



Queensland

Economic Development Act 2012

Act No. 43 of 2012



Queensland

Economic Development Act 2012

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Queensland

Economic Development Act 2012

Act No. 43 of 2012

An Act about economic development and development for community purposes, to repeal the Industrial Development Act 1963 and the Urban Land Development Authority Act 2007, to make consequential amendments to this Act and the Acts mentioned in schedule 1, and to amend the Disaster Management Act 2003, the Environmental Protection Act 1994, the Environmental Protection (Greentape Reduction) and Other Legislation Amendment Act 2012, the Queensland Reconstruction Authority Act 2011, the South Bank Corporation Act 1989, the State Development and Public Works Organisation Act 1971, the Water Supply (Safety and Reliability) Act 2008 and the Acts mentioned in schedule 2 for particular purposes

[Assented to 11 December 2012]

The Parliament of Queensland enacts—

Chapter 1 Preliminary

Part 1 Introduction

1 Short title

This Act may be cited as the *Economic Development Act 2012*.

2 Commencement

This Act, other than the following provisions, commences on a day to be fixed by proclamation—

- (a) chapter 8, parts 1 to 4;
- (b) the following provisions of chapter 8, part 6—
 - (i) sections 284, 285, 293, 295 to 299, 302, 306, 307, 311, 315, 316 and 318;
 - (ii) section 319, to the extent it inserts section 192;
- (c) chapter 8, parts 7 and 8;
- (d) the following provisions of schedule 2—
 - (i) amendment of the *Disaster Management Act 2003*;
 - (ii) amendment of the *Environmental Protection Act 1994*;
 - (iii) amendment of the *State Development and Public Works Organisation Act 1971*, amendments 1 to 8, 14 to 18 and 24 to 30.

3 Main purpose of Act

The main purpose of this Act is to facilitate economic development, and development for community purposes, in the State.

4 How main purpose is primarily achieved

The main purpose of this Act is achieved primarily by—

- (a) establishing MEDQ to plan, carry out, promote or coordinate activities to facilitate economic development, and development for community purposes, in the State; and
- (b) providing for a streamlined planning and development framework for particular parts of the State (declared as priority development areas under this Act) to facilitate economic development, and development for community purposes, in the parts.

5 Act binds all persons

- (1) This Act binds all persons, including the State and, to the extent the legislative power of the Parliament permits, the Commonwealth and the other States.
- (2) Nothing in this Act makes the State liable to be prosecuted for an offence.

Part 2 Interpretation

6 Definitions

The dictionary in schedule 3 defines particular words used in this Act.

[s 7]

7 Application of provisions

- (1) This section applies if a provision of this Act applies to any of the following (the *applied law*) for a purpose—
 - (a) another provision of this Act;
 - (b) another law;
 - (c) a provision of another law.
- (2) The applied law and any definition relevant to it apply with necessary changes.
- (3) Subsection (2) is not limited merely because a provision states how the applied law is to apply.

Chapter 2 Minister for Economic Development Queensland

Part 1 Establishment

8 Establishment of Minister for Economic Development Queensland

- (1) A corporation sole constituted by the Minister is established under the name Minister for Economic Development Queensland (*MEDQ*).
- (2) The corporation as established under that name—
 - (a) has perpetual succession and a seal; and
 - (b) may sue and be sued in its corporate name.

9 MEDQ represents the State

- (1) MEDQ represents the State.

- (2) Without limiting subsection (1), MEDQ has all the State's privileges and powers.

10 Legal capacity

- (1) MEDQ has all the powers of an individual and may, for example—
- (a) enter into contracts, infrastructure agreements and other agreements; and
 - (b) deal in land or other property; and
 - (c) appoint agents and attorneys; and
 - (d) engage consultants; and
 - (e) establish funds and accounts with any financial institution in Australia; and
 - (f) fix charges, and other terms, for the performance of a function, or exercise of a power, under this Act; and
 - (g) do anything necessary or convenient to be done in the performance of its functions, or exercise of its powers, under this or another Act.
- (2) MEDQ also has the powers conferred on it by this or another Act.
- (3) In performing its functions, MEDQ may act alone or in conjunction with public sector units, local governments, agencies or instrumentalities of the Commonwealth and other persons.

11 Application of other Acts

- (1) MEDQ is a part of the department for the purposes of the *Financial Accountability Act 2009*.
- (2) MEDQ is—
- (a) a unit of public administration; and

[s 12]

- (b) a statutory body under the *Statutory Bodies Financial Arrangements Act 1982*.
- (3) The *Statutory Bodies Financial Arrangements Act 1982*, part 2B sets out the way in which MEDQ's powers under this Act are affected by the *Statutory Bodies Financial Arrangements Act 1982*.

12 MEDQ declared to be excluded matter

MEDQ is declared to be an excluded matter for the Corporations Act, section 5F, in relation to all of the Corporations legislation.

Part 2 Functions

13 MEDQ's functions

- (1) MEDQ's main function is to give effect to the main purpose of this Act.
- (2) MEDQ's other functions, for facilitating economic development and development for community purposes, include—
 - (a) dealing in land or other property; and
 - (b) coordinating the provision of, or providing, infrastructure and other services; and
 - (c) planning for, and developing and managing land, in priority development areas; and
 - (d) deciding PDA development applications under this Act.
- (3) In planning for, or developing land in, priority development areas, MEDQ must consult with each relevant local government.

Note—

See also section 58 in relation to MEDQ consulting with relevant local governments when preparing a development scheme for a priority development area.

Part 3 Matters about dealing in land or other property, or the provision of infrastructure

Division 1 General

14 Purpose of pt 3

- (1) This part provides for particular powers and other matters for achieving MEDQ's functions mentioned in section 13(2)(a) and (b).
- (2) This part does not limit MEDQ's powers under this or another Act.

15 MEDQ to act commercially

MEDQ must, to the extent practicable, carry out its functions mentioned in section 13(2)(a) and (b) on a commercial basis.

Division 2 Dealing in land or other property

16 What power to deal in land or other property includes

- (1) For this Act, MEDQ's power to deal in land or other property includes a power to deal in—
 - (a) land or other property; or

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- (b) an interest in land or other property.
- (2) Also, for this Act, MEDQ's power to deal in land includes a power to deal in land and improvements on land.

17 Dealing in land or other property generally

Without limiting section 13(2)(a), MEDQ may—

- (a) acquire land or other property for proposed development; or
- (b) develop land, including by providing or contributing to the provision of infrastructure on the land, to facilitate the use of the land for economic development or development for community purposes; or
- (c) dispose of, lease, license the use or occupation of, or sublease land or other property held by MEDQ to another entity for development by the entity.

18 Selling surplus property

- (1) This section applies if MEDQ holds land or other property (*surplus property*) that it does not require, or no longer requires, for carrying out its functions under this Act.
- (2) MEDQ may sell the surplus property at its market value—
 - (a) by public tender or auction; or
 - (b) by private treaty; or
 - (c) to a Commonwealth or State entity, or a local government, in priority to all other entities; or
 - (d) in any other way prescribed under a regulation.
- (3) In this section—

Commonwealth or State entity means—

 - (a) a department of the Government of the Commonwealth or the State; or

-
- (b) a statutory body constituted under an Act of the Commonwealth or the State.

19 Conditional disposal of land or other property

- (1) MEDQ may impose a condition or restriction on the disposal of land or other property to an entity (a *transferee*) by MEDQ.
- (2) Without limiting subsection (1), MEDQ and a transferee may agree that the transferee—
 - (a) must make stated improvements to the land or property;
or
 - (b) must undertake a stated activity, within a stated period, in relation to the land or property; or
 - (c) is subject to stated restrictions on the transfer of or dealing with the land or property.
- (3) An agreement under subsection (2) may provide for remedies against, and the power to impose sanctions on, the transferee relating to the agreement.

Division 3 Provision of infrastructure

20 Construction of roads

- (1) MEDQ may construct a road for achieving its functions mentioned in section 13(2)(a) and (b).
- (2) The Governor in Council may, by gazette notice, fix a day (the *fixed day*) on and after which the *Local Government Act 2009* or the *City of Brisbane Act 2010* (the *relevant Act*) applies to the road.
- (3) Until the fixed day—
 - (a) the relevant Act does not apply to the road; and
 - (b) MEDQ incurs a duty, obligation, liability or responsibility in relation to an act done or omission

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made in relation to the road if, and to the extent, a local government would incur the duty, obligation, liability or responsibility if the act had been done or omission had been made by the local government.

- (4) On and after the fixed day—
- (a) the relevant Act applies to the road as if the road had been constructed by the local government for the area in which the road is located; and
 - (b) MEDQ does not have any duty, obligation, liability or responsibility in relation to the road.

Division 4 Financial arrangements

21 Entering into financial arrangements

- (1) MEDQ may—
- (a) lend money, or enter into other financial arrangements, as part of a dealing in land or other property, including, for example, by providing finance to a purchaser; and
 - (b) enter into instalment contracts or other deferred payment arrangements as a creditor.

Example—

MEDQ might construct a research facility for an entity and recover the costs of its construction by a lease of the facility to the entity.

- (2) MEDQ may exercise a power under subsection (1) only if MEDQ has considered a matter prescribed under a regulation about the exercise of the power.
- (3) MEDQ may take any form of security or charge over land or other property if MEDQ considers it appropriate for doing a thing under subsection (1).

22 Holding land or other property obtained as security

- (1) This section applies if MEDQ acquires or otherwise becomes entitled to land or other property as security for, or in satisfaction, liquidation or discharge of, a debt owing to MEDQ.
- (2) MEDQ may hold the land or property until it can be advantageously disposed of.

Division 5 Other functions and powers

23 Arrangements for facilitating economic development or development for community purposes

- (1) To help a person establish and carry on, or expand, an economic or community undertaking, MEDQ may enter into arrangements to facilitate the grant of an appropriate lease under the *Land Act 1994* to the person for the undertaking.

- (2) In this section—

economic or community undertaking means an undertaking that facilitates or supports economic development or development for community purposes.

24 Research

MEDQ may contribute to, or undertake, research about land or other property or infrastructure to give effect to the main purpose of this Act, including, for example, research directed at identifying—

- (a) recent market trends that may affect economic development, or development for community purposes, in the State; or
- (b) opportunities for economic development, or development for community purposes, in the State; or
- (c) community needs and expectations.

Part 4 Economic Development Fund

25 Economic Development Fund

- (1) The Estates Construction Fund under the repealed ID Act is continued in existence under this Act and renamed as the Economic Development Fund (the *Fund*).
- (2) The Fund does not form part of the consolidated fund.

26 Payments of amounts into the Fund

The following amounts are payable into the Fund—

- (a) amounts received by MEDQ for a dealing in land or other property under this Act;
- (b) amounts received by MEDQ for a borrowing under the *Statutory Bodies Financial Arrangements Act 1982*, part 5;
- (c) amounts received by MEDQ for an investment under the *Statutory Bodies Financial Arrangements Act 1982*, part 6;
- (d) fees received by MEDQ for applications under chapter 3;
- (e) special rates and charges received by MEDQ;
- (f) any other amounts received by MEDQ in carrying out its functions or exercising its powers under this Act, including, for example, interest received in relation to—
 - (i) a fund or bank account kept under this Act; or
 - (ii) a financial arrangement under section 21;
- (g) any amount appropriated by Parliament for the purposes of the Fund;
- (h) any amount paid into the Fund at the direction of or with the approval of the Minister and the Treasurer.

27 Payment of amounts from the Fund

A payment of an amount from the Fund may be made for any of the following purposes—

- (a) paying expenses incurred by MEDQ for—
 - (i) a dealing in land or other property under this Act; or
 - (ii) the provision of infrastructure or other services under this Act; or
 - (iii) the administration or enforcement of this Act; or
 - (iv) performing another function, or exercising another power, under this Act;
- (b) paying fees or expenses related to administering the Fund or a fund or bank account kept under this Act;
- (c) transferring an amount to a local government under section 127(1)(b);
- (d) paying an amount the Minister and the Treasurer direct MEDQ, in writing, to pay into the consolidated fund.

28 Administration of the Fund

- (1) The Fund is to be administered by MEDQ.
- (2) Accounts for the Fund must be kept as part of the departmental accounts of the department.
- (3) However, amounts received for the Fund must be deposited in a departmental financial institution account of the department used only for amounts received for the Fund.
- (4) In this section—

departmental accounts, of a department, means the accounts of the department kept under the *Financial Accountability Act 2009*, section 69.

- (a) contain a recent photo of the individual; and
 - (b) contain a copy of the individual's signature; and
 - (c) identify the individual as an individual who is authorised by MEDQ; and
 - (d) state an expiry date for the card.
- (3) This section does not prevent the issue of a single identity card to a person for this Act and other purposes.

31 Production or display of identity card

- (1) In exercising a power under this Act in relation to another person, the individual must—
- (a) produce his or her identity card for the person's inspection before exercising the power; or
 - (b) have the identity card displayed so it is clearly visible to the person when exercising the power.
- (2) However, if it is not practicable to comply with subsection (1), the individual must produce the identity card for the person's inspection at the first reasonable opportunity.

32 Return of identity card

If an individual ceases to be authorised as mentioned in section 30, the individual must return the individual's identity card to MEDQ within 20 business days after ceasing to be so authorised unless the individual has a reasonable excuse.

Maximum penalty—20 penalty units.

Chapter 3 Planning and development

Part 1 Preliminary

33 Development and its types

- (1) This section defines particular terms for this chapter.
- (2) *Development* is any of the following—
 - (a) carrying out building work;
 - (b) carrying out plumbing work or drainage work;
 - (c) carrying out operational work;
 - (d) reconfiguring a lot;
 - (e) making a material change of use of premises.
- (3) *PDA assessable development* is development that a relevant development instrument provides is PDA assessable development.
- (4) *PDA self-assessable development* is development that a relevant development instrument provides is PDA self-assessable development.
- (5) Development other than PDA assessable development or PDA self-assessable development is *PDA exempt development*.

Part 2 Priority development areas

Division 1 Declaration of provisional priority development areas and provisional land use plans

34 Declaration

- (1) A regulation (a *declaration regulation*) may declare a part of the State to be a provisional priority development area.
- (2) In making a declaration under subsection (1), regard must be had to—
 - (a) the main purpose of this Act; and
 - (b) without limiting paragraph (a)—
 - (i) any proposed development for land in the area; and
 - (ii) the economic and community benefit to the State that may be gained by the proposed development; and
 - (iii) the impact the Sustainable Planning Act may have on the delivery of the proposed development if that Act were to apply to development in the area.
- (3) Also, a declaration may be made under subsection (1) only if—
 - (a) the area is a discrete site proposed to be used for a discrete purpose; and
 - (b) the type, scale, intensity and location of proposed development on the site is consistent with the relevant local government’s planning scheme for the area; and
 - (c) there is an overriding economic or community need to start the proposed development quickly.

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35 Provisional land use plan required for provisional priority development area

- (1) A declaration regulation must make a provisional land use plan regulating development in a provisional priority development area declared under it.
- (2) The provisional land use plan—
 - (a) may provide for any matter mentioned in section 57(2)(a) or (3); and
 - (b) must be consistent with the relevant local government's planning scheme for the area; and
 - (c) must require public notice of each PDA development application that is for carrying out PDA assessable development of the following kind on land in the area—
 - (i) reconfiguring a lot;
 - (ii) making a material change of use of premises.

Note—

See section 84 for the requirements about the public notification.

- (3) Subsection (2)(c) does not prevent the provisional land use plan from requiring public notice of PDA development applications for carrying out other PDA assessable development in the area.

36 Tabling and inspection of documents adopted in declaration regulation

- (1) This section applies if—
 - (a) a declaration regulation makes a provisional land use plan for a provisional priority development area by adopting, applying or incorporating all or part of another document (the *adopted provisions*); and
 - (b) the adopted provisions are not part of, or attached to, the regulation.

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- (2) The Minister must, when the regulation is tabled in the Legislative Assembly under the *Statutory Instruments Act 1992*, section 49, also table a copy of the adopted provisions.

Note—

MEDQ must keep a register of provisional land use plans, as amended from time to time, and publish them on the department's website. See section 172.

- (3) A failure to comply with this section does not invalidate or otherwise affect the regulation.

Division 2 Declaration of other priority development areas and interim land use plans

37 Declaration

- (1) A regulation (a *declaration regulation*) may declare a part of the State to be a priority development area.
- (2) In making a declaration under subsection (1), regard must be had to—
- (a) the main purpose of this Act; and
 - (b) without limiting paragraph (a)—
 - (i) any proposed development for land in the area; and
 - (ii) the economic and community benefit to the State that may be gained by the proposed development; and
 - (iii) the impact the Sustainable Planning Act may have on the delivery of the proposed development if that Act were to apply to development in the area.

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38 Interim land use plan required

- (1) A declaration regulation must make an interim land use plan regulating development in the priority development area declared under it.
- (2) The interim land use plan may provide for any matter mentioned in section 57(2)(a) or (3).
- (3) The interim land use plan has effect until the earlier of the following—
 - (a) a development scheme for the area takes effect;
 - (b) the interim land use plan expires under section 39.

39 Expiry of interim land use plan

- (1) An interim land use plan for a priority development area expires 12 months after it commences.
- (2) However, if a caretaker period occurs during the period mentioned in subsection (1), the period before the interim land use plan expires is extended by a further period equal to the caretaker period plus 20 business days.
- (3) A regulation may make a new interim land use plan for the priority development area.
- (4) Section 38(2) and (3) applies to the new interim land use plan.

40 Tabling and inspection of documents adopted in declaration regulation

- (1) This section applies if—
 - (a) a declaration regulation makes an interim land use plan by adopting, applying or incorporating all or part of another document (the *adopted provisions*); and
 - (b) the adopted provisions are not part of, or attached to, the regulation.

-
- (2) The Minister must, when the regulation is tabled in the Legislative Assembly under the *Statutory Instruments Act 1992*, section 49, also table a copy of the adopted provisions.

Note—

MEDQ must keep a register of interim land use plans, as amended from time to time, and publish them on the department's website. See section 172.

- (3) A failure to comply with this section does not invalidate or otherwise affect the regulation.

Division 3 Cessation of priority development areas

41 Cessation of provisional priority development area

- (1) A provisional priority development area ceases to be a provisional priority development area 3 years after its declaration.
- (2) Subject to subsection (4), before a provisional priority development area ceases under subsection (1), MEDQ may, by notice to the relevant local government—
- (a) approve an amendment of the local government's planning instruments prepared by the local government to provide for land in the provisional priority development area (the *planning instrument change*); or
 - (b) make an amendment of the local government's planning instruments to provide for land in the provisional priority development area (also the *planning instrument change*).
- (3) On the giving of a notice under subsection (2), the planning instrument change is, for the Sustainable Planning Act, taken to have been made by the local government.
- (4) The Sustainable Planning Act, section 117 does not apply for the making of the planning instrument change.

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- (5) Before making a planning instrument change under subsection (2)(b), MEDQ must—
 - (a) give the relevant local government the proposed planning instrument change; and
 - (b) invite it to, within 40 business days after it is given the proposed amendment, make submissions to MEDQ about the proposed planning instrument change; and
 - (c) consider any submissions made under paragraph (b).
- (6) The planning instrument change takes effect at the same time as the provisional priority development area ceases under subsection (1).

42 Revocation or reduction of priority development area

- (1) This section applies if it is proposed to amend or revoke a declaration regulation under section 34 or 37 (the *PDA change*) so that land in a priority development area will no longer be in a priority development area.
- (2) Subject to subsection (4), MEDQ may, by notice to the relevant local government—
 - (a) approve an amendment of the local government's planning instruments prepared by the local government to provide for the land (the *planning instrument change*); or
 - (b) make an amendment of the local government's planning instruments to provide for the land (also the *planning instrument change*).
- (3) On the giving of a notice under subsection (2), the planning instrument change is, for the Sustainable Planning Act, taken to have been made by the local government.
- (4) The Sustainable Planning Act, section 117 does not apply for the making of the planning instrument change.
- (5) Before making a planning instrument change under subsection (2)(b), MEDQ must—

- (a) give the relevant local government the proposed planning instrument change; and
 - (b) invite it to, within 40 business days after it is given the proposed amendment, make submissions to MEDQ about the proposed planning instrument change; and
 - (c) consider any submissions made under paragraph (b).
- (6) The PDA change may be made only if the planning instrument change has been made.
- (7) The planning instrument change takes effect at the same time as the PDA change.

43 Interim local laws

- (1) This section applies if land ceases to be in a priority development area and, immediately before the cessation, by-laws applied to the area.
- (2) A regulation may make a local law (the *interim local law*) for the land, about any matter provided for under the by-laws.
- (3) However, the regulation may be made only if the relevant local government has agreed to the making of the regulation.
- (4) For the *Local Government Act 2009* or the *City of Brisbane Act 2010*, the interim local law is taken to have been made under that Act by the relevant local government.
- (5) The interim local law expires 12 months after it commences.

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Division 4 Relationship with Sustainable Planning Act

Subdivision 1 Effect of declaration of priority development areas

44 Existing SPA development applications

- (1) This section applies if, immediately before the declaration of an area as a priority development area—
 - (a) an SPA development application had been made for land in the area; and
 - (b) the application was a properly made application and had not lapsed under that Act; and
 - (c) the application had not been decided.
- (2) Despite the declaration, the application must be decided under the Sustainable Planning Act, and that Act continues to apply, as if the land were not land in a priority development area.

45 Existing SPA development approvals

If, immediately before the declaration of an area as a priority development area, an SPA development approval is in effect for land in the area, the approval continues in effect as an SPA development approval.

46 Special provision for Northshore Hamilton urban development area

- (1) This section applies in relation to balance port land that is in the Northshore Hamilton urban development area.
- (2) A person may apply to MEDQ to restart a use of premises on the land if—
 - (a) the use—

-
- (i) is authorised under a development approval issued by the Port of Brisbane Corporation before the day the first interim land use plan had effect; or
 - (ii) was a lawful use of premises immediately before the taking of effect of the first interim land use plan; or
 - (iii) is generally consistent with a use mentioned in subparagraph (i) or (ii); and
- (b) the application is made within 6 months after the use stopped.
- (3) For making, dealing with and deciding the application, part 4, division 3 applies, with any necessary changes, as if it were a PDA development application.
- (4) A person may, under section 99, apply to MEDQ to change a development approval for a use mentioned in subsection (2)(a)(i) or (ii) to an extent that—
- (a) only changes the configuration or layout of buildings, other structures or plant; and
 - (b) does not involve an extension of the area of any buildings, other structures or plant.
- (5) A person may apply to MEDQ to change a development approval issued by the Port of Brisbane Corporation before the day the first interim land use plan had effect, as if the approval were a PDA development approval.
- (6) An application under subsection (4) or (5) may be made under section 99 as if it were an amendment application under that section.

Note—

Under section 99(2), an amendment application may be made only if MEDQ is satisfied the change would not result in the relevant development being substantially different.

- (7) An application mentioned in this section may be made to MEDQ, and approved by MEDQ, despite any provision of the

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Northshore Hamilton UDA Development Scheme 2009 that prohibits the development.

- (8) An application mentioned in this section may be made in relation to premises at any time until the day the term of the current lease for the premises ends.

- (9) In this section—

balance port land see the *Transport Infrastructure Act 1994*, section 283I.

current lease, for premises, means a lease that was in existence for the premises immediately before the commencement of the repealed ULDA Act, section 14A.

Note—

The repealed ULDA Act, section 14A commenced on 23 May 2010.

first interim land use plan means the first interim land use plan for the Northshore Hamilton urban development area under the repealed ULDA Act.

Port of Brisbane Corporation means Port of Brisbane Corporation Limited ACN 124 048 522.

47 Community infrastructure designations

- (1) A community infrastructure designation can not be made for land in a priority development area.
- (2) However, a community infrastructure designation in force immediately before the declaration of the priority development area continues in force for the land.
- (3) Subsection (1) applies despite the Sustainable Planning Act, chapter 5.

Subdivision 2 Effect of cessation of priority development areas

48 Conversion of PDA development approval to SPA development approval

- (1) This section applies if—
 - (a) land ceases to be in a priority development area; and
 - (b) immediately before the cessation, a PDA development approval was in force for the land.
- (2) On the cessation, the PDA development approval is taken to be an SPA development approval for the land that took effect at the same time as the PDA development approval.
- (3) However, if an appeal under section 90 has been started, or is started within 20 business days after the cessation, the appeal may be decided under that section as if the cessation had not happened.

49 Outstanding PDA development applications

- (1) This section applies if—
 - (a) land ceases to be in a priority development area; and
 - (b) immediately before the cessation, a PDA development application had been made for the land but not decided.
- (2) Despite the cessation, the application must continue to be decided under this Act as if—
 - (a) the land were still in a priority development area; and
 - (b) the application were being decided on the day before the cessation.
- (3) If a PDA development approval is granted because of the application, the approval is, immediately after it takes effect under this Act, taken to be an SPA development approval.

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50 Provisions for converted SPA development approval

- (1) This section applies for a PDA development approval that, under section 48(2) or 49(3), becomes an SPA development approval.
- (2) PDA development conditions stated in the PDA development approval are taken to be conditions of the SPA development approval.
- (3) The Sustainable Planning Act, section 461 does not apply to the SPA development approval or the conditions, or a decision relating to any of them.
- (4) To remove any doubt, it is declared that subsection (3) does not limit or otherwise affect any appeal mentioned in section 48(3).
- (5) The assessing authority under the Sustainable Planning Act for the SPA development approval is taken to be the entity that would have been the assessing authority had—
 - (a) the relevant land never been in a priority development area; and
 - (b) an SPA development application been made for the relevant development when the PDA development application for the PDA development approval was made.
- (6) A person other than the assessing authority under subsection (5) can not bring a proceeding under the Sustainable Planning Act, section 456 in relation to the SPA development approval or the conditions.

51 Lawful uses in priority development area

If—

- (a) under an Act, a use of premises in a priority development area is a lawful use of the premises; and
- (b) the premises ceases to be in a priority development area;

the use is taken to be a lawful use of the premises under the Sustainable Planning Act.

Division 5 Miscellaneous provisions

52 Exchange of documents and information with other entities with planning or registration functions

- (1) Subsection (2) applies on the declaration of a priority development area if a government entity, GOC or local government has planning or registration functions for land or development in the area.
- (2) MEDQ may ask the government entity, GOC or local government to give MEDQ the documents or information the government entity, GOC or local government has that MEDQ reasonably needs to perform its functions.
- (3) The entity must comply with the request within a reasonable period.
- (4) If land ceases to be in a priority development area, MEDQ must give each entity performing functions mentioned in subsection (1) the documents or information MEDQ has that the entity needs to perform its functions.
- (5) Documents or information required to be given under this section must be given free of charge.

53 Relationship with the City of Brisbane Act 2010 or the Local Government Act 2009

- (1) The declaration of an area as a priority development area does not affect—
 - (a) the operation of the *City of Brisbane Act 2010* or the *Local Government Act 2009* in relation to the area; or
 - (b) the area of the relevant local government; or

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- (c) the jurisdiction, under the Acts, of the relevant local government.
- (2) However, the performance of the relevant local government's functions or the exercise of its powers under the Acts is subject to MEDQ's functions or powers under this Act.
- (3) Subsection (1) is subject to section 54.

54 By-laws

- (1) MEDQ may make by-laws under this Act for priority development areas about any matter for which a local law may be made, including the creation of offences.
- (2) However, a by-law can not fix a penalty of more than—
 - (a) if the by-law replaces a local law—the maximum penalty units applying to a contravention of the local law it replaces; or
 - (b) otherwise—20 penalty units for an offence against the by-law.
- (3) A by-law *replaces* a local law if—
 - (a) the local law no longer applies to a matter within a priority development area because a by-law provides that the local law does not apply, or applies with stated changes, within the priority development area; and
 - (b) the by-law applies to the matter within the priority development area.
- (4) A by-law may provide that all or part of a stated local law does not apply, or applies with stated changes, within a priority development area.
- (5) If a by-law provides that a stated local law does not apply, or applies with stated changes, within a priority development area, the local law does not apply, or applies with the stated changes, within the area.
- (6) A by-law must be approved by the Governor in Council.

Note—

The effect of subsection (6) is that a by-law is subordinate legislation.
See the *Statutory Instruments Act 1992*, sections 7, 8(b)(i) and 9(1)(a).

Part 3 Development schemes

Division 1 Making development schemes

55 Application of div 1

- (1) This division applies on the declaration of a priority development area.
- (2) However, this division does not apply in relation to a provisional priority development area.

56 Development scheme required

- (1) Subject to the other provisions of this division, MEDQ must make a development scheme for the area as soon as practicable after the making of the declaration.
- (2) The development scheme is a statutory instrument.

57 Content of development scheme

- (1) The development scheme may provide for any matter that MEDQ considers will promote the proper and orderly planning, development and management of the area.
- (2) The development scheme must include—
 - (a) a land use plan regulating development in the area; and
 - (b) a plan for infrastructure in the area; and

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- (c) an implementation strategy to achieve the main purpose of this Act for the area, to the extent it is not achieved by the land use plan or the plan for infrastructure.
- (3) Without limiting subsection (2)(a), the land use plan may—
- (a) provide for any matter about which a planning instrument may provide for an area; or
 - (b) identify any PDA assessable development or PDA self-assessable development in the area; or
 - (c) prohibit the carrying out of particular PDA assessable development; or
 - (d) state that particular development is consistent or inconsistent with the plan; or
 - (e) require public notice of PDA development applications for stated PDA assessable development in the area.
- (4) Despite subsections (1) and (2), the development scheme is subject to part 4, division 2.
- (5) In making the development scheme, MEDQ must consider, but is not bound by, a requirement under any of the following relevant to the area—
- (a) a planning instrument;
 - (b) a plan, policy or code made under the Sustainable Planning Act or another Act.

58 Preparation of proposed development scheme

- (1) MEDQ must, as soon as practicable, prepare a proposed development scheme for the area.
- (2) However, before preparing the proposed scheme, MEDQ—
- (a) must consult, in the way it considers appropriate, with the relevant local government; and
 - (b) must make reasonable endeavours to consult, in the way it considers appropriate, with any of the following

MEDQ considers will be likely to be affected by a development scheme for the area—

- (i) a government entity or GOC;
- (ii) another person or entity.

59 Public notification

- (1) After preparing the proposed development scheme, MEDQ must—
 - (a) publish the proposed scheme on the department's website; and
 - (b) in a gazette notice—
 - (i) state that the proposed scheme may be inspected on the department's website; and
 - (ii) invite anyone to make submissions on the proposed scheme within a stated period fixed by MEDQ (the *submission period*); and
 - (c) publish a notice to the same effect as the gazette notice at least once in a newspaper circulating in the area of the relevant local government.
- (2) The submission period must end at least 30 business days after it starts.

60 Submissions on proposed scheme

Anyone may make submissions about the proposed development scheme within the submission period.

61 Consideration of submissions

- (1) MEDQ must consider any submissions received within the submission period.
- (2) Subsection (1) does not prevent MEDQ from considering a submission made to it after the submission period has ended.

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62 Amendment of proposed scheme

- (1) After complying with section 61, MEDQ may amend the proposed development scheme in any way it considers appropriate.
- (2) If MEDQ considers the amendment significantly changes the proposed scheme, it must re-comply with sections 59 to 61 for the amended scheme.

63 Making of scheme

- (1) MEDQ must, as soon as practicable after complying with sections 61 and 62—
 - (a) make the development scheme; and
 - (b) prepare a report that—
 - (i) summarises the submissions considered by MEDQ; and
 - (ii) contains information about the merits of the submissions and the extent to which the proposed development scheme was amended to reflect the submissions; and
 - (iii) contains details about any changes to the proposed development scheme published under section 59.
- (2) MEDQ must publish the report on the department's website.

64 When proposed scheme takes effect

The development scheme does not take effect until it has been approved under a regulation.

65 Notice of development scheme

MEDQ must, as soon as practicable after the development scheme takes effect—

- (a) publish the scheme on the department's website; and

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- (b) publish at least once in a newspaper circulating in the area a notice stating that—
 - (i) the scheme has been approved; and
 - (ii) it may be inspected on the department’s website; and
 - (c) give the relevant local government, and each person who made a submission received within the submission period about the scheme, a notice that—
 - (i) the scheme has been approved; and
 - (ii) MEDQ’s report about the scheme can be inspected on the department’s website.

Division 2 Amendment of development schemes

66 Power to amend

- (1) MEDQ may amend a development scheme if—
 - (a) the amendment does not change the land use plan for the relevant priority development area in the scheme; or
 - (b) the amendment is a minor administrative amendment.
- (2) Also, MEDQ may amend a development scheme to change the land use plan for the relevant priority development area if MEDQ considers the amendment is necessary—
 - (i) to ensure the implementation of the scheme complies with this Act; or
 - (ii) to prevent or minimise a significant risk of serious environmental harm or serious adverse cultural, economic or social conditions occurring in the relevant priority development area.

[s 67]

- (3) To remove any doubt, it is declared that an amendment mentioned in subsection (2) may be made even if it is materially detrimental to someone's interests.

67 Division 1 process applies to particular amendments

- (1) MEDQ may amend a development scheme under section 66(2) only if procedures under division 1 for making development schemes have been followed.
- (2) Division 1 applies to the amendment as if—
 - (a) a reference in the division to making a development scheme were a reference to the making of the amendment; and
 - (b) a reference in the division to a proposed development scheme were a reference to the proposed amendment; and
 - (c) a reference in section 59(2) to 30 business days were a reference to 15 business days.

68 When amendment takes effect

An amendment of a development scheme by MEDQ does not take effect until it has been approved under a regulation.

69 Notice of amendment

MEDQ must, as soon as practicable after an amendment of a development scheme takes effect—

- (a) publish the amended development scheme on the department's website; and
- (b) publish at least once in a newspaper circulating in the area of the relevant priority development area, a notice stating that—
 - (i) the scheme has been amended; and

- (ii) the amended scheme may be inspected on the department's website.

Division 3 Miscellaneous provisions

70 Tabling and inspection requirement

- (1) This section applies if—
 - (a) a regulation under this part approves a development scheme or an amendment of a development scheme; and
 - (b) the development scheme or amendment is not part of, or attached to, the regulation.
- (2) The Minister must, when the regulation is tabled in the Legislative Assembly under the *Statutory Instruments Act 1992*, section 49, also table a copy of the development scheme or amendment.

Note—

MEDQ must keep a register of development schemes as amended from time to time, and publish them on the department's website. See section 172.

- (3) A failure to comply with this section does not invalidate or otherwise affect the regulation.

71 Development scheme prevails over particular instruments

If there is a conflict between a development scheme and any of the following instruments, the development scheme prevails to the extent of the inconsistency—

- (a) a planning instrument;
- (b) a plan, policy or code made under the Sustainable Planning Act or another Act.

Part 4 Development and uses in priority development areas

Division 1 PDA development offences

72 Application of div 1

This division applies subject to division 2.

73 Carrying out PDA assessable development without PDA development permit

- (1) A person must not carry out PDA assessable development in a priority development area without a PDA development permit for the development.

Maximum penalty—1665 penalty units.

Note—

See also section 164 in relation to the liability of an executive officer of a corporation for an offence against this subsection committed by the corporation.

- (2) Despite subsection (1), the maximum penalty is 17000 penalty units if the PDA assessable development is—
- (a) the demolition of a building identified in a relevant development instrument as a building of cultural heritage significance; or
 - (b) on a Queensland heritage place under the *Queensland Heritage Act 1992*.

74 PDA self-assessable development must comply with relevant development instrument

If a person carries out PDA self-assessable development in a priority development area, the person must comply with the

requirements under the relevant development instrument for the area about carrying out PDA self-assessable development.

Maximum penalty—165 penalty units.

Note—

See also section 164 in relation to the liability of an executive officer of a corporation for an offence against this section committed by the corporation.

75 Compliance with PDA development approval

A person must not contravene a PDA development approval.

Maximum penalty—1665 penalty units.

Note—

See also section 164 in relation to the liability of an executive officer of a corporation for an offence against this section committed by the corporation.

76 Offence about use of premises

A person must not use premises in a priority development area unless the use is a lawful use of the premises.

Maximum penalty—1665 penalty units.

Note—

See also section 164 in relation to the liability of an executive officer of a corporation for an offence against this section committed by the corporation.

Division 2 Protection of particular uses and rights

77 Exemption for particular SPA development approvals and community infrastructure designations

(1) This section applies to—

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- (a) an SPA development approval for land in a priority development area—
 - (i) granted under section 44(2); or
 - (ii) continued in force under section 45; and
 - (b) a community infrastructure designation continued in force under section 47(2)—for land in a priority development area.
- (2) The carrying out of development or the use of premises under the approval or community infrastructure designation is not a PDA development offence.

78 Lawful uses of premises protected

- (1) This section applies if, immediately before the taking of effect of a relevant development instrument, or of an amendment of a relevant development instrument, the use of premises was a lawful use of the premises in the relevant priority development area.
- (2) Neither the relevant development instrument nor the amendment can—
 - (a) stop the use from continuing; or
 - (b) further regulate the use; or
 - (c) require the use to be changed.

79 Lawfully constructed buildings and works protected

To the extent a building has been lawfully constructed or works lawfully carried out, neither a relevant development instrument nor an amendment of a relevant development instrument can require the building or works to be altered or removed.

80 Amendment of relevant development instrument does not affect existing SPA or PDA development approval

- (1) This section applies if—
 - (a) an SPA development approval or PDA development approval is in effect for premises in a priority development area; and
 - (b) after the approval is given, the relevant development instrument for the area is amended.
- (2) To the extent the approval has not lapsed, the amendment does not stop or further regulate the relevant development, or otherwise affect the approval.

81 Development or use carried out in emergency

- (1) A person does not commit a PDA development offence if—
 - (a) the person carries out development or a use of premises because of an emergency endangering—
 - (i) the life or health of a person; or
 - (ii) the structural safety of a building; or
 - (iii) the operation or safety of community infrastructure that is not a building; and
 - (b) the person gives notice of the development or use that would otherwise be a PDA development offence to MEDQ as soon as practicable after starting the development or use.
- (2) However, subsection (1) does not apply if the person is required by an enforcement order to stop carrying out the development or use.

Division 3 PDA development applications

Subdivision 1 Making application

82 How to make application

- (1) Each PDA development application must—
 - (a) be made to MEDQ in the approved form; and
 - (b) contain, or be accompanied by, the consent of the owner of the relevant land, other than to the extent the application is for operational work; and
 - (c) be accompanied by the application fee decided by MEDQ.

Note—

A single application may be made for both a PDA preliminary approval and a PDA development permit.

- (2) The application is a properly made application only if—
 - (a) it complies with subsection (1); or
 - (b) MEDQ receives and, after considering any noncompliance with subsection (1), accepts the application.
- (3) A provision of this division applies to a PDA development application only if it is a properly made application.

Subdivision 2 Processing application

83 Information requests to applicant

- (1) MEDQ may, by notice (an *information request*), ask the applicant to, within a stated period of at least 20 business days, give further stated information relevant to the application that MEDQ needs to decide the application.

- (2) However, an information request can not be made more than 20 business days after the making of the application.
- (3) If the applicant does not comply with the request within the stated period or a longer period agreed between the applicant and MEDQ, MEDQ may refuse the application.
- (4) However, MEDQ may refuse the application only if it has given the applicant at least 10 business days notice of its intention to do so.

84 Notice of application

- (1) This section applies only if—
 - (a) the relevant development instrument for the relevant priority development area requires public notice of PDA development applications for the relevant development; or
 - (b) MEDQ, within 20 business days after the making of the application, gives the applicant notice that the applicant must comply with this section.
- (2) The applicant must—
 - (a) publish a notice about the application in a newspaper circulating in the area of the relevant local government; and
 - (b) place the notice on the relevant land in the way prescribed under a regulation; and
 - (c) give a copy of the notice to—
 - (i) MEDQ; and
 - (ii) the owners of all land that adjoins the relevant land; and
 - (iii) each entity MEDQ requires the applicant to give a copy to.

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- (3) However, if an information request has been given for the application, the steps under subsection (2) must not start until the applicant has complied with the request.
- (4) The notice must—
 - (a) state that—
 - (i) the applicant has made a PDA development application; and
 - (ii) the application may be inspected on the department’s website; and
 - (b) describe the relevant land; and
 - (c) generally describe the relevant development; and
 - (d) invite anyone to make submissions to MEDQ about the application within a stated period (the *submission period*); and
 - (e) state that the making of a submission does not give rise to a right of appeal against a decision about the application.
- (5) The submission period—
 - (a) must not start before subsection (2) is complied with; and
 - (b) must be at least 20 business days; and
 - (c) must not include any business day from 20 December in a particular year to 5 January in the following year, both days inclusive.
- (6) A requirement under subsection (2)(c)(iii) may be made only if MEDQ considers the entity has an interest in the outcome of the application.

85 Deciding application generally

- (1) MEDQ can not decide the application unless MEDQ is satisfied—

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- (a) if an information request has been made for the application—the request has been complied with; and
 - (b) if section 84 applies for the application—the applicant has complied with the section; and
 - (c) the submission period for the application has ended.
- (2) Subject to section 83(3), MEDQ must decide the application within 40 business days after it is satisfied as mentioned in subsection (1).
 - (3) However, a failure to comply with subsection (2) does not prevent MEDQ from deciding the application.
 - (4) MEDQ must decide to—
 - (a) grant all or part of the PDA development approval applied for; or
 - (b) grant all or part of the PDA development approval applied for subject to conditions decided by MEDQ (each a *PDA development condition*); or
 - (c) refuse to grant a PDA development approval.
 - (5) To remove any doubt, it is declared that—
 - (a) MEDQ may give a PDA preliminary approval even though the applicant sought a PDA development permit; and
 - (b) if MEDQ approves only part of an application, the balance of the application is taken to have been refused.

86 Restrictions on granting approval

- (1) MEDQ can not grant the PDA development approval applied for if the relevant development would be inconsistent with the relevant development instrument for the relevant priority development area unless—
 - (a) an SPA preliminary approval is in force for the relevant land and the relevant development would be consistent with the preliminary approval; or

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- (b) a PDA preliminary approval is in force for the relevant land and the relevant development would be consistent with the preliminary approval; or
 - (c) for a priority development area other than a provisional priority development area—there is a proposed development scheme and the relevant development would be consistent with the proposed development scheme.
- (2) To remove any doubt, it is declared that subsection (1) does not require MEDQ to grant the PDA development approval only because subsection (1)(a), (b) or (c) applies.
- (3) In this section—
- proposed development scheme*, for the relevant priority development area, means a proposed development scheme, or a proposed amendment of a development scheme, for the area published under section 59, or section 59 as applied under section 67, that has not taken effect.

87 Matters to be considered in making decision

- (1) In deciding the application, MEDQ must consider—
- (a) the main purpose of this Act; and
 - (b) any relevant State interest; and
 - (c) any submissions made to it about the application, during the submission period; and
 - (d) the following, as in force or as prepared when the application is decided—
 - (i) for a provisional priority development area—the provisional land use plan for the area;
 - (ii) for another priority development area—
 - (A) if there is a development scheme for the area—the development scheme; or

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- (B) if there is no development scheme for the area but there is a proposed development scheme for the area—the interim land use plan for the area and the proposed development scheme; or
 - (C) if there is no development scheme for the area and no proposed development scheme for the area—the interim land use plan for the area; and
- (e) any PDA preliminary approval in force for the relevant land; and
 - (f) any SPA preliminary approval in force for the relevant land.
- (2) Also, in deciding an application for a priority development area other than a provisional priority development area, if—
- (a) there is—
 - (i) a development scheme or interim land use plan for the area; and
 - (ii) a proposed development scheme for the area; and
 - (b) the proposed development scheme was prepared after the development scheme or interim land use plan took effect;

MEDQ may, subject to section 86, give the weight it considers appropriate to the proposed scheme.

- (3) Subsection (1)(c) does not prevent MEDQ from considering a submission about the application made to it after the submission period has ended.
- (4) In this section—

proposed development scheme, for a priority development area, means a proposed development scheme, or a proposed amendment of a development scheme, for the area published under section 59, or section 59 as applied under section 67, that has not taken effect.

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State interest includes—

- (a) an interest relating to the main purpose of this Act; and
- (b) an interest that, in MEDQ's opinion, affects an economic, community or environmental interest of the State or a region.

88 PDA development conditions

Without limiting section 85(4), a PDA development condition may—

- (a) nominate a stated entity to be the nominated assessing authority for the condition; or
- (b) relate to infrastructure, and the payment of contributions or the surrender of land for infrastructure, for any priority development area; or
- (c) require the making of stated improvements to the relevant land; or
- (d) impose a condition or restriction on a disposal of the relevant land.

89 Decision notice

- (1) MEDQ must, within 5 business days after deciding the application, give notice of the decision (the *decision notice*) to—
 - (a) the applicant; and
 - (b) the relevant local government; and
 - (c) if the decision was to grant a PDA development approval—any nominated assessing authority.
- (2) The decision notice must—
 - (a) be in the approved form; and
 - (b) state the decision; and
 - (c) state any PDA development conditions decided.

- (3) If the decision was to refuse to grant an approval, the decision notice must state the reasons for the refusal.
- (4) If the decision was to grant a PDA development approval, MEDQ must, when giving the decision notice to an entity mentioned in subsection (1), also give the entity a copy of any plans and specifications approved by MEDQ concerning the approval.

Subdivision 3 Appeals

90 Right of appeal against particular conditions

- (1) This section applies if a PDA development condition includes a nominated assessing authority (the *entity*).
- (2) The person who made the relevant PDA development application may appeal to the Planning and Environment Court against MEDQ's decision to impose the condition.
- (3) An appeal under subsection (2) must be started within 20 business days after the day the applicant is given notice of the decision.
- (4) The Sustainable Planning Act, chapter 7, part 1, divisions 11 to 13, apply to the appeal as if—
 - (a) it were an appeal mentioned in the divisions; and
 - (b) the entity were the only other party to the appeal.
- (5) However—
 - (a) the appellant must, as soon as practicable after giving the entity the notice of the appeal required under the Sustainable Planning Act, chapter 7, part 1, division 11, give MEDQ a copy of the notice; and
 - (b) MEDQ may, by lodging a notice of election with the registrar of the court, elect to become a party to the appeal.

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- (6) MEDQ must give the other parties a copy of the notice of election as soon as practicable after it is lodged.

Subdivision 4 Miscellaneous provisions

91 Approved material change of use required for particular developments

- (1) This section applies if, when a PDA development application is made—
- (a) a structure or works, the subject of the application, may not be used unless a PDA development permit exists for the material change of use of premises for which the structure is, or works are, proposed; and
 - (b) there is no PDA development permit for the change of use; and
 - (c) approval for the material change of use has not been applied for in the application or a separate application.
- (2) The application is taken also to be for the change of use.

92 Changing application

- (1) A PDA development application may be changed by the applicant only if—
- (a) the applicant has given MEDQ a notice stating details of the proposed change; and
 - (b) MEDQ has agreed in writing to the making of the change.
- (2) The agreement under subsection (1)(b) may be given only if MEDQ is satisfied the change would not result in the relevant development being substantially different.

93 **Withdrawing application**

- (1) A PDA development application may be withdrawn by the applicant by notice given to MEDQ at any time before the application is decided.
- (2) MEDQ may refund all or part of any fee paid for the application.

Division 4 PDA development approvals

94 **Types of PDA development approvals**

- (1) A *PDA preliminary approval* is a PDA development approval that—
 - (a) approves development, but does not authorise PDA assessable development to take place; and
 - (b) approves development—
 - (i) to the extent stated in the approval; and
 - (ii) subject to the conditions of the approval.
- (2) A *PDA development permit* is a PDA development approval that authorises the carrying out of PDA assessable development—
 - (a) to the extent provided for under the permit; and
 - (b) subject to—
 - (i) the conditions of the permit; and
 - (ii) any PDA preliminary approval relating to the development the permit authorises, including any conditions of the PDA preliminary approval.
- (3) There is no requirement to get a PDA preliminary approval for development.

Note—

PDA preliminary approvals assist in the staging of approvals.

[s 95]

95 Duration of approval

- (1) A PDA development approval has effect from when the decision notice for the relevant PDA development application is given.
- (2) The relevant development may, subject to any relevant PDA development conditions, start when the approval takes effect.
- (3) However, the approval ceases to have effect if it—
 - (a) is cancelled under section 98; or
 - (b) lapses under section 100 or 102.

96 Approval attaches to the relevant land

- (1) A PDA development approval attaches to the relevant land, and binds its owner, the owner's successors in title and any occupier of the land.
- (2) To remove any doubt, it is declared that subsection (1) applies even if later development, including reconfiguring a lot, is approved for the land, or the land as reconfigured under the PDA development approval.

97 Provision for enforcement of PDA development conditions

- (1) If there is a nominated assessing authority for a PDA development condition, the Sustainable Planning Act, chapter 7, part 3, divisions 2 and 3, and any other Act that refers to an SPA development approval applies to the condition as if—
 - (a) the relevant PDA development approval were an SPA development approval; and
 - (b) the nominated assessing authority were an assessing authority under the Sustainable Planning Act for development under the PDA development approval; and
 - (c) the reference to a development offence under the Sustainable Planning Act were a reference to a PDA development offence.

- (2) To remove any doubt, it is declared that this section does not limit or otherwise affect MEDQ's ability to apply for an enforcement order or to start a proceeding under this Act relating to the condition.

98 Cancellation

- (1) MEDQ may cancel a PDA development approval only if the owner of the relevant land consents in writing to the cancellation.
- (2) However, MEDQ can not cancel the PDA development approval if the relevant development has substantially commenced.
- (3) MEDQ may refund all or part of any fee paid for the relevant PDA development application.

99 Application to change PDA development approval

- (1) A person may apply (the *amendment application*) to MEDQ to change a PDA development approval.
- (2) However, the amendment application may be made only if MEDQ is satisfied the change would not result in the relevant development being substantially different.
- (3) Division 3 applies for the amendment application as if—
 - (a) a reference in the division to a PDA development application were a reference to the amendment application; and
 - (b) a reference in the division to a PDA development approval were a reference to a changed PDA development approval; and
 - (c) a reference in the division to the granting of a PDA development approval were a reference to the making of the change.
- (4) However, section 84(1)(a) does not apply for the amendment application.

[s 100]

- (5) If the person is not the owner of the relevant land for the PDA development approval, the amendment application must be accompanied by the owner's consent.

100 When approval lapses generally

- (1) This section applies subject to section 102(5) and any extension granted under section 102.
- (2) A PDA development approval lapses at the end of its currency period unless—
 - (a) for development that is a material change of use—the change of use happens before the currency period ends; or
 - (b) for development that is reconfiguring a lot—the plan for the reconfiguration of the lot is given to MEDQ for its approval before the currency period ends; or
 - (c) for development not mentioned in paragraph (a) or (b)—development under the approval substantially starts before the currency period ends.
- (3) To the extent the PDA development approval is for development other than a material change of use or reconfiguring a lot, its *currency period* is—
 - (a) generally—2 years from the day the approval takes effect (the *day of effect*); or
 - (b) if the approval states a different period—the stated period.
- (4) To the extent the PDA development approval is for development that is a material change of use, its *currency period* is—
 - (a) 4 years from the day of effect; or
 - (b) if the approval states a different period—the stated period.

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- (5) To the extent the PDA development approval is for development that is reconfiguring a lot, its ***currency period*** is—
- (a) if the reconfiguring does not require operational work—2 years from the day of effect; or
 - (b) if the reconfiguring requires operational work—4 years from the day of effect; or
 - (c) if the approval states a different period—the stated period.
- (6) Also, despite subsections (4) and (5), if there are 1 or more related approvals for a PDA development approval mentioned in subsection (4) or (5), the currency period is taken to have started on the day the latest related approval takes effect.
- (7) The lapsing of a PDA development approval for a material change of use of premises or reconfiguring a lot does not cause an approval mentioned in subsection (3) to lapse.
- (8) In this section—

private certifier means a building certifier whose licence under the *Building Act 1975* has private certification endorsement under that Act.

related approval means—

- (a) for a PDA development approval for development that is a material change of use of premises (the ***earlier approval***)—
 - (i) the first PDA development approval for a PDA development application made to MEDQ, or the first SPA development approval made to a local government or private certifier, within 2 years after the start of the currency period, that is—
 - (A) to the extent the earlier approval is a PDA preliminary approval—a PDA development permit for the material change of use; or

[s 100]

- (B) to the extent the earlier approval is a PDA development permit—a PDA development permit for building work or operational work, or an SPA development permit for building work, necessary for the material change of use to take place; or
 - (ii) each further PDA development permit for a PDA development application made to MEDQ, or the first SPA development permit for an SPA development application made to a local government or private certifier, within 2 years after the day the last related approval takes effect, that is for building work or operational work necessary for the material change of use to take place; or
- (b) for a PDA development approval for reconfiguring a lot (also the *earlier approval*)—
 - (i) the first PDA development permit for a PDA development application made to MEDQ, within 2 years after the start of the currency period, that is—
 - (A) to the extent the earlier approval is a PDA preliminary approval—for the reconfiguration; or
 - (B) to the extent the earlier approval is a PDA development permit for reconfiguring a lot—for operational work related to the reconfiguration; or
 - (ii) each further PDA development permit, for a PDA development application made to MEDQ within 2 years after the day the last related approval takes effect, that is for operational work related to the reconfiguration.

101 Application to extend currency period

- (1) Before a PDA development approval lapses under section 100(2), a person having an interest in the relevant land may apply to MEDQ to extend the approval's currency period applying under section 100.
- (2) However, an application under subsection (1) can not be made for a PDA development approval for a provisional priority development area.
- (3) The application must be—
 - (a) in the approved form; and
 - (b) made before the currency period ends; and
 - (c) accompanied by the application fee decided by MEDQ.

102 Deciding extension application

- (1) This section applies if an application for an extension is made under section 101.
- (2) Before granting or refusing the extension, MEDQ must consult with each nominated assessing authority under the PDA development approval.
- (3) MEDQ must grant or refuse the extension within—
 - (a) generally—20 business days after the making of the application; or
 - (b) if, during the 20 business days, MEDQ and the applicant agree on a longer period—the longer period.
- (4) MEDQ must, within 5 business days after making the decision, give notice of the decision to the applicant and each nominated assessing authority under the PDA development approval.
- (5) Despite section 100, the PDA development approval does not lapse until MEDQ has given the applicant the notice under subsection (4).

[s 103]

- (6) If the decision was to refuse the extension, the notice must state the reasons for the refusal.

Division 5 Miscellaneous provisions

103 Restriction on particular land covenants

A covenant under the *Land Title Act 1994* or the *Land Act 1994* for land in a priority development area is of no effect to the extent the covenant is inconsistent with the relevant development instrument for the area.

104 Plans of subdivision

- (1) This section applies to a plan of subdivision if—
 - (a) under another Act, the plan requires MEDQ's approval, in whatever form, before it can be registered or otherwise recorded under that Act; and
 - (b) the plan would, other than for the requirement mentioned in paragraph (a), be required to undergo compliance assessment under the Sustainable Planning Act (*SPA compliance assessment*).
- (2) The plan must undergo SPA compliance assessment as if compliance assessment under the Sustainable Planning Act were required for it.
- (3) For the SPA compliance assessment, the SPA compliance provisions apply—
 - (a) as if a reference in the provisions to a subdivision plan were a reference to the plan; and
 - (b) as if a reference in the provisions to the compliance assessor or the local government were a reference to MEDQ; and

- (c) as if a reference in the provisions to a development permit were a reference to a PDA development permit; and
 - (d) as if a reference in the provisions to a condition of a development permit were a reference to a PDA development condition of the PDA development permit; and
 - (e) as if a reference in the provisions to a preliminary approval were a reference to a PDA preliminary approval; and
 - (f) as if a reference in the provisions to a condition of a preliminary approval were a reference to a PDA development condition of the PDA preliminary approval; and
 - (g) as if a reference in the provisions to rates and charges levied for land included a reference to a special rate or charge; and
 - (h) as if a reference in the provisions to assessable development were a reference to PDA assessable development.
- (4) In this section—

plan of subdivision means a plan or agreement, however called, for reconfiguring a lot.

SPA compliance provisions means any provisions of a regulation made under the Sustainable Planning Act about compliance assessment under that Act of a plan of subdivision.

Part 5 Court orders for PDA development offences etc.

Division 1 Enforcement orders

105 Starting proceeding for enforcement order

- (1) MEDQ may start a proceeding in the Planning and Environment Court—
 - (a) for an enforcement order to remedy or restrain the commission of a PDA development offence; or
 - (b) if MEDQ has started a proceeding under this section for an enforcement order and the court has not decided the proceeding—for an order under section 106.
- (2) A proceeding for an enforcement order may be started whether or not anyone’s right has been, or may be, infringed by, or because of, the commission of the offence.

106 Making interim enforcement order

- (1) The Planning and Environment Court may make an order pending a decision of a proceeding for an enforcement order if the court is satisfied it would be appropriate to make the order.
- (2) The court may make the order subject to conditions.
- (3) However, a condition can not require MEDQ to give an undertaking about damages.

107 Making enforcement order

- (1) The Planning and Environment Court may make an enforcement order if the court is satisfied the relevant offence—
 - (a) is being, or has been, committed; or

- (b) will be committed unless the enforcement order is made.
- (2) If the court is satisfied the offence is being or has been committed, it may make the order whether or not there has been a prosecution for the offence.

108 Effect of enforcement order

- (1) An enforcement order may direct a party to the proceeding for the order—
 - (a) to stop an activity that constitutes, or will constitute, a PDA development offence; or
 - (b) not to start an activity that will constitute a PDA development offence; or
 - (c) to do anything required to stop committing a PDA development offence; or
 - (d) to return anything to a condition as close as practicable to the condition it was in immediately before a PDA development offence was committed; or
 - (e) to do anything about a development or use to comply with this Act.
- (2) Without limiting the Planning and Environment Court's powers, it may make an enforcement order requiring—
 - (a) the repairing, demolition or removal of a building; or
 - (b) for a PDA development offence relating to the clearing of vegetation on freehold land—
 - (i) rehabilitation or restoration of the area cleared; or
 - (ii) if the area cleared is not capable of being rehabilitated or restored—the planting and nurturing of stated vegetation on a stated area of equivalent size.
- (3) An enforcement order must state the time by which it must be complied with.
- (4) An enforcement order may—

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- (a) be in terms the court considers appropriate to secure compliance with this Act; and
 - (b) state that contravention of the order is a public nuisance.
- (5) In this section—
- clearing*, of vegetation—
- (a) means removing, cutting down, ringbarking, pushing over, poisoning or destroying it in any way, including by burning, flooding or draining; but
 - (b) does not include lopping a tree or the destruction of standing vegetation by stock.

109 Powers about enforcement orders

- (1) The Planning and Environment Court's power to make an enforcement order to stop, or not to start, an activity may be exercised—
- (a) whether or not it appears to the court that the person against whom the order is made (the *relevant person*) intends to engage again, or to continue to engage again, in the activity; and
 - (b) whether or not the relevant person has previously engaged in an activity of the same type; and
 - (c) whether or not there is danger of substantial damage to property or the environment or injury to another person if the relevant person engages, or continues to engage, in the activity.
- (2) The court's power to make an enforcement order to do anything may be exercised—
- (a) whether or not it appears to the court that the person against whom the order is made (also the *relevant person*) intends to fail, or to continue to fail, to do the thing; and
 - (b) whether or not the relevant person has previously failed to do a thing of the same type; and

- (c) whether or not there is danger of substantial damage to property or the environment or injury to another person if the relevant person fails, or continues to fail, to do the thing.
- (3) The court may cancel or change an enforcement order on the application of MEDQ or the person against whom the order is made.
- (4) The court's powers under this section are in addition to, and do not limit, its other powers.

Note—

For costs, see the Sustainable Planning Act, section 457.

- (5) In this section—

environment see the Sustainable Planning Act, schedule 3.

110 Offence to contravene enforcement order

A person against whom an enforcement order has been made must comply with the order.

Maximum penalty—3000 penalty units or 2 years imprisonment.

Note—

See also—

- (a) section 164 in relation to the liability of an executive officer of a corporation for an offence against this section committed by the corporation; and
- (b) the Sustainable Planning Act, section 439 (Contempt and contravention of orders).

Division 2 Magistrates Court orders

111 Orders Magistrates Court may make in PDA offence proceeding

- (1) After hearing a complaint for a PDA development offence, the Magistrates Court may make an order against the defendant that the court considers appropriate.
- (2) The order may be made in addition to, or in substitution for, any penalty the court may otherwise impose.
- (3) The order may require the defendant—
 - (a) to stop development or carrying on a use; or
 - (b) to demolish or remove work carried out; or
 - (c) to restore, as far as practicable, premises to the condition the premises were in immediately before development or use of the premises started; or
 - (d) to do, or not to do, another act to ensure development or use of the premises complies with a PDA development approval or a relevant development instrument; or
 - (e) for development that has started—to make a PDA development application for the development.
- (4) The order must state the time by which, or period within which, the order must be complied with.
- (5) The order may state that contravention of the order is a public nuisance.

112 Offence to contravene Magistrates Court order

A person against whom an order under section 111 has been made must comply with the order.

Maximum penalty—1665 penalty units or 1 year's imprisonment.

Note—

See also section 164 in relation to the liability of an executive officer of a corporation for an offence against this section committed by the corporation.

Division 3 Other provisions relating to court orders or proceedings

113 MEDQ's power to remedy stated public nuisance

- (1) This section applies if an enforcement order or an order under section 111 states that contravention of the order is a public nuisance.
- (2) If the order is not complied with, MEDQ may undertake any work necessary to remove the nuisance.
- (3) If MEDQ carries out works under subsection (2), it may recover from the person against whom the order was made the reasonable cost of the works, as a debt.

114 Planning and Environment Court may make declarations

- (1) MEDQ may bring a proceeding in the Planning and Environment Court for a declaration about—
 - (a) a matter done, to be done or that should have been done for this chapter or the repealed ULDA Act; or
 - (b) the construction of this chapter or the repealed ULDA Act; or
 - (c) the lawfulness of land use or development relating to a priority development area.
- (2) The court may make an order about a declaration made under subsection (1).

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Part 6 Special rates and charges

115 Levying special rates or charges

- (1) MEDQ may make and levy on owners or occupiers of rateable land in a priority development area a special rate or charge on the land if—
 - (a) the rate or charge is for a service, facility or activity provided by MEDQ, or by a local government or someone else at MEDQ's request; and
 - (b) in MEDQ's opinion—
 - (i) the land, or the owner or occupier of the land, has or will specially benefit from, or has or will have special access to, the service, facility or activity; or
 - (ii) the owner or occupier of the land, or the use made or to be made of the land, has, or will, specially contribute to the need for the service, facility or activity.
- (2) The special rate or charge may be made and levied on the bases MEDQ considers appropriate.

Note—

See also section 117 in relation to the recovery of a special rate or charge.

- (3) MEDQ may fix a minimum amount of the special rate or charge.
- (4) Without limiting subsection (2), the amount of the special rate or charge may vary according to the extent to which, in MEDQ's opinion—
 - (a) the land, or the owner or occupier of the land, has or will specially benefit from, or has or will have special access to, the service, facility or activity; or
 - (b) the owner or occupier of the land, or the use made or to be made of the land, has, or will, specially contribute to the need for the service, facility or activity.

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- (5) MEDQ's instrument making the special rate or charge must identify—
 - (a) the rateable land to which the rate or charge applies; and
 - (b) the overall plan for the supply of the service, facility or activity.
 - (6) The overall plan must—
 - (a) be adopted by MEDQ either before, or at the same time as, MEDQ first makes the special rate or charge; and
 - (b) identify the rateable land to which the rate or charge applies; and
 - (c) describe the service, facility or activity; and
 - (d) state the estimated cost of implementing the overall plan; and
 - (e) state the estimated time for implementing the overall plan.
 - (7) MEDQ may identify parcels of rateable land to which the rate or charge applies in any way MEDQ considers appropriate.
 - (8) Subsection (1) is taken to have been complied with if the special rate or charge is made and levied on—
 - (a) all rateable land that, at the time of making and levying the rate or charge, could reasonably be identified as land on which the rate or charge may be made and levied; or
 - (b) all rateable land on which the rate or charge may be made and levied, other than land accidentally omitted.
 - (9) In this section—

rateable land means rateable land under the *Local Government Act 2009* or the *City of Brisbane Act 2010*.

116 Application of special rate or charge

- (1) A special rate or charge collected for a particular service, facility or activity must be used for that purpose.

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- (2) However, the special rate or charge need not be held in trust.

117 Recovery of special rate or charge

- (1) A special rate or charge does not become owing until 20 business days after the owner or occupier on whom the charge is levied receives a notice from MEDQ stating the special rate or charge and its amount.
- (2) If there is more than 1 owner or occupier of the land, all the owners or occupiers are jointly and severally liable to pay the amount.
- (3) If the amount becomes owing under subsection (1), MEDQ may recover it from the owner or occupier as a debt.
- (4) Also, MEDQ may recover the amount from the owner for the time being of the land.
- (5) If MEDQ may recover the amount under this section, the local government overdue rates or charges provisions apply for the amount as if—
- (a) the special rate or charge were a rate or charge under the *Local Government Act 2009* or the *City of Brisbane Act 2010* on the land to which the special rate or charge applies; and
 - (b) a reference in the provisions to overdue rates and charges were a reference to the amount; and
 - (c) a reference in the provisions to a local government or the council were a reference to MEDQ; and
 - (d) a reference in the provisions to the chief executive officer of a local government or the council were a reference to MEDQ.
- (6) In this section—
- local government overdue rates or charges provisions* means—
- (a) for land outside the City of Brisbane—the following provisions—

- (i) the *Local Government Act 2009*, section 95;
 - (ii) each provision of a regulation made under the *Local Government Act 2009*, section 96; or
- (b) for land in the City of Brisbane—the following provisions—
- (i) the *City of Brisbane Act 2010*, section 97;
 - (ii) each provision of a regulation made under the *City of Brisbane Act 2010*, section 98.

Part 7 **Infrastructure agreements relating to land that is or was in a priority development area**

118 Application of pt 7

This part applies to an infrastructure agreement to which MEDQ is a party if it relates to land that is or was in a priority development area.

119 Exercise of discretion unaffected by infrastructure agreements

The infrastructure agreement is not invalid merely because its fulfilment depends on the exercise of a discretion by MEDQ about—

- (a) a provisional land use plan for a provisional priority development area; or
- (b) an interim land use plan or development scheme for another priority development area; or
- (c) an existing or future PDA development application.

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120 Infrastructure agreements prevail if inconsistent with PDA development approval

To the extent the infrastructure agreement is inconsistent with a PDA development approval the agreement prevails.

121 Infrastructure agreement continues beyond cessation of priority development area

- (1) This section applies if—
 - (a) land ceases to be in a priority development area; and
 - (b) an infrastructure agreement that applied to the land was in force immediately before the land ceased to be in the priority development area.
- (2) To the extent the infrastructure agreement applies to the land—
 - (a) the superseding public sector entity for the land is taken to be a party to the agreement in place of MEDQ; and
 - (b) the rights and responsibilities of MEDQ under the agreement become the rights and responsibilities of the superseding public sector entity.
- (3) To remove any doubt, it is declared that sections 119 and 120 continue to apply to the infrastructure agreement.

122 Consultation with public sector entities before entering into particular infrastructure agreements

- (1) This section applies if a proposed infrastructure agreement would, if entered into, likely continue to apply to land after the land ceases to be in a priority development area.
- (2) Before entering into the proposed infrastructure agreement, MEDQ must consult about the terms of the agreement with the entities MEDQ considers will be superseding public sector entities for the land.

Part 8 MEDQ's powers relating to priority development areas

123 Application of local government entry powers for MEDQ's functions or powers

- (1) This section applies to land in, or a structure on, a priority development area or a lot that adjoins a priority development area.
- (2) The local government entry powers provisions apply to MEDQ and each authorised employee or agent of MEDQ as if—
 - (a) MEDQ were a local government; and
 - (b) the authorised employee or agent were an employee or agent of a local government; and
 - (c) a reference to the local government were a reference to MEDQ; and
 - (d) a reference to an employee or agent of the local government were a reference to an authorised employee or agent of MEDQ; and
 - (e) a reference in the sections to any of the following were a reference to the performance of MEDQ's functions or the exercise of its powers—
 - (i) the exercise of the jurisdiction of local government;
 - (ii) the exercise of a power under a local government Act;
 - (iii) the exercise of the local government's jurisdiction;
 - (iv) local government purposes; and
 - (f) a reference to the local government's facilities on the land were a reference to MEDQ's facilities on the land.
- (3) However, if the occupier of the land or structure is present at the place, before entering the place, an authorised employee

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or agent of MEDQ must do, or make a reasonable attempt to do, the following things—

- (a) identify himself or herself to the occupier, by complying with section 31;
 - (b) tell the occupier the purpose of the entry;
 - (c) seek the consent of the occupier to the entry;
 - (d) tell the occupier the employee or agent is permitted under this Act to enter the place without the occupier's consent.
- (4) If the occupier is not present, the employee or agent must take reasonable steps to advise the occupier of the employee's or agent's intention to enter the place.
 - (5) Subsections (3) and (4) do not require the employee or agent to take a step that the employee or agent reasonably believes may frustrate or otherwise hinder the purposes of the entry.
 - (6) In this section—

authorised employee or agent, of MEDQ, means an MEDQ employee or MEDQ agent who has, under section 30, been issued with an identity card that is still in force.

local government entry powers provisions means—

- (a) for land outside the City of Brisbane—the *Local Government Act 2009*, sections 144, 146 and 147; or
- (b) for land in the City of Brisbane—the *City of Brisbane Act 2010*, sections 134, 136 and 137.

lot see the Sustainable Planning Act, section 10.

MEDQ agent means an agent of MEDQ.

MEDQ employee means an employee of the department whose services are made available to MEDQ under section 29.

124 Roads and road closures

- (1) MEDQ may perform functions or exercise powers for a road that MEDQ considers necessary or desirable to perform its other functions in relation to a priority development area.
- (2) Without limiting subsection (1), MEDQ may, by gazette notice, permanently or temporarily close all or part of a road.
- (3) Before the closing of the road takes effect, MEDQ must publish a notice MEDQ considers appropriate about the closure in a newspaper circulating in the relevant local government area.
- (4) Failure to comply with subsection (3) does not invalidate the closure.
- (5) MEDQ may do everything necessary to stop traffic using a road or part of a road closed under this section.
- (6) To remove any doubt, it is declared that this section applies—
 - (a) whether or not a road is a State-controlled road under the *Transport Infrastructure Act 1994*; and
 - (b) whether or not the *Land Act 1994* applies to a road.

125 Vesting land in permanently closed road or unallocated State land in MEDQ

- (1) MEDQ may, by gazette notice, declare any of the following is vested in MEDQ, in fee simple—
 - (a) any land that comprised a road under the *Land Act 1994* that has been permanently closed under section 124;
 - (b) unallocated State land in a priority development area.
- (2) The chief executive of the department in which the *Land Act 1994* is administered must, under that Act, register the vesting if MEDQ lodges in the land registry under that Act—
 - (a) a request under that Act to register the vesting; and
 - (b) if that chief executive so requires—a plan of subdivision under that Act for the land the subject of the vesting; and

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- (c) a copy of the gazette notice.
- (3) On the registration of the request to vest, the Governor in Council may issue to MEDQ a deed of grant under the *Land Act 1994* for the land the subject of the vesting.
- (4) Despite the *Land Act 1994* and the *Land Title Act 1994*, no fee is payable by MEDQ in relation to the registration of the vesting or to give effect to it.

126 Giving information about roads to relevant local government

- (1) This section applies if, under this chapter, MEDQ performs a function or exercises a power relating to a road or former road in a priority development area.
- (2) MEDQ must give the relevant local government the information MEDQ has to allow the local government to comply with its obligation for its map and register of roads under the *Local Government Act 2009*, section 74 or, for the Brisbane City Council, the *City of Brisbane Act 2010*, section 81.

127 Direction to government entity or local government to accept transfer

- (1) MEDQ may give a government entity or local government (the *directed entity*) a written direction to accept the transfer to it of—
 - (a) stated land in a priority development area owned by MEDQ; or
 - (b) a stated amount from the Fund for providing or maintaining infrastructure relating to stated land in a priority development area owned by MEDQ.
- (2) However, the direction may be given only if MEDQ is satisfied the transfer is reasonably necessary for the purpose of this Act.

- (3) The direction may state conditions on which the transfer must be made.
- (4) The directed entity must do every thing reasonably necessary to comply with the direction.
- (5) If the directed entity is a local government, on the making of the transfer, the stated land is taken to be land that the local government holds on trust in fee simple to which the Sustainable Planning Act, section 659 applies.

128 Direction to government entity or local government to provide or maintain infrastructure

- (1) MEDQ may give a written direction to a government entity or local government (the *directed entity*) to provide or maintain stated infrastructure in, or relating to, a stated priority development area.
- (2) However, the direction may be given only if MEDQ is satisfied the provision or the maintenance of the infrastructure by the directed entity is necessary for the proper and orderly planning, development and management of the priority development area.
- (3) The direction may state conditions on which the infrastructure must be provided or maintained.
- (4) The directed entity must comply with the direction.
- (5) Subsection (4) applies despite any other Act or law.

Part 9 Fees

129 Application fees

- (1) This section applies if MEDQ is deciding the fee for an application under this chapter.

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- (2) The fee can not be more than the actual cost of considering and processing the application.
- (3) However, for the following applications the fee may also include a reasonable component to recover MEDQ's costs of making or amending the relevant development instrument—
 - (a) a PDA development application;
 - (b) an application under section 99 to change a PDA development approval.

Chapter 4 Establishment etc. of other entities

Part 1 Economic Development Board

Division 1 Establishment and functions

130 Establishment

The Economic Development Board is established.

131 Board's functions

- (1) The functions of the board are—
 - (a) advising, and making recommendations to, MEDQ about how MEDQ can give effect to the main purpose of this Act; and
 - (b) monitoring, and reporting to MEDQ about, the performance of MEDQ's functions or exercise of MEDQ's powers by entities (including the board) to whom the functions or powers are delegated; and

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- (c) ensuring MEDQ adopts best practice corporate governance and financial management and accountability arrangements; and
 - (d) performing the functions, and exercising the powers, of MEDQ delegated to the board under this Act.
- (2) The board may do all things necessary or convenient to be done for the performance of its functions.

Division 2 Membership

132 Membership of the board

- (1) The board consists of the following persons (each a *board member*)—
- (a) the chief executive of the department;
 - (b) the chief executive of the department in which the *Auditor-General Act 2009* is administered;
 - (c) the chief executive of the department in which the *Financial Accountability Act 2009* is administered;
 - (d) no more than 3 other members appointed by the Governor in Council.
- (2) A person is eligible for appointment under subsection (1)(d) only if the person—
- (a) has extensive knowledge of and experience in 1 or more of the following—
 - (i) local government;
 - (ii) land use planning;
 - (iii) social policy or community development;
 - (iv) law, economics or accounting;
 - (v) the construction or development industries;
 - (vi) natural resource and environmental management;or

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- (b) has other knowledge and experience the Governor in Council considers appropriate.
- (3) A member appointed under subsection (1)(d) may be appointed on a full-time or part-time basis.
- (4) A member appointed under subsection (1)(d) is appointed under this Act and not the *Public Service Act 2008*.

133 Chairperson and deputy chairperson

- (1) The chief executive of the department is the chairperson of the board.
- (2) MEDQ must appoint a board member, other than the chairperson, as the deputy chairperson.
- (3) Subject to subsection (4), the deputy chairperson holds that office for the term decided by MEDQ.
- (4) A vacancy occurs in the office of deputy chairperson if the person holding the office stops being a board member or resigns the office.
- (5) A person holding office as deputy chairperson resigns the office by signed notice of resignation given to MEDQ.
- (6) A person's resignation from the office of deputy chairperson does not, of itself, stop the person from being a board member.
- (7) The deputy chairperson is to act as chairperson during a period when the chairperson is absent from duty or, for another reason, can not perform the functions of the office.

134 Terms and conditions of appointment etc.

- (1) Subject to subsections (5) and (6), an appointed board member holds office for the term stated in the member's instrument of appointment.
- (2) The term stated in the instrument of appointment must not be more than 5 years.

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- (3) An appointed board member is to be paid the remuneration and allowances decided by the Governor in Council.
 - (4) An appointed board member holds office on the terms and conditions, not provided for by this Act, that are decided by the Governor in Council.
 - (5) An appointed board member may resign by signed notice given to MEDQ.
 - (6) The Governor in Council may end an appointed board member's appointment if the member—
 - (a) is convicted of an indictable offence; or
 - (b) is or becomes an insolvent under administration under the Corporations Act, section 9; or
 - (c) is disqualified from managing corporations under the Corporations Act, part 2D.6; or
 - (d) becomes incapable of performing the functions of a board member because of physical or mental incapacity or some other reason; or
 - (e) is guilty of misconduct of a type that could warrant dismissal from the public service if the member were an officer of the public service; or
 - (f) does not comply with section 135(2) or (3); or
 - (g) does not comply with section 161; or
 - (h) fails to comply with section 163.
 - (7) In this section—

appointed board member means a board member appointed under section 132(1)(d).

135 Disclosure of interests

- (1) This section applies if—
 - (a) a board member, or a close relative of a board member, has a direct or indirect pecuniary interest in a matter

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being considered, or about to be considered, by the board; and

- (b) the interest could conflict with the proper performance of the board member's functions for the matter.
- (2) The board member must, as soon as practicable, disclose the interest to—
- (a) for the chairperson—all the other members; or
 - (b) for another member—the chairperson.

Maximum penalty—100 penalty units.

- (3) If a board member has disclosed an interest relating to a matter, the member must not participate in the board's consideration of the matter.

Maximum penalty—100 penalty units.

Division 3 Meetings and other business of the board

136 Conduct of business

Subject to this division, the board may conduct its business, including its meetings, in the way it considers appropriate.

137 Times and places of meetings

- (1) Board meetings are to be held at the times and places the chairperson decides.
- (2) However, the chairperson must call a meeting if asked in writing to do so by at least 2 board members.
- (3) Also, the chairperson must call a meeting at least once in each quarter.

138 Quorum

A quorum for a board meeting is more than half of the number of board members.

139 Attendance by proxy

- (1) A board member may attend a meeting of the board by proxy.
- (2) A board member is not entitled to preside at a meeting of the board merely because the member is the proxy holder for the chairperson or deputy chairperson.

140 Presiding at meetings

- (1) The chairperson is to preside at all board meetings at which the chairperson is present.
- (2) If the chairperson is not present, the deputy chairperson is to preside.
- (3) If the chairperson and deputy chairperson are both not present, the board member chosen by the board members present is to preside.

141 Conduct of meetings

- (1) The board may hold meetings, or allow board members to take part in its meetings, by using any technology allowing reasonably contemporaneous and continuous communication between persons taking part in the meeting.
- (2) A person who takes part in a board meeting under subsection (1) is taken to be present at the meeting.
- (3) A decision at a board meeting must be a majority decision of the board members present.
- (4) If the votes of the board members present at the board meeting are equal, the member presiding has a casting vote.

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142 Decisions outside meetings

A decision of the board, other than a decision at a board meeting, may be made only with the written agreement of a majority of the board members.

143 Minutes and record of decisions

The board must keep—

- (a) minutes of its meetings; and
- (b) a record of any decisions under section 142.

Part 2 Commonwealth Games Infrastructure Authority

Division 1 Establishment and functions

144 Establishment of authority

The Commonwealth Games Infrastructure Authority (the *authority*) is established.

145 Authority's functions

- (1) The main function of the authority is to facilitate, for the purpose of the Commonwealth Games and this Act, the planning and development of the Commonwealth Games village and other venues.
- (2) Without limiting subsection (1), the authority's functions include—
 - (a) advising, and making recommendations to, MEDQ and the board about giving effect to the main purpose of this Act in relation to the authority's main function; and

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- (b) performing the functions, and exercising the powers, of MEDQ delegated to the authority under this Act; and
 - (c) performing any other functions, and exercising any other powers, delegated to the authority under this Act or another Act; and
 - (d) reporting to MEDQ and the board about the authority's performance of its functions under this Act.
- (3) The authority may do all things necessary or convenient to be done for the performance of its functions.
- (4) In this section—

Commonwealth Games means the XXI Commonwealth Games to be held at the Gold Coast in 2018.

Commonwealth Games village means the infrastructure known as the 'games village' that is used, or to be used, for the Commonwealth Games, including, for example—

- (a) accommodation facilities for athletes and officials; and
- (b) infrastructure for other facilities and services associated with the Commonwealth Games.

Division 2 Membership

146 Membership of the authority

- (1) The authority consists of the following persons (each an *authority member*)—
- (a) the chief executive of the department;
 - (b) the chief executive of the department in which the *Commonwealth Games Arrangements Act 2011* is administered;
 - (c) the following members appointed by the Governor in Council—

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- (i) the chief executive officer of the Gold Coast City Council;
 - (ii) the chairperson of the Gold Coast 2018 Commonwealth Games Corporation;
 - (iii) the other members the Governor in Council considers appropriate.
- (2) A person is eligible for appointment under subsection (1)(c)(iii) only if the person—
 - (a) has extensive knowledge of and experience in 1 or more of the following—
 - (i) local government;
 - (ii) planning;
 - (iii) community development;
 - (iv) law, economics or accounting;
 - (v) the construction or development industries;
 - (vi) natural resource or environmental management; or
 - (b) has other knowledge and experience the Governor in Council considers appropriate.
- (3) A member appointed under subsection (1)(c) may be appointed on a full-time or part-time basis.
- (4) A member appointed under subsection (1)(c) is appointed under this Act and not the *Public Service Act 2008*.
- (5) In this section—

Gold Coast 2018 Commonwealth Games Corporation means the Gold Coast 2018 Commonwealth Games Corporation established under the *Commonwealth Games Arrangements Act 2011*, section 6.

147 Chairperson and deputy chairperson

- (1) MEDQ must appoint an authority member as the chairperson.

- (2) MEDQ must appoint an authority member, other than the chairperson, as the deputy chairperson.
- (3) Subject to subsection (4), the chairperson or deputy chairperson holds that office for the term decided by MEDQ.
- (4) A vacancy occurs in the office of chairperson or deputy chairperson if the person holding the office stops being an authority member or resigns the office.
- (5) A person holding office as chairperson or deputy chairperson resigns the office by signed notice of resignation given to MEDQ.
- (6) A person's resignation from the office of chairperson or deputy chairperson does not, of itself, stop the person from being an authority member.
- (7) The deputy chairperson is to act as chairperson during a period when the chairperson is absent from duty or, for another reason, can not perform the functions of the office.

148 Terms and conditions of appointment etc.

- (1) Subject to subsections (4) and (5), an appointed authority member holds office for the term stated in the member's instrument of appointment.
- (2) An appointed authority member is to be paid the remuneration and allowances decided by the Governor in Council.
- (3) An appointed authority member holds office on the terms and conditions, not provided for by this Act, that are decided by the Governor in Council.
- (4) An appointed authority member may resign by signed notice given to MEDQ.
- (5) The Governor in Council may end an appointed authority member's appointment if the member—
 - (a) is convicted of an indictable offence; or
 - (b) is or becomes an insolvent under administration under the Corporations Act, section 9; or

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- (c) is disqualified from managing corporations under the Corporations Act, part 2D.6; or
- (d) becomes incapable of performing the functions of an authority member because of physical or mental incapacity or some other reason; or
- (e) is guilty of misconduct of a type that could warrant dismissal from the public service if the member were an officer of the public service; or
- (f) does not comply with section 149(2) or (3); or
- (g) does not comply with section 161; or
- (h) fails to comply with section 163.

(6) In this section—

appointed authority member means an authority member appointed under section 146(1)(c).

149 Disclosure of interests

- (1) This section applies if—
 - (a) an authority member, or a close relative of an authority member, has a direct or indirect pecuniary interest in a matter being considered, or about to be considered, by the authority; and
 - (b) the interest could conflict with the proper performance of the authority member's functions for the matter.
- (2) The authority member must, as soon as practicable, disclose the interest to—
 - (a) for the chairperson—all the other authority members; or
 - (b) for another member—the chairperson.

Maximum penalty—100 penalty units.

- (3) If an authority member has disclosed an interest relating to a matter, the member must not participate in the authority's consideration of the matter.

Maximum penalty—100 penalty units.

Division 3 Meetings and other business of the authority

150 Conduct of business

Subject to this division, the authority may conduct its business, including its meetings, in the way it considers appropriate.

151 Times and places of meetings

- (1) Authority meetings are to be held at the times and places the chairperson decides.
- (2) However, the chairperson must call a meeting if asked in writing to do so by at least 2 authority members.
- (3) Also, the chairperson must call a meeting at least once in each quarter.

152 Quorum

A quorum for an authority meeting is more than half of the number of authority members.

153 Attendance by proxy

- (1) An authority member may attend a meeting of the authority by proxy.
- (2) An authority member is not entitled to preside at a meeting of the authority merely because the member is the proxy holder for the chairperson or deputy chairperson.

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154 Presiding at meetings

- (1) The chairperson is to preside at all authority meetings at which the chairperson is present.
- (2) If the chairperson is not present, the deputy chairperson is to preside.
- (3) If the chairperson and the deputy chairperson are both not present, the authority member chosen by the authority members present is to preside.

155 Conduct of meetings

- (1) The authority may hold meetings, or allow authority members to take part in its meetings, by using any technology allowing reasonably contemporaneous and continuous communication between persons taking part in the meeting.
- (2) A person who takes part in an authority meeting under subsection (1) is taken to be present at the meeting.
- (3) A decision at an authority meeting must be a majority decision of the authority members present.
- (4) If the votes of the authority members present at the authority meeting are equal, the member presiding has a casting vote.

156 Decisions outside meetings

A decision of the authority, other than a decision at an authority meeting, may be made only with the written agreement of a majority of the authority members.

157 Minutes and record of decisions

The authority must keep—

- (a) minutes of its meetings; and
- (b) a record of any decisions under section 156.

Part 3 Local representative committees

158 Establishment

- (1) MEDQ may establish a committee (a *local representative committee*) for an area to help MEDQ, or its delegates, perform MEDQ's functions in the area.
- (2) A local representative committee consists of the following persons appointed by MEDQ—
 - (a) a board member;
 - (b) no more than 4 other persons who MEDQ considers can appropriately represent the interests of entities affected by development in the area, including, for example, a chief executive officer of a local government.
- (3) A member of a local representative committee is appointed on the terms and conditions MEDQ considers appropriate, including terms about remuneration.
- (4) A local representative committee may conduct its business, including its meetings, in the way it considers appropriate.

159 Functions

- (1) The functions of a local representative committee for an area are—
 - (a) advising, and making recommendations to, MEDQ and the board about—
 - (i) the impact, or potential impact, of proposed development in the area, including, for example, the impact or potential impact on the environment or public amenity; and
 - (ii) community needs and expectations in the area; and
 - (b) performing the functions, and exercising the powers, of MEDQ delegated to the committee under this Act; and

- (c) reporting to MEDQ and the board about the committee's performance of its functions under this Act.
- (2) A local representative committee may do all things necessary or convenient to be done for the performance of its functions.

Part 4 Provisions applying to members

160 Report about person's criminal history for particular appointments

- (1) To decide whether to recommend to the Governor in Council a person for appointment as a board member under section 132(1)(d) or an authority member under section 146(1)(c)(iii), MEDQ may ask the commissioner of the police service for—
 - (a) a written report about the person's criminal history; and
 - (b) a brief description of the circumstances of any conviction mentioned in the criminal history.
- (2) The commissioner of the police service must comply with a request under subsection (1).
- (3) However, MEDQ may make a request about a person under subsection (1) only if the person has given MEDQ written consent for the request.
- (4) The duty imposed on the commissioner of the police service to comply with the request applies only to information in the commissioner's possession or to which the commissioner has access.
- (5) MEDQ must ensure a report given to MEDQ under this section is destroyed as soon as practicable after it is no longer needed for the purpose for which it was requested.
- (6) MEDQ may delegate its power under this section to an appropriately qualified public service officer.

(7) In this section—

criminal history, of a person, means the person's criminal history as defined under the *Criminal Law (Rehabilitation of Offenders) Act 1986*, other than for a spent conviction.

spent conviction means a conviction—

- (a) for which the rehabilitation period under the *Criminal Law (Rehabilitation of Offenders) Act 1986* has expired under that Act; and
- (b) that is not revived as prescribed by section 11 of that Act.

161 Duty to act honestly and exercise care and diligence

- (1) A board member, authority member or committee member must act honestly, and must exercise a reasonable degree of care and diligence, when performing the member's functions and exercising the member's powers.
- (2) A person who is or was a board member, authority member or committee member must not make improper use of information acquired because of the person's position as a board member, authority member or committee member—
 - (a) to gain, directly or indirectly, an advantage for the person or for any other person; or
 - (b) to cause detriment to MEDQ.
- (3) A board member, authority member or committee member must not make improper use of the member's position as a member—
 - (a) to gain, directly or indirectly, an advantage for the member or for any other person; or
 - (b) to cause detriment to MEDQ.
- (4) This section—
 - (a) has effect in addition to, and not in derogation of, any law relating to the civil or criminal liability of a person

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because of the person's office as a board member, authority member or committee member; and

- (b) does not prevent the starting of a civil or criminal proceeding in respect of civil or criminal liability.

Note—

See also section 171 (Protection from civil liability).

162 MEDQ may bring proceedings

- (1) If a board member, authority member or committee member contravenes section 161, MEDQ may recover from the member as a debt due to MEDQ either or both of the following—
 - (a) if the member or any other person made a profit as a result of the contravention—an amount equal to the profit;
 - (b) if MEDQ has suffered loss or damage as a result of the contravention—an amount equal to the loss or damage.
- (2) A proceeding mentioned in subsection (1) may be—
 - (a) brought in the name of MEDQ; and
 - (b) started in a court of competent jurisdiction.

Chapter 5 General

Part 1 Other offences

163 Privacy

- (1) This section applies to a person who—

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- (a) is, or has been, a person performing functions or exercising powers under this Act; and
 - (b) obtains in the course of, or because of, the performance of a function or exercise of a power under this Act, personal or confidential information that is not publicly available.
- (2) The person must not—
- (a) make a record of the information; or
 - (b) divulge or communicate the information to anyone else, whether directly or indirectly; or
 - (c) use the information to benefit any person.
- Maximum penalty—100 penalty units.
- (3) However, subsection (2) does not apply if the record is made, or the information is divulged, communicated or used—
- (a) for, or as a part of, a function of MEDQ; or
 - (b) with the consent of the person to whom the information relates; or
 - (c) as required by law.

164 Liability of executive officer for particular offences committed by corporation

- (1) An executive officer of a corporation commits an offence if—
- (a) the corporation commits an offence against an executive liability provision; and
 - (b) the officer does not take all reasonable steps to ensure the corporation does not engage in the conduct constituting the offence.

Maximum penalty—the penalty for a contravention of the executive liability provision by an individual.

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- (2) In deciding whether things done or omitted to be done by an executive officer of a corporation constitute reasonable steps for subsection (1)(b), the court may have regard to—
 - (a) whether the officer knew, or ought reasonably to have known, of the corporation's conduct constituting the offence against the executive liability provision; and
 - (b) whether the officer was in a position to influence the corporation's conduct in relation to the offence against the executive liability provision; and
 - (c) any other relevant matter.
- (3) The executive officer may be proceeded against for, and convicted of, an offence against subsection (1) whether or not the corporation has been proceeded against for, or convicted of, an offence against the executive liability provision.
- (4) This section does not affect the following—
 - (a) the liability of the corporation for an offence against the executive liability provision;
 - (b) the liability, under chapter 2 of the Criminal Code, of any person, whether or not the person is an executive officer of the corporation, for an offence against the executive liability provision.
- (5) In this section—

executive liability provision means any of the following provisions—

 - (a) section 73(1);
 - (b) section 74;
 - (c) section 75;
 - (d) section 76;
 - (e) section 110;
 - (f) section 112.

Note—

- section 73 (Carrying out PDA assessable development without PDA development permit)
- section 74 (PDA self-assessable development must comply with relevant development instrument)
- section 75 (Compliance with PDA development approval)
- section 76 (Offence about use of premises)
- section 110 (Offence to contravene enforcement order)
- section 112 (Offence to contravene Magistrates Court order)

executive officer, of a corporation, means a person who is concerned with, or takes part in, its management, whether or not the person is a director or the person's position is given the name of executive office.

165 Giving MEDQ a false or misleading document

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

Maximum penalty—1665 penalty units.

Part 2 Proceedings

166 Proceedings for offences

- (1) An offence against the following is a misdemeanour—
 - (a) section 110;
 - (b) section 164, to the extent the offence relates to an offence by a corporation against section 110.
- (2) Any other offence against this Act is a summary offence.
- (3) A proceeding for a summary offence against this Act may be brought only by MEDQ or a person acting for MEDQ.

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167 Limitation on time for starting proceeding for summary offence

A proceeding for a summary offence against this Act must start—

- (a) within 1 year after the commission of the offence; or
- (b) within 6 months after the offence comes to the complainant's knowledge, but within 2 years after the offence was committed.

168 Evidentiary aids

A certificate purporting to be signed by or for MEDQ stating any of the following matters is evidence of the matter—

- (a) a decision, direction or notice under this Act or the repealed ULDA Act;
- (b) a thing that must or may be included in a register kept under this Act;
- (c) that a stated document is another document kept under this Act;
- (d) that a stated document is a copy of, or an extract from or part of, a thing mentioned in paragraph (a) or (b);
- (e) that on a stated day—
 - (i) a stated person was given a stated decision, direction or notice under this Act or the repealed ULDA Act; or
 - (ii) a stated direction or requirement under this Act or the repealed ULDA Act was made of a stated person;
- (f) that on a stated day, or during a stated period, a PDA development approval was, or was not, in force.

Part 3 Provisions about performance of functions etc. under this Act

169 Delegations

- (1) MEDQ may delegate any of its functions or powers under this Act to any of the following—
 - (a) the chief executive of a department;
 - (b) the board;
 - (c) a board member;
 - (d) the authority;
 - (e) an authority member;
 - (f) a local representative committee;
 - (g) a committee member;
 - (h) a local government;
 - (i) an appropriately qualified officer or employee of a department.
- (2) The chief executive of the department may subdelegate a function or power of MEDQ delegated to the chief executive under subsection (1) to an appropriately qualified officer or employee of the department.
- (3) The board may, with MEDQ's approval, subdelegate a function or power of MEDQ delegated to it under subsection (1) to the authority.
- (4) A local government may subdelegate a function or power of MEDQ delegated to it under subsection (1) to an appropriately qualified employee of the local government.
- (5) However, subsection (4) does not apply to a function or power if MEDQ has, when delegating the function or power to the local government, directed that the function or power can not be subdelegated.

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- (6) A board member or authority member may delegate the member's functions as a member to an appropriately qualified officer or employee of a department.

170 MEDQ may give directions

- (1) An entity to whom a function or power is delegated under section 169 must perform the function or exercise the power subject to—
 - (a) the general direction and control of MEDQ; and
 - (b) any specific written directions given to it by MEDQ.
- (2) Without limiting subsection (1)(b), a direction under that provision may require the entity to give stated information to MEDQ.

171 Protection from civil liability

- (1) A prescribed person carrying out functions, or exercising powers, under this Act is not civilly liable to someone for an act done, or omission made, honestly and without negligence under this Act or a direction or a requirement under this Act.

Note—

In relation to a person who is or was a board member, authority member or committee member, see also section 161 (Duty to act honestly and exercise care and diligence).

- (2) If subsection (1) prevents a civil liability attaching to the member or person, the liability attaches instead to the State.
- (3) In this section—

prescribed person means—

 - (a) a board member, authority member or committee member; or
 - (b) another person to whom a function or power has been delegated under section 169.

Part 4 Other administrative matters

172 Registers

- (1) MEDQ must keep a register of each of the following—
 - (a) provisional land use plans, as amended from time to time;
 - (b) interim land use plans, as amended from time to time;
 - (c) each proposed development scheme or proposed amendments of development schemes under chapter 3, part 3;
 - (d) reports on development schemes under section 63(2);
 - (e) development schemes that have taken effect;
 - (f) PDA development applications;
 - (g) PDA development approvals;
 - (h) by-laws;
 - (i) special rates and charges;
 - (j) directions given under sections 127 and 128.
- (2) MEDQ may also keep a register of other documents or information relating to this Act that MEDQ considers appropriate.
- (3) MEDQ may keep a register in the way it considers appropriate.
- (4) However, the documents included in the registers must also be published on the department's website.

173 Access to registers

- (1) MEDQ must—
 - (a) keep each register open for inspection by the public during office hours on business days at the places MEDQ considers appropriate; and

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- (b) allow a person to search and take extracts from the register; and
 - (c) give a person who asks for it a copy of all or part of a document or information held in the register, on payment of the fee decided by MEDQ.
- (2) The fee can not be more than the actual cost of giving the copy.

174 Matters to be included in department's annual report

- (1) The chief executive must ensure the department's annual report for a financial year includes information about the performance of MEDQ's functions in the year.
- (2) Without limiting subsection (1), the report must include—
 - (a) information about how the board, the authority or local representative committees have contributed to the achievement of MEDQ's functions; and
 - (b) any other matter prescribed under a regulation.
- (3) In this section—

annual report means annual report under the *Financial Accountability Act 2009*.

175 Approved forms

MEDQ may approve forms for use under this Act.

176 Regulation-making power

- (1) The Governor in Council may make regulations under this Act.
- (2) A regulation may—
 - (a) provide for any matter for which by-laws may be made;
or

- (b) impose a penalty of no more than 20 penalty units for contravention of a regulation.

Chapter 6 Transitional provisions and repeals

Part 1 Preliminary

177 Definitions for ch 6

In this chapter—

commencement means the commencement of this section.

former entity means—

- (a) the corporation established under the repealed ID Act, section 5; or
- (b) the former ULDA.

former ULDA means the authority established under the repealed ULDA Act, section 93.

transitioned UDA means a part of the State that was an urban development area under the repealed ULDA Act and, under section 190, is taken to be a priority development area under this Act.

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Part 2 **Abolition of former entities and transfer of their assets etc.**

178 Abolition of former entity etc.

- (1) At the commencement—
 - (a) each former entity is abolished; and
 - (b) the members of the former ULDA stop being members of the authority; and
 - (c) the appointment and employment of the chief executive officer of the former ULDA ends.
- (2) Subsection (1)(b) or (c) does not affect the member's or chief executive officer's appointment in any other office.

179 Employees of former ULDA to be employed by department

- (1) This section applies to a person who, immediately before the commencement, was employed by the former ULDA.
- (2) From the commencement, the person is taken to be employed by the department on the same terms, conditions and entitlements as those applying to the person's employment by the former ULDA immediately before commencement.
- (3) Also, the following applies for the person—
 - (a) the person retains and is entitled to all rights, benefits and entitlements that have accrued to the person because of the person's previous employment as an employee of the former ULDA;
 - (b) the person's accruing rights, including to superannuation or recreation, sick, long service or other leave, are not affected;
 - (c) continuity of service is not interrupted, except that the person is not entitled to claim the benefit of a right or

entitlement more than once in relation to the same period of service;

- (d) the employment does not constitute a termination of employment or a retrenchment or redundancy;
 - (e) the person is not entitled to a payment or other benefit because he or she is no longer employed by the former ULDA.
- (4) Subject to this section, the chief executive may issue a direction to a person to facilitate the transition of employees from the former ULDA to the department.
- (5) A person given a direction must comply with the direction.
- (6) If a person employed under subsection (2) was employed by the former ULDA under a contract, the person is taken to be employed by the department under the contract under which the person was employed before the commencement.
- (7) In this section—
employee, of the former ULDA, does not include the chief executive officer appointed under the repealed ULDA Act, section 120.

180 MEDQ is legal successor

- (1) MEDQ is the successor in law of each former entity.
- (2) Subsection (1) is not limited by another provision of this part.

181 Assets and liabilities etc. of a former entity

- (1) At the commencement—
 - (a) the assets and liabilities of a former entity immediately before the commencement become assets and liabilities of MEDQ; and
 - (b) any infrastructure agreements, contracts, leases, licences, undertakings or other agreements or

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arrangements to which a former entity is a party, in force immediately before the commencement—

- (i) are taken to have been entered into by MEDQ; and
- (ii) may be enforced against or by MEDQ; and

Example of another arrangement—

an arrangement under which the former ULDA was able to borrow an amount from another statutory body, for example, the Queensland Treasury Corporation

- (c) any property that, immediately before the commencement, was held on trust or subject to a condition, by a former entity continues to be held on the same trust, or subject to the same condition, by MEDQ.
- (2) The registrar of titles or other person responsible for keeping a register for dealings in property must, if asked by MEDQ, record the vesting of property under this section in MEDQ.

182 Proceeding not yet started by or against a former entity

- (1) This section applies if, immediately before the commencement, a proceeding could have been started by or against a former entity within a particular period (the *prescribed period*).
- (2) The proceeding may be started by or against MEDQ within the prescribed period.

183 Proceeding to which a former entity was a party

- (1) This section applies to a proceeding that, immediately before the commencement, had not ended and to which a former entity was a party.
- (2) At the commencement, MEDQ becomes a party to the proceeding in place of the former entity.

184 Records of former entity

All records of a former entity are records of MEDQ under this Act.

185 References to former entity and former entity's website

- (1) In an Act or document, a reference to a former entity is taken, if the context permits, to be a reference to MEDQ.
- (2) In an Act or document, a reference to a former entity's website is taken, if the context permits, to be a reference to the department's website.

186 Amounts in Estates Construction Fund at the commencement

The amount that, immediately before the commencement, is the balance credited to the Estates Construction Fund under the repealed ID Act forms part of the fund continued in existence under section 25.

187 Annual reporting

- (1) This section applies if the commencement falls in the middle of a financial year.
- (2) The department's annual report for the financial year must include information about the former entity's operations that would have been required to be included in the department's annual report if the repealed IDA Act and repealed ULDA Act had not been repealed.
- (3) In this section—
annual report means annual report under the *Financial Accountability Act 2009*.

188 Offences relating to former entity

- (1) This section applies if—

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- (a) under a provision of an Act, as in force before the commencement (*relevant law*), a person who did or omitted to do an act in relation to a former entity, or something done or required to be done by a former entity, committed an offence; and
- (b) the provision is—
 - (i) amended by this Act so that it no longer applies in relation to the former entity, or something done or required to be done by the former entity; or
 - (ii) repealed by this Act.
- (2) A proceeding for the offence may be continued or started, and the provisions of the relevant law that are necessary or convenient to be used in relation to the proceeding continue to apply, as if this Act had not commenced.
- (3) For subsection (2), the *Acts Interpretation Act 1954*, section 20 applies, but does not limit the subsection.
- (4) Subsection (2) applies despite the Criminal Code, section 11.

189 Other things done by former entity

- (1) This section applies to anything done by a former entity under an Act—
 - (a) whose effect had not ended immediately before the commencement; and
 - (b) that, at the commencement, is something that MEDQ can do under that Act; and
 - (c) that is not otherwise dealt with by a provision of this part.
- (2) The thing done by the former entity—
 - (a) continues to have effect; and
 - (b) from the commencement, is taken to have been done by MEDQ.
- (3) Without limiting subsection (2)—

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- (a) the performance of a function or exercise of a power under the repealed ULDA Act, section 99 that is still in effect immediately before the commencement is, from the commencement, taken to have been performed or exercised by MEDQ under section 124 of this Act; and
 - (b) a special rate or charge on land made and levied under the repealed ULDA Act, section 101 that has not been paid immediately before the commencement is, from the commencement, taken to be made and levied by MEDQ under section 115 of this Act; and
 - (c) a notice given by the former ULDA for a special rate or charge under the repealed ULDA Act, section 127 that has not been complied with immediately before the commencement is taken to have been given by MEDQ under section 117 of this Act; and
 - (d) any consultation conducted by the former ULDA under the repealed ULDA Act, section 136E before the commencement is taken to have been conducted by MEDQ under section 122 of this Act; and
 - (e) a request made by the former ULDA under the repealed ULDA Act, section 139 that has not been complied with at the commencement is taken to be made by MEDQ under section 52 of this Act; and
 - (f) an endorsement, approval or decision (however called) given or made by a former entity, that is of a kind that MEDQ can give or make under an Act as in force at the commencement, is taken to have been given or made by MEDQ.

Examples for paragraph (f)—

- endorsements given by the former ULDA under the *Body Corporate and Community Management 1997*, section 60
- approvals of plans of subdivision given by the former ULDA under the repealed ULDA Act, section 80

Part 3 Existing urban development areas

190 Existing urban development areas

- (1) A part of the State that was an urban development area under the repealed ULDA Act immediately before the commencement is, from the commencement, taken to be a priority development area under this Act.
- (2) A transitioned UDA may keep the name given to it under the repealed ULDA Act.
- (3) The operation of subsection (1) is not affected by the transitioned UDA having a name that includes the term 'urban development area' or 'UDA'.

191 Existing interim land use plans for transitioned UDAs

- (1) This section applies if an interim land use plan made under the repealed ULDA Act for a transitioned UDA was in effect immediately before the commencement.
- (2) From the commencement, the interim land use plan is taken to be an interim land use plan made under this Act for the transitioned UDA.
- (3) The interim land use plan applies with necessary and convenient changes to facilitate the application of this Act to the transitioned UDA.
- (4) Without limiting subsection (3)—
 - (a) a reference in the interim land use plan to the former ULDA is taken to be a reference to MEDQ; and
 - (b) a reference in the interim land use plan to urban development area is taken to be a reference to a transitioned UDA; and
 - (c) a reference in the interim land use plan to any of the following terms is taken to be a reference to the

corresponding term under this Act for priority development areas—

- (i) UDA assessable development;
- (ii) UDA self-assessable development;
- (iii) UDA exempt development;
- (iv) UDA development application;
- (v) UDA development approval;
- (vi) UDA preliminary approval;
- (vii) UDA development permit;
- (viii) UDA development condition.

- (5) The interim land use plan expires—
 - (a) subject to paragraph (b), on the day it would have expired under the repealed ULDA Act, section 9 if that section had not been repealed; or
 - (b) if the former ULDA had prepared a proposed development scheme for the transitioned UDA, under the repealed ULDA Act, part 3, division 1—the earlier of the following—
 - (i) when MEDQ makes a development scheme under this Act for the transitioned UDA;
 - (ii) 60 business days after the commencement.
- (6) Without limiting subsection (2), the interim land use plan may be amended or revoked under this Act.
- (7) The interim land use plan may keep the name given to it under the repealed ULDA Act.
- (8) The operation of this section is not affected by the interim land use plan having a name that includes the term ‘urban development area’ or ‘UDA’.

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192 MEDQ must make development scheme for transitioned UDA

- (1) This section applies if, at the commencement, a development scheme has not been made under the repealed ULDA Act for a transitioned UDA.
- (2) Subject to subsection (3), MEDQ must make a development scheme under this Act for the transitioned UDA.
- (3) For subsection (2), anything done or in existence in relation to a proposed development scheme under the repealed ULDA Act for the transitioned UDA is taken to have been done or in existence under this Act.
- (4) If, under subsection (3), MEDQ is taken to have complied with sections 58 to 61 for a proposed development scheme (the *proposed scheme*)—
 - (a) MEDQ must, as soon as practicable after the commencement, give each person (a *submitter*) who made a submission received within the submission period about the proposed scheme a notice stating that—
 - (i) MEDQ is considering making the proposed scheme under this Act; and
 - (ii) MEDQ’s report about the proposed scheme can be inspected on the department’s website; and
 - (iii) if the submitter is an affected owner for the transitioned UDA—that the submitter may, within 20 business days after receiving the notice, ask MEDQ to amend the proposed scheme to protect the owner’s interests; and
 - (b) MEDQ may, within the prescribed period, amend the proposed scheme in a way MEDQ considers appropriate, including, for example, to—
 - (i) protect an affected owner’s interests; or
 - (ii) ensure the implementation of the scheme complies with this Act; or

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- (iii) make a minor administrative amendment; and
 - (c) if MEDQ considers an amendment of the proposed scheme significantly changes the scheme, MEDQ must re-comply with sections 58 to 61 for the amended scheme.
- (5) For subsection (4)(b), the *prescribed period* is as follows—
- (a) 45 business days after the notice is given under subsection (4)(a);
 - (b) if, within 20 business days after being given the notice under subsection (4)(a), an affected owner for the transitioned UDA asks MEDQ to amend the proposed scheme to protect the affected owner’s interests and MEDQ requires additional time to consider a matter raised by the affected owner—the period mentioned in paragraph (a) plus a further period of not more than 20 business days decided by MEDQ;
 - (c) if a caretaker period occurs within the period mentioned in paragraph (a)—that period plus a further period equal to the caretaker period plus 20 business days.
- (6) In this section—
- affected owner***, for a priority development area, means a person who owns land that—
- (a) is in the area; or
 - (b) shares a common boundary with the area; or
 - (c) is benefited by an easement, registered under the *Land Title Act 1994*, over the area or part of the area; or
 - (d) has a boundary, along a road, that is directly opposite a boundary of the area, along the same road; or
 - (e) MEDQ considers may be negatively affected by development in the area having regard to—
 - (i) the proximity of the land to the area; and

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- (ii) the impact the development, including any proposed development, may have on the character and amenity of the land.

193 Existing development schemes for transitioned UDAs

- (1) This section applies if a development scheme made under the repealed ULDA Act for a transitioned UDA was in effect immediately before the commencement.
- (2) From the commencement, the development scheme is taken to be a development scheme made under this Act for the transitioned UDA.
- (3) The development scheme applies with necessary and convenient changes to facilitate the application of this Act to the transitioned UDA.
- (4) Without limiting subsection (3)—
 - (a) a reference in the development scheme to the former ULDA is taken to be a reference to MEDQ; and
 - (b) a reference in the development scheme to urban development area is taken to be a reference to a transitioned UDA; and
 - (c) a reference in the development scheme to any of the following terms is taken to be a reference to the corresponding term under this Act for priority development areas—
 - (i) UDA assessable development;
 - (ii) UDA self-assessable development;
 - (iii) UDA exempt development;
 - (iv) UDA development application;
 - (v) UDA development approval;
 - (vi) UDA preliminary approval;
 - (vii) UDA development permit;

(viii)UDA development condition.

- (5) Without limiting subsection (2), the development scheme may be amended or revoked by MEDQ under this Act.
- (6) For subsection (5), anything done by the former ULDA in relation to amending the development scheme under the repealed ULDA Act is taken to have been done by MEDQ under this Act.

194 Application of this Act to transitioned UDAs

- (1) This section provides for the application of this Act to transitioned UDAs.
- (2) This Act applies in relation to a transitioned UDA with necessary and convenient changes, including, for example, changes to allow for—
 - (a) the transitioned UDA having been declared before the commencement of this Act; and
 - (b) a transitioned interim land use plan or transitioned development scheme, or an amendment of a transitioned development scheme, having been made before the commencement of this Act.
- (3) Without limiting subsection (2), and to remove any doubt, it is declared that—
 - (a) development that a transitioned interim land use plan or transitioned development scheme for the transitioned UDA provides is UDA assessable development is PDA assessable development under this Act for the transitioned UDA; and
 - (b) development that a transitioned interim land use plan or transitioned development scheme for the transitioned UDA provides is UDA self-assessable development is PDA self-assessable development under this Act for the transitioned UDA.
- (4) In this section—

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transitioned development scheme means a development scheme made under the repealed ULDA Act that, under section 193, is taken to be made under this Act.

transitioned interim land use plan means an interim land use plan made under the repealed ULDA Act that, under section 191, is taken to be made under this Act.

195 Relationship with Sustainable Planning Act

- (1) Subsection (2) applies if—
 - (a) the repealed ULDA Act, section 13 applied to a SPA development application; and
 - (b) the application has not been decided at the commencement.
- (2) The repealed ULDA Act, section 13 continues to apply in relation to the application as if that Act had not been repealed.
- (3) An SPA development approval for land in a transitioned UDA granted under the repealed ULDA Act, section 13(2) (whether before the commencement or under subsection (2)) is taken to be an SPA development approval for land in the transitioned UDA granted under section 44(2) of this Act.
- (4) An SPA development approval for land in a transitioned UDA continued under the repealed ULDA Act, section 14 is taken to be an SPA development approval for land in the transitioned UDA continued under section 45 of this Act.
- (5) An application relating to the Northshore Hamilton urban development area made under the repealed ULDA Act, section 14A that has not been decided at the commencement may be decided by MEDQ under section 46 of this Act.
- (6) For subsection (5), anything done by the former ULDA in relation to the application under the repealed ULDA Act is taken to have been done by MEDQ.
- (7) A community infrastructure designation continued in force, under the repealed ULDA Act, section 15(2), for land in a transitioned UDA is, from the commencement, taken to be a

community infrastructure designation for land in the transitioned UDA continued in force under section 47(2) of this Act.

196 Regulation about transitioned UDAs

- (1) A regulation under this Act may include details of the following—
 - (a) each transitioned UDA;
 - (b) any of the following applying to a transitioned UDA—
 - (i) an interim land use plan;
 - (ii) a development scheme or an amendment of a development scheme.
- (2) A reference in section 42 to a declaration regulation includes a reference to a regulation made under subsection (1)(a).
- (3) Subsection (4) applies if—
 - (a) a regulation made under subsection (1) includes an interim land use plan or development scheme that was made by adopting, applying or incorporating all or part of another document (the *adopted provisions*); and
 - (b) the adopted provisions are not part of, or attached to, the regulation.
- (4) The Minister must, when the regulation is tabled in the Legislative Assembly under the *Statutory Instruments Act 1992*, section 49, also table a copy of the adopted provisions.

Note—

MEDQ must keep a register of interim land use plans and development schemes, as amended from time to time, and publish them on the department's website. See section 172.

- (5) A failure to comply with subsection (4) does not invalidate or otherwise affect the regulation.

Part 4 Provisions about cessation of an urban development area

197 Particular provisions about land or premises that were in urban development area

- (1) The repeal of the ULDA Act does not affect the operation of the following provisions of that Act applying to land or premises in an area that ceased to be an urban development area under that Act before the commencement—
 - (a) section 16(2);
 - (b) section 18;
 - (c) section 19.
- (2) Subsection (1) does not limit the *Acts Interpretation Act 1954*, section 20.

Part 5 Development and uses in existing urban development areas

198 Existing UDA development applications

- (1) This section applies to a UDA development application made under the repealed ULDA Act that—
 - (a) was a properly made application under the repealed ULDA Act, section 51; and
 - (b) has not been decided at the commencement.
- (2) Subject to subsections (3) to (5), the UDA development application is taken to be a PDA development application made under this Act and must be decided by MEDQ under this Act.

-
- (3) For subsection (2)—
 - (a) anything done or existing in relation to the UDA development application under the repealed ULDA Act is taken to have been done or existing in relation to the PDA development application under this Act; and
 - (b) a reference in sections 86 and 87 to a proposed development scheme includes a reference to a proposed development scheme, or a proposed amendment of a development scheme, published under the repealed ULDA Act, section 25, or section 25 as applied under section 38 of that Act, that has not taken effect before the commencement.
 - (4) Despite section 87(1)(a), MEDQ must consider the main purposes of the repealed ULDA Act, not the main purpose of this Act, in deciding the application.
 - (5) If the repealed ULDA Act, section 17 applied to the UDA development application—
 - (a) the application must be decided as if the land the subject of the application were in a priority development area; and
 - (b) if a PDA development approval is granted because of the application, the approval is, immediately after it takes effect under this Act, taken to be an SPA development approval.

199 Appeals against existing decisions on UDA development applications

- (1) Subsection (2) applies if—
 - (a) immediately before the commencement, a person could have, under the repealed ULDA Act, section 61, appealed to the Planning and Environment Court against the former ULDA's decision to impose a UDA development condition that includes a nominated assessing authority; and

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- (b) at the commencement—
 - (i) the period within which the appeal could have been started (the *appeal period*) has not ended; and
 - (ii) the person has not started the appeal.
- (2) The person may, within the appeal period, appeal to the Planning and Environment Court against the decision, and the court must hear and decide the appeal under the repealed ULDA Act as if it had not been repealed.
- (3) Subsection (4) applies if—
 - (a) before the commencement, a person has, under the repealed ULDA Act, appealed to the Planning and Environment Court against a decision of the former ULDA; and
 - (b) the appeal has not been finally dealt with at the commencement.
- (4) The Planning and Environment Court must hear, or continue to hear, and decide the appeal under the repealed ULDA Act as if it had not been repealed.
- (5) MEDQ must give effect to the outcome of an appeal started under subsection (2), or continued under subsection (4), in relation to the relevant PDA development approval under this Act.
- (6) If the appeal relates to land that has ceased to be in an urban development area under the repealed ULDA Act, and section 16(3) of that Act applied to the appeal, the appeal must be decided as if the cessation had not happened.

200 Ministerial call in for existing decisions on UDA development applications not started at the commencement

- (1) This section applies if—
 - (a) immediately before the commencement, the Minister administering the repealed ULDA Act could have, under

the repealed ULDA Act, section 63, called in a UDA development application for which a decision notice had been given by the former ULDA; and

- (b) at the commencement—
 - (i) the period within which the application could have been called in (the *call in period*) has not ended; and
 - (ii) the Minister has not called in the application.
- (2) The Minister may, by notice to MEDQ given before the call in period ends, call in the application.
- (3) The repealed ULDA Act, sections 64 to 66 apply in relation to the call in as if—
 - (a) a reference to the call in notice were a reference to the notice given under subsection (2); and
 - (b) the requirement to give a copy of the call in notice under the repealed ULDA Act, section 65 were a requirement that MEDQ give the copy to the persons mentioned in that section.
- (4) The Minister's decision on the call in is taken, for this Act other than section 90, to be a decision of MEDQ on a development application decided under section 198.
- (5) To remove any doubt, it is declared that no right of appeal applies under the repealed ULDA Act, section 61 or section 90 of this Act in relation to the Minister's decision on the call in.

201 Ministerial call in for existing decisions on UDA development applications started but not finished at the commencement

- (1) This section applies if—
 - (a) before the commencement, the Minister administering the repealed ULDA Act has, under the repealed ULDA Act, section 63, called in a UDA development

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application for which a decision notice had been given by the former ULDA; and

- (b) at the commencement, the UDA development application has not been finally dealt with under the repealed ULDA Act, part 4, division 3, subdivision 4.
- (2) The repealed ULDA Act, sections 64 to 66 continue to apply in relation to the call in.
- (3) If the requirement to give a copy of the call in notice under the repealed ULDA Act, section 65 has not been complied with at the commencement, the requirement applies as if it were a requirement that MEDQ give the copy to the persons mentioned in that section.
- (4) The Minister's decision on the call in is taken, for this Act other than section 90, to be a decision of MEDQ on a development application decided under section 198.
- (5) To remove any doubt, it is declared that no right of appeal applies under the repealed ULDA Act, section 61 or section 90 of this Act in relation to the Minister's decision on the call in.

202 Existing UDA development approvals

- (1) A UDA development approval in effect under the repealed ULDA Act immediately before the commencement is, from the commencement, taken to be a PDA development approval of the same kind under this Act.
- (2) To remove any doubt, it is declared that, in this Act—
 - (a) a reference to a PDA development approval includes a reference to a UDA development approval that is taken to be a PDA development approval under subsection (1); and
 - (b) a reference to a PDA preliminary approval includes a reference to a UDA preliminary approval that is taken to be a PDA preliminary approval under subsection (1); and

- (c) a reference to a PDA development permit includes a reference to a UDA development permit that is taken to be a PDA development permit under subsection (1); and
 - (d) a reference to a PDA development condition includes a reference to a condition imposed by the former ULDA on a UDA development approval that is taken to be a PDA development approval under subsection (1).
- (3) Subject to section 102(5) and any extension granted under section 102, the development approval's currency period for section 100 is the currency period applying, under the repealed ULDA Act, to the UDA development approval immediately before the commencement.
- (4) The development approval applies with necessary and convenient changes to facilitate the application of this Act to the approval.
- (5) Without limiting subsection (4)—
- (a) a reference in the development approval to the former ULDA it taken to be a reference to MEDQ; and
 - (b) a reference in the development approval to urban development area is taken to be a reference to a transitioned UDA; and
 - (c) a reference in the development approval to any of the following terms is taken to be a reference to the corresponding term under this Act for priority development areas—
 - (i) UDA assessable development;
 - (ii) UDA self-assessable development;
 - (iii) UDA exempt development;
 - (iv) UDA preliminary approval;
 - (v) UDA development permit;
 - (vi) UDA development condition.

203 Existing applications to extend currency period

- (1) This section applies if—
 - (a) before the commencement, a person has applied for an extension of a UDA development approval's currency period under the repealed ULDA Act, section 77; and
 - (b) the application has not been decided at the commencement.
- (2) The application is taken to be an application made under section 101 of this Act and must be decided by MEDQ under this Act.
- (3) For subsection (2), anything done or existing in relation to the application under the repealed ULDA Act is taken to have been done or existing in relation to the application under this Act.

204 Plans of subdivision requiring former ULDA's approval

- (1) This section applies to a plan of subdivision for which compliance assessment under the Sustainable Planning Act required under the repealed ULDA Act, section 80 has started, but not ended, at the commencement.
- (2) The compliance assessment may be finished under section 104 of this Act as if that section applied to the plan of subdivision.
- (3) For subsection (2), anything done by the former ULDA under the repealed ULDA Act in relation to the SPA compliance assessment is taken to have been done by MEDQ.
- (4) In this section—

plan of subdivision means a plan or agreement, however called, for reconfiguring a lot.

**205 Special provision for Environmental Protection
(Greentape Reduction) and Other Legislation
Amendment Act 2012**

- (1) Subsections (2) and (3) apply if this part commences before the commencement of the Greentape Reduction Amendment Act, section 60, to the extent it inserts section 679 into the Environmental Protection Act.
- (2) The EPA, section 679 applies with the following changes—
 - (a) a reference in the section to a UDA development approval is taken to be a reference to a PDA development approval;
 - (b) a reference in the section to UDA development conditions is taken to be a reference to PDA development conditions;
 - (c) the reference in subsection (1)(b) to the ULDA Act, section 58(a) is taken to be a reference to section 88(a) of this Act;
 - (d) the reference in subsection (2)(c) to a UDA development offence is taken to be a reference to a PDA development offence;
 - (e) the reference in subsection (3) to the day a UDA development approval had effect under the ULDA Act is taken to be a reference to—
 - (i) for a UDA development approval under the repealed ULDA Act taken to be a PDA development approval under this Act—the day the UDA development approval had effect under the repealed ULDA Act; or
 - (ii) for a PDA development approval given under this Act—the day the PDA development approval had effect under this Act;
 - (f) the reference in subsection (4) to the anniversary of the day the UDA development approval was given is taken to be a reference to—

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- (i) for a UDA development approval under the repealed ULDA Act taken to be a PDA development approval under this Act—the anniversary of the day the UDA development approval was given under the repealed ULDA Act; or
 - (ii) for a PDA development approval given under this Act—the day the PDA development approval was given under this Act.
- (3) The EPA, section 694, definition *transitional authority*, paragraph (c) applies with necessary and convenient changes to allow for the application of the EPA, section 679 with the changes mentioned in subsection (2).
- (4) Subsection (5) applies if this part commences after the commencement of the Greentape Reduction Amendment Act, section 60, to the extent it inserts section 679 into the Environmental Protection Act.
- (5) The carrying out of a prescribed ERA under UDA development conditions of a UDA development approval that, under the EPA, section 679, are taken to be an environmental authority under the Environmental Protection Act, chapter 5 is not a PDA development offence.
- (6) In this section—

Environmental Protection Act means the *Environmental Protection Act 1994*.

EPA, section 679 means the Environmental Protection Act, section 679 as inserted by the Greentape Reduction Amendment Act, section 60.

EPA, section 694, definition transitional authority means the Environmental Protection Act, section 694, definition *transitional authority* as inserted by the Greentape Reduction Amendment Act, section 60.

Greentape Reduction Amendment Act means the *Environmental Protection (Greentape Reduction) and Other Legislation Amendment Act 2012*.

Part 6 Proceedings and related matters

206 Starting proceeding for enforcement order for offence committed before the commencement

- (1) This section applies if—
 - (a) a UDA development offence under the repealed ULDA Act was committed before the commencement; and
 - (b) at the commencement, the former ULDA had not started a proceeding for an enforcement order under the repealed ULDA Act, section 81 in relation to the offence.
- (2) MEDQ may start a proceeding under section 105 for an enforcement order to remedy or restrain the commission of the offence.

207 Existing proceeding for enforcement order

- (1) This section applies in relation to a proceeding for an enforcement order started under the repealed ULDA Act, section 81 that has not been decided at the commencement.
- (2) The Planning and Environment Court must decide the proceeding under the repealed ULDA Act, part 5, division 1 as if that Act had not been repealed.
- (3) The repealed ULDA Act, sections 81 to 85 continue to apply in relation to the proceeding.
- (4) If the court makes an enforcement order, the enforcement order is taken to be an enforcement order made under chapter 3, part 5, division 1 of this Act, and sections 110 and 113 apply to the order.

208 Existing enforcement order

An enforcement order made under the repealed ULDA Act, part 5, division 1 that is still in force at the commencement is, from the commencement, taken to be an enforcement order made under chapter 3, part 5, division 1 of this Act, and sections 110 and 113 apply to the order.

209 Proceedings for offence committed before commencement

- (1) This section applies in relation to a proceeding for an offence committed against the repealed ULDA Act before the commencement that—
 - (a) is started after the commencement; or
 - (b) was started before the commencement but has not been decided at the commencement.

Note—

See the *Acts Interpretation Act 1954*, section 20A in relation to starting and continuing proceedings for offences committed under repealed laws.

- (2) The repealed ULDA Act, section 89 continues to apply in relation to the offence, as if that Act had not been repealed.
- (3) If the Magistrates Court makes an order under the repealed ULDA Act, section 89, the order is taken to be an order made under section 111 of this Act, and sections 112 and 113 apply to the order.

210 Existing Magistrates Court order

An order made under the repealed ULDA Act, section 89 that is still in force at the commencement is, from the commencement, taken to be an order made under section 111 of this Act, and sections 112 and 113 apply to the order.

211 MEDQ's power to recover cost of works to remedy stated public nuisance

- (1) This section applies if—
 - (a) before the commencement, the former ULDA carried out works under the repealed ULDA Act, section 91(2); and
 - (b) the former ULDA has not recovered the costs of the works from a person under the repealed ULDA Act, section 91(3).
- (2) MEDQ may recover the costs from the person as debt.

212 Existing proceedings for declaration

- (1) This section applies in relation to a proceeding for a declaration started under the repealed ULDA Act, section 92 that has not been decided at the commencement.
- (2) The Planning and Environment Court—
 - (a) may make a declaration about either or both of the following—
 - (i) the matter mentioned in the repealed ULDA Act, section 92(1) for which the declaration was sought;
 - (ii) a matter mentioned in section 114(1) of this Act that corresponds to the matter mentioned in the repealed ULDA Act, section 92(1) for which the declaration was sought; and
 - (b) may make an order about the declaration made under paragraph (a).
- (3) If the court makes a declaration under subsection (2)(a), the declaration is taken to be a declaration made under section 114(1).
- (4) If the court makes an order under subsection (2)(b), the order is taken to be an order made under section 114(2).

Part 7 Other transitional provisions

213 Existing directions to government entity or local government to accept transfer

- (1) This section applies if—
 - (a) the Governor in Council has given a direction to a government entity or local government (the *directed entity*) under the repealed ULDA Act, section 137; and
 - (b) at the commencement, the transfer the subject of the direction has not happened.
- (2) The direction continues in effect and the directed entity must do every thing reasonably necessary to comply with the direction.
- (3) If the directed entity is a local government, on the making of a transfer, the stated land is taken to be land that the local government holds on trust in fee simple to which the Sustainable Planning Act, section 659 applies.
- (4) The transfer of the stated land or stated fund to MEDQ under section 181 does not affect the operation of this section.

214 Existing directions to government entity or local government to provide or maintain infrastructure

- (1) This section applies if—
 - (a) the Governor in Council has given a direction to a government entity or local government (the *directed entity*) under the repealed ULDA Act, section 138; and
 - (b) at the commencement, the direction has not been fully complied with.
- (2) The direction continues in effect and the directed entity must comply with the direction.
- (3) Subsection (2) applies despite any other Act or law.

215 Transitional regulation-making power

- (1) A regulation (a *transitional regulation*) may make provision about a matter for which—
 - (a) it is necessary to make provision to allow or facilitate the doing of anything to achieve the transition from the repealed ID Act or the repealed ULDA Act to this Act; and
 - (b) this Act does not make provision or sufficient provision.
- (2) A transitional regulation may have retrospective operation to a day that is not earlier than the day this section commences.
- (3) A transitional regulation must declare it is a transitional regulation.
- (4) This section and any transitional regulation expire 1 year after the day this section commences.

Part 8 Repeals

216 Repeals

The following Acts are repealed—

- the Industrial Development Act 1963, No. 28
- the Urban Land Development Authority Act 2007, No. 41.

Chapter 7 Consequential amendments for this Act

Part 1 Amendment of this Act

217 Act amended

This part amends this Act.

218 Amendment of long title

Long title, from ‘, to repeal’—
omit.

219 Amendment of s 6 (Definitions)

Section 6, ‘schedule 3’—
omit, insert—
‘schedule 1’.

220 Renumbering of sch 3 (Dictionary)

Schedule 3—
renumber as schedule 1.

Part 2 Amendment of other Acts

221 Acts amended in sch 1

Schedule 1 amends the Acts it mentions.

Chapter 8 Amendments of other Acts

Part 1 Amendment of Disaster Management Act 2003

222 Act amended

This part amends the *Disaster Management Act 2003*.

Note—

See also the amendments in schedule 2.

223 Amendment of s 11 (Definitions)

Section 11, ‘schedule 2’—

omit, insert—

‘the schedule’.

224 Insertion of new ss 86A–86C

Part 6, division 3—

insert—

‘86A SES coordinator

- ‘(1) The chief executive may appoint a person as an SES coordinator to coordinate the performance of SES functions in local government areas affected by a disaster if the chief executive considers the nature of the disaster goes beyond the capacity or capability of the SES units or the relevant ES units in the local government areas affected by the disaster.
- ‘(2) The chief executive may act under subsection (1) on the chief executive’s own initiative or on the request of a local government whose area is affected by the disaster.
- ‘(3) The chief executive must, before making the appointment—

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- (a) consult with each local government affected by the disaster; and
 - (b) obtain the approval of the chairperson of the State group.
- ‘(4) The appointment must be in writing and may only be terminated in writing.
- ‘(5) The chief executive may only appoint a person as an SES coordinator if the chief executive is satisfied the person has the necessary expertise and experience to perform the functions of an SES coordinator.
- ‘(6) The chief executive must advise the chairperson of each relevant local group and the relevant district disaster coordinator that an SES coordinator has been appointed.
- ‘(7) The chief executive must terminate the appointment if the chief executive considers it is no longer necessary for an SES coordinator to be appointed.
- ‘(8) The chief executive must advise the chairperson of each relevant local group and the relevant district disaster coordinator of the termination of the appointment.
- ‘(9) In this section—
relevant local group means the local group for a local government area affected by a disaster.

‘86B Functions of SES coordinator

- ‘(1) The SES coordinator has the following functions—
- (a) to coordinate the performance of SES functions in the local government areas affected by the disaster in circumstances where SES or ES unit resources are made available within the local government areas from outside the local government areas;
 - (b) to provide advice to local controllers of the SES units and ES unit coordinators of the relevant ES units about—

-
- (i) SES functions; and
 - (ii) managing safety and fatigue of the members of the SES units and relevant ES units; and
 - (iii) logistical and financial matters;
- (c) to perform other functions agreed between the SES coordinator and the local disaster coordinator for the relevant local group.
- ‘(2) The SES coordinator must perform their functions having regard to—
- (a) the advice of the local disaster coordinator for a relevant local group; and
 - (b) any applicable disaster management plans.
- ‘(3) The SES coordinator may only perform a function in relation to the relevant ES unit to the extent the function relates to the relevant ES unit’s SES functions.
- ‘(4) In this section—
- relevant local group* means the local group for a local government area affected by a disaster.’.

225 Amendment of s 113 (Definition for pt 10)

Section 113, definition *authorised person*—

insert—

‘(g) an SES coordinator.’.

226 Amendment of s 142 (Chief executive to insure particular persons)

(1) Section 142(1)(a), before ‘SES members’—

insert—

‘SES coordinators,’.

(2) Section 142(2)(a), before ‘SES and ESU members’—

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insert—

‘SES coordinators and the’.

- (3) Section 142(2)(a)(i), before ‘SES member’—

insert—

‘SES coordinator, an’.

227 Amendment of sch (Dictionary)

Schedule—

insert—

‘*relevant ES unit* means an ES unit whose functions include an SES function.

SES coordinator means a person appointed as an SES coordinator under section 86A.’.

Part 2 Amendment of Environmental Protection Act 1994

228 Act amended

This part amends the *Environmental Protection Act 1994*.

Note—

See also the amendments in schedules 1 and 2.

229 Amendment of s 73C (Adding, changing or cancelling a development condition)

- (1) Section 73C(1)(i)—

renumber as section 73C(1)(j).

- (2) Section 73C(1)—

insert—

‘(i) the issue of a temporary emissions licence; or’.

230 Amendment of s 292 (Other amendments)

Section 292(2)—

insert—

‘(da) the issue of a temporary emissions licence;’.

231 Amendment of s 312E (Other amendments)

Section 312E(2)—

insert—

‘(da) the issue of a temporary emissions licence;’.

232 Insertion of new ch 7, pt 4A

Chapter 7, after section 357—

insert—

‘Part 4A Temporary emissions licences

‘357A What is an *applicable event*

‘An *applicable event* is an event, or series of events, either natural or caused by sabotage, that was not foreseen when—

- (a) particular conditions were imposed on an environmental authority; or
- (b) particular development conditions were imposed on a development approval.

‘357B Who may apply for temporary emissions licence

‘(1) A person may apply for a licence (a *temporary emissions licence*) that permits the temporary relaxation or modification

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of particular conditions of an environmental authority, or of particular development conditions of a development approval, that relate to the release of a contaminant into the environment in response to an applicable event.

- ‘(2) A person may apply for a temporary emissions licence only if the person is the holder of an environmental authority or a registered operator.
- ‘(3) The application may be made—
- (a) in anticipation of an applicable event; or
 - (b) in response to an applicable event.

Example of application in anticipation of an applicable event—

application to release a contaminant into water when flood waters are due to reach the site of an activity within hours or days

Example of application in response to an applicable event—

application to allow a waste transfer station to change its operating hours, or the types of material it receives, as part of a flood response after flood waters have receded

- ‘(4) The application must—
- (a) be made—
 - (i) in person to an authorised person; or
 - (ii) by email or facsimile to the administering authority; and
 - (b) be supported by enough information to enable the administering authority to decide the application.
- ‘(5) The applicant must pay the administering authority the fee for the application prescribed under a regulation.
- ‘(6) If the applicant does not pay the fee within the period of at least 20 days stated for payment in a notice given to the applicant by the administering authority, the administering authority may recover it as a debt.

‘357C Deciding application

‘The administering authority must decide the application as soon as practicable, but no later than 24 hours after receiving it.

‘357D Criteria for decision

‘In deciding the application, the administering authority must have regard to the following—

- (a) the application;
- (b) the extent and impact of the applicable event, including the potential economic impact of granting or not granting the licence;
- (c) if the application is for a licence in anticipation of an applicable event—
 - (i) the likelihood of the applicable event happening; and
 - (ii) when the applicable event is likely to happen; and
 - (iii) what circumstances need to exist before the licence takes effect;
- (d) the character, resilience and values of the receiving environment;
- (e) the likelihood of environmental harm and any measures necessary to minimise the harm;
- (f) the likelihood that the release will adversely impact the health, safety or wellbeing of another person;

Example of a release that adversely impacts another person—

a release of an emission that could affect the quality of downstream drinking water

- (g) the cumulative impacts of all releases authorised or directed under this Act, including releases under other temporary emissions licences that have been issued or applied for;

[s 232]

- (h) the public interest.

‘357E Decision about temporary emissions licence

- ‘(1) The administering authority may—
 - (a) grant the application for a temporary emissions licence—
 - (i) as submitted; or
 - (ii) on different terms than have been requested in the application; or

Example for subparagraph (ii)—

the administering authority may grant a licence for less time or for fewer releases or on stricter conditions than is requested in the application
 - (b) refuse to grant the application for a temporary emissions licence.
- ‘(2) The administering authority may impose conditions on the temporary emissions licence it considers are necessary or desirable.

‘357F Information notice

- ‘The administering authority must give the applicant an information notice about the decision if the decision is to—
- (a) grant the application on different terms than have been requested in the application; or
 - (b) refuse the application.

‘357G Temporary emissions licence

- ‘(1) A temporary emissions licence must state the following—
 - (a) the period for which the licence is issued;
 - (b) the timing, duration, volume and location of the releases permitted by the licence;

-
- (c) the conditions of the environmental authority, or the development conditions of the development approval, that the licence overrides;
 - (d) conditions to monitor the releases to ensure that the expected impact of the releases on the receiving environment is not exceeded.
- ‘(2) While the licence is in effect, the licence authorises the holder of the licence to do, or not to do, the activity approved by the licence despite—
- (a) a condition of an environmental authority; or
 - (b) a development condition of a development approval; or
 - (c) a transitional environmental program or a condition of a transitional environmental program.

‘357H Licence can not be surrendered or transferred

‘A temporary emissions licence can not be surrendered or transferred to another person.

‘357I Failure to comply with conditions of licence

‘The holder of, or a person acting under, a temporary emissions licence must comply with the conditions of the licence.

Maximum penalty—1665 penalty units.

‘357J Amendment, cancellation or suspension of temporary emissions licence

‘The administering authority may amend, cancel or suspend a temporary emissions licence if—

- (a) after granting the licence—
 - (i) the authority receives information that the effects of the release of a contaminant into the receiving

[s 233]

- environment will be greater than was envisaged by the authority when the licence was issued; or
- (ii) other applications for temporary emissions licences are made that would, if granted, affect the same environmental values as the issued licence; or
- (b) for the amendment of a temporary emissions licence—the holder of the licence gives written agreement to the amendment.’.

233 Insertion of new ss 466A and 466B

Chapter 9, part 4—

insert—

‘466A Application of pt 4

‘This part applies if an authorised person is satisfied on reasonable grounds that an emergency exists.

‘466B What is an *emergency*

‘An *emergency* exists if—

- (a) either—
 - (i) human health or safety is threatened; or
 - (ii) serious or material environmental harm has been or is likely to be caused; and
- (b) urgent action is necessary to—
 - (i) protect the health or safety of persons; or
 - (ii) prevent or minimise the harm; or
 - (iii) rehabilitate or restore the environment because of the harm.’.

234 Amendment of s 467 (Emergency powers)

- (1) Section 467, heading—

omit, insert—

‘467 Authorised person may take or direct someone to take stated action’.

(2) Section 467(1) and (2)—

omit, insert—

‘(1) To deal with the emergency, the authorised person may—

(a) give a direction (an ***emergency direction***) to a person to take stated reasonable action within a stated reasonable time, including to release a contaminant into the environment; or

(b) take the action, or authorise another person to take the action.

‘(2) The authorised person may impose reasonable conditions on the direction.’.

(3) Section 467—

insert—

‘(11) A person who takes an action in compliance with an emergency direction does not commit an offence against this Act merely because the person takes the action.’.

235 Omission of s 468 (Authorised person may direct emergency release of contaminant)

Section 468—

omit.

236 Amendment of s 478 (Failure to comply with authorised person’s direction in emergency)

(1) Section 478, from ‘a notice’ to ‘467(2)(a)’—

omit, insert—

‘an emergency direction is given’.

(2) Section 478(a), ‘notice’—

[s 237]

omit, insert—

‘direction (including a condition of the direction)’.

237 Omission of s 479 (Offences in relation to release of contaminant in emergency)

Section 479—

omit.

238 Amendment of s 520 (Dissatisfied person)

Section 520(1)—

insert—

‘(fb) if the decision is about a temporary emissions licence—

(i) the applicant for the licence; or

(ii) the holder of the licence; or’.

239 Amendment of s 540 (Required registers)

Section 540(1)—

insert—

‘(la) temporary emissions licences;’.

240 Amendment of sch 2 (Original decisions)

(1) Schedule 2, part 1, division 4—

insert—

- ‘357E refusal of application for temporary emissions licence relating to an environmental authority (mining activities) or an environmental authority (chapter 5A activities)
- 357E granting of temporary emissions licence relating to an environmental authority (mining activities) or an environmental authority (chapter 5A activities) on terms different from application
- 357J amending, cancelling or suspending temporary emissions licence relating to an environmental authority (mining activities) or an environmental authority (chapter 5A activities)’.

- (2) Schedule 2, part 2, division 5—

insert—

- ‘357E refusal of application for temporary emissions licence relating to a development approval for a chapter 4 activity
- 357E granting of temporary emissions licence relating to a development approval for a chapter 4 activity on terms different from application
- 357J amending, cancelling or suspending temporary emissions licence relating to a development approval for a chapter 4 activity’.

241 Amendment of sch 4 (Dictionary)

- (1) Schedule 4, *emergency direction* and *holder*—

omit.

- (2) Schedule 4—

insert—

‘applicable event, for chapter 7, part 4A, see section 357A.

emergency see section 466B.

emergency direction see section 467(1)(a).

holder—

- (a) for a mining tenement, means a holder of the tenement under the Mineral Resources Act; or
- (b) for a temporary emissions licence—
 - (i) in relation to an environmental authority—means the holder of the environmental authority to which the temporary emissions licence relates; or
 - (ii) in relation to a development approval—means the registered operator for the development approval to which the temporary emissions licence relates.

temporary emissions licence see section 357B(1).’.

Part 3 **Amendment of Environmental Protection (Greentape Reduction) and Other Legislation Amendment Act 2012**

242 **Act amended**

This part amends the *Environmental Protection (Greentape Reduction) and Other Legislation Amendment Act 2012*.

243 **Amendment of s 8 (Insertion of new chs 5 and 5A)**

Section 8, inserted section 215(2)—

insert—

‘(da) the issue of a temporary emissions licence;’.

Editor's note—

Legislation ultimately amended—

- *Environmental Protection Act 1994*

244 Insertion of new ss 24A–24C

After section 24—

insert—

'24A Replacement of s 357A (What is an *applicable event*)

'Section 357A—

omit, insert—

'357A What is an *applicable event*

'An *applicable event* is an event, or series of events, either natural or caused by sabotage, that was not foreseen when particular conditions were imposed on an environmental authority.'

'24B Amendment of s 357B (Who may apply for temporary emissions licence)

'(1) Section 357B(1), from ', or' to 'approval,'—

omit.

'(2) Section 357B(2), 'or a registered operator'—

omit.

'24C Amendment of s 357G (Temporary emissions licence)

'(1) Section 357G(1)(c), from ', or' to 'approval,'—

omit.

'(2) Section 357G(2)(b)—

omit.

'(3) Section 357G(2)(c)—

renumber as section 357G(2)(b).’.

Editor’s note—

Legislation ultimately amended—

- *Environmental Protection Act 1994*

245 Amendment of s 40 (Amendment of s 520 (Dissatisfied person))

Section 40, inserted section 520(1)—

insert—

‘(ja) if the decision is about a temporary emissions licence—

- (i) the applicant for the licence; or
- (ii) the holder of the licence; or’.

Editor’s note—

Legislation ultimately amended—

- *Environmental Protection Act 1994*

246 Amendment of s 47 (Replacement of ss 540 and 541)

Section 47, inserted section 540(1)—

insert—

‘(ea) temporary emissions licences;’.

247 Amendment of s 61 (Amendment of sch 2 (Original decisions))

(1) Section 61(1), inserted schedule 2, part 1, division 5—

insert—

- ‘357E refusal of application for temporary emissions licence relating to an environmental authority for a resource activity
- 357E granting of temporary emissions licence relating to an environmental authority for a resource activity on terms different from application
- 357J amending, cancelling or suspending temporary emissions licence relating to an environmental authority for a resource activity’.

- (2) Section 61(1), inserted schedule 2, part 2, division 4—

insert—

- ‘357E refusal of application for temporary emissions licence relating to an environmental authority for a prescribed ERA
- 357E granting of temporary emissions licence relating to an environmental authority for a prescribed ERA on terms different from application
- 357J amending, cancelling or suspending temporary emissions licence relating to an environmental authority for a prescribed ERA’.

Editor’s note—

Subsections (1) and (2), legislation ultimately amended—

- *Environmental Protection Act 1994*

248 Amendment of s 62 (Amendment of sch 4 (Dictionary))

- (1) Section 62(2), inserted definition *holder*, paragraph 5—
renumber as paragraph 6.
- (2) Section 62(2), inserted definition *holder*—

[s 249]

insert—

‘5 The *holder* of a temporary emissions licence is the holder of the environmental authority to which the temporary emissions licence relates.’.

Editor’s note—

Subsections (1) and (2), legislation ultimately amended—

- *Environmental Protection Act 1994*

Part 4 Amendment of Queensland Reconstruction Authority Act 2011

249 Act amended

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

250 Amendment of s 139 (Expiry)

Section 139, from ‘2 years’—

omit, insert—

‘on 30 June 2014.’.

Part 5 Amendment of South Bank Corporation Act 1989

251 Act amended

This part amends the *South Bank Corporation Act 1989*.

252 Amendment of s 3 (Definitions)

- (1) Section 3, definitions *appropriate authority*, *decision notice*, *lawful use*, *operational work*, *parkland precinct* and *security officer*—

omit.

- (2) Section 3—

insert—

‘appropriate authority means—

- (a) generally—

(i) for a development approval given by the corporation—the corporation; or

(ii) for a development approval given by the council—the council; and

- (b) for sections 41(12) and (13) and 42(1)(b) and (17), if there is no development approval for the plan of subdivision or amalgamation of land, stratum plan or plan for the opening of a road—the corporation.

decision notice see section 61.

lawful use see section 50(1).

operational work has the meaning given in the Sustainable Planning Act, section 10(1) but does not include placing an advertising device on premises.

security officer means an individual appointed by the corporation or the council under section 108.’.

253 Amendment of s 10 (Composition of board)

- (1) Section 10(1)—

omit, insert—

- ‘(1) The board consists of at least 2 but no more than 10 members as follows—

[s 254]

- (a) a chairperson appointed on the Minister's nomination;
 - (b) no more than 2 members appointed on the council's nomination;
 - (c) no more than 7 other members appointed on the Minister's nomination.'
- (2) Section 10(4)—
omit.
- (3) Section 10(5)—
renumber as section 10(4).

254 Amendment of s 18 (Riverside parkland)

- (1) Section 18(4)—
omit.
- (2) Section 18(6), 'Subsection (5)'—
omit, insert—
'Subsection (4)'.
- (3) Section 18—
insert—
- '(7) In this section—
parkland precinct means the land referred to as 'Precinct 3—Parkland Precinct' in the approved development plan.'
- (4) Section 18(5) to (7)—
renumber as section 18(4) to (6).

255 Amendment of s 25 (Functions)

- (1) Section 25(1)(b), from 'promote' to 'control'—
omit, insert—
'promote and undertake'.

-
- (2) Section 25(1)—
insert—
'(ba) to facilitate and control, with the council, the development of land within the corporation area in accordance with the approved development plan;'
- (3) Section 25(1)(ba) to (i)—
renumber as section 25(1)(c) to (j).

256 Amendment of s 26 (Powers in relation to land)

- (1) Section 26(2)—
omit.
- (2) Section 26(5), 'subsection (4)'—
omit, insert—
'subsection (3)'
- (3) Section 26(3) to (8)—
renumber as section 26(2) to (7).

257 Amendment of s 27 (Agreement with public agencies)

- (1) Section 27, from 'corporation', second mention—
omit, insert—
'corporation.'
- (2) Section 27—
insert—
- '(2) Without limiting subsection (1), the matters include—
- (a) the provision and maintenance by public agencies of services to, through, over and under the corporation area; and
- (b) the management of part of the corporation area by the council.'

[s 258]

258 Amendment of s 49 (Definitions for part)

- (1) Section 49, heading, ‘part’—
omit, insert—
‘pt 7’.
- (2) Section 49, definition *approved form*, ‘corporation manager’—
omit, insert—
‘council’.

259 Amendment of s 55 (Applying for a development approval)

- (1) Section 55(1), (6) and (7), ‘corporation’—
omit, insert—
‘council’.
- (2) Section 55(3), ‘corporation manager’—
omit, insert—
‘council’.

260 Amendment of s 56 (Changing an application)

Section 56, ‘corporation’—
omit, insert—
‘council’.

261 Amendment of s 57 (Withdrawing an application)

Section 57(1) and (2), ‘corporation’—
omit, insert—
‘council’.

262 Amendment of s 58 (Information requests to applicant)

Section 58, ‘corporation’—

omit, insert—

‘council’.

263 Amendment of s 59 (Applicant responds to any information request)

Section 59(1) and (2), ‘corporation’—

omit, insert—

‘council’.

264 Amendment of s 60 (Deciding the application generally)

(1) Section 60(1)—

omit.

(2) Section 60(2), ‘corporation’—

omit, insert—

‘council’.

(3) Section 60(3), ‘subsection(2)(b), the corporation’—

omit, insert—

‘subsection (1)(b), the council’.

(4) Section 60(2) to (4)—

renumber as section 60(1) to (3).

265 Amendment of s 61 (Decision notice)

(1) Section 61(1)—

omit, insert—

‘(1) The council must give written notice of the decision in the approved form (the *decision notice*) to the applicant.’.

[s 266]

- (2) Section 61(3), ‘corporation’—
omit, insert—
‘council’.

266 Amendment of s 62 (Conditions must be relevant or reasonable)

Section 62, ‘section 60(2)(b)’—
omit, insert—
‘section 60(1)(b)’.

267 Amendment of s 63 (Particular approvals to be recorded on planning scheme)

Section 63(1)(a), ‘corporation’—
omit, insert—
‘council’.

268 Amendment of s 66 (When development approval lapses)

Section 66(1)(b), ‘corporation’—
omit, insert—
‘council’.

269 Amendment of s 67 (Request to extend currency period)

- (1) Section 67(1) and (2), ‘corporation’—
omit, insert—
‘council’.
- (2) Section 67(3)(b), ‘corporation manager’—
omit, insert—
‘council’.

270 Amendment of s 68 (Deciding request to extend currency period)

- (1) Section 68(1) to (3), ‘corporation’—
omit, insert—
‘council’.
- (2) Section 68(4), from ‘corporation’—
omit, insert—
‘council must give written notice of the decision to the person making the request.’.

271 Amendment of s 70 (Request to change or cancel development approval)

- (1) Section 70(2) and (3), ‘corporation’—
omit, insert—
‘council’.
- (2) Section 70(4), ‘corporation manager’—
omit, insert—
‘council’.

272 Amendment of s 71 (Deciding request to change or cancel development approvals)

- (1) Section 71(1) to (3), ‘corporation’—
omit, insert—
‘council’.
- (2) Section 71(4), from ‘corporation’ to ‘council’—
omit, insert—
‘council must give the person’.

[s 273]

273 Amendment of s 76 (Development or use carried out in emergency)

Section 76, after ‘corporation’—
insert—
‘or council’.

274 Amendment of s 80 (Approved forms)

Section 80, ‘corporation manager’—
omit, insert—
‘council’.

275 Amendment of s 83 (Power to exclude persons causing public nuisance)

(1) Section 83(8), ‘corporation’—

omit, insert—

‘relevant entity for the security officer’.

(2) Section 83—

insert—

‘(9) In this section—

relevant entity, for a security officer, means the entity that appointed the security officer under section 108.’.

276 Amendment of s 86 (Court may exclude person from the site)

Section 86(1) and (3), after ‘corporation’—
insert—
‘or council’.

277 Amendment of s 108 (Security officers)

Section 108(1), after ‘corporation’—

insert—

‘or council’.

278 Amendment of s 110 (Issue of identity card)

Section 110(1)—

omit, insert—

‘(1) An entity that appoints a security officer must issue an identity card to the security officer.’.

279 Amendment of s 113 (Resignation)

Section 113(1), ‘corporation’—

omit, insert—

‘entity that appointed the security officer’.

280 Amendment of s 114 (Return of identity card)

Section 114, ‘corporation’—

omit, insert—

‘entity that appointed the security officer’.

281 Insertion of new pt 11, div 7

After section 131—

insert—

‘Division 7 Transitional provisions for Economic Development Act 2012

‘132 Definitions for div 7

‘In this division—

amending Act means the Economic Development Act 2012.

commencement means the commencement of this section.

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

‘133 Continuing effect of development approvals

- ‘(1) A development approval that is in effect immediately before the commencement continues as a development approval on and after the commencement.
- ‘(2) A development approval, for an application made before the commencement, that had not taken effect immediately before the commencement continues as a development approval on and after the commencement.
- ‘(3) A development approval mentioned in subsection (2) takes effect from the time the development approval is given to the applicant.

‘134 Existing uses

‘A use of premises within the corporation area that was an existing use of premises immediately before the commencement is taken to be a lawful use of premises under this Act on and after the commencement.

‘135 Application of unamended Act to applications made before commencement

- ‘(1) This section applies if, before the commencement, an application for a development approval was made and the application was not decided or a decision notice for the application was not given to the applicant.
- ‘(2) For dealing with and deciding the application, the unamended Act, part 7, division 3 continues to apply in relation to the application as if the division had not been amended by the amending Act.

‘136 Application of unamended Act to particular development approvals

- ‘(1) This section applies to a development approval that is in effect immediately before the commencement or is given on an application to which section 135 applies.
- ‘(2) Without limiting section 133, the unamended Act, part 6 and part 7, division 3 continue to apply in relation to the development approval as if the part and the division had not been amended by the amending Act.
- ‘(3) This section does not apply to a development approval to which section 137 applies.

‘137 Application of unamended Act to development approvals for sites 9A and 9B

- ‘(1) This section applies in relation to land in sites 9A and 9B.
- ‘(2) Without limiting section 133, the unamended Act, part 6 and part 7, division 3 continue to apply in relation to the following as if the part and the division had not been amended by the amending Act—
 - (a) a development approval for sites 9A and 9B, or any part of sites 9A and 9B, that is in effect immediately before the commencement;

[s 282]

- (b) an application made by a relevant applicant after the commencement—
 - (i) for another development approval for sites 9A and 9B; and
 - (ii) to change a development approval mentioned in paragraph (a); and
 - (iii) to cancel a development approval mentioned in paragraph (a);
- (c) a development approval for an application mentioned in paragraph (b)(i) or (ii).

‘(3) In this section—

relevant applicant means a person who before the commencement was the applicant for a development approval mentioned in subsection (2)(a).

sites 9A and 9B means all of the following land—

- (a) the part of lot 812 on SP 205159 as shown in the approved development plan;
- (b) lot 100 on SP 116313;
- (c) lot 900 on SP 204999;
- (d) lot 3 on SP 121757;
- (e) lot 1 on CP M332199;
- (f) lot 5 on SP 205135.’.

282 Amendment of sch 6 (Provisions not to apply after development completion date)

Schedule 6, ‘section 25(1)(a) and (b)’—

omit, insert—

‘section 25(1)(a) to (c)’.

283 Amendment of sch 15 (Commercial precinct)

Schedule 15, heading, ‘section 26(8)’—

omit, insert—

‘section 26(7)’.

**Part 6 Amendment of State
Development and Public Works
Organisation Act 1971**

284 Act amended

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

Note—

See also the amendments in schedule 2.

**285 Amendment of s 10 (Functions and duties of
Coordinator-General)**

(1) Section 10, heading and (3), ‘and duties’—

omit.

(2) Section 10(1), ‘and shall perform such duties’—

omit.

(3) Section 10(2), from ‘to secure’—

omit, insert—

‘to—

(a) secure the proper planning, preparation, execution, coordination, control and enforcement of a program of works, planned developments, and environmental

[s 286]

- coordination for the State and for areas over which the State claims jurisdiction; or
- (b) perform any other function of the Coordinator-General.’.

286 Amendment of s 24 (Definitions for pt 4)

Section 24, definitions *proponent* and *significant project*—
omit.

287 Amendment of s 25A (Fees for pt 4)

- (1) Section 25A(1), ‘stated in schedule 1’—
omit, insert—
‘prescribed under a regulation’.
- (2) Section 25A(3) to (5)—
omit, insert—
- ‘(3) However, if a fee is prescribed for an application under section 35C, the Coordinator-General may waive or reduce the fee.
- ‘(4) In deciding to waive or reduce a fee under subsection (3), the Coordinator-General may have regard to the complexity of the proposed change and the extent of public consultation required in relation to the proposed change.
- ‘(5) The proponent of a coordinated project must pay the Coordinator-General the fees prescribed under a regulation at the times provided for under the regulation.
- ‘(6) If a fee becomes payable under subsection (5), the Coordinator-General’s obligations under this part for the coordinated project are suspended until the fee has been paid.
- ‘(7) Subsection (6) applies despite any other provision of this part.’.

288 Replacement of s 27 (Matters Coordinator-General considers before making declaration)

Section 27—

omit, insert—

‘27 Matters Coordinator-General considers before making declaration

‘(1) In considering whether to declare a project to be a coordinated project, the Coordinator-General must have regard, and may give the weight the Coordinator-General considers appropriate, to the following—

- (a) detailed information about the project given by the proponent in an initial advice statement;
- (b) relevant planning schemes or policy frameworks of a local government, the State or the Commonwealth;
- (c) relevant State policies and Government priorities;
- (d) a pre-feasibility assessment of the project, including how it satisfies an identified need or demand;
- (e) the capacity of the proponent to undertake and complete the EIS for the project;
- (f) any other matter the Coordinator-General considers relevant.

‘(2) However, the Coordinator-General need not consider an application for a declaration under section 26(1) unless the Coordinator-General is satisfied that—

- (a) section 27AB has been complied with for the project; and
- (b) the project has at least 1 of the following—
 - (i) complex approval requirements imposed by a local government, the State or the Commonwealth;
 - (ii) strategic significance to a locality, region or the State, including for the infrastructure, economic

[s 289]

- and social benefits, capital investment or employment opportunities it may provide;
- (iii) significant environmental effects;
 - (iv) significant infrastructure requirements.’.

289 Amendment of s 27AB (Requirements for application)

- (1) Section 27AB(a), ‘section 27(a)’—
omit, insert—
‘section 27(1)(a)’.
- (2) Section 27AB(b), ‘section 27(b) to (h)’—
omit, insert—
‘section 27(1)(b) to (f) and (2)’.
- (3) Section 27AB—
insert—
 - ‘(c) a separate statement detailing the proponent’s financial and technical capability to—
 - (i) complete an EIS for the project; and
 - (ii) give any supplementary information that may be requested by the Coordinator-General under section 35(2); and
 - (d) a separate statement (*pre-feasibility assessment*) assessing the technical and commercial feasibility of the project.’.

290 Insertion of new s 27ABA

After section 27AB—
insert—

‘27ABA Coordinator-General may refuse to receive or process application for declaration

- ‘(1) This section applies if the Coordinator-General is not satisfied that an application for a declaration under section 26(1) for a coordinated project includes enough information about the project to allow the Coordinator-General to consider the matters mentioned in section 27(1)(b) to (f) or (2) for the project.
- ‘(2) The Coordinator-General may—
- (a) refuse to receive or process the application; or
 - (b) give the proponent a reasonable opportunity to give the information to the Coordinator-General before refusing to receive or process the application.
- ‘(3) If the Coordinator-General decides to refuse to receive or process the application, the Coordinator-General must—
- (a) give the proponent written notice of the decision and the reasons for it; and
 - (b) refund the application fee to the proponent.’.

291 Amendment of s 27AC (Deciding application)

Section 27AC—

insert—

- ‘(4) The Coordinator-General may decide to declare, or not to declare, a project to be a coordinated project on the basis of 1 or more of the matters mentioned in section 27.
- ‘(5) The Coordinator-General is not bound to declare a project to be a coordinated project merely because the project satisfies 1 or more of the matters mentioned in section 27.’.

292 Insertion of new ss 27AE and 27AF

After section 27AD—

insert—

[s 292]

‘27AE Notice of change of proponent, contact details or registered office

- ‘(1) The proponent of a coordinated project must give the Coordinator-General written notice of the following—
- (a) a change of proponent for the project;
 - (b) a change in the proponent’s contact details;
 - (c) if the proponent is a corporation, a change in the proponent’s registered office.
- ‘(2) The notice must be given—
- (a) within 21 days after the change; or
 - (b) by any later time allowed by the Coordinator-General in writing.

‘27AF Cancellation of declaration

- ‘(1) The Coordinator-General may cancel a declaration made under section 26(1) for a coordinated project before completing a Coordinator-General’s report for the project if—
- (a) the proponent of the project makes a written request to the Coordinator-General to cancel the declaration; or
 - (b) the Coordinator-General considers that the proponent no longer has the capability to undertake and complete the EIS for the project; or
 - (c) the Coordinator-General considers it is in the public interest to cancel the declaration; or
 - (d) the proponent for the project changes; or
 - (e) the proponent substantially changes the project from that described in the initial advice statement mentioned in section 27(1)(a); or
 - (f) the proponent fails to comply with section 27AE in relation to the project.

-
- ‘(2) If the Coordinator-General decides to cancel a declaration under subsection (1), the Coordinator-General must, within 14 days after the decision, give the proponent written notice of the decision and the reasons for it.
- ‘(3) A decision to cancel the declaration takes effect on the later of—
- (a) the day the written notice is given to the proponent; or
 - (b) the day of effect stated in the written notice.’.

293 Amendment of s 27A (Lapsing of declaration)

- (1) Section 27A(2) and (3)—
renumber as section 27(3) and (4)
- (2) Section 27A—
insert—
- ‘(2) If, under subsection (4), the Coordinator-General fixes a later time for the declaration to lapse, the time by which the EIS must be given to the Coordinator-General under section 32(4) is extended to the later time.’.
- (3) Section 27A(4), as renumbered, ‘subsection (1) or (2)’—
omit, insert—
‘subsection (1) or (3)’.
- (4) Section 27A—
insert—
- ‘(5) Also, if an EIS is required for the project, the declaration lapses if—
- (a) under section 35(2), the Coordinator-General asks a proponent for supplementary information or comment about the EIS and the project and states a requirement as to the time by which the proponent must give the information or comment; and

[s 294]

- (b) the proponent does not comply with the request by the required time or any extended time allowed under section 35(9).'

294 Replacement of s 28 (Application of divs 3–6)

Section 28—

omit, insert—

'28 Application of divs 3–8

'Divisions 3 to 8 apply only if the project is declared, under section 26, to be a coordinated project for which an EIS is required.'

295 Amendment of s 29 (Notice of requirement for EIS and of draft terms of reference)

Section 29(1)—

omit, insert—

'(1) The Coordinator-General—

- (a) must advise the proponent that an EIS is required for the project; and
- (b) may publicly notify—
 - (i) that an EIS is required for the project; and
 - (ii) where copies of the draft terms of reference may be obtained; and
 - (iii) that comments on the draft terms of reference are invited.'

296 Amendment of s 30 (Finalising terms of reference)

(1) Section 30(3)—

renumber as section 30(4).

(2) Section 30(1) and (2)—

omit, insert—

- ‘(1) If, under section 29, the Coordinator-General publicly notifies that comments on the draft terms of reference are invited—
- (a) the Coordinator-General must, as soon as practicable after the comment period ends, finalise the terms of reference for the EIS and give the proponent a copy; and
 - (b) in finalising the terms of reference, the Coordinator-General must have regard to any comments on the draft terms of reference received by the Coordinator-General within the comment period.
- ‘(2) Subsection (3) applies if the Coordinator-General has not, under section 29, publicly notified that comments on the draft terms of reference are invited.
- ‘(3) The Coordinator-General must, as soon as practicable after the Coordinator-General advises the proponent that an EIS is required for the project under section 29(1)(a), finalise the terms of reference for the EIS and give the proponent a copy.’.

297 Amendment of s 32 (Preparation of EIS)

- (1) Section 32(4)(a), ‘2 years’—

omit, insert—

‘18 months’.

- (2) Section 32(4)(b), ‘if within the 2 years’—

omit, insert—

‘if, before the declaration lapses under section 27A.’.

298 Amendment of s 35 (Coordinator-General evaluates EIS, submissions, other material and prepares report)

- (1) Section 35(2), ‘additional’—

omit, insert—

‘supplementary’.

[s 299]

- (2) Section 35—
insert—
- ‘(6) If the Coordinator-General asks for information or comment under subsection (2), the Coordinator-General may state requirements for the request, including requirements about—
- (a) the time by which the proponent must give the information or comment to the Coordinator-General; and
 - (b) how the information or comment is to be given; and
 - (c) publicly notifying the information under section 33 as if it were an EIS; and
 - (d) any other matters the Coordinator-General considers necessary.
- ‘(7) Submissions about the information may be made under section 34, as if the information were an EIS.
- ‘(8) The Coordinator-General must, after the end of the submission period for the information, consider the information or comment when considering matters under subsection (1) for the project.
- ‘(9) The Coordinator-General may, by written notice to the proponent, extend the time for the proponent to give the Coordinator-General supplementary information or comment requested under subsection (2).’.

299 Amendment of s 35A (Lapsing of Coordinator-General’s report)

- (1) Section 35A(1)(a), ‘generally—at the end of the 4 years’—
omit, insert—
‘if paragraphs (b) and (c) do not apply to the report—at the end of the 3 years’.
- (2) Section 35A(1)(c), ‘4 years’—
omit, insert—

‘3 years’.

(3) Section 35A—

insert—

‘(1A) However, if more than 1 approval under an Act must be obtained for the project by the proponent and the first approval is applied for within 3 years after the day the report is publicly notified, the report lapses, to the extent it relates to each approval applied for, on the later of the events under subsection (1)(c)(i) or (ii) to happen.’.

(4) Section 35A(2), ‘However’—

omit, insert—

‘Also’.

(5) Section 35A(3)—

omit, insert—

‘(3) Further, the report does not lapse and continues to have effect, to the extent it imposes imposed conditions for the undertaking of the project if—

(a) division 8 applies to the project; and

(b) the undertaking of the project substantially starts within 3 years after the report is publicly notified under section 35(5)(b).’.

(6) Section 35A(1A) to (3)—

renumber as section 35A(2) to (4).

300 Insertion of new pt 4, div 3A, sdiv 1, hdg

Before section 35B—

insert—

[s 301]

**‘Subdivision 1 Assessment of changes to project
or conditions of project on
proponent’s application’.**

301 Insertion of new pt 4, div 3A, sdiv 2

After section 35L—

insert—

**‘Subdivision 2 Assessment of changes to project
on Coordinator-General’s own
initiative**

‘35M Application of sdiv 2

‘This subdivision applies if, after the Coordinator-General complies with section 35(5) for a coordinated project, the Coordinator-General wishes to assess a proposed change to the project on his or her own initiative.

‘35N Procedure for making assessment

- ‘(1) The Coordinator-General may assess the proposed change under this section.
- ‘(2) The Coordinator-General must give the proponent of the coordinated project written notice stating—
 - (a) that the Coordinator-General proposes to assess a stated proposed change to the project; and
 - (b) the reasons for the proposed assessment; and
 - (c) that the proponent may, within 5 business days after receiving the notice, give the Coordinator-General the proponent’s written views about whether the proposed assessment should be made.

- ‘(3) The Coordinator-General may, whether or not the 5 business days has elapsed, extend the time allowed under subsection (2)(c) for the proponent to give the written views.
- ‘(4) If, after considering any written views given to the Coordinator-General under subsection (2)(c), the Coordinator-General decides to make the assessment, the Coordinator-General must give the proponent a written notice stating—
- (a) the decision and the reasons for it; and
 - (b) that within 20 business days after receiving the notice the proponent must apply to the Coordinator-General to evaluate under subdivision 1 the environmental effects of the proposed change, its effects on the project and any other related matters.
- ‘(5) Subdivision 1, other than sections 35B and 35C, apply in relation to the application as if it were an application made under the subdivision.
- Example—*
- The application must comply with section 35E as if the application were an application made under the subdivision.
- ‘(6) The Coordinator-General may, if asked in writing by the proponent, extend the time under subsection (4)(b) before the end of the 20 business days.
- ‘(7) The proponent must comply with a requirement under subsection (4)(b).
- Maximum penalty—1665 penalty units.’.

302 Amendment of s 39 (Application of Coordinator-General’s report to IDAS)

Section 39—

insert—

- ‘(7) If there is any inconsistency between a condition mentioned in subsection (1)(a) for a development approval and a

[s 303]

concurrency agency condition under the Sustainable Planning Act for the development approval, the condition mentioned in subsection (1)(a) prevails to the extent of the inconsistency.’.

303 Amendment of s 76D (Definitions for pt 5A)

Section 76D, definition *infrastructure facility*—
omit.

304 Amendment of s 76L (When step in notice may be given)

Section 76L(1)—
omit, insert—

- ‘(1) Subject to subsection (3), the Coordinator-General may give a step in notice for a prescribed decision or process only if—
- (a) a progression notice or notice to decide has been given for the decision or process; or
 - (b) the Coordinator-General is satisfied that a step in notice is required to ensure timely decision-making for the decision or process.’.

305 Amendment of s 82 (Acquisition of land in State development area)

Section 82(6)(a) to (g)—
omit, insert—

- ‘(a) section 125(4) applies as if the reference in the subsection to subsection (1) were a reference to section 82(1);
- (b) section 125(7) and (9) apply as if the reference in the subsections to subsection (6) were a reference to section 82(5);

- (c) section 125(8) applies as if the reference in the subsection to the land were a reference to land taken under section 82(5);
- (d) section 125(10) applies as if the reference in the subsection to subsections (4) to (9) were a reference to a taking or acquisition of land under section 82;
- (e) section 125(11) applies as if the reference in the subsection to this section were a reference to section 82;
- (f) section 125A applies as if—
 - (i) a reference in the section to section 125 were a reference to section 82; and
 - (ii) the reference in the section to section 125(1) were a reference to section 82(1);
- (g) section 127 applies as if—
 - (i) the reference in the section to section 125(6) were a reference to section 82(5); and
 - (ii) the reference in the section to section 125(9) were a reference to section 125(9) as it has effect under paragraph (b);’.

306 Amendment of s 83 (Disposal of land in State development area)

- (1) Section 83(3) and (4)—
renumber as section 83(5) and (6).
- (2) Section 83—
insert—
- ‘(3) However, a lease for a term of 4 years or less does not require the approval of the Governor in Council under subsection (2)(b).
- ‘(4) In deciding the term of a lease for subsection (3), the term of the lease under an option to renew the lease or under any other

[s 307]

provision extending the term of the lease is to be included in the term of the lease.’.

307 Amendment of s 84 (Use of land under approved development scheme)

Section 84(4)—

insert—

‘Note—

For how to apply for the approval, see section 84AA.’.

308 Insertion of new ss 84AA and 84AB

After section 84—

insert—

‘84AA Application for approval for use of land

- ‘(1) A person who wishes to obtain the Coordinator-General’s approval for a use of land for section 84(4)(b) must apply to the Coordinator-General for the approval.
- ‘(2) The application must—
 - (a) be in the approved form; and
 - (b) address the requirements for obtaining the approval stated under the approved development scheme for the relevant State development area; and
 - (c) be accompanied by the fee prescribed under a regulation.
- ‘(3) The Coordinator-General can not accept an application that does not comply with subsection (2).

‘84AB Deciding application for approval for use of land

- ‘(1) The Coordinator-General may approve, approve subject to conditions or refuse an application made under section 84AA.

- ‘(2) The Coordinator-General must give the applicant written notice of the decision.
- ‘(3) If the Coordinator-General decides to refuse the application, the notice must state the reasons for the decision.’.

309 Amendment of s 125 (Power of Coordinator-General to take land)

(1) Section 125(1)(f)—

omit, insert—

‘(f) a private infrastructure facility.’.

(2) Section 125(2), (3), (5), (6), (8) and (16)—

omit.

(3) Section 125—

insert—

‘(2) However, a taking of land for a purpose mentioned in subsection (1)(f) must be in compliance with section 153AH.’.

(4) Section 125(4), (7) and (9) to (15)—

renumber as section 125(3) to (11).

(5) Section 125(7) and (9), as renumbered, ‘subsection (10)’—

omit, insert—

‘subsection (6)’.

(6) Section 125(10), as renumbered, ‘subsections (7) to (13)’—

omit, insert—

‘subsections (4) to (9)’.

310 Omission of s 126 (Ensuring reasonable steps are taken to acquire land by agreement)

Section 126—

omit.

[s 311]

311 Amendment of s 130 (Payment of costs of taking land and compensation)

Section 130—

insert—

‘(3) In this section—

‘*costs* includes operational, administrative and legal costs.’.

312 Replacement of pt 6, div 6A and pt 6, div 7, hdg

Part 6, division 6A and part 6, division 7, heading—

omit, insert—

‘Division 7 Infrastructure facilities

‘Subdivision 1 Investigating potential infrastructure facility’.

313 Amendment of s 141 (Purpose of div 7)

(1) Section 141, heading, ‘div 7’—

omit, insert—

‘**sdiv 1**’.

(2) Section 141, ‘division’—

omit, insert—

‘subdivision’.

(3) Section 141(a), from ‘mentioned’ to ‘exercised’—

omit, insert—

‘for which a proponent is proposing to apply for approval under section 153AC’.

314 Insertion of new pt 6, div 7, sdivs 2–4

Part 6, division 7—

insert—

**‘Subdivision 2 Requirements for
Coordinator-General to take land for
private infrastructure facility**

**‘153AA Application for approval of project as a private
infrastructure facility and for Coordinator-General to take
land**

- ‘(1) The proponent of a project that is an infrastructure facility may apply to the Coordinator-General for approval of the project as a private infrastructure facility and to take land required for the private infrastructure facility (a *private infrastructure facility application*) if—
- (a) each of the following apply—
 - (i) the project has been declared a coordinated project for which an EIS is required under section 26(1)(a);
 - (ii) the Coordinator-General has publicly notified the Coordinator-General’s report for the project;
 - (iii) the report has not lapsed;
 - (iv) the area of land identified as required for the infrastructure facility is consistent with the land assessed in the EIS for the project; or
 - (b) both of the following apply—
 - (i) the Coordinator-General is satisfied that adequate environmental assessment has been carried out for the project in accordance with an environmental assessment process under an Act, other than this Act, or under a Commonwealth Act;
 - (ii) the area of land identified as required for the infrastructure facility is consistent with the land assessed in the document, similar to an EIS, to which the process relates.

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- ‘(2) A private infrastructure facility application must—
- (a) address the matters mentioned in section 153AC(2) and any requirements relevant to making the application stated in the guidelines; and
 - (b) include enough information about the project to allow the Governor in Council to assess the matters mentioned in that section, including evidence of compliance with the guidelines about undertaking negotiations; and
 - (c) identify the land that the proponent is applying to the Coordinator-General to acquire; and
 - (d) be accompanied by the fee prescribed under a regulation.

‘153AB Coordinator-General to seek submissions and undertake consultation

‘For a private infrastructure facility application, the Coordinator-General must, in the way the Coordinator-General considers appropriate—

- (a) seek submissions on the economic or social significance and benefits of the proposed infrastructure facility from the persons affected by it; and
- (b) undertake consultation with the registered owner of the land identified under section 153AA(2)(c) about the negotiations to acquire the land by agreement undertaken for the application by the proponent with the registered owner.

‘153AC Criteria for approval of project

- ‘(1) This section applies if a private infrastructure facility application is made for a project.
- ‘(2) The Governor in Council may, by gazette notice, approve the project as a private infrastructure facility if the Governor in Council is satisfied of each the following—

-
- (a) the project has economic or social significance and economic or social benefits to Australia, the State or the region in which the project is to be undertaken;
 - (b) the proponent has the financial and technical capability to complete the project in a timely way;
 - (c) the project satisfies an identified need or demand for the services provided by the project;
 - (d) the project will be completed in a timely way to satisfy the identified need or demand;
 - (e) the land on which the facility is proposed to be located has been sufficiently identified;
 - (f) the project is not inconsistent with State policies;
 - (g) for land identified under section 153AA(2)(c)—
 - (i) the proponent has negotiated, in accordance with the guidelines, for at least 6 months with each registered owner of the land and has taken reasonable steps to purchase the land by agreement; and
 - (ii) if native title exists in relation to the land, the proponent has taken reasonable steps to enter into an indigenous land use agreement for the land.
- ‘(3) In deciding whether the project has economic or social significance and economic or social benefits under subsection (2)(a), the potential for the project to contribute to community wellbeing, economic growth or employment levels must be taken into account.
- ‘(4) In assessing the potential under subsection (3), the contribution the project may make to agricultural, industrial, resource or technological development in Australia, the State or a region is a relevant consideration.

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‘153AD Roles of Governor in Council and Coordinator-General for decision about approval of project

- ‘(1) The Coordinator-General must, on completing consultation under section 153AB—
 - (a) assess the private infrastructure facility application; and
 - (b) make a recommendation to the Governor in Council as to whether the matters mentioned in section 153AC(2) are satisfied for the project.
- ‘(2) The Governor in Council may decide to approve or not to approve the project or approve it subject to conditions.
- ‘(3) If the Governor in Council decides to approve the project as a private infrastructure facility—
 - (a) the Coordinator-General must prepare a statement giving reasons why the project was approved and publish a copy of the statement in the gazette; and
 - (b) the Minister must table the statement in the legislative assembly within 3 sitting days after the gazette notice notifying the approval is published.
- ‘(4) If the Governor in Council decides not to approve a project as a private infrastructure facility, the Coordinator-General must, within 28 days after the decision, give the proponent written notice of the decision and the reasons for it.

‘153AE Final negotiations with owner of land

- ‘(1) After approval, under section 153AC(2), of the project as a private infrastructure facility, the proponent of the project must—
 - (a) negotiate 1 final time with the registered owner of the land identified under section 153AA(2)(c) and make the registered owner a final unconditional offer to purchase the land in accordance with the guidelines; and
 - (b) at the start of the negotiations, give the registered owner the required information; and

-
- (c) give the Coordinator-General evidence of compliance with paragraphs (a) and (b).
- ‘(2) In this section—
- required information* means—
- (a) information updating information about the project, or the land required for the project, previously given to the registered owner by the proponent; and
 - (b) information outlining any change, or proposed change, to the project, or the land required for the project, of which the registered owner has not previously been advised by the proponent.

‘153AF Expiry of approval and extension of expiry day

- ‘(1) An approval of a project as a private infrastructure facility expires on the day (the *expiry day*) that is 2 years after the gazette notice notifying the approval is published.
- ‘(2) Before an approval of a project as a private infrastructure facility expires—
 - (a) the proponent of the project may apply in writing to the Coordinator-General to extend the expiry day of the approval; or
 - (b) the Coordinator-General may extend the expiry day of the approval on his or her own initiative.
- ‘(3) An application under subsection (2)(a) must be accompanied by the fee prescribed under a regulation.
- ‘(4) If the Coordinator-General extends the expiry day of the approval, the Coordinator-General must give each of the following persons written notice of the extension—
 - (a) the proponent;
 - (b) the registered owner of the land on which the infrastructure facility is proposed to be located.

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- ‘(5) If the Coordinator-General decides to refuse the application, the Coordinator-General must, within 28 days after making the decision, give the proponent written notice of the decision and the reasons for it.

‘153AG Amendment or revocation of approval

- ‘(1) The Governor in Council may, by gazette notice, amend or revoke an approval of a project as a private infrastructure facility.
- ‘(2) The Coordinator-General may on his or her own initiative, or on written application by the proponent to the Coordinator-General, recommend to the Governor in Council that an approval of a project as a private infrastructure facility be amended or revoked.
- ‘(3) An application under subsection (2) must be accompanied by the fee prescribed under a regulation.
- ‘(4) The Governor in Council may amend the approval only if the Governor in Council is satisfied that—
- (a) the area of land identified as required for the infrastructure facility is consistent with the land assessed in the EIS for the project; and
 - (b) each criteria under section 153AC(2) will be met if the amendment is made.
- ‘(5) The Governor in Council may revoke the approval only if the Governor in Council is satisfied that at least 1 of the criteria under section 153AC(2) is no longer satisfied.
- ‘(6) If the Coordinator-General proposes making a recommendation under subsection (2), the Coordinator-General must consult, in the way the Coordinator-General considers appropriate, about the proposal with the persons affected by the proposal.
- ‘(7) If the Governor in Council decides to refuse the application, the Coordinator-General must, within 28 days after the

refusal, give the proponent written notice of the decision and the reasons for it.

‘Subdivision 3 Taking land for private infrastructure facility

‘153AH Requirements about taking land for private infrastructure facility

- ‘(1) The Coordinator-General must not take land for a private infrastructure facility under section 125(1)(f) unless satisfied—
 - (a) the proponent has complied with section 153AE for the land; and
 - (b) the project will proceed within reasonable time frames; and
 - (c) if native title exists in relation to the land, the proponent has taken reasonable steps to enter into an indigenous land use agreement for the land.
- ‘(2) The Coordinator-General is not required to take land under section 125(1)(f) that is—
 - (a) in a State development area; or
 - (b) owned by the State or a local body.
- ‘(3) Subsection (4) applies if—
 - (a) a project is approved as a private infrastructure facility; and
 - (b) the proponent of the project has agreed with the registered owner of land on which the facility is proposed to be located to purchase the land; and
 - (c) the Coordinator-General is satisfied that it is appropriate for the Coordinator-General to take the land under section 125(1)(f) because statutory restrictions affect the

[s 314]

ability of the proponent to complete the project in a timely way.

Example of statutory restrictions for paragraph (c)—

restrictions under the *Land Act 1994*, section 175 on subdividing particular leases

- ‘(4) The Coordinator-General may take the land under section 125(1)(f) if the proponent and the registered owner agree, in writing, to the taking of the land by the Coordinator-General.

‘Subdivision 4 Fees and cost of advice or services

‘153AI Application of sdiv 4

‘This subdivision applies to a person who makes—

- (b) an application for an investigator’s authority under section 143; or
- (a) a private infrastructure facility application.

‘153AJ Fees

- ‘(1) The application must be accompanied by the fee prescribed under a regulation for the application.
- ‘(2) If a fee becomes payable under subsection (1), any obligations under this division applying to the Coordinator-General in relation to the application are suspended until the fee has been paid.
- ‘(3) Subsection (2) applies despite any other provision of this part.

‘153AK Recovering cost of advice or services

‘If the Coordinator-General obtains from another entity advice or services the Coordinator-General considers necessary to take action under this division in relation to a private infrastructure facility or a proposed private

infrastructure facility, the Coordinator-General may recover from the proponent of the facility as a debt the reasonable cost of obtaining the advice or services.’.

315 Insertion of new s 157OA

After section 157O—

insert—

‘157OA Coordinator-General may require relevant information

- ‘(1) The Coordinator-General may give a notice under this section to a person requiring the person to give the Coordinator-General information relevant to the administration or enforcement of this Act.
- ‘(2) The notice may only be given to a person the Coordinator-General suspects on reasonable grounds has knowledge of a matter, or has possession or control of a document dealing with a matter, for which the information is required.
- ‘(3) The notice must—
- (a) be in the approved form; and
 - (b) state the person to whom it is issued; and
 - (c) state the information required; and
 - (d) state the period within which the information is to be given to the Coordinator-General; and
 - (e) state the reasons the information is required; and
 - (f) be given to the person.
- ‘(4) The person must comply with the notice unless the person has a reasonable excuse for not complying with it.
- Maximum penalty—50 penalty units.
- ‘(5) If the person is an individual, it is a reasonable excuse for the individual to fail to comply with the notice if complying with it might tend to incriminate the individual.

[s 316]

- ‘(6) The person does not commit an offence against subsection (4) if the information sought by the Coordinator-General is not in fact relevant to the administration or enforcement of this Act.’.

316 Amendment of s 173 (Regulation-making power)

- (1) Section 173(1)(d), ‘or duty’—

omit.

- (2) Section 173(1)(h)—

omit, insert—

‘(h) the matters for which fees are payable under this Act, the amounts of the fees, the persons who are liable to pay fees, when the fees are payable, the recovery of unpaid amount of fees and the refund of fees;’.

- (3) Section 173(2)—

renumber as section 173(3).

- (4) Section 173—

insert—

- ‘(2) Without limiting subsection (1)(h), a regulation may—

- (a) prescribe a fee for monitoring compliance with an imposed condition; and
(b) prescribe a fee that is a stated amount, CPI indexed for the year the fee becomes payable.’.

317 Replacement of s 174 (Coordinator-General must make guidelines)

Section 174—

omit, insert—

‘174 Power of Coordinator-General to make guidelines

- ‘(1) The Coordinator-General may make guidelines about the matters mentioned in schedule 1B.
- ‘(2) However, if this Act provides that a particular thing must be done in accordance with the guidelines, the Coordinator-General must make guidelines about the thing.
- ‘(3) The Coordinator-General must publicly notify the guidelines.
- ‘(4) The guidelines are statutory instruments under the *Statutory Instruments Act 1992*.’.

318 Replacement of s 175 (Annual report)

Section 175—

omit, insert—

‘175 Approved forms

- ‘(1) The Coordinator-General may approve forms for use under this Act.
- ‘(2) A form may be approved for use under this Act that is combined with, or is to be used together with, an approved form under another Act.’.

319 Insertion of new pt 9, div 5

Part 9—

insert—

**‘Division 5 Transitional provisions for
Economic Development Act 2012**

‘188 Definitions for div 5

‘In this division—

amending Act means the *Economic Development Act 2012*.

commencement means the commencement of this section.

[s 319]

former, in relation to a provision, means the provision as in force immediately before the commencement.

‘189 Continuation of former matters Coordinator-General considers before making declaration under s 26(1)

- ‘(1) This section applies to an application, under section 27AA for a declaration under section 26(1) about a project, made before the commencement.
- ‘(2) Former section 27 continues to apply to the application as if the amending Act had not been enacted.
- ‘(3) Section 27AB(c) and (d) does not apply to the application.

‘190 Existing significant projects

- ‘(1) This section applies to a project that immediately before the commencement was a significant project.
- ‘(2) The project is taken to be a coordinated project.
- ‘(3) Former sections 32(4) and 35A(1) continue to apply to the project as if the amending Act had not been enacted.

‘191 References to significant project

‘In an Act or other document, a reference to a significant project may, if the context permits, be taken to be a reference to a coordinated project.

‘192 Application of s 35(6)–(9)

‘Section 35(6) to (9) applies only to a request by the Coordinator-General to the proponent of a project for supplementary information or comment about an EIS and the project made after the commencement.

‘193 Existing requests for Coordinator-General’s approval of use of land for s 84(4)(b)

- ‘(1) This section applies if a person made a request to the Coordinator-General for the Coordinator-General’s approval for a use of land under section 84(4)(b) before the commencement.
- ‘(2) The request must be decided as if the amending Act had not been enacted.

‘194 Continuation of particular former provisions

- ‘(1) Former part 6, division 6 and the former guidelines continue to apply to the following as if the amending Act had not been enacted—
 - (a) a request made before the commencement to the Coordinator-General seeking, for a proposed infrastructure facility, the Governor in Council’s approval under former section 125(1)(f)(ii);
 - (b) an infrastructure facility approved under former section 125(1)(f)(ii).
- ‘(2) In this section—
former guidelines means the guidelines in force under former section 174 immediately before the commencement.’.

320 Omission of schs 1 and 1A

Schedules 1 and 1A—
omit.

321 Insertion of new sch 1B

After schedule 1A—
insert—

‘Schedule 1B Subject matter for guidelines

section 174

‘1 Investigating potential of land for infrastructure facilities

‘Investigating, under part 6, division 7, subdivision 1, the potential of land for infrastructure facilities, including, for example—

- (a) when an application under section 143 for an investigator’s authority may be made; and
- (b) the content of the application; and
- (c) land to which the application does not apply, for example, land to which access is available under another Act to the holder of an investigator’s authority.

‘2 Making a private infrastructure facility application

‘Making a private infrastructure facility application, including, for example—

- (a) requirements for the application; and
- (b) documents required for the application; and
- (c) amending the application.

‘3 How Coordinator-General may undertake consultation

‘How the Coordinator-General may undertake consultation under section 153AB.

‘4 Negotiations

- ‘(1) Negotiations under section 153AC(2)(g) to be undertaken before making a private infrastructure facility application, including, for example—

-
- (a) the required period for negotiations before the application; and
 - (b) notices to be given by the proponent in relation to the negotiations; and
 - (c) the evidence of negotiations that is required; and
 - (d) the effect of a change of registered owner of the land on which the facility is proposed to be located.
- ‘(2) Negotiations under section 153AE(1) including how the proponent of a proposed private infrastructure facility must make the registered owner of the land identified under section 153AA(2)(c) a final unconditional offer to purchase the land.

‘5 Reasonable time frames

‘How to demonstrate a project will proceed within reasonable time frames under section 153AH(1)(b).

‘6 Process for amending or revoking approval

‘Subject to section 153AG, the process for amending or revoking an approval of a project as a private infrastructure facility.

‘7 Arrangements about payment of costs and compensation

- ‘(1) Arrangements that may be entered into between the Coordinator-General and a proponent of a project relating to the proponent’s payment to the Coordinator-General of the following for the project—
- (a) costs of taking land under this Act;
 - (b) the payment of compensation payable for the land.
- ‘(2) In this section—
- costs* includes operational, administrative and legal costs.

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‘8 Native title guidance

‘Guidance on native title matters relevant to this Act.’.

322 Amendment of sch 2 (Dictionary)

- (1) Schedule 2, definitions *Coordinator-General’s change report*, *Coordinator-General’s report*, *proponent* and *significant project*—

omit.

- (2) Schedule 2—

insert—

‘amending Act, for part 9, division 5, see section 188.

commencement, for part 9, division 5, see section 188.

coordinated project or *project* means—

- (a) after a declaration under section 26(1) about a project is made by gazette notice, but before the Coordinator-General’s report for the project is publicly notified under section 35—the project as declared in the gazette notice; or
- (b) otherwise—
- (i) the project as described in that report, including any amendment of the report under section 35AA; or
- (ii) if 1 or more Coordinator-General’s change reports have been prepared for the project—the project as described in the current Coordinator-General’s change report for the project.

Coordinator-General’s change report see section 35I(1).

Coordinator-General’s report see section 24.

former, for part 9, division 5, see section 188.

guidelines means guidelines made under section 174.

indigenous land use agreement means an indigenous land use agreement under the *Native Title Act 1993* (Cwlth), section 24BA, 24CA or 24DA.

infrastructure facility includes any of the following—

- (a) a road, railway, bridge or other transport facility;
- (b) a jetty or port;
- (c) an airport, landing strip or spaceport;
- (d) an electricity generation, transmission or distribution facility;
- (e) a storage, distribution or gathering or other transmission facility for—
 - (i) oil or gas; or
 - (ii) derivatives of oil or gas;
- (f) a storage or transportation facility for coal, any other mineral or any mineral concentrate;
- (g) a dam, water storage facility, pipeline, channel or other water management, distribution or reticulation facility;
- (h) a cable, antenna, tower or other communication facility;
- (i) infrastructure for health or educational services.

pre-feasibility assessment see section 27AB(d).

private infrastructure facility means an infrastructure facility approved under section 153AC(2).

private infrastructure facility application see section 153AA(1).

proponent means—

- (a) of a coordinated project—the person who proposes the coordinated project and includes a person who, under an agreement or other arrangement with the person who is the existing proponent of the project, later proposes the project; or

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- (b) of a proposed project that is an infrastructure facility—the person who proposes the project and includes a person who, under an agreement or other arrangement with the person who is the existing proponent of the project, later proposes the project.

registered owner, of land, for part 6, division 7, subdivisions 2 and 3, means—

- (a) the registered owner of a lot under the *Land Title Act 1994* in relation to the land; or
- (b) the person registered in the land registry under the *Land Act 1994* as the holder of a lease from the State under that Act or the repealed *Land Act 1962* for the land.’.
- (3) Schedule 2, definition *imposed condition*, ‘, for part 4,’—
omit.

Part 7 **Amendment of Water Supply (Safety and Reliability) Act 2008**

323 Act amended

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

324 Amendment of sch 3 (Dictionary)

Schedule 3, definition *EP Act authorisation*, paragraph (c)—
omit, insert—

- ‘(c) an emergency direction given under the *Environmental Protection Act 1994*, section 467 requiring the release;
or
- (d) a temporary emissions licence issued under the *Environmental Protection Act 1994*.’.

Part 8 Amendment of other Acts

325 Acts amended in sch 2

Schedule 2 amends the Acts it mentions.

Schedule 1 Consequential amendments for this Act

section 221

Body Corporate and Community Management Act 1997

- 1 Sections 57(7)(c), 61(1)(c) and 196(10), ‘the urban land development authority’—**
omit, insert—
‘MEDQ’.
- 2 Section 60(4)(b), ‘the urban land development authority—’—**
omit, insert—
‘MEDQ—’.
- 3 Section 60(4)(b)(ii)—**
omit, insert—
‘(ii) MEDQ under the *Economic Development Act 2012*; or’.
- 4 Section 60(9), definition *planning instrument*, paragraph (b)—**
omit, insert—
‘(b) if the body is MEDQ—a relevant development instrument under the *Economic Development Act 2012*.’.

-
- 5 Section 60(9), definition *relevant planning body*, paragraphs (a) and (b)—**
omit, insert—
(a) to the extent scheme land is or is proposed to be located in a priority development area—MEDQ; and
(b) to the extent scheme land is or is proposed to be located in a local government area but not in a priority development area—the local government for the local government area.’.
- 6 Section 61(2)(b), from ‘an urban’—**
omit, insert—
‘a priority development area and MEDQ has not endorsed the statement under section 60—MEDQ.’.
- 7 Section 78(6)(c), from ‘an urban’—**
omit, insert—
‘a priority development area, MEDQ.’.
- 8 Section 80(1)(b), ‘*Urban Land Development Authority Act 2007*’—**
omit, insert—
‘*Economic Development Act 2012*’.
- 9 Section 180(2), ‘UDA’—**
omit, insert—
‘PDA’.
- 10 Section 196(9), from ‘the urban’ to ‘2007’—**
omit, insert—
‘MEDQ, the unpaid amount becomes a special rate or charge under the *Economic Development Act 2012*’.

- 11 Section 196(11), from ‘Urban’ to ‘section 127’—**
omit, insert—
‘Economic Development Act 2012, section 117’.
- 12 Section 198(4), from ‘the urban’—**
omit, insert—
‘MEDQ to the extent this section is inconsistent with the Economic Development Act 2012.’.
- 13 Schedule 4, section 10(2)(a)(i) and (ii)—**
omit, insert—
‘(i) if the lot is in a priority development area—PDA by-laws, and any local laws that apply;
(ii) if the lot is not in a priority development area—local laws; and’.
- 14 Schedule 6, definition *development approval*, paragraph (b)—**
omit, insert—
‘(b) a PDA development approval under the Economic Development Act 2012.’.
- 15 Schedule 6—**
insert—
‘MEDQ means MEDQ under the Economic Development Act 2012.
PDA by-law means a by-law made by MEDQ under the Economic Development Act 2012.
priority development area means a priority development area under the Economic Development Act 2012.’.

-
- 16** **Schedule 6, definitions *UDA by-law, urban development area* and *urban land development authority*—**
 omit.

Building Act 1975

- 1** **Section 33(2), (3) and (5), ‘ULDA’—**
 omit, insert—
 ‘PDA’.
- 2** **Section 33(6), definition *ULDA instrument*—**
 omit, insert—
 ‘*PDA instrument* means a relevant development instrument for a priority development area, made under the *Economic Development Act 2012*.’.

Coastal Protection and Management Act 1995

- 1** **Section 123(5), definition *development permit*—**
 omit, insert—
 ‘*development permit* includes a PDA development permit under the *Economic Development Act 2012*.’.

Environmental Protection Act 1994

1 Section 679(1)—

insert—

Note—

See also the *Economic Development Act 2012*, section 205 for the application of this provision following the commencement of that Act.’.

Forestry Act 1959

1 Section 45A, before ‘Land Act 1962’—

insert—

‘repealed’.

2 Section 45A(b)(ii) and (c)(ii), before ‘Industrial Development Act 1963’—

insert—

‘repealed’.

3 Schedule 3, definition *Crown holding*, before ‘Land Act 1962’—

insert—

‘repealed’.

4 Schedule 3, definition *Crown holding*, paragraph (b)(ii)(B), before ‘Industrial Development Act 1963’—

insert—

‘repealed’.

Infrastructure Investment (Asset Restructuring and Disposal) Act 2009

1 Section 6(1)(gc)—

omit, insert—

‘(gc) MEDQ;’.

2 Schedule—

insert—

‘*MEDQ* means MEDQ under the *Economic Development Act 2012*.’.

3 Schedule, definition *Urban Land Development Authority*—

omit.

Integrity Act 2009

1 Schedule 1, entry for the *Urban Land Development Authority Act 2007*—

omit.

Land Act 1994

1 Section 16(2A)—

omit, insert—

‘(2A) Also, to the extent the land is in a priority development area, the evaluation must take account of, and give primary

consideration to, any relevant development instrument under the *Economic Development Act 2012* that applies to the land.’.

2 Sections 33(1)(d) and 38(1)(e), ‘an urban’—

omit, insert—

‘a priority’.

3 Section 122(1), ‘the Urban Land Development Authority’—

omit, insert—

‘MEDQ’.

4 Section 290J(5)(a) and (b)—

omit, insert—

‘(a) the land the subject of the subdivision is in a priority development area; and

(b) the plan of subdivision has been consented to by MEDQ.’.

5 Schedule 6, definitions *urban land development area* and *Urban Land Development Authority*—

omit.

6 Schedule 6—

insert—

‘***MEDQ*** means MEDQ under the *Economic Development Act 2012*.

priority development area means a priority development area under the *Economic Development Act 2012*.’.

7 **Schedule 6, definition *existing post-Wolfe freeholding lease*, paragraph (a)(ii), before ‘*Industrial Development Act 1963*’—**

insert—

‘repealed’.

8 **Schedule 6, definition *pre-Wolfe freeholding lease*, paragraph (b)(ii), before ‘*Industrial Development Act 1963*’—**

insert—

‘repealed’.

Land Sales Act 1984

1 **Section 2(d), from ‘the authority’ to ‘ULDA Act’—**

omit, insert—

‘MEDQ in addition to their or its obligations under the Planning Act or the Economic Development Act’.

2 **Section 6, definitions *authority, UDA development approval, UDA development condition* and *ULDA Act*—**

omit.

3 **Section 6—**

insert—

‘*Economic Development Act* means the *Economic Development Act 2012*.’

MEDQ means MEDQ under the Economic Development Act.

PDA development approval see the Economic Development Act, schedule.

PDA development condition see the Economic Development Act, section 85(4)(b).’.

4 Sections 8(1), 9(2)(a) and (da), ‘UDA’—

omit, insert—

‘PDA’.

5 Sections 9(1)(b), 10(1)(b)(i) and 10A(2), ‘the authority under the ULDA Act’—

omit, insert—

‘MEDQ under the Economic Development Act’.

Land Title Act 1994

1 Section 50(3)(a), from ‘approval’ to ‘section 80’—

omit, insert—

‘approval by MEDQ—the plan is not a plan for which assessment for compliance is required under the *Economic Development Act 2012*, section 104’.

2 Sections 50(4) and 83(3), from ‘Urban’ to ‘section 80’—

omit, insert—

‘*Economic Development Act 2012*, section 104’.

3 Section 50(5), definition *relevant planning body*, paragraph (a), and sections 65(3A)(a) and 83(2)(a), from ‘an urban’—

omit, insert—

‘a priority development area—MEDQ; or’.

4 Schedule 2—

insert—

‘**MEDQ** means MEDQ under the *Economic Development Act 2012*.’

priority development area means a priority development area under the *Economic Development Act 2012*.’.

5 Schedule 2, definitions *urban development area* and *Urban Land Development Authority*—

omit.

Land Valuation Act 2010**1 Schedule, definition *owner*, paragraph 3(e)(iv)—**

omit, insert—

‘(iv) MEDQ under the *Economic Development Act 2012*;’.

Nuclear Facilities Prohibition Act 2007**1 Section 8(4), definition *development approval*, from ‘UDA’—**

omit, insert—

‘PDA development approval under the *Economic Development Act 2012*.’.

Public Service Act 2008

- 1** **Schedule 1, entry for Urban Land Development Authority under the *Urban Land Development Authority Act 2007*—**
omit.

Sustainable Planning Act 2009

- 1** **Section 648E(b), from ‘an urban’ to ‘2007’—**
omit, insert—
‘a priority development area under the *Economic Development Act 2012*’.

Transport Infrastructure Act 1994

- 1** **Section 49(1)(b)(iii)—**
omit, insert—
‘(iii) development in a priority development area under the *Economic Development Act 2012*’.
- 2** **Section 50(6), from ‘the *Urban*’ to ‘2007’—**
omit, insert—
‘the *Economic Development Act 2012*’.
- 3** **Section 267, definition *trade lease*, before ‘Urban’—**
insert—
‘former’.

-
- 4 Sections 283ZZI(6)(a) and 283ZZK(2)(a), from ‘the Urban’ to ‘2007’—**
omit, insert—
‘MEDQ under the *Economic Development Act 2012*’.
- 5 Section 477C(2), from ‘the Urban’ to ‘authority’—**
omit, insert—
‘MEDQ holds a trade lease of land that has been subleased to a person, MEDQ’.
- 6 Section 477C(2)—**
insert—
Note—
MEDQ is the legal successor of the former Urban Land Development Authority—see the *Economic Development Act 2012*, section 180.’.
- 7 Section 477C(5), definition *relevant entity*, paragraph (b), ‘the Urban Land Development Authority’—**
omit, insert—
‘MEDQ’.
- 8 Schedule 6—**
insert—
‘*former Urban Land Development Authority* means the authority established under the repealed *Urban Land Development Authority Act 2007*, section 93.
Note—
MEDQ is the legal successor of the former Urban Land Development Authority—see the *Economic Development Act 2012*, section 180.
MEDQ means MEDQ under the *Economic Development Act 2012*.’.

- 9** **Schedule 6, definition *Urban Land Development Authority*—**
 omit.

Schedule 2 Consequential amendments for Acts amended in chapter 8

section 325

City of Brisbane Act 2010

- 1 Section 79(1)(c)(i), ‘significant project’—**
omit, insert—
‘coordinated project’.

Disaster Management Act 2003

- 1 Part 1, division 4, subdivision 1, heading and subdivision
2, heading—**
omit.
- 2 Section 12—**
omit.
- 3 Sections 77(5), 78(3), 107(3) and 112(4), editor’s note,
‘Editor’s note’—**
omit, insert—
‘Note’.

Electricity Act 1994

- 1 Section 135GI(1)(a), ‘significant project’—**
omit, insert—
‘coordinated project’.

Environmental Protection Act 1994

- 1 Section 487(3)(a), ‘or 467(2)(b)’—**
omit, insert—
‘467(1)(b)’.
- 2 Section 488(1), ‘467(2)(a)’—**
omit, insert—
‘467(1)(a)’.
- 3 Section 488(2), ‘situation mentioned in section 467(1)’—**
omit, insert—
‘emergency’.

Geothermal Energy Act 2010

- 1 Sections 83, 167 and 234(1), ‘significant project’—**
omit, insert—
‘coordinated project’.
- 2 Section 234, heading, ‘Significant projects’—**
omit, insert—

‘Coordinated projects’.

3 Schedule 2, definition *significant project*, ‘significant project’—

omit, insert—

‘coordinated project’.

Greenhouse Gas Storage Act 2009

1 Sections 121, 216 and 300(1), ‘significant project’—

omit, insert—

‘coordinated project’.

2 Section 300, heading, ‘Significant projects’—

omit, insert—

‘Coordinated projects’.

3 Schedule 2, definition *significant project*, ‘significant project’—

omit, insert—

‘coordinated project’.

Local Government Act 2009

1 Section 72(1)(c)(i), ‘significant project’—

omit, insert—

‘coordinated project’.

Mineral Resources Act 1989

**1 Sections 318B, 318ELBK, 318EM(1), 383(4)(a), 384(4)(a),
'significant project'—**

omit, insert—

'coordinated project'.

2 Section 318EM, heading, 'Significant projects'—

omit, insert—

'Coordinated projects'.

Petroleum Act 1923

1 Section 78X, heading, 'Significant projects'—

omit, insert—

'Coordinated projects'.

2 Section 78X, 'significant project'—

omit, insert—

'coordinated project'.

Petroleum and Gas (Production and Safety) Act 2004

**1 Sections 20(2), note, 123A, 317, 392AY, 412A, 447A,
514(1), 'significant project'—**

omit, insert—

'coordinated project'.

-
- 2 Section 514, heading, ‘Significant projects’—**
omit, insert—
‘Coordinated projects’.
- 3 Schedule 2, definitions *Coordinator-General’s conditions, Coordinator-General’s report and significant project*, ‘significant project’—**
omit, insert—
‘coordinated project’.

State Development and Public Works Organisation Act 1971

- 1 Section 8(3), ‘powers, functions and duties’—**
omit, insert—
‘powers and functions’.
- 2 Section 11(1), ‘powers, functions and duties’—**
omit, insert—
‘powers and functions’.
- 3 Section 11, ‘power, function or duty’—**
omit, insert—
‘power or function’.
- 4 Section 11(6), ‘or duty’—**
omit.

- 5 Section 13(1), ‘and duties’—**
omit.
- 6 Section 13(2)(c), ‘or duties’—**
omit.
- 7 Section 15(1), ‘and duties’—**
omit.
- 8 Section 16(1), ‘and duties’—**
omit.
- 9 Sections 25B(1)(b), 26 and 76E(1)(d), ‘significant project’—**
omit, insert—
‘coordinated project’.
- 10 Part 4, division 2, heading, ‘Significant project’—**
omit, insert—
‘Coordinated project’.
- 11 Part 4, division 2, subdivision 1, heading and part 4, division 2, subdivision 2, heading, ‘significant project’—**
omit, insert—
‘coordinated project’.
- 12 Section 35B, heading, ‘div 3A’—**
omit, insert—
‘sdiv 1’.

-
- 13 Sections 35B and 35C, ‘division’—**
omit, insert—
‘subdivision’.
- 14 Section 76N(f), ‘or duty’—**
omit.
- 15 Section 111(2), ‘power, function, or duty’—**
omit, insert—
‘power or function’.
- 16 Section 111(3) and (4), ‘power, function or duty’—**
omit, insert—
‘power or function’.
- 17 Section 122(3), (4) and (5)(b), ‘powers, functions and duties’—**
omit, insert—
‘powers and functions’.
- 18 Section 122(5)(b), ‘or duty’—**
omit.
- 19 Section 125A(3)(a)—**
omit, insert—
‘(a) section 153AH(1);’.
- 20 Section 127, ‘section 125(10)’—**
omit, insert—
‘section 125(6)’.

- 21 Section 127(a), ‘section 125(13)’—**
omit, insert—
‘section 125(9)’.
- 22 Section 142, heading, ‘div 7’—**
omit, insert—
‘sdiv 1’.
- 23 Sections 142 and 143(5)(b), ‘division’—**
omit, insert—
‘subdivision’.
- 24 Part 8, division 1, heading, ‘duties’—**
omit, insert—
‘functions’.
- 25 Section 158(1), ‘and duties’—**
omit.
- 26 Section 162(1), ‘or duties’—**
omit.
- 27 Section 167(2), ‘or duties’—**
omit.
- 28 Section 168, ‘or duties’—**
omit.

- 29 Section 169(1), ‘or duties’—**
omit.
- 30 Section 169(2), ‘function, duty or power’—**
omit, insert—
‘function or power’.

Strategic Cropping Land Act 2011

- 1 Section 123, ‘significant project’—**
omit, insert—
‘coordinated project’.
- 2 Schedule 2, definition *significant project*, ‘significant project’—**
omit, insert—
‘coordinated project’.

Transport Infrastructure Act 1994

- 1 Section 49(1)(b)(i), ‘significant project’—**
omit, insert—
‘coordinated project’.

Vegetation Management Act 1999

- 1** **Sections 22A(2)(a) and 78(2)(a)(i), ‘significant project’—**
 omit, insert—
 ‘coordinated project’.

Schedule 3 Dictionary

section 6

appropriately qualified, for a function or power, includes having the qualifications, experience or standing appropriate for the function or power.

Example of standing for an officer or employee of a department—

the officer or employee's classification level in the department

approved form means a form approved by MEDQ under section 175.

authority means the Commonwealth Games Infrastructure Authority established under section 144.

authority member see section 146(1).

board means the Economic Development Board established under section 130.

board member see section 132(1).

by-laws means by-laws made by MEDQ under section 54.

building work means building work under the Sustainable Planning Act, other than that a reference to administering IDAS is taken to be a reference to administering this Act.

caretaker period means the election period for a general election under the *Electoral Act 1992*.

close relative, of a board member or authority member, means the member's—

- (a) spouse; or
- (b) parent or grandparent; or
- (c) brother or sister; or
- (d) child or grandchild.

commencement, for chapter 6, see section 177.

committee member means a member of a local representative committee.

community infrastructure designation means a designation under the Sustainable Planning Act, section 200.

conviction includes a finding of guilt or the acceptance of a plea of guilty by a court, whether or not a conviction is recorded.

deal, in land or other property, includes—

- (a) acquire, develop, dispose of, hold, lease, license the use or occupation of, manage, sublease and otherwise deal in or with the land or other property, or interests in the land or other property; and
- (b) if the land or other property is contaminated by a hazardous contaminant—remediate the land or other property.

decision notice, for a PDA development application, see section 89(1).

declaration regulation—

- (a) for chapter 3, part 2, division 1—see section 34(1); or
- (b) for chapter 3, part 2, division 2—see section 37(1).

development, for chapter 3, see section 33(2).

development scheme, for a priority development area, other than a provisional priority development area, means the development scheme for the area made under section 56, as amended from time to time under chapter 3, part 3, division 2.

drainage work see the *Plumbing and Drainage Act 2002*, schedule.

enforcement order means an order made under chapter 3, part 5, division 1.

former entity, for chapter 6, see section 177.

former ULDA, for chapter 6, see section 177.

Fund see section 25(1).

government entity means an entity, other than a GOC, as defined under the *Public Service Act 2008*, section 24.

hazardous contaminant see the *Environmental Protection Act 1994*, schedule 4.

information request see section 83(1).

infrastructure includes land, roads, railways, facilities, services and works used for supporting economic development or development for community purposes.

infrastructure agreement see the Sustainable Planning Act, schedule 3.

interim land use plan, for a priority development area other than a provisional priority development area, means the interim land use plan for the area, made under section 38 or 39.

lawful use, of premises, includes—

- (a) a use that is generally in accordance with a current rezoning approval given under—
 - (i) the repealed *Local Government Act 1936*, section 33(5)(k), to which section 33(5)(m) of that Act also applied; or
 - (ii) the repealed *Local Government (Planning and Environment) Act 1990*, section 4.5(6), 4.8(6), 4.10(6) or 8.10(9A); and
- (b) a use that is a natural and ordinary consequence of making a material change of use of the premises if the change was lawfully made under this Act or the Sustainable Planning Act.

local representative committee means a committee established under section 158.

material change of use means material change of use under the Sustainable Planning Act, other than that—

- (a) a reference to IDAS is taken to be a reference to this Act; and

- (b) a reference to development approval is taken to include a reference to PDA development approval.

MEDQ see section 8(1).

minor administrative amendment, of a development scheme, means—

- (a) an amendment of the scheme if MEDQ is satisfied—
 - (i) the amendment is made merely to reflect a part of a planning instrument; and
 - (ii) adequate public consultation was carried out in relation to the making of the part; or
- (b) another amendment of a minor nature prescribed under a regulation; or
- (c) an amendment correcting or changing—
 - (i) an explanatory matter about the scheme; or
 - (ii) the format or presentation of the scheme; or
 - (iii) a spelling, grammatical or mapping error in the scheme; or
 - (iv) a factual matter incorrectly stated in the scheme; or
 - (v) a redundant or outdated term in the scheme; or
 - (vi) inconsistent numbering of provisions in the scheme; or
 - (vii) a cross-reference in the scheme.

nominated assessing authority means—

- (a) for a PDA development condition—the entity so nominated under section 88(a); or
- (b) for a provision about a PDA development approval—a nominated assessing authority for a PDA development condition of the approval.

Northshore Hamilton urban development area means the urban development area under the repealed ULDA Act of that name that, under section 190, is taken to be a priority development area under this Act.

notice means a notice in writing.

operational work see the Sustainable Planning Act, section 10.

owner, of land, means the person for the time being entitled to receive the rent for the land or who would be entitled to receive the rent for it if it were let to a tenant at a rent.

PDA assessable development see section 33(3).

PDA development application means an application for a PDA development approval.

PDA development approval means a decision notice that—

- (a) approves, wholly or partly, development applied for in a PDA development application (whether or not the approval has conditions attached to it); and
- (b) is in the form of a PDA preliminary approval, a PDA development permit or a combination of both a PDA preliminary approval and a PDA development permit.

PDA development condition see section 85(4)(b).

PDA development offence means an offence against chapter 3, part 4, division 1.

PDA development permit see section 94(2).

PDA exempt development see section 33(5).

PDA preliminary approval see section 94(1).

PDA self-assessable development see section 33(4).

Planning and Environment Court means the Planning and Environment Court under the Sustainable Planning Act.

planning instrument means a planning instrument under the Sustainable Planning Act.

planning scheme see the Sustainable Planning Act, section 79.

plumbing work see the *Plumbing and Drainage Act 2002*, schedule.

premises means—

- (a) a building or other structure; or
- (b) land, whether or not a building or other structure is situated on the land.

priority development area means either of the following areas, as amended from time to time—

- (a) an area declared under section 34 as a provisional priority development area;
- (b) an area declared under section 37 as a priority development area.

provisional land use plan, for a provisional priority development area, means the provisional land use plan for the area, made under section 35.

provisional priority development area means an area declared under section 34 to be a provisional priority development area, as the area is amended from time to time.

public sector entity means a public sector entity under the Sustainable Planning Act, schedule 3.

reconfiguring a lot see the Sustainable Planning Act, section 10.

register means the register MEDQ keeps under section 172.

relevant development, for a provision of this Act about a PDA development application or an SPA development approval or PDA development approval, means the development, or proposed development, the subject of the application or approval.

relevant development instrument means—

- (a) for a provisional priority development area—the provisional land use plan for the area; or
- (b) for another priority development area—
 - (i) an interim land use plan for the area; or
 - (ii) the development scheme for the area.

relevant land means—

- (a) for a PDA development application—the land the subject of the application; or
- (b) for a PDA development approval or an SPA development approval—the land the subject of the approval.

relevant local government, for a priority development area, land or a PDA development application, means each local government in whose area the priority development area, the land or the land the subject of the application is located.

relevant priority development area, for a provision of this Act about a relevant development instrument, PDA development application or PDA development approval, means the priority development area to which the instrument, application or approval relates.

remediate land or other property means—

- (a) rehabilitate the land or other property; or
- (b) restore the land or other property; or
- (c) take other action to prevent or minimise serious environmental harm being caused by the hazardous contaminant contaminating the land or other property.

repealed ID Act means the repealed *Industrial Development Act 1963*.

repealed ULDA Act means the repealed *Urban Land Development Authority Act 2007*.

road means—

- (a) an area of land dedicated to public use as a road; or
- (b) an area that is open to or used by the public and is developed for, or has as 1 of its main uses, the driving or riding of motor vehicles; or
- (c) a bridge, culvert, ferry, ford, tunnel or viaduct; or
- (d) a pedestrian or bicycle path; or
- (e) a part of an area, bridge, culvert, ferry, ford, tunnel, viaduct or path mentioned in any of paragraphs (a) to (d).

serious environmental harm see the *Environmental Protection Act 1994*, section 17.

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

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

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

special rate or charge means a special rate or charge levied under section 115.

structure means anything built or constructed, whether or not attached to land.

submission means a written submission.

submission period—

- (a) for a proposed development scheme—see section 59(1)(b)(ii); or
- (b) for a PDA development application—see section 84(4)(d).

superseding public sector entity, for land, means the public sector entity that will have responsibility for the infrastructure on the land after the land ceases to be in a priority development area.

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

transitioned UDA, for chapter 6, see section 177.

use, of premises, includes any ancillary use of the premises.

work, without reference to a specific type of work, means—

- (a) building work; or
- (b) operational work; or
- (c) plumbing work or drainage work.

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