exempt’—

omit, insert—

accepted

- (2) Section 283ZM(4), ‘code’—

omit, insert—

[standard/code?]

548 Amendment of s 283ZN (Port prohibited development)

- (1) Section 283ZN(1), ‘or request for compliance assessment can’—

omit, insert—

may

- (2) Section 283ZN(2), from ‘or request for’ to ‘does not’—

omit, insert—

is made and any part of the development applied for is port prohibited development, the application is taken not to have been made and the Planning Act, chapter 3, parts 3 [Development applications] and 4 [Assessing and deciding development applications] do not

- (3) Section 283ZN(3)—

omit.

549 Replacement of s 283ZO (Code assessment under Brisbane port LUP)

Section 283ZO—

omit, insert—

283ZO [Standard/Code?] assessment under Brisbane port LUP

- (1) This section applies to any part of a development application requiring [standard/code?] assessment under the Brisbane port LUP for port related development.
- (2) The assessment manager must approve the part if the port related development—
 - (a) is consistent with the Brisbane port LUP; and
 - (b) complies with all assessment benchmarks under the Planning Act for the application.
- (3) Subsection (2) is subject to any requirements of a referral agency for the part.

550 Amendment of ch 8, pt 3C, div 5, sdiv 2, hdg (Provisions about assessment manager and referral agencies)

Chapter 8, part 3C, division 5, subdivision 2, heading, ‘assessment manager and referral agencies’—

omit, insert—

local heritage places and infrastructure contributions

551 Omission of ss 283ZP–283ZU

Sections 283ZP to 283ZU—

omit.

552 Amendment of s 283ZV (Assessment and referrals for heritage places)

- (1) Section 283ZV, heading, ‘Assessment and referrals for’—

omit, insert—

Development on

- (2) Section 283ZV(1), from ‘prescribed’ to ‘section 232(1) of’—
omit, insert—
categorised as assessable development under a
regulation under
- (2) Section 283ZV(3), ‘referral agency jurisdiction’—
omit, insert—
functions or powers of a referral agency

553 Omission of ss 283ZW–283ZY

Sections 283ZW to 283ZY—
omit.

554 Amendment of s 283ZZA (Particular provisions of Planning Act do not apply in relation to Brisbane core port land)

- (1) Section 283ZZA(1), ‘section 714’—
omit, insert—
section 284 [Taking or purchasing land for planning purposes]
- (2) Section 283ZZA(1), note—
omit.
- (3) Section 283ZZA(2), ‘chapter 9, part 3’—
omit, insert—
chapter 2, part 4, division 2 [Compensation]

555 Replacement of s 283ZZB (Modified application of Planning Act, ch 9, pt 6, div 4)

Section 283ZZB—

omit, insert—

283ZZB Modified application of Planning Act, s 220

- (1) A person may apply to the planning chief executive for a planning and development certificate under the Planning Act, section 286 [Planning and development certificates], for premises on Brisbane core port land.
- (2) The application must be accompanied by the fee prescribed by regulation.
- (3) For subsection (1)—
 - (a) the Planning Act, section 286(3) [Planning and development certificates] applies as if a reference in the subsection to a local government were a reference to the planning chief executive; and
 - (b) a regulation made under the Planning Act, section 286(4) [Planning and development certificate] applies—
 - (i) as if a reference in the regulation to a local government were a reference to the planning chief executive; and
 - (ii) as if a reference in the regulation to any planning scheme were a reference to the Brisbane port LUP; and
 - (iii) as if a reference in the regulation to any LGIP were a reference to any contributions schedule under the Brisbane port LUP; and
 - (iv) as if the regulation provides that a planning and development certificate be accompanied by any statement of proposal or draft plan for Brisbane core port land published under section

283ZB(2), but not yet approved under section 283ZE; and

(v) with other necessary changes.

556 Replacement of s 283ZZC (Restriction on designation for community infrastructure)

Section 283ZZC—

omit, insert—

283ZZC Restriction on designating land for infrastructure

- (1) Despite the Planning Act, chapter 2, part 5 [Designation of premises], only the planning Minister may, under that Act, designate Brisbane core port land for infrastructure.
- (2) Development under an infrastructure designation made by the planning Minister is accepted development under the Planning Act to the extent the development would, but for this section, be assessable development for that Act under the Brisbane port LUP.
- (3) Subsection (1) does not limit the Planning Act, section 42(6)(b) [Categories of development].

557 Omission of s 283ZZD (Restriction on application of master plan)

Section 283ZZD—

omit.

558 Amendment of s 283ZZJ (Particular development applications—Brisbane core port land)

Section 283ZZJ(2)(b) and (8), ‘IDAS process’—

omit, insert—

development assessment process

559 Amendment of s 283ZZK (Particular development applications—balance port land or former Brisbane core port land)

Section 283ZZK(2)(c) and (7), ‘IDAS process’—
omit, insert—

development assessment process

560 Amendment of s 284 (Definitions for div 1)

Section 284, definition *valuable features*—
omit.

561 Amendment of s 287 (Strategic port land not subject to local planning instrument)

Section 287(2), ‘chapter 3’—
omit, insert—

chapter 2, part 3 [Local planning instruments]

562 Amendment of s 287A (Impact of particular development and port operations)

Section 287A(4), ‘section 282 and chapter 6, part 5, division 2’—
omit, insert—

sections 53 [Referral agency’s assessment], 58 [Deciding development applications] and 59 [Deciding variation requests]

563 Amendment of s 287B (Guidelines for s 287A)

Section 287B(1), ‘*Sustainable Planning Act 2009*’—
omit, insert—

Planning Act

564 Amendment of s 476 (Amounts payable are debts owing to the State)

Section 476, after ‘this Act’—

insert—

, the repealed *Sustainable Planning Act 2009*

565 Amendment of s 477A (Power to deal with particular land)

(1) Section 477A(1)(b), ‘community’—

omit.

(2) Section 477A(2), definition *community infrastructure*—

omit.

566 Amendment of s 477AA (Chief executive taken to be owner of particular transport land for particular circumstances under Planning Act)

Section 477AA(1)(a), ‘community’—

omit.

567 Amendment of s 513 (Continuing application of previous provisions to non-IDAS applications)

(1) Section 513, heading, ‘non-IDAS’—

omit, insert—

particular

(2) Section 513(1)(b), ‘or the *Sustainable Planning Act 2009*’—

omit, insert—

, the repealed *Sustainable Planning Act 2009* or the *Planning Act 2015*

568 Insertion of new ch 21, pt 5

Chapter 21—

insert—

**Part 5 Transitional provisions
for Planning
(Consequential) and
Other Legislation
Amendment Act 2015**

583 Definition for pt 5

In this part—

amending Act means the *Planning (Consequential) and Other Legislation Amendment Act 2015*.

584 Existing development applications under the repealed Sustainable Planning Act 2009

- (1) This section applies to a development application to which the Planning Act, section 310 [~~Applications generally~~] applies.
- (2) This Act, as in force before the commencement, continues to apply to the application as if the amending Act had not been enacted.

585 Existing Brisbane port LUP

- (1) In a Brisbane port LUP (an *existing LUP*) in force immediately before the commencement—
 - (a) a reference to the following is taken to be a reference to accepted development under the Planning Act—
 - (i) exempt development;

- (ii) self-assessable development, to the extent the development complies with the requirements for the development stated in the existing LUP; and
 - (b) a reference to the following is taken to be a reference to assessable development requiring [standard/code?] 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 LUP;
 - (ii) development requiring compliance assessment; and
 - (c) a reference to code assessment is taken to be a reference to [standard/code?] assessment under the Planning Act; and
 - (d) a reference to impact assessment is taken to be a reference to [merit/impact?] assessment under the Planning Act; and
 - (e) a reference to a code is taken to be a reference to an assessment benchmark under the Planning Act.
- (2) If an existing LUP states that development requires impact assessment—
- (a) the development is taken to require public notification under the Planning Act, section 51 [Publicly notifying certain development applications]; and
 - (b) the Planning Act, section 51(2) to (7) [Publicly notifying certain development applications] applies to the development.

- (3) Subsection (4) applies if, immediately before the commencement, an existing LUP requires code assessment for particular development.
- (4) After getting the planning Minister's approval, the port operator may amend the existing LUP to—
 - (a) require [merit/impact?] assessment for the development; and
 - (b) make any other amendments that are necessary or desirable to interpret the amendments under paragraph (a).
- (5) As soon as practicable after amending the LUP, the port operator must—
 - (a) give a copy of the amendment to the planning Minister; and
 - (b) notify the amendment in the gazette as if the amendment has been made under chapter 8, part 3C, division 3, subdivision 3.
- (6) The requirement for public notification set out in the Planning Act, section 51 [Publicly notifying certain development applications], does not apply to development requiring [merit/impact?] assessment because of an amendment under subsection (4)(a).
- (7) Subsection (4) stops having effect 1 year after this section commences.

586 References to Brisbane port railway land

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

-
- (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.
- (3) In this section—
former, in relation to a provision, means the provision as in force immediately before the provision was amended or repealed under the amending Act.

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 1 [Dictionary].

infrastructure, for sections 477A and 477AA, means infrastructure prescribed under the Planning Act, section 32(1) [What is a designation].

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

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

[*merit/impact?*] *assessment*, for chapter 8, part 3C, see section 283I.

Planning Act means the *Planning Act 2015*.

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

[standard/code?] 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;
- (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;
- (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;
- (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.

- (3) Schedule 6, definition *material change of use*, ‘section 10’—
omit, insert—

schedule 1 [Dictionary]

- (4) Schedule 6, definition *operational work*, ‘section 10(1)’—
omit, insert—
schedule 1 [Dictionary]
- (5) Schedule 6, definition *reconfiguring a lot*, ‘section 10’—
omit, insert—
schedule 1 [Dictionary]

Part 64 **Amendment of Transport Operations (Marine Safety) Act 1994**

570 **Act amended**

This part amends the *Transport Operations (Marine Safety) Act 1994*.

571 **Amendment of s 10A (Meaning of *commercial ship*, *fishing ship* and *recreational ship*, and related provision)**

Section 10A(2)(b)—

omit, insert—

- (b) a ship used as part of an aquaculture use authorised under a development permit under the *Planning Act 2015*; or

Part 65 **Amendment of Transport
Planning and Coordination Act
1994**

572 **Act amended**

This part amends the *Transport Planning and Coordination Act 1994*.

573 **Amendment of s 8B (Impact of particular development on public passenger transport or active transport)**

(1) Section 8B(1), ‘*Sustainable Planning Act 2009*’—
omit, insert—

Planning Act

(2) Section 8B(3), from ‘*Sustainable*’ to ‘division 2’—
omit, insert—

Planning Act, section 53 [Referral agency’s assessment] and chapter 3, part 4, division 2 [Assessment manager’s decision]

574 **Amendment of s 8C (Impact of road works on local government road)**

(1) Section 8C(2), ‘for IDAS’—
omit, insert—

prescribed by regulation for this section

(2) Section 8C(3) and (4), ‘for IDAS’—
omit.

575 Amendment of s 8D (Impact of change of management of local government road on public passenger transport)

(1) Section 8D(8)(a)—

omit, insert—

- (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.

576 Amendment of s 8E (Guidelines for pt 2A)

Section 8E(3)(a), ‘*Sustainable Planning Act 2009*’—

omit, insert—

Planning Act

577 Amendment of s 38 (Regulation-making power)

Section 38(2)(a)—

omit.

578 Amendment of sch 1 (Dictionary)

(1) Schedule 1, definition *IDAS*—

omit.

(2) Schedule 1—

insert—

Planning (Consequential) and Other Legislation Amendment Bill 2015

Part 66 Amendment of Transport (South Bank Corporation Area Land) Act 1999

[s 579]

Planning Act means the *Planning Act 2015*.

Part 66 **Amendment of Transport
(South Bank Corporation Area
Land) Act 1999**

579 **Act amended**

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

580 **Amendment of s 12 (State may sign plans and other documents)**

Section 12(3) and (4)—
omit.

Part 67 **Amendment of Vegetation
Management Act 1999**

581 **Act amended**

This part amends the *Vegetation Management Act 1999*.

582 **Amendment of s 3 (Purpose of Act)**

(1) Section 3(2)(a)—
omit, insert—

(a) matters that a development application under the Planning Act may be assessed against or having regard to; and

(2) Section 3(2)(e)—
omit.

583 Amendment of s 7 (Application of Act)

Section 7(6) and (7)—
omit.

584 Omission of pt 2, divs 2A and 3

Part 2, divisions 2A and 3—
omit.

585 Amendment of s 16 (Preparing declaration)

Section 16(3)—
omit, insert—

(3) The proposed declaration must include the proposed matters a development application for the clearing of vegetation in the stated area must be assessed against or having regard to.

586 Amendment of s 17 (Making declaration)

(1) Section 17(2)—
omit.

(2) Section 17(3)—
renumber as section 17(2).

587 Omission of ss 19A–19C

Sections 19A to 19C—

omit.

588 Amendment of s 19F (Making declaration)

Section 19F(3)—

omit, insert—

- (3) The chief executive need not make a declaration for the stated area if the chief executive considers the making of the declaration is not in the interests of the State, having regard to the public interest.

589 Omission of s 19H (Code for clearing of vegetation)

Section 19H—

omit.

590 Amendment of pt 2, div 4A, hdg (Code for clearing vegetation for special indigenous purpose)

Part 2, division 4A, heading, ‘Code for clearing’—

omit, insert—

Clearing

591 Replacement of s 19N (Code for clearing vegetation for special indigenous purpose)

Section 19N—

omit, insert—

19N Proposed matters for assessing development application for clearing vegetation for special indigenous purpose

- (1) The Minister may prepare a document setting out the proposed matters a development application must be assessed against or having regard to if—
 - (a) the application is for the clearing of vegetation for development; and
 - (b) the Minister is satisfied, under the CYPH Act, the development is for a special indigenous purpose.
- (2) In preparing the document, the Minister—
 - (a) must consult with the following entities—
 - (i) the relevant landholders;
 - (ii) the Cape York Peninsula Regional Advisory Committee; and
 - (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).

- (3) In this section—

Cape York Peninsula Region means the Cape York Peninsula Region under the CYPH Act.

Cape York Peninsula Regional Advisory Committee means the Cape York Peninsula Regional Advisory Committee established under the CYPH Act.

DOGIT land means DOGIT land under the *Aboriginal Land Act 1991*.

relevant landholders means each of the following—

- (a) the land trusts for Aboriginal land, under the *Aboriginal Land Act 1991*, that is in the Cape York Peninsula Region;
- (b) the Aurukun Shire Council;
- (c) the trustees, under the *Land Act 1994*, of DOGIT land in the Cape York Peninsula Region.

592 Amendment of pt 2, div 4B, hdg (Self-assessable codes)

Part 2, division 4B, heading, ‘Self-assessable codes’—

omit, insert—

Accepted development

593 Amendment of s 19O (Self-assessable vegetation clearing code)

(1) Section 19O, heading, ‘Self-assessable’—

omit, insert—

Accepted development

(2) Section 19O(1) and (2), ‘a *self-assessable*’—

omit, insert—

an *accepted development*

(3) Section 19O(3) and (4), ‘A self-assessable’—

omit, insert—

An accepted development

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

(1) Section 19P, heading, ‘self-assessable’—

omit, insert—

accepted development

- (2) Section 19P, 'A self-assessable'—

omit, insert—

An accepted development

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

- (1) Section 19Q, heading, 'self-assessable'—

omit, insert—

accepted development

- (2) Section 19Q(1), 'a self-assessable'—

omit, insert—

an accepted development

- (3) Section 19Q(2) and note—

omit, insert—

- (2) For the Planning Act, the activity is—

(a) accepted development to the extent the activity complies with the code; or

(b) assessable development to the extent—

(i) the activity does not comply with the code; and

(ii) any vegetation clearing application for the activity would be for a relevant purpose under section 22A; or

(c) prohibited development to the extent—

(i) the activity does not comply with the code; and

- (ii) any vegetation clearing application for the activity would not be for a relevant purpose under section 22A.

Note—

For offences relating to carrying out assessable development without a development permit under the Planning Act, see chapter 5, part 2 [Development offences] of that Act.

596 Amendment of s 19R (Register of self-assessable notices given under code)

- (1) Section 19R, heading, ‘self-assessable’—

omit, insert—

accepted development

- (2) Section 19R(1), ‘a self-assessable’—

omit, insert—

an accepted development

597 Omission of pt 2, div 5 (Declarations about codes)

Part 2, division 5—

omit.

598 Amendment of s 20AH (Deciding to show particular areas as category B areas)

Section 20AH(c)(ii), ‘a self-assessable’—

omit, insert—

an accepted development

599 Amendment of s 20AI (Deciding to show particular areas as category C areas)

Section 20AI(a), ‘a self-assessable’—

omit, insert—

an accepted development

600 Amendment of s 20CA (Process before making PMAV)

(1) Section 20CA(2)(a), ‘exempt’—

omit, insert—

accepted

(2) Section 20CA(2)(d), ‘a self-assessable’—

omit, insert—

an accepted development

601 Amendment of s 20D (When PMAV may be replaced)

Section 20D(3A)(c), ‘a self-assessable’—

omit, insert—

an accepted development

602 Amendment of s 20P (Criteria for approving draft plan or accrediting planning document)

Section 20P(e)(ii)—

omit, insert—

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

603 Amendment of s 20R (Imposing additional condition on approval of draft plan)

Section 20R(2)(b)(ii)—

omit, insert—

- (ii) a matter the chief executive administering the Planning Act may, under that Act, assess a development application for clearing vegetation against.

604 Amendment of s 20UA (Chief executive may make area management plans)

Section 20UA(2)(d)(ii)—

omit, insert—

- (ii) a matter the chief executive administering the Planning Act may, under that Act, assess a development application for clearing vegetation against.

605 Amendment of s 20ZB (Amendment by chief executive)

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

omit, insert—

- (i) has become inconsistent with the State policy; or
- (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
- (iii) will become inconsistent with the State policy or a matter mentioned in subparagraph (ii) if the plan is not amended; or

Examples—

- 1 An area management plan becomes inconsistent with a matter mentioned in subparagraph (ii) because of a change to the matter.
- 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.

606 Omission of s 21 (Modifying effect on vegetation clearing applications)

Section 21—

omit.

607 Omission of s 22 (Declarations for the Planning Act)

Section 22—

omit.

608 Amendment of s 22A (Particular vegetation clearing applications may be assessed)

- (1) Section 22A, heading—

omit, insert—

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(2C)—

omit.

609 Omission of ss 22B–22D

Sections 22B to 22D—

omit.

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

611 Omission of s 22DAA (Application of subdivision)

Section 22DAA—

omit.

612 Amendment of s 22DAB (Requirements for making application)

(1) Section 22DAB, heading, ‘Requirements for making application’—

omit, insert—

Restrictions on clearing

(2) Section 22DAB(1) and (2)—

omit.

(3) Section 22DAB(3), ‘For subsection (2)(f), a’—

omit, insert—

A

613 Amendment of s 22DAC (Matters for deciding application)

(1) Section 22DAC, heading, ‘Matters for deciding application’—

omit, insert—

When a vegetation clearing application is for irrigated or high value agriculture clearing

-
- (2) Section 22DAC(1), ‘, having regard to the development plan, the’—

omit, insert—

a

- (3) Section 22DAC(1)(e), ‘section 22DAB(2)(f)’—

omit, insert—

section 22DAB

614 Omission of pt 2, div 6, sdiv 2 (Referral agency assessment and responses)

Part 2, division 6, subdivision 2—

omit.

615 Omission of pt 2, div 7 (Broadscale applications and ballots)

Part 2, division 7—

omit.

616 Omission of s 22M (Refusing vegetation clearing application after conviction for vegetation clearing offence)

Section 22M—

omit.

617 Amendment of s 70AB (Copies of documents to be available for inspection and purchase)

- (1) Section 70AB(1)(b), (c), (f) and (g)(iii)—

omit.

- (2) Section 70AB(1)(d)—

omit, insert—

(d) an accepted development vegetation clearing code;

(3) Section 70AB(1)(h), from 'that' to 'section 20V(2)(c)'—

omit.

(4) Section 70AB(1)(d) to (h)—

renumber as section 70AB(1)(b) to (e).

(5) Section 70AB(2)(b), 'subsection (1)(g)'—

omit, insert—

subsection (1)(d)

618 Amendment of s 70A (Application of development approvals and exemptions for Forestry Act)

Section 70A(3) and (4), from 'assessable development' to 'section 232(1)'—

omit, insert—

categorised as assessable development under a regulation under the Planning Act

619 Amendment of s 70B (Record of particular matters in land registry)

(1) Section 70B(1)—

omit, insert—

(1) This section applies if a PMAV is made and contains a category A area.

(2) Section 70B(2), from 'approval is' to 'approval or'—

omit, insert—

PMAV is made, the chief executive must give the registrar of titles written notice of

(3) Section 70B(3), from 'the approval has' to 'approval, or'—

omit.

- (4) Section 70B(4), from ‘approval or PMAV’ to ‘approval, or’—
omit, insert—

PMAV will show

- (5) Section 70B(5), from ‘the approval’ to ‘or’—
omit.

- (6) Section 70B(5A) and (6), ‘approval or’—
omit.

- (7) Section 70B(7)—
omit.

620 Amendment of s 72 (Regulation-making power)

Section 72(2)—

omit, insert—

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

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

Section 74(2)(b)(ii) and (iii)—

omit, insert—

- (ii) an acknowledgement notice mentioned in the repealed *Integrated Planning Act 1997*, section 3.2.5(1); or
- (iii) a request made under the repealed *Sustainable Planning Act 2009*, section 95(1) or the Planning Act, section 26(4)(b) [Request to apply superseded planning scheme] that has been agreed

to, or is taken to have been agreed to, by the local government; or

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

622 Omission of ss 75–78

Sections 75 to 78—

omit.

623 Omission of s 80 (Modifying effect of repealed Integrated Planning Act 1997 for owner’s consent)

Section 80—

omit.

624 Amendment of s 81 (Effect on existing riverine protection permits)

Section 81(2), from ‘assessable’ to ‘section 232(1)’—

omit, insert—

categorised as assessable development under a regulation under the Planning Act

625 Omission of s 83 (Validation of regional vegetation management codes)

Section 83—

omit.

626 Omission of pt 6, div 6 (Transitional provision for Sustainable Planning Act 2009)

Part 6, division 6—

omit.

627 Omission of ss 90–95

Sections 90 to 95—

omit.

628 Amendment of s 100 (Clearing of regulated regrowth vegetation in retrospective period not an offence)

Section 100(1), ‘Planning Act’—

omit, insert—

repealed *Integrated Planning Act 1997*

629 Omission of ss 105–106

Sections 105 and 106—

omit.

630 Omission of s 108 (Appeals)

Section 108—

omit.

631 Insertion of new pt 6, div 12

Part 6—

insert—

**Division 12 Transitional provisions for
Planning (Consequential)**

and Other Legislation Amendment Act 2015

125 Self-assessable vegetation clearing code continues in effect

A self-assessable vegetation clearing code in force immediately before the commencement—

- (a) continues in effect; and
- (b) is taken to be an accepted development vegetation clearing code.

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 310 [Applications generally] applies.
- (2) This Act, as in force before the commencement, continues to apply to the application as if the *Planning (Consequential) and Other Legislation Amendment Act 2015* had not been enacted.

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 42(4) [Categories of development].

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

assessable development see the Planning Act, section 42(3) [Categories of development].

Planning Act means the *Planning Act 2015*.

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

- (3) Schedule, definition *exchange area*, from ‘a self-assessable’ to ‘regrowth vegetation’—

omit, insert—

an accepted development vegetation clearing code in exchange for clearing vegetation under the code

- (4) Schedule, definition *forest practice*, item 1, paragraph (b)(i), ‘self-assessable’—

omit, insert—

accepted development

- (5) Schedule, definition *high risk species*, paragraph (b)—

omit, insert—

(b) another plant prescribed by regulation.

- (6) Schedule, definition *unlawfully cleared*—

insert—

- (c) the repealed *Sustainable Planning Act 2009*, section 578(1), 580(1), 581, 582 or 594(1), if the person—
 - (i) has not contested an infringement notice given for the contravention; or
 - (ii) has been convicted of the contravention, whether or not the conviction is recorded.
- (7) Schedule, definition *vegetation clearing application*, paragraphs (a) and (b)—
omit, insert—
 - (a) the clearing of vegetation; and
 - (b) categorised as assessable development under a regulation under the Planning Act.
- (8) Schedule, definition *vegetation clearing provision*, ‘section 578(1), 580(1), 581, 582 or 594(1)’—
omit, insert—
 - section 160 [Carrying out prohibited development], 161(1) [Carrying out assessable development without permit], 162 [Compliance with development approval], 163 [Unlawful use of premises] or 166(5) [Enforcement notices]

Part 68

Amendment of Water Act 2000

633 Act amended

This part amends the *Water Act 2000*.

-
- 634 Amendment of ch 2, pt 2, div 1A (Authorised taking of, or interference with, water without water entitlement)**
Chapter 2, part 2, division 1A, note—
omit, insert—
Note—
See also the Planning Act for when a development permit is required for taking or interfering with water.
- 635 Amendment of s 46 (Content of draft water resource plans)**
Section 46(2)(d) and (e), ‘self-assessable’—
omit, insert—
accepted
- 636 Amendment of s 363 (Water bores to which ch 3 applies)**
Section 363(b), after ‘Planning Act’—
insert—
, the repealed *Sustainable Planning Act 2009*
- 637 Amendment of s 740 (Functions and powers of authorised officers)**
(1) Section 740(1)(b)(ii)(A)—
omit.
(2) Section 740(1)(b)(ii)(B) and (C)—
renumber as section 740(1)(b)(ii)(A) and (B).
- 638 Amendment of s 746 (Power to enter land to monitor compliance)**
(1) Section 746(4), from ‘the Planning’ to ‘condition’—

omit, insert—

a development approval is being complied with

(2) Section 746—

insert—

(5) Subsection (4) applies only to the extent the development approval relates to a matter mentioned in section 740(1)(b)(ii).

639 Amendment of s 814 (Excavating or placing fill without permit)

Section 814(2)(d), ‘self-assessable’—

omit, insert—

accepted

640 Amendment of ch 8, pt 2, div 1, sdiv 1, hdg (Additional provisions for making development applications)

Chapter 8, part 2, division 1, subdivision 1, heading, ‘making’—

omit.

641 Amendment of s 967 (Applications for levees)

Section 967(2) and (3)—

omit, insert—

(2) A regulation may, for the Planning Act, prescribe assessment benchmarks under that Act that the development application must be assessed against.

642 Omission of ch 8, pt 2, div 1, sdiv 2 (Additional assessment criteria)

Chapter 8, part 2, division 1, subdivision 2—

omit.

643 Amendment of s 972B (When an applicant may appeal to Land Court)

Section 972B(2), ‘chapter 7’—

omit, insert—

chapter 6 [Dispute resolution]

644 Omission of s 972C (Offence to take or interfere with water if development permit required)

Section 972C—

omit.

645 Amendment of ss 972D (Additional rights for permits for operational work)

Section 972D(2) and (3), ‘self-assessable’—

omit, insert—

accepted

646 Omission of ss 972E and 972F

Sections 972E and 972F—

omit.

647 Amendment of s 972H (Modification or removal of works)

Section 972H(1)(b)(ii), ‘self-assessable’—

omit, insert—

accepted

648 Amendment of s 972J (Modification or removal of levees)

Section 972J(1)(b)(ii), ‘self-assessable’—

omit, insert—

accepted

649 Replacement of s 972N (Effect on development permit)

Section 972N—

omit, insert—

972N Direction prevails over development permit

If the direction is inconsistent with a development permit, the direction prevails to the extent of the inconsistency.

650 Amendment of s 1014 (Regulation-making power)

(1) Section 1014(2)(h)(ii), ‘self-assessable’—

omit, insert—

accepted

(2) Section 1014(2)(i)—

omit.

(3) Section 1014(2)(j)—

omit, insert—

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

(4) Section 1014(2)(n)—

omit.

651 Amendment of s 1046 (Declared underground water areas)

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

omit, insert—

accepted development under the Planning Act

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

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

omit, insert—

Planning Act, section 83 [Lapsing of approval at end of currency period]

653 Insertion of new ch 9, pt 9

Chapter 9—

insert—

**Part 9 Transitional provisions
for Planning
(Consequential) and
Other Legislation
Amendment Act 2015**

**1282 Existing development applications under the
repealed Sustainable Planning Act 2009**

- (1) This section applies to a development application to which the Planning Act, section 310 [Applications generally] applies.
- (2) Chapter 8, part 2, division 1 as in force before the commencement continues to apply to the development application as if the *Planning (Consequential) and Other Legislation Amendment Act 2015* had not been enacted.

654 Amendment of sch 4 (Dictionary)

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

omit.

- (2) Schedule 4—

insert—

accepted development means development categorised as accepted development under a regulation under the Planning Act.

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

Planning Act means the *Planning Act 2015*.

regional plan means a regional plan under the Planning Act.

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

omit, insert—

section 46 [Who is the assessment manager]

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

omit, insert—

schedule 1 [Dictionary]

- (5) Schedule 4, definition *levee*, item 3, paragraph (d)(i), ‘section 584 or 585’—

omit, insert—

section 164 [Exemptions if emergency causing safety concern]

- (6) Schedule 4, definition *operational work*, ‘section 10(1)’—

omit, insert—

schedule 1 [Dictionary]

- (7) Schedule 4, definition *Planning Act offence*, from ‘section 574’ to ‘594(1)’—

omit, insert—

section 160 [Carrying out prohibited development], 161(1) [Carrying out assessable development without permit], 162 [Compliance with development approval], 163 [Unlawful use of premises] or 166(5) [Enforcement notices]

- (8) Schedule 4, definition *premises*, paragraph (a), ‘section 10(1)’—

omit, insert—

schedule 1 [Dictionary]

**Part 69 Amendment of Water Supply
 (Safety and Reliability) Act 2008**

655 Act amended

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

656 Amendment of s 559 (Definition for pt 2)

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

657 Omission of s 560 (Codes for Planning Act)

Section 560—
omit.

658 Amendment of s 561 (Development applications for relevant operational work)

Section 561(3) and (4)—
omit.

659 Amendment of s 562 (When applicant may appeal to Land Court)

Section 562(2), ‘chapter 7’—
omit, insert—

chapter 6 [Dispute resolution]

660 Insertion of new ch 10, pt 10

Chapter 10—

insert—

**Part 10 Transitional provision
for Planning
(Consequential) and
Other Legislation
Amendment Act 2015**

**673 Existing development applications under the
repealed Sustainable Planning Act 2009**

- (1) This section applies to a development application to which the Planning Act, section 310 [Applications generally] applies.
- (2) Chapter 8, part 2, as in force before the commencement, continues to apply to the development application as if the *Planning (Consequential) and Other Legislation Amendment Act 2015* had not been enacted.

661 Amendment of sch 3 (Dictionary)

- (1) Schedule 3, definitions *assessment manager*, *concurrency agency*, *Planning Act* and *referral agency*—
omit.
- (2) Schedule 3—
insert—

Planning Act means the *Planning Act 2015*.
- (3) Schedule 3, definition *development*, ‘section 7’—
omit, insert—

schedule 1 [Dictionary]
- (4) Schedule 3, definition *development condition*, paragraph 1—
omit, insert—

- 1 *Development condition*, of a development approval, means a condition of the approval that relates to a referable dam and was imposed by—
- (a) the chief executive; or
 - (b) the chief executive administering the Planning Act.
- (5) Schedule 3, definition *Planning Act offence*, from ‘section 574(1)’ to ‘594’—
- omit, insert—*
- section 160 [Carrying out prohibited development], 161(1) [Carrying out assessable development without permit], 162 [Compliance with development approval],¹⁶³ [Unlawful use of premises] or 166(5) or (7) [Enforcement notices]
- (6) Schedule 3, definition *premises*, paragraph (a), ‘section 10(1)’—
- omit, insert—*
- schedule 1 [Dictionary]

Part 70 **Amendment of Wet Tropics
World Heritage Protection and
Management Act 1993**

662 Act amended

This part amends the *Wet Tropics World Heritage Protection and Management Act 1993*.

663 Amendment of sch 3 (Dictionary)

- (1) Schedule 3, definition *planning scheme*—

omit, insert—

planning scheme means a planning scheme under the *Planning Act 2015*.

- (2) Schedule 3, definition *reconfiguring a lot*, ‘*Sustainable Planning Act 2009*, section 10(1)’—

omit, insert—

Planning Act 2015, schedule 1 [\[Dictionary\]](#)