



Queensland

# **Economic Development and Other Legislation Amendment Act 2019**

**Act No. 11 of 2019**

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**An Act to amend the Biosecurity Act 2014, the Building Act 1975, the Building Queensland Act 2015, the Coastal Protection and Management Act 1995, the Economic Development Act 2012, the Environmental Protection Act 1994, the Exhibited Animals Act 2015, the Housing Act 2003, the Land Valuation Act 2010, the Liquor Act 1992, the Neighbourhood Disputes (Dividing Fences and Trees) Act 2011, the Planning Act 2016, the Planning and Environment Court Act 2016, the Queensland Reconstruction Authority Act 2011, the Sanctuary Cove Resort Act 1985, the South Bank Corporation Act 1989, the South-East Queensland Water (Distribution and Retail Restructuring) Act 2009 and the legislation mentioned in schedule 1 for particular purposes, and to repeal the Southern Moreton Bay Islands Development Entitlements Protection Act 2004**

**[Assented to 11 April 2019]**





## Queensland

# Economic Development and Other Legislation Amendment Act 2019

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**The Parliament of Queensland enacts—**

## **Part 1 Preliminary**

### **1 Short title**

This Act may be cited as the *Economic Development and Other Legislation Amendment Act 2019*.

### **2 Commencement**

The following provisions commence on a day to be fixed by proclamation—

- (a) part 3;
- (b) part 6, division 3;
- (c) part 7, division 3;
- (d) part 10;
- (e) part 12;
- (f) part 14, division 3;
- (g) schedule 1, part 2.

## **Part 2 Amendment of Biosecurity Act 2014**

### **3 Act amended**

This part amends the *Biosecurity Act 2014*.

### **4 Amendment of s 9 (Relationship with particular Acts)**

- (1) Section 9(6), definition *relevant Act*, before paragraph (a)—

[s 5]

---

*insert—*

(aa) *Economic Development Act 2012*;

- (2) Section 9(6), definition *relevant Act*, paragraphs (aa) to (f)—  
*renumber* as paragraphs (a) to (g).

## **Part 3**                      **Amendment of Building Act 1975**

### **5**            **Act amended**

This part amends the *Building Act 1975*.

### **6**            **Amendment of s 25 (General requirements for supporting documents)**

- (1) Section 25(2)(a)(ii), after ‘development permit,’—  
*insert—*

PDA development permit,

- (2) Section 25(2)(c)—  
*omit, insert—*

(c) if the application relates to development mentioned in section 84(2)(a)(i) that may affect the position, height or form of the building work—how the building work is consistent with the provisions mentioned in section 84(2)(c)(i);

(ca) if the application relates to development mentioned in section 84(2)(a)(ii) that may affect the position, height or form of the building work—how the building work is consistent with the provisions mentioned in section 84(2)(c)(ii);

- (3) Section 25(2)(ca) and (d)—

---

*renumber* as section 25(2)(d) and (e).

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

- (1) Section 83(1)(a), ‘Planning Act, all necessary development permits’—

*omit, insert—*

Planning Act and the *Economic Development Act 2012*, all necessary development permits and PDA development permits

- (2) Section 83(1)(a), example, from ‘A proposal’ to ‘for—’—

*omit, insert—*

A proposal involving building work also involves a material change of use, reconfiguring a lot and operational work under the Planning Act. The material change of use, reconfiguring a lot and operational work are categorised as assessable development under the Planning Act. The private certifier is engaged to carry out building assessment work and decide the building development application. The private certifier must not grant the building development approval applied for until, under the Planning Act, all necessary development permits are effective for—

- (3) Section 83(1)—

*insert—*

(ba) if the building development application is for a development permit for building work and a part of the building work is PDA-related development that is PDA assessable development—until a PDA development permit is in effect for the part; and

- (4) Section 83(2)(a), ‘permit’—

*omit, insert—*

permit, or a PDA development application for

[s 8]

---

each PDA development permit,

(5) Section 83(2)—

*insert—*

(ba) if subsection (1)(ba) applies to the application—a PDA development application for a PDA development permit mentioned in the subsection;

(6) Section 83(3), ‘subsection (2)(a), (b) or (c)’—

*omit, insert—*

subsection (2)(a) to (c)

(7) Section 83(5)—

*insert—*

***PDA assessable development*** see the *Economic Development Act 2012*, section 33(3).

***PDA development application*** see the *Economic Development Act 2012*, schedule 1.

## **8 Amendment of s 84 (Approval must not be inconsistent with particular earlier approvals or accepted development)**

(1) Section 84(1), ‘application if’—

*omit, insert—*

building development application if

(2) Section 84(1)(a)—

*omit, insert—*

(a) the application relates to either or both of the following approvals (each an ***earlier approval***)—

(i) a development approval given by the local government;

- 
- (ii) a PDA development approval under the *Economic Development Act 2012*; and
- (3) Section 84(2)—  
*omit, insert—*
- (2) Also, the private certifier must not approve the building development application if—
- (a) the application relates to—
- (i) development categorised as accepted development under a local planning instrument; or
- (ii) PDA-related development that is PDA accepted development under the *Economic Development Act 2012*; and
- (b) the development may affect the position, height or form of the building work; and
- (c) the building work is inconsistent with—
- (i) for an application in relation to development mentioned in paragraph (a)(i)—the provisions of the local planning instrument that apply to the development; or
- (ii) for an application in relation to development mentioned in paragraph (a)(ii)—the provisions of the relevant development instrument for the priority development area that apply to the development.

Maximum penalty—165 penalty units.

- (4) Section 84—  
*insert—*

- (4) In this section—  
***relevant development instrument*** see the *Economic Development Act 2012*, schedule 1.

[s 9]

---

## 9 Insertion of new ch 11, pt 20

Chapter 11—

*insert—*

### **Part 20 Transitional provision for Economic Development and Other Legislation Amendment Act 2019**

#### **346 Existing building development applications**

- (1) The following provisions continue to apply in relation to an existing building development application as if the amending Act had not been enacted—
  - (a) former section 25;
  - (b) if chapter 4, part 6 applies in relation to the application—former sections 83 and 84.
- (2) In this section—

*amending Act* means the *Economic Development and Other Legislation Amendment Act 2019*.

*existing building development application* means a building development application made, but not decided, before the commencement.

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

## 10 Amendment of sch 2 (Dictionary)

Schedule 2—

*insert—*

*PDA development permit* means a PDA



development permit under the *Economic Development Act 2012*.

***PDA-related development*** means—

- (a) development in a priority development area; or
- (b) PDA-associated development for a priority development area under the *Economic Development Act 2012*.

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

## **Part 4**

# **Amendment of Building Queensland Act 2015**

### **11 Act amended**

This part amends the *Building Queensland Act 2015*.

### **12 Amendment of s 14 (Preparation of business cases for infrastructure proposals)**

(1) Section 14(1)(a)—

*omit, insert—*

- (a) assist in the preparation of the business case for—
  - (i) an infrastructure proposal with an estimated capital cost more than \$50 (but less than \$100) million or if the net present value of financial commitments entered into by the State for the proposal is estimated to be more than \$50 (but less than \$100) million; and

[s 12]

---

(ii) an infrastructure proposal for an excluded project with an estimated capital cost of \$100 million or more, or if the net present value of financial commitments entered into by the State for the proposal is estimated to be \$100 million or more; and

(2) Section 14(1)(b), after ‘infrastructure proposal’—

*insert—*

(other than an infrastructure proposal for an excluded project)

(3) Section 14(1)—

*insert—*

*Note—*

Subsection (4) provides for changes to an amount stated in this subsection.

(4) Section 14—

*insert—*

(4) On 1 July 2021, and every 5 years after that date at the start of 1 July, an amount stated in this section (including an amount that has already been increased by the application of this subsection) is increased, from the amount that applied immediately before that 1 July, by 10%.

*Example for subsection (4)—*

On 1 July 2021, the amount stated in this section of \$50 million is increased by 10% to \$55 million. On 1 July 2026, the amount of \$55 million is increased by 10% to \$60.5 million.

(5) Building Queensland is to publish on its website the amounts applying because of subsection (4).

(6) In this section—

***excluded project*** means an infrastructure project for road transport infrastructure, other than a toll

road—

- (a) that has an estimated capital cost of \$500 million or less; or
- (b) for which the net present value of financial commitments entered into by the State is estimated to be \$500 million or less.

*Note*—

Subsection (4) provides for changes to an amount stated in this definition.

***road transport infrastructure*** see the *Transport Infrastructure Act 1994*, schedule 6.

***toll road*** see the *Transport Infrastructure Act 1994*, section 92.

### **13 Amendment of s 15 (Preparation of infrastructure pipeline document)**

Section 15(2), from ‘every’—

*omit, insert*—

within 6 weeks after the tabling of the budget for the State for a financial year.

### **14 Amendment of s 25 (Membership of board)**

Section 25—

*insert*—

- (6) A senior executive nominated by a chief executive under subsection (1)(c), (d) or (e) is a board member for the period decided by that chief executive.

[s 15]

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## **Part 5                                  Amendment of Coastal Protection and Management Act 1995**

### **15      Act amended**

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

*Note—*

See also the amendments in schedule 1, part 1.

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

Section 123(4)—

*omit, insert—*

- (4) This section also applies in relation to operational work that is tidal works if the operational work—
  - (a) is accepted development under the Planning Act; or
  - (b) is PDA accepted development under the *Economic Development Act 2012* and is in a priority development area, or is PDA-associated development for a priority development area, under that Act.

---

## Part 6                      Amendment of Economic Development Act 2012

### Division 1                Preliminary

#### 17      Act amended

This part amends the *Economic Development Act 2012*.

*Note—*

See also the amendments in schedule 1, parts 1 and 2.

### Division 2                Amendments commencing on assent

#### 18      Insertion of new s 19A

After section 19—

*insert—*

##### **19A Exemption from particular disclosure requirements under Body Corporate and Community Management Act 1997**

- (1) This section applies if—
- (a) MEDQ enters into a contract (the *initial contract*) with another entity in relation to the development of land owned by MEDQ; and
  - (b) under the initial contract—
    - (i) the land is proposed to become scheme land under the *Body Corporate and Community Management Act 1997* on the establishment of a community titles scheme under that Act (the *proposed scheme*); and

[s 19]

---

- (ii) the other entity is to carry out development of the land or part of the land; and
  - (c) the initial contract provides for MEDQ and the other entity to enter into a further contract for the sale by MEDQ to the entity of lots or proposed lots included in the proposed scheme if, by a date provided for under the initial contract, MEDQ has not sold the lots or proposed lots to another entity.
- (2) A reference in subsection (1)(c) to a further contract includes a reference to a contract required under a provision of the initial contract granting MEDQ an option to sell the lots or proposed lots to the other entity.
  - (3) The *Body Corporate and Community Management Act 1997*, sections 212B and 213 do not apply in relation to the initial contract.
  - (4) In this section—  
*development* see section 33(2).  
*lot* see the *Body Corporate and Community Management Act 1997*, schedule 6.  
*proposed lot* see the *Body Corporate and Community Management Act 1997*, section 211A.

## 19 Amendment of s 33 (Development and its types)

- (1) Section 33, heading, ‘its types’—  
*omit, insert—*

### **categories of development**

- (2) Section 33(3), before paragraph (a)—  
*insert—*

- (aa) development that a regulation provides is PDA assessable development; or
- (3) Section 33(3)(aa) to (b)—  
*renumber* as section 33(3)(a) to (c).
- (4) Section 33(4) and (5)—  
*omit, insert*—
- (4) ***PDA accepted development*** is—
- (a) development that a regulation provides is PDA accepted development; or
- (b) development that a relevant development instrument for a priority development area provides is PDA accepted development, including PDA-associated development identified in the instrument; or
- (c) PDA-associated development declared for a priority development area by MEDQ under section 40C(1) and identified by MEDQ under that section to be PDA accepted development; or
- (d) development in a priority development area, or PDA-associated development for a priority development area, other than—
- (i) development or PDA-associated development mentioned in paragraph (a), (b) or (c); or
- (ii) PDA assessable development.
- (5) If there is an inconsistency between the categorisation of development under a regulation and a relevant development instrument for a priority development area, the regulation prevails to the extent of the inconsistency.

[s 20]

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**20 Amendment of ch 3, pt 2, div 1, hdg (Declaration of provisional priority development areas and provisional land use plans)**

Chapter 3, part 2, division 1, heading, after ‘priority development areas’—

*insert—*

**, draft provisional land use plans**

**21 Insertion of new ch 3, pt 2, div 1, sdiv 1, hdg**

Before section 34—

*insert—*

**Subdivision 1 Making of declaration regulations, draft provisional land use plans and provisional land use plans**

**22 Amendment of s 34 (Declaration)**

(1) Section 34(2)(b)(iii)—

*omit, insert—*

(iii) the impact the Planning Act may have on the delivery of the proposed development if the declaration regulation were not made.

(2) Section 34(3)—

*omit.*

**23 Replacement of ss 35 and 36**

Sections 35 and 36—

*omit, insert—*



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### **35 Draft provisional land use plan required**

- (1) This section applies if the Minister proposes to recommend to the Governor in Council the making of a declaration regulation.
- (2) MEDQ must make a draft provisional land use plan regulating development in the area proposed to be declared as a provisional priority development area (the *proposed area*).
- (3) The draft provisional land use plan may provide for any matter mentioned in section 57(2), (3) or (5).
- (4) The recommendation for the declaration regulation may be made only if MEDQ has made a draft provisional land use plan under subsection (2) for the proposed area.

### **36 When draft provisional land use plan has effect**

The draft provisional land use plan—

- (a) takes effect on the commencement of the declaration regulation; and
- (b) has effect until a provisional land use plan takes effect under section 36F for the provisional priority development area.

### **36A Notice of draft provisional land use plan**

As soon as practicable after the draft provisional land use plan takes effect, MEDQ must—

- (a) publish the draft provisional land use plan on the department's website; and
- (b) publish a gazette notice stating that the draft provisional land use plan has taken effect and is published on the department's website; and

[s 23]

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- (c) publish, at least once in a newspaper circulating in the area of the relevant local government, a notice—
  - (i) stating that the draft provisional land use plan has taken effect and is published on the department’s website; and
  - (ii) inviting persons to make submissions, within a stated period of at least 15 business days (the *submission period*), about the draft provisional land use plan.

### **36B Submissions on draft provisional land use plan**

Any person may, within the submission period, make a submission about the draft provisional land use plan.

### **36C Consideration of submissions and consultation**

- (1) MEDQ must consider any submissions about the draft provisional land use plan received within the submission period.
- (2) Subsection (1) does not prevent MEDQ considering a submission made to it after the submission period has ended.
- (3) Also, MEDQ must—
  - (a) consult on the draft provisional land use plan, in the way it considers appropriate, with the relevant local government; and
  - (b) make reasonable endeavours to consult on the draft provisional land use plan, in the way it considers appropriate, with any government entity, GOC or other entity

MEDQ considers will be likely to be affected by the draft provisional land use plan.

### **36D Amendment of draft provisional land use plan**

After complying with section 36C, MEDQ may amend the draft provisional land use plan in any way it considers appropriate.

### **36E Making of provisional land use plan**

- (1) After complying with section 36C, but not later than 60 business days after the draft provisional land use plan takes effect, MEDQ must make a provisional land use plan regulating development in the provisional priority development area.
- (2) The provisional land use plan may provide for any matter mentioned in section 57(2), (3) or (5).
- (3) Also, within the period mentioned in subsection (1), MEDQ must—
  - (a) 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 draft provisional land use plan was amended to reflect the submissions; and
    - (iii) contains details about any other changes made to the draft provisional land use plan; and
  - (b) publish on the department's website—
    - (i) the provisional land use plan; and

[s 24]

---

- (ii) the report prepared under paragraph (a); and
- (c) publish a gazette notice stating that the provisional land use plan is published on the department's website.

### **36F When provisional land use plan takes effect**

The provisional land use plan takes effect at the beginning of the day the gazette notice under section 36E(3)(c) is published.

### **36G MEDQ must give notice of provisional land use plan**

As soon as practicable after the provisional land use plan takes effect, MEDQ must publish, at least once in a newspaper circulating in the area of the relevant local government, a notice stating that the provisional land use plan—

- (a) has taken effect; and
- (b) is published on the department's website.

## **24 Insertion of new ch 3, pt 2, div 1, sdiv 2**

Chapter 3, part 2, division 1—

*insert—*

### **Subdivision 2 Amending provisional land use plans**

#### **36H Minor administrative amendments**

- (1) MEDQ may make a minor administrative amendment of a provisional land use plan.
- (2) If MEDQ makes a minor administrative

---

amendment of a provisional land use plan, MEDQ must—

- (a) publish on the department’s website—
    - (i) the minor administrative amendment; and
    - (ii) the provisional land use plan as amended by the minor administrative amendment (the *amended provisional land use plan*); and
  - (b) publish a gazette notice stating that the minor administrative amendment and the amended provisional land use plan are published on the department’s website.
- (3) The minor administrative amendment takes effect at the beginning of the day the gazette notice under subsection (2)(b) is published.
- (4) As soon as practicable after the minor administrative amendment takes effect, MEDQ must publish, at least once in a newspaper circulating in the area of the relevant local government, a notice stating that—
- (a) the minor administrative amendment has taken effect; and
  - (b) the minor administrative amendment and the amended provisional land use plan are published on the department’s website.

### **36I Other amendments**

- (1) This section applies if MEDQ proposes to make an amendment, other than a minor administrative amendment, of a provisional land use plan.
- (2) MEDQ must—
  - (a) publish the proposed amendment on the department’s website; and

[s 24]

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- (b) publish, at least once in a newspaper circulating in the area of the relevant local government, a notice—
  - (i) stating that the proposed amendment is published on the department’s website; and
  - (ii) inviting persons to make submissions, within a stated period of at least 15 business days (the *submission period*), about the proposed amendment.
- (3) Sections 36B to 36F apply in relation to the proposed amendment of the provisional land use plan as if—
  - (a) a reference in the sections to the draft provisional land use plan were a reference to the proposed amendment of the provisional land use plan; and
  - (b) a reference in the sections to the submission period were a reference to the submission period under subsection (2)(b)(ii); and
  - (c) the reference in section 36E(1) to the draft provisional land use plan taking effect were a reference to the notice under subsection (2)(b) being published; and
  - (d) a reference in section 36E(1) or (2) or 36F to the provisional land use plan were a reference to the amendment of the provisional land use plan; and
  - (e) a reference in section 36E(3)(b)(i) or (c) to the provisional land use plan were a reference to the amendment of the provisional land use plan and the provisional land use plan as amended by the amendment (the *amended provisional land use plan*).
- (4) As soon as practicable after the amendment of the

provisional land use plan takes effect, MEDQ must publish, at least once in a newspaper circulating in the area of the relevant local government, a notice stating that—

- (a) the amendment has taken effect; and
- (b) the amendment and the amended provisional land use plan are published on the department's website.

## **25 Amendment of s 37 (Declaration)**

- (1) Section 37(2), after 'declaration'—

*insert—*

regulation

- (2) Section 37(2)(b)(iii)—

*omit, insert—*

- (iii) the impact the Planning Act may have on the delivery of the proposed development if the declaration regulation were not made.

- (3) Section 37—

*insert—*

- (3) The declaration regulation may state an expiry date, recommended by MEDQ, for—
  - (a) the interim land use plan made under section 38(2) for the priority development area; or
  - (b) if more than 1 interim land use plan has been made under section 38(3) for the priority development area—1 or more of the plans.
- (4) The expiry date must be a date that is more than 12 months, but not more than 24 months, after the declaration regulation commences.
- (5) However, MEDQ may recommend an expiry date

[s 26]

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for subsection (3) only if it considers the expiry date appropriate for the proper and orderly planning, development and management of the priority development area.

*Note—*

See generally section 40AB in relation to the expiry of an interim land use plan.

- (6) To remove any doubt, it is declared that the declaration regulation may state different expiry dates for the interim land use plans mentioned in subsection (3)(b).

## **26 Replacement of ss 38–40**

Sections 38 to 40—

*omit, insert—*

### **38 Interim land use plan required**

- (1) This section applies if the Minister proposes to recommend to the Governor in Council the making of a declaration regulation.
- (2) MEDQ must make an interim land use plan regulating development in the entire area proposed to be declared under the declaration regulation as a priority development area (the *proposed area*).
- (3) However, MEDQ may make more than 1 interim land use plan regulating development in the proposed area if—
  - (a) each plan regulates development in a separate part of the proposed area, but the plans together regulate development in the entire proposed area; and
  - (b) MEDQ considers the plans will, in an integrated way, promote the proper and orderly planning, development and management of the proposed area.



- (4) An interim land use plan made under subsection (2) or (3) may provide for any matter mentioned in section 57(2), (3) or (5).
- (5) The recommendation for the declaration regulation may be made only if MEDQ has made 1 or more interim land use plans under subsection (2) or (3) regulating development in the entire proposed area.

### **39 When interim land use plan takes effect**

An interim land use plan made under section 38(2) or (3) takes effect on the commencement of the declaration regulation.

### **40 Notice of interim land use plan**

As soon as practicable after an interim land use plan takes effect, MEDQ must—

- (a) publish the plan on the department's website; and
- (b) publish a gazette notice stating that the plan has taken effect and is published on the department's website; and
- (c) publish, at least once in a newspaper circulating in the area of the relevant local government, a notice to the same effect as the gazette notice.

### **40AA Period for which interim land use plan has effect**

An interim land use plan for a priority development area has effect until the earliest of the following—

- (a) if the plan regulates development in the entire priority development area—

[s 26]

---

- (i) a development scheme takes effect under section 64 for the entire area; or
- (ii) a new interim land use plan is made under section 40AC for the entire area;
- (b) if the plan regulates development in part of the priority development area—
  - (i) a development scheme takes effect under section 64 for that part of the area, whether or not the scheme also takes effect for any other parts of the area; or
  - (ii) a new interim land use plan is made under section 40AC for that part of the area;
- (c) the plan expires under section 40AB.

#### **40AB Expiry of interim land use plan**

- (1) An interim land use plan for a priority development area expires 12 months after the plan takes effect.
- (2) However, if the declaration regulation for the priority development area stated an expiry date for the interim land use plan under section 37(3), the plan expires on the stated expiry date.
- (3) Also, if a caretaker period begins at any time before an interim land use plan would otherwise expire under subsection (1) or (2), the period before the plan expires is extended by a further period equal to the length of the caretaker period plus 20 business days.
- (4) For working out the length of a caretaker period for subsection (3), the day the caretaker period ends is taken to be a whole day.

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### **40AC Making new interim land use plan**

- (1) MEDQ may, before an interim land use plan for a priority development area (the *current plan*) expires, make a new interim land use plan for the priority development area (the *new plan*).
- (2) The new plan—
  - (a) may provide for any matter mentioned in section 57(2), (3) or (5); and
  - (b) must regulate development in—
    - (i) if the current plan regulates development in the entire priority development area—the entire priority development area; or
    - (ii) otherwise—the part of the priority development area in which development is regulated by the current plan.
- (3) If the new plan is to take effect before the current plan expires, MEDQ must—
  - (a) publish the new plan on the department’s website; and
  - (b) publish a gazette notice stating that the new plan is published on the department’s website.
- (4) The new plan mentioned in the gazette notice published under subsection (3)(b) takes effect at the beginning of the day the gazette notice is published.
- (5) If the new plan is to take effect on the expiry of the current plan, MEDQ must—
  - (a) before the current plan expires, publish a gazette notice stating that a new plan has been made and will take effect on the expiry of the current plan; and

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- (b) as soon as practicable after the current plan expires, publish the new plan on the department's website.
- (6) The new plan mentioned in the gazette notice published under subsection (5)(a) takes effect on the day after the day the current plan expires.
- (7) As soon as practicable after a new plan takes effect under subsection (4) or (6), MEDQ must publish, at least once in a newspaper circulating in the area of the relevant local government, a notice stating that the new plan—
  - (a) has taken effect; and
  - (b) is published on the department's website.
- (8) Sections 40AA and 40AB(1), (3) and (4) apply to the new plan.

**27 Amendment of s 40C (Declaration of PDA-associated development)**

- (1) Section 40C(2)(a), 'that Act were to apply to it'—  
*omit, insert—*  
the declaration were not made
- (2) Section 40C(4)—  
*omit, insert—*
  - (4) In making a declaration, MEDQ must decide whether the PDA-associated development is—
    - (a) PDA assessable development; or
    - (b) PDA accepted development.

*Note—*

If the PDA-associated development is PDA assessable development, see section 84 for the requirements about public notification of a PDA development application.

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**28 Insertion of new ch 3, pt 2, div 2B**

Chapter 3, part 2—

*insert—*

**Division 2B Minor boundary changes  
of priority development  
areas**

**40F Regulation may make particular boundary  
changes**

- (1) A regulation (a *boundary change regulation*) may amend a declaration regulation made under section 34 or 37 to make either of the following changes (each a *minor boundary change*) to the priority development area declared under the declaration regulation—
- (a) to include additional land in the priority development area;
  - (b) to include additional land in the priority development area and exclude other land from the priority development area.

*Note—*

See chapter 3, part 2, division 3, subdivision 2 in relation to other changes to priority development areas.

- (2) A boundary change regulation may be made only if—
- (a) the minor boundary change is to correct an error in the boundary of the priority development area; or

*Example—*

including land so the boundary of the priority development area aligns with the intended cadastral boundary of the area

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- (b) MEDQ is satisfied the minor boundary change promotes the proper and orderly planning, development and management of the additional land to be included in, or the land to be excluded from, the priority development area.

*Examples—*

- including additional land in a priority development area so part of the boundary of the area aligns with a road constructed after the area was declared
- including additional land in a priority development area so part of the boundary of the area aligns with the boundary of land that was reclaimed after the area was declared

#### **40G Recommendation for boundary change regulation**

- (1) This section applies if the Minister proposes to recommend to the Governor in Council the making of a boundary change regulation in relation to a priority development area.
- (2) The recommendation for the making of the boundary change regulation may be made only if—
- (a) for the additional land proposed to be included in the priority development area (the *additional land*), MEDQ has—
- (i) proposed an instrument amending the relevant development instrument for the priority development area to apply the relevant development instrument to the additional land (the *PDA instrument change*); and
- (ii) consulted on the proposed instrument under section 40H(1); and

- (iii) made the instrument under section 40H(2); and
- (b) for any land proposed to be excluded from the priority development area (the *excluded land*), an instrument amending the relevant local government's planning instruments to provide for the excluded land (the *planning instrument change*) has been—
  - (i) prepared under section 40I; and
  - (ii) consulted on under section 40J; and
  - (iii) made or approved under section 40K.
- (3) However, subsection (2)(b) does not apply if MEDQ decides a planning instrument change is not required to provide for the excluded land.
- (4) MEDQ may make a decision under subsection (3) only if it is satisfied that, without amendment, the relevant local government's planning instruments adequately provide for the excluded land.

#### **40H Consultation about proposed PDA instrument change and making of PDA instrument change**

- (1) Before preparing the proposed instrument for the PDA instrument change, MEDQ must—
  - (a) consult, in the way it considers appropriate, with the relevant local government; and
  - (b) make reasonable endeavours to consult, in the way it considers appropriate, with any government entity, GOC or other entity MEDQ considers will be likely to be affected by the proposed PDA instrument change.
- (2) After complying with subsection (1), MEDQ must decide—

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- (a) to make the instrument for the PDA instrument change; or
  - (b) not to make the instrument for the PDA instrument change.
- (3) In making the decision under subsection (2), MEDQ must consider the main purpose of this Act.

#### **40I Preparation of proposed instrument for planning instrument change**

- (1) If section 40G(2)(b) applies for any excluded land, MEDQ may—
- (a) prepare the proposed instrument for the planning instrument change; or
  - (b) ask the relevant local government to prepare the proposed instrument for the planning instrument change.
- (2) The entity that prepares the proposed instrument for the planning instrument change is the *proposer* of the planning instrument change.

#### **40J Consultation about proposed instrument for planning instrument change**

Before preparing the proposed instrument for the planning instrument change, the proposer must—

- (a) either—
  - (i) if MEDQ is the proposer—consult, in the way it considers appropriate, with the relevant local government; or
  - (ii) if the relevant local government is the proposer—consult with MEDQ; and
- (b) make reasonable endeavours to consult, in the way the proposer considers appropriate,



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with any government entity, GOC or other entity the proposer considers will be likely to be affected by the proposed planning instrument change.

#### **40K Making or approving planning instrument change**

- (1) This section applies if—
  - (a) section 40G(2)(b) applies for any excluded land; and
  - (b) the proposed instrument for the planning instrument change has been prepared under section 40I and consulted on under section 40J.
- (2) If the relevant local government is the proposer of the planning instrument change, it must give MEDQ the proposed instrument for its approval.
- (3) MEDQ must decide to—
  - (a) approve the proposed instrument for the planning instrument change; or
  - (b) approve the proposed instrument subject to conditions decided by MEDQ; or
  - (c) refuse to approve the proposed instrument.
- (4) In making the decision under subsection (3), MEDQ must consider the main purpose of this Act.
- (5) If MEDQ decides to approve the proposed instrument for the planning instrument change, it must, by notice given to the relevant local government—
  - (a) for a proposed instrument prepared by MEDQ—make the instrument for the planning instrument change in compliance

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with any conditions decided under subsection (3)(b); or

- (b) for a proposed instrument prepared by the relevant local government—approve the instrument for the planning instrument change subject to any conditions decided under subsection (3)(b).
- (6) If MEDQ, under subsection (3)(b), approves a proposed instrument for a planning instrument change prepared by the relevant local government, the local government must amend the instrument to comply with the conditions.

#### **40L When instruments take effect**

- (1) A PDA instrument change made under section 40H(2) and a planning instrument change made or approved under section 40K take effect on the commencement of the boundary change regulation making the minor boundary changes for which the instruments provide.
- (2) On giving a notice under section 40K(5), the planning instrument change is, for the Planning Act, taken to have been made by the relevant local government.
- (3) However—
  - (a) the planning instrument change—
    - (i) does not create a superseded planning scheme under the Planning Act; and
    - (ii) is not an adverse planning change under that Act; and
  - (b) the Planning Act, section 16(2) and (3) does not apply in relation to the planning instrument change.
- (4) The Planning Act, sections 18, 20, 22 and 23 do

not apply for making the planning instrument change.

#### **40M Notice of instruments for minor boundary change**

- (1) As soon as practicable after the boundary change regulation commences, MEDQ must—
  - (a) publish on the department’s website—
    - (i) the PDA instrument change made under section 40H(2); and
    - (ii) if section 40G(2)(b) applied for any excluded land—the planning instrument change made or approved under section 40K; and
  - (b) publish a gazette notice stating that the instruments mentioned in paragraph (a)(i) and (ii) have taken effect and are published on the department’s website; and
  - (c) publish, at least once in a newspaper circulating in the area of the relevant local government, a notice to the same effect as the gazette notice.
- (2) Also, if section 40G(2)(b) applied for any excluded land, the relevant local government must publish on its website the planning instrument change made or approved under section 40K.

#### **29 Amendment of s 41 (Cessation of provisional priority development area)**

- (1) Section 41(2), ‘Subject to subsection (4), before’—

*omit, insert—*

Before

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(2) Section 41—

*insert—*

(3A) However—

(a) the planning instrument change—

- (i) does not create a superseded planning scheme under the Planning Act; and
- (ii) is not an adverse planning change under that Act; and

(b) the Planning Act, section 16(2) and (3) does not apply in relation to the planning instrument change.

(3) Section 41(3A) to (6)—

*renumber* as section 41(4) to (7).

### **30 Amendment of s 42 (Revocation or reduction of priority development area)**

(1) Section 42(1)—

*omit, insert—*

(1) Subsections (2) and (3) apply if the Minister proposes to recommend to the Governor in Council the making of a regulation to amend or repeal a provision of a declaration regulation made under section 34 or 37 (the *PDA change*) so land in a priority development area (the *excluded land*) will no longer be in the priority development area.

(2) Section 42(2), ‘land’—

*omit, insert—*

excluded land

(3) Section 42—

*insert—*

- 
- (4) However, subsection (2) does not apply if—
- (a) under the regulation the subject of the Minister’s proposed recommendation—
    - (i) a part of the State comprising or including the excluded land is to be declared to be a priority development area under section 34 or 37; and
    - (ii) the declaration is to commence at the same time as the PDA change; or
  - (b) the excluded land—
    - (i) is within the master planned area for a priority port and a port overlay has effect for the master planned area; or
    - (ii) is strategic port land under the *Transport Infrastructure Act 1994*, section 286; or
  - (c) MEDQ is satisfied that—
    - (i) without amendment, the relevant local government’s planning instruments adequately provide for the excluded land; or
    - (ii) any amendments required to be made to the relevant local government’s planning instruments to provide for the excluded land are minor, have been the subject of adequate consultation and have been made.
- (5) Also, subsections (2) and (3) do not apply only because the Minister proposes to make a boundary change regulation to make a minor boundary change mentioned in section 40F(1)(b).
- (6) In this section—
- master planned area*, for a priority port, see the *Sustainable Ports Development Act 2015*, section

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6.

*port overlay* see the *Sustainable Ports Development Act 2015*, section 19(1).

*priority port* see the *Sustainable Ports Development Act 2015*, section 5.

**31 Amendment of s 42C (Approval of proposed planning instrument change by MEDQ)**

Section 42C(4), ‘include’—

*omit, insert*—

comply with

**32 Amendment of s 42E (Public notification)**

(1) Section 42E(2)(b) and (c)—

*omit, insert*—

(b) publish, at least once in a newspaper circulating in the area of the relevant local government, a notice—

(i) stating that the proposed instrument for the planning instrument change is published on the proposer’s website; and

(ii) inviting persons to make submissions, within a stated period of at least 30 business days (the *submission period*), about the proposed instrument.

(2) Section 42E(3)—

*omit.*

**33 Amendment of s 42J (Approval of planning instrument change)**

(1) Section 42J(4)(a), ‘, including’—

*omit, insert—*

in compliance with

- (2) Section 42J(4)(b), after ‘planning instrument change’—

*insert—*

subject to any conditions decided under  
subsection (2)(b)

- (3) Section 42J(5), ‘include’—

*omit, insert—*

comply with

**34 Amendment of s 42K (Effect of planning instrument change)**

- (1) Section 42K—

*insert—*

(1A) However—

(a) the planning instrument change—

- (i) does not create a superseded planning scheme under the Planning Act; and  
(ii) is not an adverse planning change under that Act; and

(b) the Planning Act, section 16(2) and (3) does not apply in relation to the planning instrument change.

- (2) Section 42K(1A) to (3)—

*renumber* as section 42K(2) to (4).

**35 Amendment of s 42L (Notice of planning instrument change)**

Section 42L(c), ‘priority development area to which the instrument relates’—

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*omit, insert—*

area of the relevant local government

**36 Amendment of s 42M (Implied and uncommenced rights to use premises protected)**

Section 42M(1)(b), ‘PDA self-assessable development or PDA exempt development’—

*omit, insert—*

PDA accepted development

**37 Insertion of new s 43A**

Before section 44—

*insert—*

**43A References to declaration of area as priority development area**

A reference in this subdivision to the declaration of an area as a priority development area includes a reference to the inclusion, under a boundary change regulation, of an additional area in a priority development area.

**38 Amendment of s 47 (Designation of premises for development of infrastructure under Planning Act)**

(1) Section 47(1)(a)—

*omit, insert—*

(a) the Planning Act, chapter 2, part 5 applies in relation to premises in, or partly in, a priority development area; and

(2) Section 47(2)—

*omit.*



**39 Replacement of ch 3, pt 2, div 4, sdiv 2 (Effect of cessation of priority development areas)**

Chapter 3, part 2, division 4, subdivision 2—

*omit, insert—*

**Subdivision 2 Effect of cessation of priority development areas and PDA-associated development**

**48 Application of subdivision**

This subdivision applies if—

- (a) land (the *former PDA land*) ceases to be in a priority development area; or
- (b) PDA-associated development (the *former PDA-associated development*) for a priority development area ceases to be PDA-associated development for the area.

**49 References to cessation**

In this subdivision—

- (a) a reference to cessation in relation to the former PDA land is, if the context permits, a reference to the time the land ceases to be in the priority development area; and
- (b) a reference to cessation in relation to the former PDA-associated development is, if the context permits, a reference to the time the development ceases to be PDA-associated development for the priority development area.

**50 Existing PDA development approvals**

- (1) This section applies if, immediately before the

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cessation, a PDA development approval was in effect for the former PDA land or former PDA-associated development.

- (2) On the cessation, the PDA development approval is taken to be a development approval under the Planning Act that took effect at the same time as the PDA development approval.
- (3) However, subsection (2) does not apply to the extent the PDA development approval involves a water connection aspect.

*Note—*

For the effect of the cessation of a priority development area or PDA-associated development on the water connection aspect of a PDA development approval in effect immediately before the cessation, see division 4A.

## **51 Existing PDA development applications**

- (1) This section applies to a PDA development application made, but not decided, before the cessation for the former PDA land or former PDA-associated development.
- (2) The PDA development application must continue to be decided under this Act as if—
  - (a) the cessation had not happened; and
  - (b) the PDA development application were being decided immediately before the cessation.
- (3) If a PDA development approval is given for the PDA development application, the approval is, immediately after it takes effect under this Act, taken to be a development approval under the Planning Act that took effect at the same time as the PDA development approval.
- (4) However, subsection (3) does not apply to the extent the PDA development approval involves a

water connection aspect.

*Note—*

For the effect of the cessation of a priority development area or PDA-associated development on the water connection aspect of a PDA development approval given under this section, see division 4A.

### **51AA Existing amendment applications**

- (1) This section applies if—
  - (a) before the cessation, an amendment application has been made, but not decided, for a PDA development approval for the former PDA land or former PDA-associated development; and
  - (b) on the cessation, all or part of the PDA development approval is taken, under section 50(2), to be a development approval under the Planning Act.
- (2) The amendment application must continue to be decided under this Act as if—
  - (a) the cessation had not happened; and
  - (b) the PDA development approval were still a PDA development approval; and
  - (c) the amendment application were being decided immediately before the cessation.
- (3) If a changed PDA development approval is given for the amendment application, the changed PDA development approval is, immediately after it takes effect under this Act, taken to be a development approval under the Planning Act.
- (4) However, subsection (3) does not apply to the extent the changed PDA development approval involves a water connection aspect.

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*Note—*

For the effect of the cessation of a priority development area or PDA-associated development on the water connection aspect of a changed PDA development approval given under this section, see division 4A.

### **51AB Existing applications to extend currency period**

- (1) This section applies if—
  - (a) before the cessation, an application has been made under section 101, but not decided, to extend the currency period of a PDA development approval for—
    - (i) the former PDA land; or
    - (ii) the former PDA-associated development; and
  - (b) on the cessation, all or part of the PDA development approval is taken, under section 50(2), to be a development approval under the Planning Act.
- (2) The application must continue to be decided under this Act as if—
  - (a) the cessation had not happened; and
  - (b) the PDA development approval were still a PDA development approval; and
  - (c) the application were being decided immediately before the cessation.
- (3) If the decision is to grant the extension, the decision is taken to be a decision under the Planning Act, section 87 to extend the currency period of the development approval under that Act.
- (4) If the decision is to refuse the extension, the development approval under the Planning Act

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lapses on the later of the following to happen—

- (a) the currency period of the PDA development approval under this Act, including any extension of that period under section 102, ends;
  - (b) the person who made the application is given notice of the decision under section 102(4).
- (5) Despite the Planning Act, section 229, a person may not appeal under that Act against the decision on the application.

### **51AC Existing appeals to Planning and Environment Court**

- (1) This section applies if—
  - (a) before the cessation, a person has appealed under section 90 against MEDQ’s decision to impose a condition on a PDA development approval for—
    - (i) the former PDA land; or
    - (ii) the former PDA-associated development; and
  - (b) on the cessation, all or part of the PDA development approval is taken, under section 50(2), to be a development approval under the Planning Act; and
  - (c) immediately before the cessation, the appeal has not been decided.
- (2) The Planning and Environment Court must hear, or continue to hear, and decide the appeal under section 90 as if—
  - (a) the cessation had not happened; and
  - (b) the PDA development approval were still a PDA development approval.

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- (3) If the decision on the appeal is to give a changed or replacement PDA development approval, the changed or replacement PDA development approval is taken to be a development approval under the Planning Act.
- (4) However, subsection (3) does not apply to the extent the changed or replacement PDA development approval involves a water connection aspect.

*Note—*

For the effect of the cessation of a priority development area or PDA-associated development on the water connection aspect of a changed or replacement PDA development approval given under this section, see division 4A.

### **51AD Appeals to Planning and Environment Court after cessation**

- (1) This section applies if—
  - (a) immediately before the cessation, a person could have appealed under section 90 against MEDQ's decision to impose a condition on a PDA development approval for—
    - (i) the former PDA land; or
    - (ii) the former PDA-associated development; and
  - (b) on the cessation, all or part of the PDA development approval is taken, under section 50(2), to be a development approval under the Planning Act; and
  - (c) immediately before the cessation, the person has not appealed.
- (2) This section also applies if a person could have appealed under section 90 against MEDQ's

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decision to impose a condition on a PDA development approval given under section 51 or 51AA if the cessation had not happened.

- (3) The person may appeal, and the Planning and Environment Court must hear and decide the appeal, under section 90 as if—
  - (a) the cessation had not happened; and
  - (b) the PDA development approval were still a PDA development approval.
- (4) The appeal must be started within the period mentioned in section 90(3).
- (5) If the decision on the appeal is to give a changed or replacement PDA development approval, that approval is taken to be a development approval under the Planning Act.
- (6) However, subsection (5) does not apply to the extent the changed or replacement PDA development approval involves a water connection aspect.

*Note—*

For the effect of the cessation of a priority development area or PDA-associated development on the water connection aspect of a changed or replacement PDA development approval given under this section, see division 4A.

### **51AE Process for approving plans of subdivision**

- (1) This section applies if the process under section 104(2) for approving a plan of subdivision for the former PDA land had started, but not ended, before the cessation.
- (2) Section 104 continues to apply in relation to the plan of subdivision as if—
  - (a) the cessation had not happened; and

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- (b) for a plan of subdivision authorised or required under the part of a PDA development permit that, under section 50(2), becomes a development approval under the Planning Act—the PDA development permit were still a PDA development permit; and
  - (c) for a plan of subdivision for reconfiguring a lot that, before the cessation, was PDA accepted development—the reconfiguration were still PDA accepted development.
- (3) For registering the plan of subdivision under the *Land Title Act 1994*, anything done by MEDQ under section 104 in relation to the plan is taken to have been done by the local government for the local government area to which the plan relates.
- (4) In this section—  
*plan of subdivision* see section 104(3).

### **51AF Registering particular plans of subdivision approved before cessation**

- (1) This section applies if—
- (a) before the cessation, MEDQ approved a plan of subdivision for the former PDA land under section 104; and
  - (b) immediately before the cessation, the plan of subdivision has not been registered under the *Land Title Act 1994*.
- (2) For registering the plan of subdivision under the *Land Title Act 1994*, anything done by MEDQ under section 104 in relation to approving the plan is taken to have been done by the local government for the local government area to which the plan relates.
- (3) In this section—



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*plan of subdivision* see section 104(3).

### **51AG Lawful uses of premises**

- (1) This section applies if, immediately before the cessation—
  - (a) a use of premises that are, or are on, former PDA land is a lawful use of the premises under this or another Act; or
  - (b) a use of premises as a consequence of the carrying out of former PDA-associated development is a lawful use of the premises under this or another Act.
- (2) On and from the cessation, the use is taken to be a lawful use of the premises under the Planning Act.

### **Subdivision 3 Dealing with converted PDA development approvals**

#### **51AH Application of subdivision**

This subdivision applies if all or part of a PDA development approval becomes, under subdivision 2, a development approval under the Planning Act (a *Planning Act approval*).

#### **51AI Conditions and enforcement authorities under Planning Act**

- (1) A PDA development condition of the PDA development approval or part is taken to be a development condition of the Planning Act approval under the Planning Act, even if the condition could not be imposed under that Act.
- (2) The enforcement authority under the Planning

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Act for the development the subject of the Planning Act approval is taken to be the entity that would have been the enforcement authority under that Act if—

- (a) for a Planning Act approval for former PDA land—the land had never been in a priority development area; and
- (b) for a Planning Act approval for former PDA-associated development—the development had never been PDA-associated development; and
- (c) a development application for the Planning Act approval had been made under that Act, the repealed *Sustainable Planning Act 2009* or the repealed *Integrated Planning Act 1997* as in effect when the application for the PDA development approval was made.

### **51AJ Proceedings about Planning Act approvals**

- (1) Despite the Planning Act, section 229, a person may not appeal under that Act in relation to—
  - (a) the Planning Act approval or its conditions; or
  - (b) a decision made under this Act in relation to the Planning Act approval or its conditions.
- (2) To remove any doubt, it is declared that subsection (1) does not limit or otherwise affect—
  - (a) an appeal mentioned in section 51AC(1)(a) or brought under section 51AD; or
  - (b) a right to bring an appeal under the Planning Act, section 229 against a decision on either of the following applications made under that Act for the Planning Act approval—
    - (i) a change application;

- (ii) an extension application.
- (3) Subsection (4) applies to a proceeding under the *Planning and Environment Court Act 2016*, section 11 seeking a declaration in relation to—
  - (a) the Planning Act approval or its conditions; or
  - (b) a decision made under this Act in relation to the Planning Act approval or its conditions.
- (4) The proceeding may be brought only by the entity that is, under section 51AI(2), the enforcement authority under the Planning Act for the Planning Act approval.

### **51AK Lapsing of Planning Act approvals**

- (1) Section 100(2) to (5) continues to apply in relation to the Planning Act approval, instead of the Planning Act, section 85—
  - (a) as if a reference in section 100 to a PDA development approval were a reference to the Planning Act approval; and
  - (b) subject to—
    - (i) section 51AB(4); and
    - (ii) any extension of the currency period of the PDA development approval given under this Act; and
    - (iii) any extension of the currency period of the Planning Act approval given under the Planning Act; and
  - (c) with any other necessary changes.
- (2) Subsection (3) applies if—
  - (a) the Planning Act approval is for reconfiguring a lot; and

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- (b) a plan for the reconfiguration was not given to MEDQ under section 100(2)(b) before the approval became a Planning Act approval.
- (3) Section 100(2)(b) applies in relation to the Planning Act approval as if a reference in the section to MEDQ were a reference to the local government for the local government area to which the approval relates.

### **51AL Extension applications under Planning Act for Planning Act approvals**

- (1) For applying the relevant planning provisions to an extension application under the Planning Act for the Planning Act approval—
  - (a) the approval's currency period is taken to be the currency period applying for the Planning Act approval under section 100, as applied under section 51AK, including any extension of that period—
    - (i) given under this Act for the PDA development approval; or
    - (ii) given under the Planning Act; and
  - (b) a reference in the relevant planning provisions to the assessment manager includes a reference to the entity that would be the prescribed assessment manager for a development application made under the Planning Act—
    - (i) for the development the subject of the Planning Act approval; and
    - (ii) at the time the extension application is made; and
  - (c) a reference in the relevant planning provisions to a referral agency or

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concurrence agency includes a reference to—

- (i) an entity that was, under section 88(a), a nominated assessing authority for a PDA development condition of the PDA development approval, if the condition is a condition of the Planning Act approval; and
- (ii) another entity prescribed by regulation; and
- (d) a reference in the Planning Act, section 87(7) to section 85 of that Act includes a reference to section 100(2); and
- (e) the relevant planning provisions apply with any other necessary changes.

(2) In this section—

*relevant planning provisions* means the following provisions—

- (a) the Planning Act, sections 86 and 87;
- (b) the Planning Act, chapter 3, part 6;
- (c) the Planning Act, section 229;
- (d) the Planning Act, schedule 1, section 1, table 1, item 3;
- (e) the development assessment rules under the Planning Act.

### **51AM Changes to Planning Act approvals that are minor changes for Planning Act**

- (1) This section applies if a change application is made under the Planning Act for the Planning Act approval.
- (2) Despite the Planning Act, schedule 2, definition *minor change*, the change to the Planning Act

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approval is a minor change for that Act unless—

- (a) the change results in substantially different development; or
- (b) the development the subject of the Planning Act approval, including the change, is prohibited development under the Planning Act; or
- (c) both of the following apply—
  - (i) a development application for the development the subject of the Planning Act approval, made under the Planning Act, the repealed *Sustainable Planning Act 2009* or the repealed *Integrated Planning Act 1997* when the application for the PDA development approval was made, would not have required public notification under the Act under which it was made;
  - (ii) a development application for the development the subject of the Planning Act approval, including the change, made under the Planning Act when the change application was made, would require public notification under section 53 of that Act.

### **51AN Responsible entities for change applications under Planning Act for Planning Act approvals**

Despite the Planning Act, section 78A(1), the responsible entity for a change application made under that Act to change the Planning Act approval is—

- (a) if the change is, under section 51AM, a minor change to a condition of the Planning Act approval for which there was, under section 88(a), a nominated assessing

authority—the nominated assessing authority; or

- (b) if the change is to another condition of the Planning Act approval that was a PDA development condition of the PDA development approval—the entity prescribed by regulation; or
- (c) if paragraphs (a) and (b) do not apply—the entity that would be the prescribed assessment manager for a development application made under the Planning Act—
  - (i) for the development the subject of the Planning Act approval, including the change; and
  - (ii) at the time the change application is made.

### **51AO Change applications under Planning Act for Planning Act approvals**

- (1) For applying the relevant planning provisions to a change application made under the Planning Act to change the Planning Act approval—
  - (a) a reference in the Planning Act, section 78A(2) or (3) to section 78A(1) of that Act includes a reference to section 51AN; and
  - (b) a reference in the relevant planning provisions to the assessment manager includes a reference to the entity mentioned in section 51AN(c); and
  - (c) if the change is a minor change for the Planning Act under section 51AM—a reference in the relevant planning provisions to a referral agency includes a reference to—

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- (i) an entity that was, under section 88(a), a nominated assessing authority for a PDA development condition of the PDA development approval, if the condition is a condition of the Planning Act approval; and
  - (ii) another entity prescribed by regulation; and
- (d) the relevant planning provisions apply with any other necessary changes.
- (2) For applying the Planning Act, section 82 to the change application, a reference in section 82(2)(a)(ii) of that Act to the original development application includes a reference to the application for the PDA development approval.
- (3) If the responsible entity for the change application under the Planning Act must, in assessing the application, consider a matter mentioned in section 81(2)(d) or (da) of that Act—
  - (a) section 81(4) and (5)(c) of that Act applies for the assessment as if a reference in that section to when the development application for the development approval was properly made were a reference to when the change application was made; and
  - (b) section 81(5)(a) of that Act does not apply for the assessment.
- (4) In this section—

*relevant planning provisions* means the following provisions—

  - (a) the Planning Act, chapter 3, part 5, division 2, subdivision 2 other than section 78A(1) or 82;



- (b) the Planning Act, chapter 3, part 5, division 2, subdivision 3;
- (c) the Planning Act, chapter 3, part 6;
- (d) the Planning Act, section 229;
- (e) the Planning Act, schedule 1, section 1, table 1, item 2;
- (f) the development assessment rules under the Planning Act.

### **51AP Cancellation applications under Planning Act for Planning Act approvals**

- (1) For applying the relevant planning provisions to a cancellation application under the Planning Act for the Planning Act approval—
  - (a) a reference in the relevant planning provisions to the assessment manager includes a reference to the entity that would be the prescribed assessment manager for a development application made under the Planning Act—
    - (i) for the development the subject of the Planning Act approval; and
    - (ii) at the time the cancellation application is made; and
  - (b) a reference in the relevant planning provisions to a referral agency includes a reference to—
    - (i) an entity that was, under section 88(a), a nominated assessing authority for a PDA development condition of the PDA development approval, if the condition is a condition of the Planning Act approval; and

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- (ii) another entity prescribed by regulation;  
and
  - (c) the relevant planning provisions apply with any other necessary changes.
- (2) In this section—
- relevant planning provisions* means the following provisions—
- (a) the Planning Act, section 84;
  - (b) the Planning Act, chapter 3, part 6;
  - (c) the development assessment rules under the Planning Act.

### **51AQ Other matters about Planning Act approvals**

- (1) Despite the Planning Act, section 119(2), the local government for the local government area to which the Planning Act approval relates must not give an infrastructure charges notice under that Act for the approval.
- (2) However, if a change application or extension application made under the Planning Act is approved for the Planning Act approval, the local government may give an infrastructure charges notice under that Act for the Planning Act approval if the notice relates to the change to, or extension of, the Planning Act approval.
- (3) Despite the Planning Act, section 139(1), a person can not make a conversion application under the Planning Act in relation to a condition of the Planning Act approval that was a PDA development condition of the PDA development approval.
- (4) A regulation may—
  - (a) for the Planning Act, provide that development on former PDA land, or that is

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former PDA-associated development, is accepted development under that Act if—

- (i) the Planning Act approval implies the development is to be carried out; and
  - (ii) immediately before the land ceased to be in a priority development area, or the development ceased to be PDA-associated development, the development was PDA accepted development; and
  - (iii) the development complies with any requirements for the development stated in the regulation; or
- (b) if a condition of the Planning Act approval requires a document or thing to be given to, or approved by, MEDQ—state the entity the document or thing must be given to, or approved by, in place of MEDQ; or
- (c) make provision about another matter necessary or convenient to give effect to the transition from the PDA development approval to the Planning Act approval for which this Act does not make provision or sufficient provision.

#### **40 Insertion of new ch 3, pt 2, div 4A**

Chapter 3, part 2—

*insert—*

### **Division 4A Relationship with South-East Queensland Water (Distribution and Retail Restructuring) Act 2009**

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### **51AR Application of division**

This division applies if—

- (a) either—
  - (i) land (the *former PDA land*) ceases to be in a priority development area; or
  - (ii) PDA-associated development (the *former PDA-associated development*) for a priority development area ceases to be PDA-associated development for the area; and
- (b) a PDA development approval—
  - (i) was, immediately before the cessation, in effect for the former PDA land or former PDA-associated development; or
  - (ii) is given under division 4, subdivision 2 for the former PDA land or former PDA-associated development; and
- (c) the PDA development approval involves an aspect (a *water connection aspect*) that—
  - (i) is in relation to a connection under the *South-East Queensland Water (Distribution and Retail Restructuring) Act 2009* for which a water approval is required under that Act; and
  - (ii) for a PDA development approval that is prescribed by regulation and was in effect immediately before the cessation—is prescribed by a regulation that commences on or before the cessation.

### **51AS References to cessation**

In this division—

- (a) a reference to cessation in relation to the former PDA land is, if the context permits, a reference to the time the land ceases to be in the priority development area; and
- (b) a reference to cessation in relation to the former PDA-associated development is, if the context permits, a reference to the time the development ceases to be PDA-associated development for the priority development area.

### **51AT Conversion of water connection aspects of PDA development approvals**

- (1) Subsection (2) applies if a water approval is in effect for the land to which the PDA development approval relates—
  - (a) for a PDA development approval that was in effect for the former PDA land or former PDA-associated development immediately before the cessation—immediately before the cessation; or
  - (b) otherwise—immediately before the PDA development approval is given.
- (2) The water connection aspect of the PDA development approval is taken to be part of the water approval.
- (3) If subsection (2) does not apply, the water connection aspect of the PDA development approval continues in effect as a PDA development approval—
  - (a) as if the cessation had not happened; and
  - (b) until the part of the PDA development approval that becomes, under division 4, subdivision 2, a Planning Act approval stops having effect.

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- (4) However, if a water approval is given for the land to which the PDA development approval relates while the water connection aspect is in effect as a PDA development approval under subsection (3), the water connection aspect is taken to be part of the water approval.
- (5) To remove any doubt, it is declared that this section does not limit or otherwise affect a requirement under the *South-East Queensland Water (Distribution and Retail Restructuring) Act 2009* for a water approval to be obtained for the making of a connection under that Act.

#### **51AU Provisions about water connection aspects that are taken to be part of water approvals**

- (1) This section applies if the water connection aspect of the PDA development approval is taken to be part of a water approval under section 51AT(2) or (4).
- (2) A PDA development condition of the water connection aspect is taken to be a water approval condition of the water approval under the *South-East Queensland Water (Distribution and Retail Restructuring) Act 2009*, even if the condition could not be imposed under that Act.
- (3) Despite the *South-East Queensland Water (Distribution and Retail Restructuring) Act 2009*, chapter 4C, part 4, there is no review or appeal right under that Act in relation to—
  - (a) the part of the water approval that was the water connection aspect; or
  - (b) a decision made under this Act in relation to the part of the water approval that was the water connection aspect.
- (4) To remove any doubt, it is declared that subsection (3) does not limit or otherwise affect—

- (a) an appeal mentioned in section 51AC(1)(a) or brought under section 51AD; or
  - (b) a review or appeal right under the *South-East Queensland Water (Distribution and Retail Restructuring) Act 2009*, chapter 4C, part 4, in relation to a decision under section 99BRAK of that Act about a request to amend a water approval condition of the water approval.
- (5) Despite the *South-East Queensland Water (Distribution and Retail Restructuring) Act 2009*, section 99BRCI(2), a distributor-retailer must not give an infrastructure charges notice under that Act for the part of the water approval that was the water connection aspect.
- (6) However, if the part of the water approval that was the water connection aspect is amended under the *South-East Queensland Water (Distribution and Retail Restructuring) Act 2009*, section 99BRAK, an infrastructure charges notice may be given under that Act in relation to the amendment.
- (7) Despite the *South-East Queensland Water (Distribution and Retail Restructuring) Act 2009*, section 99BRDE(1), a person can not make a conversion application under that Act in relation to a condition of the water approval that was a PDA development condition.
- (8) A regulation may—
- (a) if the water connection aspect requires a document or thing to be given to, or approved by, MEDQ—state the entity the document or thing must be given to, or approved by, in place of MEDQ; or
  - (b) make provision about another matter necessary or convenient to give effect to the transition from the water connection aspect of the PDA development approval to the

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water approval for which this Act does not make provision or sufficient provision.

**41 Amendment of s 53 (Relationship with the City of Brisbane Act 2010 or the Local Government Act 2009)**

(1) Section 53—

*insert—*

(2A) A reference in subsection (1) to the declaration of an area as a priority development area includes a reference to the inclusion, under a boundary change regulation, of an additional area in a priority development area.

(2) Section 53(2A) and (3)—

*renumber* as section 53(3) and (4).

**42 Amendment of s 54 (By-laws)**

Section 54—

*insert—*

(7) A by-law prescribed by regulation is taken, for the *Environmental Protection Act 1994*, schedule 1, section 3(a) and (b), to be a local law.

**43 Replacement of s 56 (Development scheme required)**

Section 56—

*omit, insert—*

**56 Development scheme required**

(1) As soon as practicable after the priority development area is declared, MEDQ must make a development scheme, under this division, for the entire priority development area.

(2) However, MEDQ may make more than 1 development scheme, under this division, for the



priority development area if—

- (a) more than 1 interim land use plan was made under section 38 for the priority development area; and
  - (b) each development scheme is made for 1 or more parts of the priority development area in which development is regulated by a single interim land use plan; and
  - (c) together, the development schemes provide for the entire priority development area.
- (3) A development scheme is a statutory instrument.
  - (4) To remove any doubt, it is declared that the development schemes mentioned in subsection (2) may be made at different times.

#### **44 Amendment of s 57 (Content of development scheme)**

- (1) Section 57(1), ‘The’—

*omit, insert—*

A

- (2) Section 57(1) and (2), ‘area’—

*omit, insert—*

relevant area

- (3) Section 57(3)(b), ‘PDA self-assessable development in the area’—

*omit, insert—*

PDA accepted development in the relevant area

- (4) Section 57(3)(c) and (3A), ‘area’—

*omit, insert—*

priority development area

- (5) Section 57, after subsection (3)—

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*insert—*

(3AA) However, the land use plan may, under subsection (3)(c), identify development as PDA-associated development for the priority development area only if MEDQ is satisfied—

(a) the Planning Act may have an adverse effect on the delivery of the development if the development were not identified as PDA-associated development for the area; and

(b) 1 of the following applies—

(i) the development provides development infrastructure for the priority development area to address the impacts of any development within the area, whether or not the development infrastructure also has another function or purpose;

(ii) the development—

(A) promotes the proper and orderly planning, development and management of the priority development area in accordance with the relevant development instrument for the area; and

(B) has an economic or community benefit for the State or for the region in which the priority development area is located; and

(C) can not reasonably be located or accommodated entirely within the priority development area;

(iii) the development satisfies another requirement prescribed by regulation; and

- 
- (c) the development does not compromise the implementation of the relevant development instrument for the priority development area.
- (6) Section 57(3A)(a), ‘PDA self-assessable development’—  
*omit, insert—*  
PDA accepted development
- (7) Section 57(3A)(b)—  
*omit.*
- (8) Section 57(3A)(c) and (d)—  
*renumber* as section 57(3A)(b) and (c).
- (9) Section 57(5)—  
*omit, insert—*  
(5) In this section—  
***relevant area***, in relation to a development scheme for a priority development area, means—  
(a) if the scheme applies for the entire priority development area—the priority development area; or  
(b) otherwise—the part of the priority development area for which the scheme applies.
- (10) Section 57(3AA) to (5)—  
*renumber* as section 57(4) to (7).

**45 Amendment of s 58 (Preparation of proposed development scheme)**

- (1) Section 58(1), ‘area’—  
*omit, insert—*

entire priority development area, or part of the priority development area, as mentioned in

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section 56(1) or (2)

(2) Section 58(2)(b), ‘a development scheme for the area’—  
*omit, insert—*

the proposed development scheme

(3) Section 58—

*insert—*

(3) In preparing the proposed development scheme, MEDQ—

(a) must consider any relevant State interests;  
and

(b) must consider, but is not bound by, a requirement under any of the following relevant to the area the subject of the proposed development scheme—

(i) a planning instrument;

(ii) assessment benchmarks prescribed by regulation under the Planning Act;

(iii) assessment benchmarks made under another Act for the Planning Act.

#### **46 Amendment of s 59 (Public notification)**

(1) Section 59(1)(b) and (c)—

*omit, insert—*

(b) publish, at least once in a newspaper circulating in the area of the relevant local government, a notice—

(i) stating that the proposed scheme is published on the department’s website;  
and

(ii) inviting persons to make submissions, within a stated period of at least 30

business days (the *submission period*),  
about the proposed scheme.

- (2) Section 59(2)—  
*omit.*

#### **47 Amendment of s 63 (Making of scheme)**

- (1) Section 63, heading, ‘scheme’—  
*omit, insert—*

##### **development scheme**

- (2) Section 63—  
*insert—*

- (3) Also, MEDQ must—

- (a) publish, on the department’s website, the development scheme made under subsection (1)(a); and  
(b) publish a gazette notice stating that the development scheme is published on the department’s website.

#### **48 Replacement of s 64 (When proposed scheme takes effect)**

- Section 64—  
*omit, insert—*

##### **64 When development scheme takes effect**

The development scheme takes effect at the beginning of the day the gazette notice under section 63(3)(b) is published.

#### **49 Amendment of s 65 (Notice of development scheme)**

- (1) Section 65(a)—

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*omit.*

- (2) Section 65(b), ‘publish at least once in a newspaper circulating in the area’—

*omit, insert—*

publish, at least once in a newspaper circulating in the area of the relevant local government,

- (3) Section 65(b) and (c)—

*renumber* as section 65(a) and (b).

## **50 Amendment of s 67 (Power to amend to change land use plan)**

- (1) Section 67(2)(c), ‘section 59(2)’—

*omit, insert—*

section 59(b)(ii)

- (2) Section 67—

*insert—*

- (4) In this section—

***change***, a land use plan, includes replace the land use plan.

## **51 Replacement of ss 68 and 69**

Sections 68 and 69—

*omit, insert—*

### **68 When amendment takes effect**

An amendment of a development scheme takes effect at the beginning of the day the gazette notice under section 63(3)(b), as applied under section 67(2), is published in relation to the amendment.

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## 69 Notice of amendment

As soon as practicable after an amendment of a development scheme takes effect, MEDQ must publish, at least once in a newspaper circulating in the area of the relevant local government, a notice stating that—

- (a) the scheme has been amended; and
- (b) the amended scheme is published on the department's website.

## 52 Omission of s 70 (Tabling and inspection requirement)

Section 70—

*omit.*

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

- (1) Section 71, heading, 'Development scheme prevails'—

*omit, insert—*

### **Development instruments prevail**

- (2) Section 71, 'development scheme'—

*omit, insert—*

development instrument

- (3) Section 71—

*insert—*

- (2) In this section—

***development instrument*** means—

- (a) a draft provisional land use plan; or
- (b) a provisional land use plan; or
- (c) an interim land use plan; or
- (d) a development scheme.

[s 54]

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**54 Omission of s 74 (Compliance with requirements for carrying out PDA self-assessable development)**

Section 74—

*omit.*

**55 Amendment of s 85 (Deciding application generally)**

(1) Section 85(1)—

*insert—*

(d) if the relevant development is in a provisional priority development area for which the relevant development instrument is a draft provisional land use plan—

(i) the development is categorised under a relevant local categorising instrument as accepted development; or

(ii) both of the following apply—

(A) the development is categorised under a relevant local categorising instrument as assessable development requiring code assessment;

(B) if the development were assessed against the assessment benchmarks applying for the development under the relevant local categorising instrument, it would comply with all the assessment benchmarks.

(2) Section 85—

*insert—*

(6) In this section—

*relevant local categorising instrument*, in relation to relevant development in a provisional



---

priority development area, means a local categorising instrument within the meaning of the Planning Act that applies for the area to which the application relates.

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

(1) Section 87(1)(d)—

*omit, insert—*

(d) the following instruments—

(i) for an application for development in, or PDA-associated development for, a provisional priority development area—

(A) if a provisional land use plan is in effect for the area when the application is decided—the provisional land use plan; or

(B) otherwise—the draft provisional land use plan for the area;

(ii) for an application for development in, or PDA-associated development for, another priority development area—

(A) if a development scheme is in effect for the area when the application is decided—the development scheme; or

(B) if a development scheme is not in effect for the area when the application is decided, but there is a proposed development scheme for the area—the interim land use plan for the area and the proposed development scheme; or

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(C) if a development scheme is not in effect for the area when the application is decided and there is no proposed development scheme for the area—the interim land use plan for the area; and

(2) Section 87—

*insert—*

(3A) Subsection (6) applies for deciding an application for development in, or PDA-associated development (other than PDA-associated development declared under section 40C(1)) for, a priority development area if—

- (a) more than 1 development scheme, or more than 1 interim land use plan, is in effect for the area; or
- (b) 1 or more development schemes and 1 or more interim land use plans are in effect for the area.

(3B) A reference in subsection (1)(d)(ii) or (2) to the development scheme, proposed development scheme or interim land use plan for the priority development area is—

- (a) for an application for development in the priority development area—a reference to the development scheme, proposed development scheme or interim land use plan that applies or is proposed for the part of the area in which the development is to be carried out; or
- (b) for an application for PDA-associated development (other than PDA-associated development declared under section 40C(1)) for the priority development area—a reference to the development scheme, proposed development scheme or interim

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land use plan that identifies the development as PDA-associated development.

- (3) Section 87(4), definition *State interest*—

*omit.*

- (4) Section 87(2A) to (4)—

*renumber* as section 87(3) to (7).

### **57 Amendment of s 88 (PDA development conditions)**

- (1) Section 88—

*insert*—

(ba) require compliance with an infrastructure agreement that relates to the relevant land;  
or

- (2) Section 88(ba) to (d)—

*renumber* as section 88(c) to (e).

### **58 Amendment of s 99 (Application to change PDA development approval)**

Section 99(4)—

*omit, insert*—

- (4) Despite subsection (3), section 84(2) to (6) applies for the amendment application only in a circumstance mentioned in section 84(1)(c).

### **59 Amendment of s 108 (Effect of enforcement order)**

Section 108(5)—

*insert*—

***root zone***, of a tree or plant, means—

- (a) the roots of the tree or plant, including any buttress roots; or

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- (b) the soil in or on which the roots are situated—
  - (i) of an area measured by extending horizontally in all directions from the base of the trunk of the tree or plant to the points that are vertically below the ends of its outermost branches; and
  - (ii) to a depth of 1m below the surface of the soil.

**vegetation**—

- (a) means a tree or plant, whether living or dead; and
- (b) includes—
  - (i) the regrowth of a tree or plant; and
  - (ii) the root zone of a tree or plant.

**60 Amendment of s 116E (Making and levying of charge by superseding public sector entity)**

- (1) Section 116E(1)(b), from ‘the declaration regulation’ to ‘revoked so’—

*omit.*

- (2) Section 116E(3), ‘revocation of the declaration regulation’—

*omit, insert—*

cessation

- (3) Section 116E(3)(a), ‘relevant land’—

*omit, insert—*

infrastructure

**61 Amendment of s 119 (Exercise of discretion unaffected by infrastructure agreements)**

Section 119(a), before ‘provisional land use plan’—

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*insert—*

draft provisional land use plan or

**62 Replacement of s 120 (Infrastructure agreements prevail if inconsistent with PDA development approval)**

Section 120—

*omit, insert—*

**120 When infrastructure agreements under Planning Act apply instead of particular approvals**

- (1) This section applies if the infrastructure agreement is made under the Planning Act.
- (2) The infrastructure agreement applies instead of a PDA development approval to the extent of any inconsistency.
- (3) Subsections (4) and (5) apply if—
  - (a) land to which the infrastructure agreement relates ceases to be in, or to be PDA-associated land for, a priority development area; and
  - (b) part of a PDA development approval for the land becomes a Planning Act approval or part of a water approval.
- (4) Despite the Planning Act, section 157(2), the infrastructure agreement applies instead of the Planning Act approval under section 157(1) of that Act, even if the chief executive of the department in which that Act is administered has not approved the agreement.
- (5) If the infrastructure agreement is made before the cessation, the agreement applies instead of the part of the water approval to the extent of any inconsistency.
- (6) To remove any doubt, it is declared that

[s 63]

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subsections (4) and (5) apply whether or not the infrastructure agreement is amended before or after the cessation.

### **120A When water infrastructure agreements apply instead of particular approvals**

- (1) This section applies if the infrastructure agreement is a water infrastructure agreement.
- (2) If the water infrastructure agreement is made on or after the commencement, the agreement applies instead of a PDA development approval to the extent of any inconsistency.
- (3) Subsection (4) applies if—
  - (a) land to which the water infrastructure agreement relates ceases to be in, or to be PDA-associated land for, a priority development area; and
  - (b) part of a PDA development approval for the land becomes part of a water approval.
- (4) Despite the *South-East Queensland Water (Distribution and Retail Restructuring) Act 2009*, section 99BRDO, the water infrastructure agreement prevails over the part of the water approval to the extent of any inconsistency only if the agreement is made on or after the commencement.

### **63 Amendment of s 121 (Infrastructure agreement continues beyond cessation of priority development area)**

- (1) Section 121(1)(b), ‘that applied’—  
*omit, insert—*  
in relation
- (2) Section 121(2)—

*omit, insert—*

- (2) A superseding public sector entity for infrastructure that is the subject of the infrastructure agreement, and that is being provided in relation to the land, is taken to be a party to the agreement.
- (2A) MEDQ's rights and responsibilities under the infrastructure agreement for the infrastructure become the rights and responsibilities of the superseding public sector entity.
- (3) Section 121(3), 'sections 119 and 120'—  
*omit, insert—*  
sections 119, 120 and 120A
- (4) Section 121(2A) and (3)—  
*renumber* as sections 121(3) and (4).

**64 Amendment of s 122 (Consultation with public sector entities before entering into particular infrastructure agreements)**

- (1) Section 122(1), 'apply to'—  
*omit, insert—*  
apply in relation to
- (2) Section 122(2), 'for the land'—  
*omit, insert—*  
for infrastructure the subject of the agreement

**65 Omission of ch 4, pt 2 (Commonwealth Games Infrastructure Authority)**

Chapter 4, part 2—  
*omit.*

[s 65A]

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## **65A Insertion of new ch 4, pt 3A**

Chapter 4—

*insert—*

### **Part 3A Local consultative committees**

#### **159A Establishment**

As soon as practicable after a declaration regulation is made under section 34(1), MEDQ must—

- (a) establish a committee (a *local consultative committee*) for the provisional priority development area declared under the declaration regulation; and
- (b) decide the terms of reference for the committee, including how the committee must operate in performing its functions.

#### **159B Functions**

- (1) A local consultative committee for a provisional priority development area has the following functions—
  - (a) to advise MEDQ about the following matters within the scope of the committee's terms of reference—
    - (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;
    - (ii) community needs and expectations in the area;



- (b) to report to MEDQ, in accordance with the committee's terms of reference, about the committee's performance of its functions under this Act.
- (2) A local consultative committee may do all things necessary or convenient to be done for the performance of its functions.

### **159C Membership**

- (1) A local consultative committee for a provisional priority development area consists of the following persons (each a *member*)—
  - (a) the chief executive of the department or a senior executive nominated by the chief executive;
  - (b) the chief executive officer of the relevant local government for the provisional priority development area or a senior executive nominated by the chief executive officer;
  - (c) at least 1 person MEDQ considers can appropriately represent the interests of the local community;
  - (d) if MEDQ considers that 1 or more entities are likely to be affected by development in the provisional priority development area— at least 1 person MEDQ considers can appropriately represent the interests of the entity or entities.
- (2) A member mentioned in subsection (1)(c) or (d) is an *appointed member*.
- (3) An appointed member is appointed by MEDQ.
- (4) A local consultative committee must not consist of more than 3 appointed members.
- (5) A member of a local consultative committee holds

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office on the terms and conditions MEDQ considers appropriate, including terms about remuneration.

- (6) The chairperson of a local consultative committee is the member mentioned in subsection (1)(a).

### **159D Dissolution of local consultative committees**

- (1) A local consultative committee for a provisional priority development area is dissolved on the earlier of the following—
- (a) when MEDQ dissolves the committee;
  - (b) when the provisional priority development area ceases to be a provisional priority development area.
- (2) MEDQ must not dissolve a local consultative committee for a provisional priority development area before the provisional land use plan for the area is made.

### **66 Amendment of s 164 (Liability of executive officer for particular offences committed by corporation)**

- (1) Section 164(5), definition *executive liability provision*, paragraph (b)—  
*omit.*
- (2) Section 164(5), definition *executive liability provision*, paragraphs (c) to (f)—  
*renumber* as paragraphs (b) to (e).
- (3) Section 164(5), definition *executive liability provision*, note—  
*omit.*

### **67 Insertion of new ch 5, pt 3A**

Chapter 5—

*insert—*

## **Part 3A            Service of documents**

### **171A Application of part**

This part applies if a person is required or permitted under this Act to serve a document (the *relevant document*) on another person (the *receiver*).

### **171B Service of documents**

- (1) The person may serve the relevant document on the receiver by giving the receiver another document (a *communication*) stating that—
  - (a) the relevant document can be viewed on a stated website or other electronic medium; and
  - (b) the receiver may ask the person for a copy of the relevant document.
- (2) Also, if the receiver has given the person a notice stating an electronic address for service, the person may serve the relevant document on the receiver by sending to the electronic address—
  - (a) the relevant document; or
  - (b) a notice (also a *communication*) stating the relevant document can be viewed by opening a stated hyperlink.

*Examples of an electronic address—*

an email address, internet protocol address or digital mailbox address

- (3) For subsections (1) and (2)(b), the receiver is taken to have been served with the relevant document only if, by accessing the website or other electronic medium or opening the

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hyperlink, the receiver would have been able to view the relevant document—

- (a) at the time the communication was given or sent (the *sending time*); and
  - (b) for a period after the sending time that, in the circumstances and having regard to the receiver's functions for the document, was reasonable to allow the receiver to—
    - (i) access the website or other electronic medium, or open the hyperlink; and
    - (ii) read or copy the relevant document.
- (4) Subsection (3) applies whether or not the receiver viewed the website or other electronic medium, or opened the hyperlink.
- (5) Subsection (6) applies if the receiver is given a communication under subsection (1) and asks the person for a copy of the relevant document in hard copy or electronic form.
- (6) The person must, as soon as practicable after the request is made, give the receiver a copy of the relevant document in the requested form.
- (7) This section does not limit the *Acts Interpretation Act 1954*, section 39 or the *Electronic Transactions (Queensland) Act 2001*.

### **171C Certificate of service**

- (1) In a civil or criminal proceeding, a certificate of service in relation to a communication that states the following matters is evidence of those matters—
  - (a) the sending time for the communication;
  - (b) that, by accessing the website or other electronic medium, or opening the hyperlink, stated in the communication, the

receiver would have been able to view the relevant document—

- (i) at the sending time; and
- (ii) for a stated period after that time.

(2) In this section—

*certificate of service*, in relation to a communication, means a certificate that—

- (a) is signed by the person who gave or sent the communication; and
- (b) attaches a copy of the communication.

## 68 Amendment of s 172 (Registers)

(1) Section 172(1)(a) and (b)—

*omit, insert—*

- (a) draft provisional land use plans that have taken effect;
- (b) reports on draft provisional land use plans under section 36E(3)(a);
- (ba) provisional land use plans that have taken effect, as amended from time to time;
- (bb) each amendment of a provisional land use plan made or proposed under section 36H or 36I;
- (bc) interim land use plans that have taken effect;

(2) Section 172(1)(ba) to (k)—

*renumber* as section 172(1)(c) to (p).

## 69 Amendment of s 176 (Regulation-making power)

(1) Section 176(2), before paragraph (a)—

*insert—*

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(aa) provide for development in 1 or more priority development areas to be identified as PDA assessable development or PDA accepted development; or

- (2) Section 176(2)(aa) to (b)—  
*renumber* as section 176(2)(a) to (c).

## 70 Insertion of new ch 7, pt 3

Chapter 7—

*insert*—

### **Part 3**                      **Transitional provisions for Economic Development and Other Legislation Amendment Act 2019**

#### **Division 1**              **Preliminary**

##### **225 Definitions for part**

In this part—

*amendment Act* means the *Economic Development and Other Legislation Amendment Act 2019*.

*former*, in relation to a provision of this Act, means as in force from time to time before the commencement of the provision in which the term appears.

*new*, in relation to a provision of this Act, means as amended or inserted by the amendment Act.

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## **Division 2                    Provisions for    amendments commencing    on assent**

### **226 References to PDA self-assessable development and PDA exempt development**

- (1) A reference in another Act or a document to PDA self-assessable development is taken to be a reference—
  - (a) to the extent the development complies with the requirements about carrying out the development under the relevant development instrument for the priority development area—to PDA accepted development; or
  - (b) otherwise—to PDA assessable development.
- (2) A reference in another Act or a document to PDA exempt development is taken to be a reference to PDA accepted development.

### **227 Provisional land use plan made under declaration regulation**

- (1) This section applies to a provisional land use plan for a provisional priority development area made under a declaration regulation mentioned in former section 35 and in effect immediately before the commencement.
- (2) The provisional land use plan is taken to have been—
  - (a) made under new section 36E(1); and
  - (b) notified under a gazette notice under new section 36E(3)(c) published on the day the declaration regulation commenced.

### **228 Interim land use plan made under declaration regulation**

- (1) This section applies to an interim land use plan for a priority development area made under a declaration regulation mentioned in former section 38 and in effect immediately before the commencement.
- (2) The interim land use plan is taken to have been made under new section 38.

### **229 Application of former s 42M to particular material change of use**

- (1) This section applies if, immediately before the commencement, a material change of use was taken to be a lawful use under former section 42M.
- (2) Former section 42M continues to apply to the material change of use as if the amendment Act, part 6, division 2 had not commenced.

### **230 Development scheme approved under regulation**

- (1) This section applies to a development scheme for a priority development area, or a transitioned UDA, approved under a regulation made under former section 64 and in effect immediately before the commencement.
- (2) The development scheme is taken to have been notified under a gazette notice under new section 63(3)(b) published on the day the regulation commenced.
- (3) In this section—  
*transitioned UDA* see section 177.



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### **231 Amendment of development scheme approved under regulation**

- (1) This section applies to an amendment of a development scheme approved under a regulation made under former section 68.
- (2) The amendment is taken to have been notified under a gazette notice under new section 63(3)(b), as applied under section 67(2), published on the day the regulation commenced.

### **232 Proceedings for offence against former s 74 or former s 164**

- (1) This section applies if a person is alleged to have committed either of the following offences before the commencement—
  - (a) an offence against former section 74;
  - (b) an offence against former section 164(1) in relation to an offence against an executive liability provision mentioned in former section 164(5), definition *executive liability provision*, paragraph (b).
- (2) Without limiting the *Acts Interpretation Act 1954*, section 20, a proceeding for the offence may be started or continued, and the person may be punished for the offence, as if the amendment Act, part 6, division 2 had not commenced.
- (3) Subsection (2) applies despite the Criminal Code, section 11.

### **233 Existing PDA development applications**

- (1) This section applies if a PDA development application was made, but not decided, before the commencement.
- (2) This Act, as in force immediately before the commencement, continues to apply in relation to

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the PDA development application as if the amendment Act, part 6, division 2 had not commenced.

### **234 Dissolution of Commonwealth Games Infrastructure Authority**

- (1) On the commencement—
  - (a) the Commonwealth Games Infrastructure Authority established under former section 144 is dissolved; and
  - (b) the authority members under former section 146 who held office immediately before the commencement go out of office.
- (2) No compensation is payable to a person because of subsection (1).

### **71 Amendment of sch 1 (Dictionary)**

- (1) Schedule 1, definitions *authority*, *authority member*, *development scheme*, *infrastructure agreement*, *interim land use plan*, *minor administrative amendment*, *PDA exempt development*, *PDA self-assessable development*, *planning instrument change*, *proposer*, *provisional land use plan* and *superseding public sector entity*—

*omit.*

- (2) Schedule 1—

*insert—*

***additional land***, for chapter 3, part 2, division 2B, see section 40G(2)(a).

***amendment application*** see section 99(1).

***boundary change regulation*** see section 40F(1).

***communication***, for chapter 5, part 3A, see section 171B(1) and (2)(b).

***development scheme***, for a priority development area, other than a provisional priority development area, means a development scheme for the area, or part of the area, that takes effect under section 64, as amended from time to time.

***distributor-retailer*** means a distributor-retailer established under the *South-East Queensland Water (Distribution and Retail Restructuring) Act 2009*.

***draft provisional land use plan***, for a provisional priority development area, means the draft provisional land use plan for the area that takes effect under section 36(a).

***excluded land***, for chapter 3, part 2, division 2B, see section 40G(2)(b).

***former PDA-associated development***—

- (a) for chapter 3, part 2, division 4, subdivisions 2 and 3—see section 48(b); or
- (b) for chapter 3, part 2, division 4A—see section 51AR(a)(ii).

***former PDA land***—

- (a) for chapter 3, part 2, division 4, subdivisions 2 and 3—see section 48(a); or
- (b) for chapter 3, part 2, division 4A—see section 51AR(a)(i).

***infrastructure agreement*** means—

- (a) an infrastructure agreement under the Planning Act; or
- (b) a water infrastructure agreement.

***interim land use plan***, for a priority development area, other than a provisional priority development area, means an interim land use plan for the area, or part of the area, that takes effect under section 39 or 40AC.

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*local consultative committee* see section 159A(a).

*minor administrative amendment*, of a provisional land use plan or development scheme, means—

- (a) an amendment of the plan or scheme if MEDQ is satisfied—
  - (i) the amendment is made merely to reflect a part of a planning instrument or a part of an instrument made under an Act other than the Planning Act; and
  - (ii) adequate public consultation was carried out in relation to the making of the part; or
- (b) an amendment of the plan or scheme if MEDQ is satisfied the amendment is made merely to reflect a PDA development approval; or
- (c) an amendment correcting or changing—
  - (i) an explanatory matter about the plan or scheme; or
  - (ii) the format or presentation of the plan or scheme; or
  - (iii) a spelling, typographical, grammatical or mapping error in the plan or scheme; or
  - (iv) a factual matter incorrectly stated in the plan or scheme, including, for example, the categorisation of development that has changed under a regulation; or
  - (v) a redundant or outdated term in the plan or scheme; or

- 
- (vi) inconsistent numbering of provisions in the plan or scheme; or
  - (vii) a cross-reference in the plan or scheme; or
- (d) another amendment of a minor nature prescribed by regulation.

***minor boundary change*** see section 40F(1).

***PDA accepted development*** see section 33(4).

***PDA instrument change*** see section 40G(2)(a)(i).

***Planning Act approval*** see section 51AH.

***planning instrument change***—

- (a) for chapter 3, part 2, division 2B—see section 40G(2)(b); or
- (b) for chapter 3, part 2, division 3, subdivision 1—see section 41(2)(a) or (b); or
- (c) for chapter 3, part 2, division 3, subdivision 2—see section 42(2); or
- (d) for another provision—see section 40G(2)(b), 41(2)(a) or (b) or 42(2).

***prescribed assessment manager***, for a development application under the Planning Act, see schedule 2 of that Act.

***proposer***, of a planning instrument change—

- (a) for chapter 3, part 2, division 2B—see section 40I(2); or
- (b) for chapter 3, part 2, division 3, subdivision 2—see section 42A(2).

***provisional land use plan***, for a provisional priority development area, means the provisional land use plan for the area that takes effect under section 36F, as amended from time to time under chapter 3, part 2, division 1, subdivision 2.

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**receiver**, for chapter 5, part 3A, see section 171A.

**relevant document**, for chapter 5, part 3A, see section 171A.

**sending time**, for chapter 5, part 3A, see section 171B(3)(a).

**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.

**superseding public sector entity**, for infrastructure, means the public sector entity that will have responsibility for the infrastructure after the land in relation to which the infrastructure is provided ceases to be—

- (a) in a priority development area; or
- (b) PDA-associated land for a priority development area.

**water approval** means a water approval under the *South-East Queensland Water (Distribution and Retail Restructuring) Act 2009*.

**water connection aspect** see section 51AR(c).

**water infrastructure agreement** means a water infrastructure agreement under the *South-East Queensland Water (Distribution and Retail Restructuring) Act 2009*.

- (3) Schedule 1, definition *close relative*, 'or authority member'—  
*omit.*
- (3A) Schedule 1, definition *committee member*, 'committee.'—  
*omit, insert—*

committee or a member of a local consultative

committee.

- (4) Schedule 1, definition *public sector entity*, paragraph (f)—  
*omit, insert—*

(f) a distributor-retailer.

- (5) Schedule 1, definition *relevant development instrument*, paragraph (a)—  
*omit, insert—*

(a) for a provisional priority development area—

(i) the draft provisional land use plan for the area; or

(ii) the provisional land use plan for the area; or

- (6) Schedule 1, definition *relevant development instrument*, paragraph (b)(ii), ‘the development scheme’—  
*omit, insert—*

a development scheme

- (7) Schedule 1, definition *submission period*, before paragraph (a)—  
*insert—*

(aa) for a draft provisional land use plan—see section 36A(c)(ii); or

(ab) for a proposed amendment, other than a minor administrative amendment, of a provisional land use plan—see section 36I(2)(b)(ii); or

- (8) Schedule 1, definition *submission period*, paragraph (b), ‘section 59(1)(b)(ii)’—

*omit, insert—*

section 59(b)(ii)

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- (9) Schedule 1, definition *submission period*, paragraphs (aa) to (c)—  
*renumber* as paragraphs (a) to (e).

### **Division 3                      Amendments commencing by proclamation**

#### **72            Amendment of s 30 (Issue of identity card for particular employees and agents)**

Section 30—

*insert*—

*Note*—

See also section 122B in relation to the issuing, production and return of identity cards under the Planning Act, chapter 5, part 6 as applied under that section.

#### **73            Amendment of s 31 (Production or display of identity card)**

Section 31(1), ‘another person’—

*omit, insert*—

a person in the person’s presence

#### **74            Amendment of s 32 (Return of identity card)**

Section 32, ‘20 business days’—

*omit, insert*—

21 days

#### **75            Insertion of new s 50A**

After section 50—

*insert*—



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### **50A Existing PDA exemption certificates**

- (1) This section applies if, immediately before the cessation, a PDA exemption certificate is in effect for the former PDA land or former PDA-associated development.
- (2) On the cessation, the PDA exemption certificate is taken to be an exemption certificate under the Planning Act for—
  - (a) if the PDA exemption certificate is for carrying out development on former PDA land—carrying out the development on the land; or
  - (b) if the PDA exemption certificate is for carrying out former PDA-associated development on land—carrying out the development on the land.
- (3) The exemption certificate under the Planning Act takes effect at the same time as the PDA exemption certificate.
- (4) A condition of the PDA exemption certificate is taken to be a condition of the exemption certificate under the Planning Act, even if the condition could not be imposed under that Act.
- (5) Subsections (6) and (7) apply if the PDA exemption certificate states, under section 71A(5)(c), a period within which a plan mentioned in the section must be given to MEDQ.
- (6) If the plan has been given to MEDQ within the period and before the cessation, the development is taken, for the Planning Act, section 46(10), to comply with a requirement stated under section 46(9)(c) of that Act.
- (7) If the plan has not been given to MEDQ before the cessation, the statement mentioned in subsection (5) is taken to be a statement under the Planning Act, section 46(9)(c) of the period within which a

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plan mentioned in that section must be given to the local government for the local government area to which the exemption certificate relates.

- (8) The chief executive of the department responsible for administering the Planning Act must publish on that department's website a copy of MEDQ's notice about the PDA exemption certificate published under section 71B(3).

## 76 Insertion of new ch 3, pt 2, div 4B

Chapter 3, part 2—

*insert—*

### **Division 4B Public thoroughfare easements**

#### **51AV Registration of public thoroughfare easement under Land Title Act 1994**

- (1) This section applies in relation to an instrument of easement—
- (a) over freehold land that is in a priority development area or is PDA-associated land for a priority development area; and
  - (b) for a right of way for the public; and
  - (c) in favour of a local government.
- (2) The *Land Title Act 1994*, section 89(6) does not apply in relation to the registration under that Act of the instrument of easement.
- (3) If the instrument of easement may, but for subsection (2), be refused registration under the *Land Title Act 1994*, section 89(6)—
- (a) the easement created on registration of the instrument is taken to be a public thoroughfare easement under that Act; and

- (b) section 89(4) of that Act does not apply to the easement.

**51AW Non-application of particular provisions to land subject to particular public thoroughfare easements**

The provisions of the *City of Brisbane Act 2010*, or the *Local Government Act 2009*, about land subject to a public thoroughfare easement do not apply in relation to freehold land that—

- (a) is in a priority development area or is PDA-associated land for a priority development area; and
- (b) is subject to a public thoroughfare easement registered under the *Land Title Act 1994*, section 89, including because of the operation of section 51AV of this Act, in favour of a local government.

**77 Amendment of s 53 (Relationship with the City of Brisbane Act 2010 or the Local Government Act 2009)**

Section 53(4), ‘section 54’—

*omit, insert—*

sections 51AW and 54

**78 Insertion of new ch 3, pt 4, div 1AA**

Chapter 3, part 4, before division 1—

*insert—*

**Division 1AA PDA exemption certificates**

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### **71A MEDQ may give PDA exemption certificate for particular PDA assessable development**

- (1) MEDQ may give a PDA exemption certificate for the carrying out of stated PDA assessable development if any of the following applies—
  - (a) the effects of the development would be minor or inconsequential having regard to the circumstances under which the development was categorised as PDA assessable development;
  - (b) the development was categorised as PDA assessable development only because of particular circumstances that no longer apply;
  - (c) the development was categorised as PDA assessable development because of an error.
- (2) However, subsection (1) does not apply if the development is categorised as PDA assessable development under a regulation.
- (3) In deciding whether to give a PDA exemption certificate under subsection (1), MEDQ must consider any relevant State interest.
- (4) A PDA exemption certificate may be given subject to stated requirements.
- (5) Without limiting subsection (4), a PDA exemption certificate may state a period within which—
  - (a) the PDA assessable development, or a stated part of it, must be completed; or
  - (b) a use that is the natural and ordinary consequence of the PDA assessable development must start; or
  - (c) if the PDA assessable development is, or includes, reconfiguring a lot—a plan of

subdivision must be given to MEDQ for its approval under section 104.

- (6) To the extent the development does not comply with a requirement stated under subsection (4) or (5), the PDA exemption certificate has no effect.

*Note—*

A person who carries out PDA assessable development without a PDA development permit for the development does not commit an offence against section 73(1) if the development is carried out under a PDA exemption certificate for the development. See section 73(2).

### **71B Notice of PDA exemption certificate**

- (1) This section applies if MEDQ gives a PDA exemption certificate for the carrying out of PDA assessable development.
- (2) MEDQ must give the owner of the land the subject of the PDA exemption certificate a copy of the certificate.
- (3) Also, MEDQ must publish, on the department's website, a notice stating the following—
- (a) that the PDA exemption certificate has been given;
  - (b) a description of the land the subject of the certificate;
  - (c) a description of the PDA assessable development to which the certificate relates, including any requirements imposed under section 71A(4) or (5);
  - (d) the reasons for giving the certificate.

### **71C Duration of PDA exemption certificate**

- (1) A PDA exemption certificate has effect for 2 years after the day it is given or any longer period

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stated in the certificate.

- (2) Despite the expiry of a PDA exemption certificate, the following development that was started under the certificate may be completed as if the certificate had not expired—
  - (a) development that is reconfiguring a lot, if before the certificate expired a plan of subdivision for the development was given to MEDQ for its approval under section 104;
  - (b) development, other than reconfiguring a lot or making a material change of use of premises, if the development was substantially started under the certificate.
- (3) Also, a use that is the natural and ordinary consequence of the development to which the PDA exemption certificate relates is taken to be a lawful use.
- (4) Subsections (2) and (3) are subject to section 71A(6).

#### **71D PDA exemption certificate attaches to land**

A PDA exemption certificate—

- (a) attaches to the land the subject of the certificate; and
- (b) benefits the owner of the land, the owner's successors in title and any occupier of the land.

#### **79 Amendment of s 73 (Carrying out PDA assessable development without PDA development permit)**

- (1) Section 73(1), penalty, '1,665 penalty units'—

*omit, insert—*

4,500 penalty units

(2) Section 73—

*insert—*

(1A) However, a person does not commit an offence against subsection (1) if the PDA assessable development is carried out under a PDA exemption certificate for the development.

(3) Section 73(1A) and (2)—

*renumber* as section 73(2) and (3).

**80 Amendment of s 75 (Compliance with PDA development approval)**

Section 75, penalty, ‘1,665 penalty units’—

*omit, insert—*

4,500 penalty units

**81 Amendment of s 76 (Offence about use of premises)**

Section 76, penalty, ‘1,665 penalty units’—

*omit, insert—*

4,500 penalty units

**82 Amendment of s 82 (How to make application)**

(1) Section 82(1)(b)—

*omit, insert—*

(b) contain, or be accompanied by, the consent of the owner of the relevant land; and

(2) Section 82—

*insert—*

(1A) However, subsection (1)(b) does not apply to the extent the application is for operational work other than operational work below the high-water

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mark and outside the boundaries of a canal.

- (3) Section 82(2), ‘properly made application’—  
*omit, insert—*

***properly made application***

- (4) Section 82(3)—  
*omit, insert—*

- (3) In this section—

***canal*** see the *Coastal Protection and Management Act 1995*, schedule.

***high-water mark*** see the *Coastal Protection and Management Act 1995*, schedule.

- (5) Section 82(1A) to (3)—  
*renumber* as section 82(2) to (4).

### **83 Insertion of new s 82A**

After section 82—

*insert—*

#### **82A Notice of properly made application**

- (1) If a PDA development application is a properly made application, MEDQ must give the applicant a notice stating that—
- (a) the application complies with section 82(1);  
or
  - (b) MEDQ has accepted the application under section 82(3)(b).
- (2) The notice must state the date (the ***properly made date***)—
- (a) for an application mentioned in subsection (1)(a)—the application was made; or



- (b) for an application mentioned in subsection (1)(b)—MEDQ accepted the application.

**84 Insertion of new s 82B**

Before section 83—

*insert—*

**82B Application of subdivision**

This subdivision applies in relation to a PDA development application that is a properly made application.

**85 Amendment of s 83 (Information requests to applicant)**

- (1) Section 83(2), ‘making of’—

*omit, insert—*

properly made date for

- (2) Section 83—

*insert—*

- (2A) An information request must include a notice stating that the application will lapse if the applicant fails to give MEDQ any of the stated information within a stated period of at least 6 months after the information request is made.

- (3) Section 83(3), ‘request’—

*omit, insert—*

information request

- (4) Section 83—

*insert—*

- (5) The inclusion in an information request of a notice under subsection (3) does not prevent MEDQ refusing the application under subsection (4).

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- (5) Section 83(2A) to (5)—  
*renumber* as section 83(3) to (6).

## **86 Insertion of new ss 83A and 83B**

After section 83—

*insert—*

### **83A Lapsing of application—failure to give any requested information**

- (1) This section applies if—
- (a) an information request has been made in relation to the application; and
  - (b) the applicant fails to give MEDQ any of the requested information within—
    - (i) the period stated in the notice included in the information request under section 83(3); or
    - (ii) a longer period agreed between the applicant and MEDQ.
- (2) The application lapses.

### **83B Notice of compliance with information request**

- (1) This section applies if—
- (a) an information request has been made in relation to the application; and
  - (b) MEDQ is satisfied the applicant has complied with the information request within the period mentioned in section 83A(1)(b)(i) or (ii).
- (2) MEDQ must give the applicant a notice stating that—
- (a) the applicant has complied with the information request; and

- (b) if section 84 applies for the application—the applicant may start to comply with section 84(2).

## **87 Amendment of s 84 (Notice of application)**

- (1) Section 84(1)(a)—

*omit, insert—*

- (a) the relevant development instrument for the relevant priority development area requires public notice of any part of the PDA development application; or

- (2) Section 84(1)(c), ‘making of’—

*omit, insert—*

properly made date for

- (3) Section 84(3)—

*omit, insert—*

- (3) However, if an information request has been made in relation to the application, the applicant must not start to comply with subsection (2) until the applicant has been given a notice under section 83B in relation to the request.

## **88 Insertion of new ss 84A–84F**

After section 84—

*insert—*

### **84A MEDQ must give notice of requirement to give compliance statement**

- (1) This section applies if the applicant is required to comply with section 84 for the application.
- (2) MEDQ must give the applicant a notice stating that the application will lapse if the applicant does not, within a stated period of at least 40 business

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days after the notice is given, give MEDQ a compliance statement in relation to the application.

- (3) However, the notice may not be given before—
  - (a) if an information request has been made in relation to the application—the applicant is given a notice under section 83B in relation to the request; or
  - (b) otherwise—the end of 20 business days after the properly made date for the application.

#### **84B Lapsing of application—failure to give compliance statement**

- (1) This section applies if the applicant does not give MEDQ a compliance statement in relation to the application within—
  - (a) the period stated in the notice given to the applicant under section 84A(2); or
  - (b) a longer period agreed between the applicant and MEDQ.
- (2) The application lapses.
- (3) Subsection (2) applies whether or not the applicant has complied with section 84 for the application.

#### **84C MEDQ must decide whether applicant has complied with s 84**

- (1) This section applies if the applicant gives MEDQ a compliance statement in relation to the application within—
  - (a) the period stated in the notice given to the applicant under section 84A(2); or

- (b) a longer period agreed between the applicant and MEDQ.
- (2) MEDQ must decide whether the applicant has substantially complied with section 84 for the application.
- (3) If MEDQ decides the applicant has not substantially complied with section 84 for the application, it must give the applicant a notice stating—
  - (a) that the applicant has not substantially complied with section 84 for the application; and
  - (b) particulars of the applicant's noncompliance; and
  - (c) that MEDQ may refuse the application if the applicant does not, within a stated period of at least 40 business days after the notice is given—
    - (i) comply with section 84 for the application; and
    - (ii) give MEDQ a further compliance statement in relation to the application; and
  - (d) that for deciding under section 84D(2) whether the applicant has substantially complied with section 84 for the application, an action taken by the applicant to comply with section 84 before the notice is given is taken not to have happened.

*Example—*

An applicant is given a notice under this section stating that the applicant has not substantially complied with section 84 because of a failure to give a notice required under section 84(2)(c)(ii). Although the applicant had taken action to comply with the other requirements of section 84, including publishing a notice under section

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84(2)(a), for section 84D(2), the other actions are taken not to have happened. To substantially comply with section 84, the applicant must, after receiving the notice under this section, publish a new notice under section 84(2)(a) and substantially comply with the other requirements of section 84.

**84D MEDQ must decide whether applicant given s 84C(3) notice has complied with s 84**

- (1) This section applies if the applicant—
  - (a) has been given a notice under section 84C(3); and
  - (b) gives MEDQ a further compliance statement in relation to the application within—
    - (i) the period stated in the notice; or
    - (ii) a longer period agreed between the applicant and MEDQ.
- (2) MEDQ must decide whether the applicant has substantially complied with section 84 for the application.
- (3) For subsection (2), an action taken by the applicant to comply with section 84 before the notice under section 84C(3) was given is taken not to have happened.

**84E MEDQ may refuse application—failure to give further compliance statement or comply with s 84**

- (1) This section applies if the applicant has been given a notice under section 84C(3) and either of the following applies—
  - (a) the applicant fails, within the relevant period, to give MEDQ a further compliance statement in relation to the application;

- 
- (b) the applicant gives MEDQ a further compliance statement in relation to the application within the relevant period but MEDQ decides, under section 84D(2), that the applicant has not substantially complied with section 84 for the application.
  - (2) MEDQ may refuse the application.
  - (3) 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.
  - (4) In this section—
    - relevant period*, in relation to a notice given under section 84C(3), means—
      - (a) the period stated in the notice; or
      - (b) a longer period agreed between the applicant and MEDQ.

#### **84F Notice of refusal of application**

- (1) If MEDQ decides to refuse the application under section 83(4) or 84E(2), it must, within 5 business days after the decision is made, give the applicant notice of the decision.
- (2) The notice must—
  - (a) be in the approved form; and
  - (b) state that MEDQ has decided to refuse the application; and
  - (c) state the reasons for the decision.

#### **89 Amendment of s 85 (Deciding application generally)**

- (1) Section 85(1)(a) and (b)—
  - omit, insert—*

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- (a) if an information request has been made in relation to the application—the applicant has been given a notice under section 83B in relation to the request; and
  - (b) if section 84 applies for the application—MEDQ has decided under section 84C(2) or 84D(2) that the applicant has substantially complied with section 84 for the application; and
- (2) Section 85(2), ‘section 83(3)’—  
*omit, insert—*  
sections 83(4) and 84E(2)

## **90 Amendment of s 93 (Withdrawing application)**

- (1) Section 93(2)—  
*omit.*
- (2) Section 93—  
*insert—*

*Note—*

See section 129A in relation to the refunding and waiving of fees.

## **91 Amendment of s 98 (Cancellation)**

- (1) Section 98(1)—  
*insert—*

*Note—*

See section 129A in relation to the refunding and waiving of fees.

- (2) Section 98(3)—  
*omit.*



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**92 Amendment of s 99 (Application to change PDA development approval)**

Section 99(5)—

*omit.*

**93 Replacement of s 103 (Restriction on particular land covenants)**

Section 103—

*omit, insert—*

**103 Use or preservation covenants**

- (1) A use or preservation covenant entered into in connection with a PDA development application is of no effect unless the covenant is required under—
  - (a) a PDA development condition; or
  - (b) an infrastructure agreement.
- (2) If the PDA development condition or infrastructure agreement under which a use or preservation covenant is required is changed in a way that affects rights or responsibilities under the covenant—
  - (a) the covenantee and the covenantor must execute an instrument that amends the covenant to reflect the change; and
  - (b) the covenantor must register the instrument.
- (3) Also, the covenantee under a use or preservation covenant must register an instrument releasing the covenant if—
  - (a) the PDA development condition or infrastructure agreement under which the covenant was required ceases to require the covenant; or

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- (b) for a covenant required under a PDA development condition—the PDA development approval that was subject to the condition lapses or otherwise ends; or
  - (c) for a covenant required under an infrastructure agreement—the infrastructure agreement lapses or otherwise ends.
- (4) In this section—
- register**, an instrument in relation to a use or preservation covenant, means—
- (a) if the covenant is registered under the *Land Act 1994*—register the instrument under that Act; or
  - (b) if the covenant is registered under the *Land Title Act 1994*—register the instrument under that Act.

**use or preservation covenant** means a covenant mentioned in the *Land Act 1994*, section 373A(5)(a) or (b) or the *Land Title Act 1994*, section 97A(3)(a) or (b).

**94 Replacement of ch 3, pt 5, hdg (Court orders for PDA development offences etc.)**

Chapter 3, part 5, heading—

*omit, insert—*

**Part 5 Enforcement notices,  
enforcement orders  
and other court orders**

**95 Insertion of new ch 3, pt 5, div 1AA**

Chapter 3, part 5, before division 1—

*insert—*

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## **Division 1AA Enforcement notices**

### **104A Application of Planning Act provisions for enforcement notices**

- (1) The Planning Act, chapter 5, part 3 applies in relation to a PDA development offence, with necessary changes, as if—
  - (a) a reference in the part to an enforcement authority were a reference to MEDQ; and
  - (b) a reference in the part to a development offence were a reference to a PDA development offence; and
  - (c) a reference in the part to a development permit were a reference to a PDA development permit; and
  - (d) a reference in the part to accepted development were a reference to PDA accepted development; and
  - (e) the reference in the part to a development approval were a reference to a PDA development approval; and
  - (f) the reference in section 172(c) of that Act to appealing the decision on the application were a reference to appealing the decision on the application to grant the PDA development permit subject to a PDA development condition that includes a nominated assessing authority for the condition.
- (2) Also, the Planning Act, section 229 and schedule 1 apply in relation to a decision to give an enforcement notice under chapter 5, part 3 of that Act, as applied under subsection (1) and, for that purpose, schedule 1 applies as if a reference in the schedule to the enforcement authority were a

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reference to MEDQ.

- (3) 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 take any other action under this Act, in relation to the PDA development offence.

**96 Amendment of s 108 (Effect of enforcement order)**

Section 108(4)—

*omit, insert—*

- (4) An enforcement order may be in terms the court considers appropriate to secure compliance with this Act.

**97 Amendment of s 110 (Offence to contravene enforcement order)**

Section 110, penalty, '3,000 penalty units'—

*omit, insert—*

4,500 penalty units

**98 Amendment of s 111 (Orders Magistrates Court may make in PDA offence proceeding)**

- (1) Section 111(1), from 'After' to 'Magistrates Court'—

*omit, insert—*

If a Magistrates Court convicts a defendant of a PDA development offence, the court

- (2) Section 111(5)—

*omit.*

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**99 Amendment of s 112 (Offence to contravene Magistrates Court order)**

Section 112, penalty, ‘1,665 penalty units or 1 year’s imprisonment’—

*omit, insert—*

4,500 penalty units or 2 years imprisonment

**100 Insertion of new ss 112A and 112B**

After section 112—

*insert—*

**112A Order for compensation**

- (1) This section applies if a Magistrates Court—
  - (a) convicts a defendant of a PDA development offence; and
  - (b) finds that, because of the offence, another person has—
    - (i) suffered loss of income; or
    - (ii) suffered a reduction in the value of, or damage to, property; or
    - (iii) incurred expenses to replace or repair property or prevent or minimise, or attempt to prevent or minimise, the loss, reduction or damage.
- (2) The Magistrates Court may order the defendant to pay the other person compensation for the loss, reduction or damage suffered or the expenses incurred.
- (3) This section does not limit the court’s powers under the *Penalties and Sentences Act 1992* or another law.

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### **112B Order for investigation expenses**

- (1) This section applies if—
  - (a) a Magistrates Court—
    - (i) convicts a defendant of a PDA development offence; and
    - (ii) finds that MEDQ has reasonably incurred expenses in taking a sample or conducting an inspection, test, measurement or analysis during the investigation of the offence; and
  - (b) MEDQ applies for an order for the payment of the expenses.
- (2) The Magistrates Court may order the defendant to pay MEDQ a reasonable amount for the expenses if the court considers it would be just to do so in the circumstances.
- (3) This section does not limit the court's powers under the *Penalties and Sentences Act 1992* or another law.

### **101 Replacement of s 113 (MEDQ's power to remedy stated public nuisance)**

Section 113—

*omit, insert—*

#### **113 MEDQ may remedy noncompliance with particular orders**

- (1) This section applies if a person against whom an enforcement order, or an order under section 111, has been made does not comply with the order within the period stated in the order.
- (2) MEDQ may—
  - (a) take the action required under the order; and

- 
- (b) recover the reasonable costs of taking the action as a debt owing by the person to MEDQ.

## **102 Insertion of new ss 122A and 122B**

Before section 123—

*insert—*

### **122A Definitions for part**

In this part—

*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.

### **122B Powers for investigation and enforcement of PDA development offences and related matters**

The Planning Act, chapter 5, parts 6, 7 and 8 applies as if—

- (a) a reference in the parts to the chief executive were a reference to MEDQ; and
- (b) the reference in section 182(1)(a) of that Act to an officer of the department were a reference to an MEDQ agent or MEDQ employee; and
- (c) a reference in the parts to a development approval were a reference to a PDA development approval; and
- (d) a reference in the parts to an offence against the Planning Act were a reference to a PDA development offence; and
- (e) a reference in the parts to a warrant issued or power exercised under that Act, or a

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provision of that Act, were a reference to a warrant issued or power exercised under those parts as applied under this section.

**103 Amendment of s 123 (Application of local government entry powers for MEDQ's functions or powers)**

Section 123(6), definitions *MEDQ agent* and *MEDQ employee*—

*omit.*

**104 Insertion of new s 129A**

After section 129—

*insert—*

**129A Refunding and waiving fees**

(1) MEDQ may, but need not—

- (a) refund all or part of a required fee; or
- (b) waive all or part of a required fee.

(2) In this section—

*required fee* means a fee required to be paid for an application under this chapter.

**105 Replacement of s 166 (Proceedings for offences)**

Section 166—

*omit, insert—*

**166 Proceedings for offences**

A proceeding for an offence against this Act—

- (a) is to be heard and decided summarily; and
- (b) may be brought only by MEDQ or a person acting for MEDQ.



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**106 Amendment of s 172 (Registers)**

(1) Section 172(1)—

*insert—*

(la) PDA exemption certificates;

(2) Section 172(1)(la) to (p)—

*renumber* as section 172(1)(m) to (q).

**107 Insertion of new ch 7, pt 3, div 3**

Chapter 7, part 3, as inserted by this Act—

*insert—*

**Division 3 Provisions for  
amendments commencing  
by proclamation**

**235 Existing PDA development applications**

(1) This section applies if a PDA development application—

(a) was made on or after the commencement of the amendment Act, part 6, division 2; but

(b) was not decided before the commencement of this section.

(2) This Act, as in force immediately before the commencement of this section, continues to apply in relation to the PDA development application as if the amendment Act, part 6, division 3 had not commenced.

**236 Application of new s 103(1)**

New section 103(1) applies only to a use or preservation covenant entered into on or after the commencement.

### **237 Application of new s 113**

- (1) New section 113 applies only in relation to an enforcement order, or order under section 111, made on or after the commencement.
- (2) Former section 113 continues to apply in relation to an enforcement order, or order under section 111, made before the commencement as if the amendment Act, part 6, division 3 had not commenced.

### **108 Amendment of sch 1 (Dictionary)**

Schedule 1—

*insert—*

***compliance statement***, in relation to a PDA development application, means a statement of the actions taken to comply with section 84 for the application.

***freehold land*** see the *Land Act 1994*, schedule 6.

***MEDQ agent***, for chapter 3, part 8, see section 122A.

***MEDQ employee***, for chapter 3, part 8, see section 122A.

***PDA exemption certificate*** means a PDA exemption certificate given under section 71A.

***properly made application*** see section 82(3).

***properly made date***, for a PDA development application, see section 82A(2).

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## **Part 7                      Amendment of Environmental Protection Act 1994**

### **Division 1                Preliminary**

#### **109    Act amended**

This part amends the *Environmental Protection Act 1994*.

*Note—*

See also the amendments in schedule 1, part 1.

### **Division 2                Amendments commencing on assent**

#### **110    Amendment of sch 1 (Exclusions relating to environmental nuisance or environmental harm)**

Schedule 1, section 3(f)—

*omit, insert—*

- (f) development carried out under any of the following approvals or certificates, if the approval or certificate authorises the environmental nuisance—
  - (i) a development approval;
  - (ii) a PDA development approval under the *Economic Development Act 2012*;
  - (iii) an exemption certificate under the *Planning Act*;

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## **Division 3**                      **Amendments commencing by proclamation**

### **111**      **Amendment of sch 1 (Exclusions relating to environmental nuisance or environmental harm)**

Schedule 1, section 3(f)—

*insert—*

- (iv) a PDA exemption certificate under the *Economic Development Act 2012*;

## **Part 8**                              **Amendment of Exhibited Animals Act 2015**

### **112**      **Act amended**

This part amends the *Exhibited Animals Act 2015*.

### **113**      **Amendment of s 58 (General criteria for decision)**

(1) Section 58(1)(c)—

*omit, insert—*

- (c) for an application in relation to an activity that is categorised as assessable development under the *Planning Act 2016*—a development approval has been given under that Act for the development; and
- (d) for an application in relation to an activity that is PDA-related development and is PDA assessable development under the *Economic Development Act 2012*—a PDA development approval has been given under that Act for the development.

(2) Section 58(3)—

*omit, insert—*

(3) In this section—

***PDA-related development*** means—

- (a) development in a priority development area under the *Economic Development Act 2012*; or
- (b) PDA-associated development for a priority development area under the *Economic Development Act 2012*.

**114 Amendment of ch 9, hdg (Transitional provisions)**

Chapter 9, heading, after ‘provisions’—

*insert—*

**for Act No. 5 of 2015**

**115 Insertion of new ch 10**

After chapter 9—

*insert—*

**Chapter 10 Transitional  
provision for  
Economic  
Development and  
Other Legislation  
Amendment Act  
2019**

**274 Particular existing applications**

- (1) This section applies to any of the following applications made, but not decided, before the

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commencement—

- (a) an application mentioned in section 49;
  - (b) an application for the renewal or restoration of an exhibition licence made under section 87;
  - (c) an application to amend an exhibition licence or interstate exhibitors permit made under section 94.
- (2) Section 58, as in force immediately before the commencement, continues to apply in relation to the application as if the *Economic Development and Other Legislation Amendment Act 2019* had not been enacted.

## **Part 9                      Amendment of Housing Act 2003**

### **116    Act amended**

This part amends the *Housing Act 2003*.

### **117    Amendment of s 94F (Definitions for div 2B)**

Section 94F, definition *applicable laws*—

*insert*—

- (aa) the *Economic Development Act 2012*;

### **118    Amendment of s 94H (Transfer of public housing premises)**

Section 94H(1), after ‘Planning Act’—

*insert*—

and the *Economic Development Act 2012*

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## Part 10                      **Amendment of Land Valuation Act 2010**

### 119    **Act amended**

This part amends the *Land Valuation Act 2010*.

### 120    **Amendment of s 10 (Zoned rural land)**

Section 10(1), note—

*omit, insert—*

*Note—*

For public access to planning schemes under the Planning Act, see chapter 7, part 3 of that Act.

### 121    **Amendment of s 33 (Land subject to particular rights)**

Section 33(1)(f)—

*omit, insert—*

- (f) a heritage restriction under—
  - (i) a planning scheme; or
  - (ii) a temporary local planning instrument or planning scheme policy under the Planning Act; or
  - (iii) a Commonwealth Act;

### 122    **Amendment of schedule (Dictionary)**

Schedule, definitions *development approval* and *planning scheme—*

*omit, insert—*

***development approval*** means—

- (a) a development approval under the Planning Act; or

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(b) a PDA development approval under the *Economic Development Act 2012*.

***planning scheme*** means—

- (a) for sections 8 and 10—
- (i) in relation to land that is in a priority development area under the *Economic Development Act 2012*—the relevant development instrument under that Act for the area; or
  - (ii) otherwise—a planning scheme under the Planning Act; or
- (b) for sections 33 and 96—
- (i) in relation to land that is in, or is PDA-associated land for, a priority development area under the *Economic Development Act 2012*—the relevant development instrument under that Act for the area; or
  - (ii) a planning scheme under the Planning Act.

## Part 11                      Amendment of Liquor Act 1992

### 123      Act amended

This part amends the *Liquor Act 1992*.

### 124      Amendment of s 4 (Definitions)

- (1) Section 4, definition *development approval*—  
*omit*.
- (2) Section 4—  
*insert*—



*development approval* means—

- (a) a development approval under the Planning Act; or
- (b) a PDA development approval under the *Economic Development Act 2012*.

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

*PDA-associated land*, for a priority development area, see the *Economic Development Act 2012*, schedule 1.

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

- (3) Section 4, definition *relevant period*, paragraph (a), after ‘Planning Act’—

*insert—*

or the *Economic Development Act 2012*

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

Section 105B(5), definition *consent*, from ‘premises’—

*omit, insert—*

premises.

**126 Amendment of s 117 (Advice about application etc.)**

- (1) Section 117(1)—

*insert—*

- (c) if the application is in relation to premises that are in a priority development area, or that are, or are on, PDA-associated land for a priority development area—MEDQ.

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(2) Section 117—

*insert—*

(2A) MEDQ may comment on, or object to, the grant of the relevant application if the comment or objection is in relation to MEDQ's functions under the *Economic Development Act 2012*.

(3) Section 117(3), 'The comment or objection'—

*omit, insert—*

A comment or objection made by an entity under subsection (2) or (3)

(4) Section 117(3)(b), 'of receiving advice about the application,'—

*omit, insert—*

after the entity receives advice from the commissioner about the application,

(5) Section 117(2A) to (4)—

*renumber* as section 117(3) to (5).

## **127 Amendment of s 117A (Comments about particular applications)**

(1) Section 117A(1)—

*insert—*

(e) if the area is in or includes a priority development area, or is or includes PDA-associated land for a priority development area—MEDQ.

(2) Section 117A—

*insert—*

(1A) However, MEDQ may give the commissioner comments about the application only if the comments are in relation to MEDQ's functions under the *Economic Development Act 2012*.

- (3) Section 117A(2), note—

*omit, insert—*

*Note—*

See also section 121.

- (4) Section 117A(1A) and (2)—

*renumber* as section 117A(2) and (3).

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

- (1) Section 121(1)(b) to (e)—

*omit, insert—*

(b) an objection to the grant of the application made under section 117, 119 or 119A; and

(c) comments made in relation to the application under section 117; and

- (2) Section 121(1)(h), from ‘approval,’ to ‘Act,’—

*omit, insert—*

approval

- (3) Section 121(1)—

*insert—*

*Note—*

See also sections 107D, 110 and 117A.

- (4) Section 121(1)(f) to (h)—

*renumber* as section 121(1)(d) to (f).

- (5) Section 121(2)—

*omit.*

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**129 Amendment of s 123 (Commissioner may grant provisional licence)**

Section 123(1)(b), ‘under the Planning Act’—  
*omit.*

**130 Insertion of new pt 12, div 20**

Part 12—  
*insert—*

**Division 20 Transitional provision for  
Economic Development  
and Other Legislation  
Amendment Act 2019**

**353 Particular existing applications**

- (1) This section applies to an application mentioned in section 105(1) made, but not decided, before the commencement.
- (2) The following sections continue to apply in relation to the application as if the amending Act had not been enacted—
  - (a) if the application is for an adult entertainment permit—former section 105B;
  - (b) if the application is a relevant application within the meaning of section 117(5)—former section 117;
  - (c) if the application is in relation to a restricted area—former section 117A;
  - (d) former section 121.
- (3) In this section—

*amending Act* means the *Economic Development*

*and Other Legislation Amendment Act 2019.*

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

## **Part 12                      Amendment of Neighbourhood Disputes (Dividing Fences and Trees) Act 2011**

### **131      Act amended**

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

*Note—*

See also the amendments in schedule 1, part 2.

### **132      Amendment of s 67 (Scope of order to override other laws)**

Section 67—

*insert—*

(4) In this section—

*local law* includes a by-law under the *Economic Development Act 2012*.

### **133      Amendment of ch 5, hdg (Transitional provisions)**

Chapter 5, heading, ‘provisions’—

*omit, insert—*

**provision for Act No. 25 of 2011**

### **134      Insertion of new ch 7**

After chapter 6—

*insert—*

## **Chapter 7 Transitional provisions for Economic Development and Other Legislation Amendment Act 2019**

### **100 Definitions for chapter**

In this chapter—

*amending Act* means the *Economic Development and Other Legislation Amendment Act 2019*.

*relevant tree* means a tree planted or maintained under a condition of a PDA development approval under the *Economic Development Act 2012*.

### **101 Particular notices given under s 57**

- (1) This section applies to a notice given under section 57(2) to a tree-keeper and in effect immediately before the commencement if—
  - (a) the notice is in relation to a relevant tree; and
  - (b) the tree-keeper has not, immediately before the commencement, complied with the notice.
- (2) The notice continues to have effect as if the amending Act had not been enacted.
- (3) Chapter 3, part 4 applies in relation to the notice as if the amending Act had not been enacted.

## 102 Particular applications under s 62

- (1) This section applies in relation to an application made to QCAT under section 62(1) if the application—
  - (a) was made, but not decided, before the commencement; and
  - (b) is in relation to a relevant tree.
- (2) QCAT must hear, or continue to hear, and decide the application under chapter 3, part 5 as if the amending Act had not been enacted.
- (3) Chapter 3 applies in relation to the application, and an order made in relation to the application, as if the amending Act had not been enacted.

## 103 Particular orders made by QCAT

- (1) This section applies to an order made by QCAT under chapter 3, part 5, division 3 if the order—
  - (a) was in effect immediately before the commencement; and
  - (b) is in relation to a relevant tree.
- (2) The order continues to have effect as if the amending Act had not been enacted.
- (3) Chapter 3 applies in relation to the order as if the amending Act had not been enacted.

## 135 Amendment of schedule (Dictionary)

Schedule, definitions *development approval* and *tree-keeper*—

*omit, insert*—

***development approval*** means—

- (a) a development approval under the *Planning Act 2016*; or

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(b) a PDA development approval under the  
*Economic Development Act 2012*.

*tree-keeper* see section 48(1).

## Part 13                      Amendment of Planning Act 2016

### 136    Act amended

This part amends the *Planning Act 2016*.

*Note—*

See also the amendments in schedule 1, part 1.

### 137    Amendment of s 16 (Contents of local planning instruments)

Section 16—

*insert—*

*Note—*

For the application of this section to a planning instrument change under the *Economic Development Act 2012*, see also sections 40L(3), 41(4) and 42K(2) of that Act.

### 138    Amendment of s 26 (Power of Minister to direct action be taken)

Section 26(3)(c) and (d)—

*omit, insert—*

(c) that the local government may, within the reasonable period stated in the notice, make a submission to the Minister about the local government taking the action.



**139 Amendment of s 29 (Request to apply superseded planning scheme)**

(1) Section 29(2)—

*insert—*

*Note—*

For a planning instrument change under the *Economic Development Act 2012*, see also sections 40L(3), 41(4) and 42K(2) of that Act.

(2) Section 29(9)(b)—

*omit, insert—*

(b) despite section 45(6) to (8), the assessment manager for the superseded planning scheme application must assess the application as if the superseded planning scheme to which the application relates was in effect instead of—

(i) the planning scheme; and

(ii) a planning scheme policy for the local government area.

(3) Section 29(11)—

*omit.*

**140 Insertion of new s 29A**

After section 29—

*insert—*

**29A When superseded planning scheme application for prohibited development may be made**

(1) This section applies if—

(a) a local government agrees, or is taken to have agreed, to a request under section 29(4)(a) to accept, assess and decide a

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- superseded planning scheme application under a superseded planning scheme; and
- (b) the superseded planning scheme application is for development that is categorised as prohibited development under the planning scheme.
- (2) Despite section 50(2), the superseded planning scheme application may be made if it does not include development categorised as prohibited development under—
- (a) the superseded planning scheme; or
- (b) a categorising instrument other than the planning scheme.

#### **141 Amendment of s 30 (When this division applies)**

- (1) Section 30(2)—

*insert—*

*Note—*

For a planning instrument change under the *Economic Development Act 2012*, see also sections 40L(3), 41(4) and 42K(2) of that Act.

- (2) Section 30(4)(e)(ii)—

*omit, insert—*

- (ii) under a provision of the Minister's rules that applies specifically to the making of a planning change to reduce the risk; or

#### **142 Amendment of s 37 (Process for making or amending designation)**

- (1) Section 37(1)(b)—

*insert—*

- (iii) a requirement included in the designation under section 35(2).

(2) Section 37(4)—

*omit, insert—*

- (4) A notice under subsection (2) must state the following—
- (a) that a submission about the proposal may be given by an affected party to the Minister;
  - (b) the period, of at least 15 business days after the notice is given, in which the submission may be made;
  - (c) the requirements for a properly made submission.

### **143 Insertion of new s 42A**

After section 42—

*insert—*

#### **42A Amending and repealing designations under old Act**

To remove any doubt, it is declared that the Minister may, under this part, amend or repeal a designation of land under the old Act made by another Minister.

### **144 Amendment of s 45 (Categories of assessment)**

Section 45(6) and (7)—

*omit, insert—*

- (6) Subsections (7) and (8) apply if an assessment manager is, under subsection (3) or (5), assessing a development application against or having regard to—
- (a) a statutory instrument; or

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- (b) another document applied, adopted or incorporated (with or without changes) in a statutory instrument.
- (7) The assessment manager must assess the development application against or having regard to the statutory instrument, or other document, as in effect when the development application was properly made.
- (8) However, the assessment manager may give the weight the assessment manager considers is appropriate, in the circumstances, to—
  - (a) if the statutory instrument or other document is amended or replaced after the development application is properly made but before it is decided by the assessment manager—the amended or replacement instrument or document; or
  - (b) another statutory instrument—
    - (i) that comes into effect after the development application is properly made but before it is decided by the assessment manager; and
    - (ii) that the assessment manager would have been required to assess, or could have assessed, the development application against, or having regard to, if the instrument had been in effect when the application was properly made.

#### **145 Amendment of s 48 (Who is the *assessment manager*)**

(1) Section 48(1) and (2)—

*omit, insert—*

- (1) The *assessment manager* for a development application is the person prescribed by regulation

as the assessment manager for the application.

(2) Subject to part 6, division 3, the assessment manager for a properly made application is responsible for—

(a) administering and deciding the application;  
and

(b) assessing all or part of the application.

(2) Section 48(2A), ‘subsection (2)’—

*omit, insert—*

subsection (1)

(3) Section 48(3), ‘the *assessment manager* for the application.’—

*omit, insert—*

the assessment manager for the development application instead of the prescribed assessment manager for the application.

(4) Section 48(6), ‘the regulation under subsection (2)’—

*omit, insert—*

a regulation

#### **146 Amendment of s 54 (Copy of application to referral agency)**

Section 54(2)—

*insert—*

*Note—*

For additional referral agencies for change applications, other than change applications for a minor change to a development approval, see also section 82A.

#### **147 Amendment of s 55 (Referral agency’s assessment)**

(1) Section 55(2), note—

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*omit, insert—*

*Note—*

See also sections 82A and 277.

(2) Section 55(3) and (4)—

*omit, insert—*

- (3) Subsections (4) and (5) apply if a referral agency is, under subsection (2), assessing a development application against or having regard to—
  - (a) a statutory instrument; or
  - (b) another document applied, adopted or incorporated (with or without changes) in a statutory instrument.
- (4) The referral agency must assess the development application against or having regard to the statutory instrument, or other document, as in effect when the development application was properly made.
- (5) However, the referral agency may give the weight the referral agency considers is appropriate, in the circumstances, to—
  - (a) if the statutory instrument or other document is amended or replaced after the development application is properly made—the amended or replacement instrument or document; or
  - (b) another statutory instrument—
    - (i) that comes into effect after the development application is properly made; and
    - (ii) that the referral agency would have been required to assess, or could have assessed, the development application against, or having regard to, if the

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instrument had been in effect when the application was properly made.

**148 Amendment of s 60 (Deciding development applications)**

(1) Section 60(1), ‘properly made development application’—

*omit, insert—*

properly made application

(2) Section 60(2)(d), example, ‘for paragraph (d)’—

*omit.*

**149 Amendment of s 63 (Notice of decision)**

Section 63(1), note—

*omit, insert—*

*Notes—*

- 1 The development assessment rules may, under section 68, state the period within which a decision notice must be given.
- 2 See also the *Building and Construction Industry (Portable Long Service Leave) Act 1991*, section 77 for when an assessment manager for a development application for building work, drainage work, plumbing work or operational work must not give a development permit for the work.

**150 Amendment of s 65 (Permitted development conditions)**

Section 65(2)(c)—

*omit, insert—*

- (c) require compliance with an infrastructure agreement for the premises, but only to the extent the responsibilities under the agreement attach to, and bind the owner of, the premises under section 155(3); or

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**151 Amendment of s 66 (Prohibited development conditions)**

(1) Section 66(2)(a)—

*omit, insert—*

(a) both conditions are imposed by the same person; and

(2) Section 66(2)(c)—

*omit, insert—*

(c) if the development application for the later development approval was required to be accompanied by the consent of the owner of the premises—the owner of the premises agrees in writing to the later condition applying.

**152 Amendment of s 71 (When development approval has effect)**

Section 71(3)—

*omit, insert—*

(3) If a submitter for the development application gives the assessment manager notice that the submitter will not be appealing the decision on the application, the assessment manager must give the applicant a copy of the notice.

**153 Amendment of s 78 (Making change application)**

(1) Section 78(1)—

*insert—*

*Note—*

For the making of a change application for a development approval that was a PDA development approval, see also the *Economic Development Act 2012*, sections 51AM, 51AN and 51AO.

(2) Section 78(2), after ‘entity’—



*insert—*

for the application

(3) Section 78(3) to (6)—

*omit.*

## 154 Insertion of new s 78A

After section 78—

*insert—*

### **78A Responsible entity for change applications**

- (1) The *responsible entity* for a change application is—
  - (a) if the change application is for a minor change to a development condition of a development approval stated in a referral agency's response for the development application or another change application for the approval—the referral agency; or
  - (b) otherwise—the assessment manager.

*Note—*

For the responsible entity for a change application for a development approval that was a PDA development approval, see also the *Economic Development Act 2012*, section 51AN.

- (2) However, the P&E Court is the responsible entity for the change application instead of the person under subsection (1) if—
  - (a) the change application is for a minor change to a development approval; and
  - (b) the development approval was given or changed by the P&E Court; and
  - (c) a properly made submission was made about—

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- (i) the development application for the development approval; or
  - (ii) another change application for the development approval.
- (3) Also, the Minister is the responsible entity for the change application instead of the person under subsection (1) if—
  - (a) the change application is for a change to—
    - (i) a condition of a development approval that the Minister directed be imposed or amended under section 95; or
    - (ii) a condition of a development approval that the Minister directed be imposed under the old Act, section 419 or the repealed *Integrated Planning Act 1997*, section 3.6.1; or
    - (iii) a development approval given or changed by the Minister for an application that was called in under a call in provision; and
  - (b) the P&E Court is not the responsible entity for the change application.
- (4) If the P&E Court is the responsible entity for the change application, the court—
  - (a) must assess and decide the change application under this subdivision; but
  - (b) is not otherwise bound by the requirements of this subdivision for administering the change application.
- (5) If the change application is made to the Minister as the responsible entity under subsection (3) and the Minister is satisfied the change does not affect a State interest, the Minister may refer the change application to the assessment manager.

- (6) If the Minister refers the change application to the assessment manager, the assessment manager is the responsible entity for the application instead of the Minister.

**155 Amendment of s 80 (Notifying affected entities of minor change application)**

- (1) Section 80, heading, ‘minor change application’—

*omit, insert—*

**change applications for minor changes**

- (2) Section 80(1) and (2)—

*omit, insert—*

- (1) A person who proposes to make a change application for a minor change to a development approval must give notice of the proposal, and the details of the change, to the following entities (each an *affected entity*)—

- (a) if the assessment manager would be the responsible entity for the change application if it were made—a referral agency for the development approval other than the chief executive;
- (b) if a referral agency would be the responsible entity for the change application if it were made—
- (i) the assessment manager; and
- (ii) another referral agency for the development approval other than the chief executive;
- (c) if the P&E Court would be the responsible entity for the change application if it were made—
- (i) the assessment manager; and

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- (ii) a referral agency for the development approval;
  - (d) if the Minister would be the responsible entity for the change application if it were made—
    - (i) the assessment manager; and
    - (ii) a referral agency for the development approval other than the chief executive;
  - (e) another person prescribed by regulation.
- (3) Section 80(3), from ‘The affected entity’ to ‘change application’—  
*omit, insert—*  
An affected entity for the change application may give the person
- (4) Section 80(4), ‘an affected entity’—  
*omit, insert—*  
an affected entity for the application
- (5) Section 80(3) to (6)—  
*renumber* as section 80(2) to (5).

## **156 Amendment of s 81 (Assessing and deciding application for minor changes)**

- (1) Section 81, heading—  
*omit, insert—*  
**81 Assessing change applications for minor changes**
- (2) Section 81(2), ‘When assessing’—  
*omit, insert—*  
In assessing
- (3) Section 81(2)(d), ‘section 78(3)(ba) or (bb)’—

---

*omit, insert—*

section 78A(3)

(4) Section 81(3) to (7)—

*omit, insert—*

(3) Subsections (4) and (5) apply if the responsible entity must, in assessing the change application under subsection (2)(d) or (da), consider—

(a) a statutory instrument; or

(b) another document applied, adopted or incorporated (with or without changes) in a statutory instrument.

(4) The responsible entity must consider the statutory instrument, or other document, as in effect when the development application for the development approval was properly made.

(5) However, the responsible entity may give the weight the responsible entity considers is appropriate, in the circumstances, to—

(a) the statutory instrument or other document as in effect when the change application was made; or

(b) if the statutory instrument or other document is amended or replaced after the change application is made but before it is decided—the amended or replacement instrument or document; or

(c) another statutory instrument—

(i) that comes into effect after the change application is made but before it is decided; and

(ii) that the responsible entity would have been required to consider if the instrument had been in effect when the development application for the

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development approval was properly made.

## 157 Insertion of new ss 81A and 81B

After section 81—

*insert—*

### **81A Deciding change applications for minor changes**

- (1) This section applies in relation to a change application for a minor change to a development approval.
- (2) After assessing the change application under section 81, the responsible entity must decide to—
  - (a) make the change, with or without imposing or amending development conditions in relation to the change; or
  - (b) refuse to make the change.
- (3) If there is no affected entity for the change application, the responsible entity must decide the application within 20 business days after receiving the application.
- (4) If there is an affected entity for the change application, the responsible entity—
  - (a) must not decide the application until—
    - (i) the responsible entity receives a pre-request response notice, or response notice, from the affected entity; or
    - (ii) the end of 20 business days after receiving the application; but

- 
- (b) must decide the application within 25 business days after receiving the application.
- (5) However, the applicant and the responsible entity may, within the period stated in subsection (3) or (4)(b), agree to extend the period for deciding the change application.

### **81B Withdrawing change applications for minor changes**

- (1) This section applies in relation to a change application for a minor change to a development approval.
- (2) At any time before the change application is decided, the applicant may withdraw the application by giving notice of the withdrawal to—
- (a) the responsible entity; and
  - (b) each affected entity for the change application.

### **158 Amendment of s 82 (Assessing and deciding application for other changes)**

- (1) Section 82, heading, ‘application’—  
*omit, insert—*  
**change applications**
- (2) Section 82(2), from ‘part 2, division 2’ to ‘rules,’—  
*omit, insert—*  
the relevant provisions
- (3) Section 82(3)(c), ‘section 78(3)(ba) or (bb)’—  
*omit, insert—*  
section 78A(3)

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- (4) Section 82(3)(c)(i), from ‘part 2, division 2’ to ‘rules’—  
*omit, insert—*  
the relevant provisions
- (5) Section 82(4)(c) and (d)—  
*omit, insert—*
- (c) if the development to which the change application relates requires code assessment—any matters the assessment must be carried out having regard to under section 45(3)(b);
  - (d) if the development to which the change application relates requires impact assessment—any matters the assessment must or may be carried out against or having regard to under section 45(5)(a)(ii) or (b).
- (6) Section 82—  
*insert—*
- (6) In this section—  
***relevant provisions*** means—
- (a) section 45(6) to (8); and
  - (b) part 2, division 2, other than section 51; and
  - (c) part 3, other than sections 63 and 64(8)(c); and
  - (d) the development assessment rules.

## 159 Insertion of new s 82A

After section 82—

*insert—*

### **82A Additional referral agencies for change applications other than for minor changes**

- (1) This section applies in relation to a change



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application, other than a change application for a minor change to a development approval.

- (2) A regulation may state the following for the change application—
  - (a) that a person is a referral agency (an ***additional referral agency***) for the change application;
  - (b) the matters the additional referral agency—
    - (i) may, must, or must only assess the change application against; or
    - (ii) may, must, or must only have regard to in assessing the change application;
  - (c) that the powers of the additional referral agency for the change application are limited in a particular way.
- (3) To remove any doubt, it is declared that the additional referral agency is a referral agency for the change application in addition to a referral agency for the application under section 54(2), as applied under section 82(2).
- (4) For assessing and deciding the change application under the relevant provisions, as applied under section 82(2)—
  - (a) a reference in the relevant provisions, other than in section 54(2), to a referral agency includes a reference to the additional referral agency; and
  - (b) despite section 55(2), the additional referral agency—
    - (i) may, must, or must only assess the change application against the matters stated under subsection (2)(b)(i); and
    - (ii) may, must, or must only have regard to the matters stated under subsection

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- (2)(b)(ii) in assessing the change application; and
- (c) a reference in section 55(3) to section 55(2) includes a reference to paragraph (b); and
- (d) a reference in section 56(7)(b) to the matters under section 55(2) includes a reference to the matters mentioned in subsection (2)(b).
- (5) In this section—  
*relevant provisions* see section 82(6).

#### **160 Amendment of s 84 (Cancellation applications)**

Section 84(2)—

*insert—*

*Note—*

For the making of a cancellation application for a development approval that was a PDA development approval, see also the *Economic Development Act 2012*, section 51AP.

#### **161 Amendment of s 85 (Lapsing of approval at end of currency period)**

Section 85(1)—

*insert—*

*Note—*

For the lapsing of a development approval that was a PDA development approval, see also the *Economic Development Act 2012*, section 51AK.

#### **162 Amendment of s 86 (Extension applications)**

Section 86(1)—

*insert—*

*Note—*

For the making of an extension application for a development approval that was a PDA development approval, see also the *Economic Development Act 2012*, section 51AL.

**163 Amendment of s 87 (Assessing and deciding extension applications)**

Section 87(1)—

*insert—*

*Note—*

For the assessment and deciding of an extension application for a development approval that was a PDA development approval, see also the *Economic Development Act 2012*, section 51AL.

**164 Amendment of s 119 (When charge may be levied and recovered)**

Section 119(2), note—

*omit, insert—*

*Notes—*

- 1 For when a local government may give a replacement infrastructure charges notice for a negotiated decision notice, see section 76(6).
- 2 For the giving of an infrastructure charges notice for a development approval that was a PDA development approval, see also the *Economic Development Act 2012*, section 51AQ.

**165 Amendment of s 121 (Requirements for infrastructure charges notice)**

Section 121(3)—

*omit, insert—*

- (3) The infrastructure charges notice must—

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- (a) state the date of the notice; and
- (b) state any appeal rights the recipient of the notice has in relation to the notice; and
- (c) include or be accompanied by any other information prescribed by regulation.

**166 Amendment of s 139 (Application to convert infrastructure to trunk infrastructure)**

Section 139—

*insert—*

*Note—*

For the making of a conversion application for a development approval that was a PDA development approval, see also the *Economic Development Act 2012*, section 51AQ(3).

**167 Amendment of s 140 (Deciding conversion application)**

Section 140(5)(b)—

*omit, insert—*

- (b) if, within the period stated in the notice for giving the information, the local government and the applicant agree to a later period for giving the information—the later period.

**168 Amendment of s 157 (Infrastructure agreement applies instead of approval and charges notice)**

Section 157—

*insert—*

- (5) This section is subject to the *Economic Development Act 2012*, section 120(4).

**169 Amendment of ch 5, pt 4, hdg (Offence proceedings in Magistrates Court)**

Chapter 5, part 4, heading, ‘Offence proceedings’—

*omit, insert—*

**Proceedings for offences**

**170 Insertion of new s 173A**

Before section 174—

*insert—*

**173A Limitation on time for starting proceedings**

- (1) A proceeding for an offence against this Act must start—
  - (a) within 1 year after the offence is committed;  
or
  - (b) within 1 year after the offence comes to the complainant’s knowledge.
- (2) In a complaint starting a proceeding for an offence, a statement that the matter of the complaint came to the complainant’s knowledge on a stated day is evidence the matter came to the complainant’s knowledge on that day.

**171 Amendment of s 174 (Proceedings for offences)**

- (1) Section 174(1)—

*omit, insert—*

- (1) A person may bring proceedings (*offence proceedings*) in a Magistrates Court on a complaint to prosecute another person for an offence against parts 2 to 5 or section 226.
- (1A) The person may bring the offence proceedings whether or not any right of the person has been, or may be, infringed by, or because of, the

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commission of the offence.

- (2) Section 174(2), ‘a proceeding’—  
*omit, insert—*  
offence proceedings
- (3) Section 174(3)—  
*omit.*
- (4) Section 174(1A) and (2)—  
*renumber* as section 174(2) and (3).

## **172 Amendment of s 230 (Notice of appeal)**

- (1) Section 230(3)(c) to (e)—  
*omit, insert—*
- (c) for an appeal about a development application under schedule 1, section 1, table 1, item 1—each principal submitter for the application whose submission has not been withdrawn; and
  - (d) for an appeal about a change application under schedule 1, section 1, table 1, item 2—each principal submitter for the application whose submission has not been withdrawn; and
  - (e) each person who may elect to be a co-respondent for the appeal other than an eligible submitter for a development application or change application the subject of the appeal; and
- (2) Section 230(6)—  
*omit, insert—*
- (6) A person elects to be a co-respondent to an appeal by filing a notice of election in the approved form—

- (a) if a copy of the notice of appeal is given to the person—within 10 business days after the copy is given to the person; or
- (b) otherwise—within 15 business days after the notice of appeal is lodged with the registrar of the tribunal or the P&E Court.

**173 Amendment of s 231, hdg (Other appeals)**

Section 231, heading—

*omit, insert—*

**231 Non-appealable decisions and matters**

**174 Insertion of new ch 7, pt 4A**

Chapter 7—

*insert—*

**Part 4A Service of documents**

**275A Application of part**

This part applies if a person is required or permitted under this Act to serve a document (the *relevant document*) on another person (the *receiver*).

**275B Service of documents**

- (1) The person may serve the relevant document on the receiver by giving the receiver another document (a *communication*) stating that—
  - (a) the relevant document can be viewed on a stated website or other electronic medium; and

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- (b) the receiver may ask the person for a copy of the relevant document in hard copy or electronic form.
- (2) Also, if the receiver has given the person a notice stating an electronic address for service, the person may serve the relevant document on the receiver by sending to the electronic address—
  - (a) the relevant document; or
  - (b) a notice (also a *communication*) stating the relevant document can be viewed by opening a stated hyperlink.

*Examples of an electronic address—*

an email address, internet protocol address or digital mailbox address

- (3) For subsections (1) and (2)(b), the receiver is taken to have been served with the relevant document only if, by accessing the website or other electronic medium or opening the hyperlink, the receiver would have been able to view the relevant document—
  - (a) at the time the communication was given or sent (the *sending time*); and
  - (b) for a period after the sending time that, in the circumstances and having regard to the receiver's functions for the document, was reasonable to allow the receiver to—
    - (i) access the website or other electronic medium, or open the hyperlink; and
    - (ii) read or copy the relevant document.
- (4) Subsection (3) applies whether or not the receiver viewed the website or other electronic medium, or opened the hyperlink.
- (5) Subsection (6) applies if the receiver is given a communication under subsection (1) and asks the person for a copy of the relevant document in hard



copy or electronic form.

- (6) The person must, as soon as practicable after the request is made, give the receiver a copy of the relevant document in the requested form.
- (7) This section does not limit the Interpretation Act, section 39 or the *Electronic Transactions (Queensland) Act 2001*.

### **275C Certificate of service**

- (1) In a civil or criminal proceeding, a certificate of service in relation to a communication that states the following matters is evidence of those matters—
  - (a) the sending time for the communication;
  - (b) that, by accessing the website or other electronic medium, or opening the hyperlink, stated in the communication, the receiver would have been able to view the relevant document—
    - (i) at the sending time; and
    - (ii) for a stated period after that time.
- (2) In this section—

*certificate of service*, in relation to a communication, means a certificate that—

  - (a) is signed by the person who gave or sent the communication; and
  - (b) attaches a copy of the communication.

### **175 Omission of s 279 (Electronic service)**

Section 279—

*omit.*

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**176 Amendment of s 280 (References in Act to particular terms)**

- (1) Section 280, table, column 2, ‘a referral agency for the development application for the approval’—

*omit, insert—*

- (a) a referral agency for the development application; and
- (b) if a change application for the development approval, other than a change application for a minor change, has been approved—a referral agency for the change application

- (2) Section 280, table, column 2, ‘a referral agency for the development approval that is the subject of the application’—

*omit, insert—*

- (a) a referral agency for the development approval the subject of the application; or
- (b) for a change application for a change to a development approval, other than a minor change—a referral agency for the change application

**177 Amendment of ch 8, hdg (Repeal and transitional provisions)**

Chapter 8, heading, from ‘and’—

*omit, insert—*

**, transitional and validation provisions**

**178 Amendment of s 288 (Applications generally)**

Section 288(4), ‘section 279’—

*omit, insert—*

chapter 7, part 4A

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**179 Amendment of s 299 (Development approvals and compliance permits)**

Section 299(2)(a)—

*insert—*

*Note—*

See also section 342.

**180 Amendment of s 311 (Proceedings generally)**

Section 311(1)—

*insert—*

*Note—*

See also sections 346 and 347.

**181 Amendment of s 312 (Particular proceedings)**

(1) Section 312(1), table, column 1, ‘section 287’—

*omit, insert—*

section 288

(2) Section 312—

*insert—*

(4) Subsection (1), as amended by the *Economic Development and Other Legislation Amendment Act 2019*, is taken to have applied from 3 July 2017.

**182 Insertion of new ch 8, pt 5**

Chapter 8—

*insert—*

## **Part 5**

# **Transitional and validation provisions for Economic Development and Other Legislation Amendment Act 2019**

### **335 Definitions for part**

In this part—

*amending Act* means the *Economic Development and Other Legislation Amendment Act 2019*.

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

### **336 Particular existing decisions about superseded planning scheme requests**

- (1) This section applies if—
  - (a) before the commencement, a decision was made, or taken to have been made, under former section 29 to accept, assess and decide a superseded planning scheme application; and
  - (b) immediately before the commencement, the superseded planning scheme application had not been made.
- (2) Former section 29, other than former section 29(9)(b) and (11), continues to apply in relation to the decision, including the making of the superseded planning scheme application, as if the amending Act had not been enacted.
- (3) Section 29(9)(b) applies for assessing the superseded planning scheme application.

- (4) If the superseded planning scheme application is for development that is categorised as prohibited development under the planning scheme, section 29A applies in relation to the making of the application.

### **337 Existing superseded planning scheme applications**

- (1) Former chapter 2, part 4, division 1 continues to apply in relation to a superseded planning scheme application made under former section 29, but not decided, before the commencement as if the amending Act had not been enacted.
- (2) Subsections (3) to (5) apply if the superseded planning scheme application includes development that is categorised as prohibited development under—
  - (a) the superseded planning scheme to which the application relates; or
  - (b) a categorising instrument other than the planning scheme.
- (3) Despite subsection (1), the superseded planning scheme application is taken never to have been made.
- (4) Despite section 29(9)(a), the applicant may, within 6 months after the commencement, make a new superseded planning scheme application for development that is substantially similar to development the subject of the original application.
- (5) Chapter 2, part 4, division 1 applies in relation to the new superseded planning scheme application.

### **338 Particular planning changes**

- (1) This section applies to a planning change that

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happened before the commencement if—

- (a) the planning change is, under former section 30(4)(e), not an adverse planning change; and
  - (b) the planning change would be an adverse planning change under section 30 if it happened after the commencement.
- (2) The planning change is taken to be, and to have always been, an adverse planning change.

### **339 Particular existing applications**

- (1) For a development application made, but not decided, before the commencement, former section 48 continues to apply as if the amending Act had not been enacted.
- (2) For a change application made, but not decided, before the commencement—
  - (a) sections 78A and 81A do not apply; and
  - (b) former sections 78, 80, 81 and 82 continue to apply as if the amending Act had not been enacted.

### **340 Particular representations dealt with before commencement**

- (1) This section applies if—
  - (a) before 3 July 2017, an assessment manager for a development application under the old Act gave the applicant a decision notice for the application under the old Act, section 334; and
  - (b) on or after 3 July 2017, the applicant made representations to the assessment manager about the decision notice under the old Act, section 361 or section 75 of this Act; and

- (c) before the commencement, the assessment manager gave the applicant a notice, under the old Act, section 363(1) or (5) or section 76(2) of this Act, in relation to the representations.
- (2) If the notice was given under the old Act, section 363(1) or (5), the notice—
- (a) is not invalid merely because it was given under that section instead of under section 76(2) of this Act; and
  - (b) is not invalid merely because, before giving the notice, the assessment manager complied with the old Act, section 363(2) instead of section 76(1) of this Act; and
  - (c) is taken to be and to have always been—
    - (i) for a notice given under the old Act, section 363(1)—a negotiated decision notice under this Act; or
    - (ii) for a notice given under the old Act, section 363(5)—a decision notice given under section 76(2) of this Act that states the assessment manager does not agree with the representations.
- (3) If the notice was given under section 76(2) of this Act, the notice—
- (a) is not invalid merely because it was given under that section instead of under the old Act, section 363(1) or (5); and
  - (b) is not invalid merely because, before giving the notice, the assessment manager complied with section 76(1) of this Act instead of the old Act, section 363(2).

### **341 Conditions of existing development approvals**

- (1) This section applies to a development approval that is in effect immediately before the commencement.
- (2) Former section 65(2)(c) continues to apply in relation to a development condition of the development approval that requires compliance with an infrastructure agreement for the premises.
- (3) Former section 66(2) and (3) continues to apply in relation to a development condition of the development approval that is inconsistent with a condition of an earlier development approval.

### **342 Lapsing of particular development approvals under old Act**

- (1) This section applies to a development approval under the old Act, whether given before or after 3 July 2017, that is in effect immediately before the commencement.
- (2) If the development approval is a preliminary approval to which the old Act, section 242 applies, other than a preliminary approval mentioned in the old Act, section 808—
  - (a) section 88(2) and (3) does not apply to the development approval; and
  - (b) the old Act, section 343 applies to the development approval.
- (3) If the development approval is a preliminary approval mentioned in the old Act, section 808—
  - (a) section 88(2) and (3) does not apply to the development approval; and
  - (b) the old Act, section 342(1) to (3) applies to the development approval.
- (4) For applying the old Act, section 341 under



section 299 of this Act, or the old Act, section 343 under subsection (2), a reference in the old Act, section 341(7), definitions *related approval*, paragraph (a), (b) or (c) to—

- (a) a development approval or development permit includes a reference to a development approval or development permit given under this Act; and
- (b) a development application includes a development application made under this Act.

### **343 Validation provision for particular development approvals**

- (1) This section applies to a development approval in effect immediately before the commencement if—
  - (a) the development application, or a change application that was approved for the development approval, was assessed under section 45(3) or (5); and
  - (b) in carrying out the assessment, the assessment manager or responsible entity gave weight to a statutory instrument that came into effect after the development application was properly made, or the change application was made, but before the application was decided; and
  - (c) the assessment manager would have been required to assess, or could have assessed, the development application or change application against, or having regard to, the statutory instrument if the instrument had been in effect when the development application was properly made or the change application was made; and

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- (d) the statutory instrument is not an amended or replacement statutory instrument to which the assessment manager or responsible entity may give weight under former section 45(7).
- (2) The development approval is not invalid merely because the assessment manager or responsible entity gave weight to the statutory instrument.

### **344 Validation provision for particular infrastructure charges notices under old Act**

- (1) This section applies to an infrastructure charges notice given under the old Act on or after 4 July 2014 but before the commencement if—
  - (a) under the old Act, section 637(2), the infrastructure charges notice must include, or be accompanied by, an information notice about the decision to give the infrastructure charges notice that states the reasons for the decision; and
  - (b) the infrastructure charges notice does not comply with the requirement.
- (2) It is declared that the infrastructure charges notice is taken to be, and to always have been, as valid as it would have been if it had included, or been accompanied by, an information notice about the decision to give the infrastructure charges notice that states the reasons for the decision.
- (3) It is also declared that anything done, or to be done, in relation to the recovery of the levied charge under the infrastructure charges notice by the local government that gave the notice is as valid as it would have been or would be if the notice had included, or been accompanied by, an information notice about the decision to give the infrastructure charges notice that states the

reasons for the decision.

- (4) Subsection (5) applies if the levied charge under the infrastructure charges notice has, before the commencement, been paid to the local government that gave the notice.
- (5) It is declared that the payment is taken to be, and to always have been, as validly made as it would have been if the infrastructure charges notice had included, or been accompanied by, an information notice about the decision to give the infrastructure charges notice that states the reasons for the decision.

### **345 Particular existing appeals**

- (1) Subsection (2) applies in relation to an appeal to the P&E Court, or a tribunal, started, but not decided, before the commencement.
- (2) Former section 230(6) continues to apply in relation to the appeal as if the amending Act had not been enacted.
- (3) Subsection (4) applies if—
  - (a) before the commencement, a person who is an eligible submitter for a development application or change application started an appeal under section 229 against the decision on the application; and
  - (b) the person was required, under former section 230(3)(e), to give a copy of the notice of appeal to another eligible submitter; and
  - (c) immediately before the commencement—
    - (i) the person has not complied with the requirement; and

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- (ii) the P&E Court has not dealt with the noncompliance under the P&E Court Act, section 37; and
  - (iii) the P&E Court has not, under the P&E Court Act, section 32, decided to allow or not allow a longer period for complying with the requirement.
- (4) The requirement is taken to never have applied to the person.

### **346 Declaratory proceedings in P&E Court for particular matters under old Act**

- (1) This section applies if—
- (a) before the old Act was repealed, a proceeding could have been brought under the old Act, section 456 about a matter under the old Act that arose before the repeal; and
  - (b) immediately before the repeal, the proceeding had not been started.
- (2) This section also applies in relation to a matter that arose after the old Act was repealed, if the matter is in relation to—
- (a) a statutory instrument to which section 287 applies; or
  - (b) an application mentioned in section 288(1).
- (3) It is declared that, despite section 311(4), a person has a right, and has always had a right, to bring a proceeding about the matter under the P&E Court Act, part 2, division 3.

*Note—*

See also the P&E Court Act, section 76 and part 10, division 2.

- (4) However, if the proceeding is brought under the

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P&E Court Act, section 12 in relation to a development application under the old Act, the proceeding may be brought only by the assessment manager for the development application under the old Act.

### **347 Appeals about particular decisions under old Act**

- (1) This section applies if—
  - (a) immediately before the old Act was repealed, a person had a right to appeal under the old Act, chapter 7, part 1 or 2 against a decision made under the old Act; and
  - (b) before the commencement, the person started the appeal, during the person's appeal period for the decision—
    - (i) for an appeal to the Court of Appeal—under the P&E Court Act; or
    - (ii) otherwise—under this Act.
- (2) The person is taken to have always had a right to start the appeal.

### **183 Amendment of sch 2 (Dictionary)**

- (1) Schedule 2, definitions *affected entity*, *assessment manager*, *chosen assessment manager*, *Judicial Review Act*, *pre-request response notice*, *prescribed assessment manager* and *response notice*—  
*omit.*
- (2) Schedule 2—  
*insert—*

*affected entity*, for a change application, see section 80(1).

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**assessment manager**, for a development application, see section 48.

**chosen assessment manager**, for a development application, means the assessment manager for the application under section 48(3).

**communication**, for chapter 7, part 4A, see section 275B(1) and (2)(b).

**PDA development approval** means a PDA development approval under the *Economic Development Act 2012*.

**pre-request response notice** see section 80(2).

**prescribed assessment manager**, for a development application, means the assessment manager for the application under section 48(1).

**receiver**, for chapter 7, part 4A, see section 275A.

**relevant document**, for chapter 7, part 4A, see section 275A.

**response notice** see section 80(4).

**sending time**, for chapter 7, part 4A, see section 275B(3)(a).

- (3) Schedule 2, definition *enforcement authority*, paragraph (a)(i)—

*omit, insert—*

- (i) the prescribed assessment manager or the chosen assessment manager; or

- (4) Schedule 2, definition *enforcement authority*, paragraph (a)(iii), ‘assessment manager’—

*omit, insert—*

prescribed assessment manager

- (5) Schedule 2, definition *enforcement authority*, paragraph (a)—

*insert—*

*Note—*

For the enforcement authority for development under a development approval that was a PDA development approval, see the *Economic Development Act 2012*, section 51AI.

- (6) Schedule 2, definition *excluded application*, paragraph (c)—  
*omit, insert—*

(c) a change application—

- (i) to change a development approval given or changed by the Minister for an application that was called in under a call in provision; and  
(ii) that is made to the Minister as the responsible entity.

- (7) Schedule 2, definition *minor change*, paragraph (a)(ii)(D) and (b)(ii)(D)—

*omit, insert—*

(D) a referral agency, in assessing the application under section 55(2), to assess the application against, or have regard to, a matter, other than a matter the referral agency must have assessed the application against, or had regard to, when the application was made; or

- (8) Schedule 2, definition *minor change*, paragraph (b)—  
*insert—*

*Note—*

For when a change to a development approval that was a PDA development approval is a minor change, see also the *Economic Development Act 2012*, section 51AM.

- (9) Schedule 2, definition *responsible entity*, ‘section 78(3)’—  
*omit, insert—*

section 78A

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## **Part 14**                      **Amendment of Planning and Environment Court Act 2016**

### **Division 1**                      **Preliminary**

#### **184**      **Act amended**

This part amends the *Planning and Environment Court Act 2016*.

*Note—*

See also the amendments in schedule 1, part 1.

### **Division 2**                      **Amendments commencing on assent**

#### **185**      **Amendment of s 11 (General declaratory jurisdiction)**

Section 11—

*insert—*

*Note—*

For a proceeding under this section in relation to a development approval that was a PDA development approval under the *Economic Development Act 2012*, see also section 51AJ(3) and (4) of that Act.

#### **186**      **Amendment of pt 10, hdg (Savings and transitional provisions)**

Part 10, heading, note—

*omit.*

#### **187**      **Insertion of new pt 10, div 1, hdg**

Part 10, before section 74—



*insert—*

**Division 1                      Savings and transitional  
provisions for Act No. 26 of  
2016**

*Note—*

See also the Planning Act, chapter 8, part 2.

**188      Amendment of s 74 (Definitions for part)**

Section 74, ‘part’—

*omit, insert—*

division

**189      Amendment of s 76 (Proceedings)**

Section 76(3), example—

*omit, insert—*

*Notes—*

- 1 For bringing proceedings about particular matters under the repealed SPA, see also the Planning Act, sections 311 and 346.
- 2 For applying particular provisions of this Act to proceedings mentioned in subsection (1)(b) or (c), see also division 2.

**190      Insertion of new pt 10, div 2**

After section 78—

*insert—*

**Division 2                      Transitional provisions for  
Economic Development**

## and Other Legislation Amendment Act 2019

### 79 Application of division

This division applies to the following P&E Court proceedings—

- (a) a declaratory proceeding brought under this Act about a matter under the repealed SPA;
- (b) an appeal mentioned in the Planning Act, section 347(1);
- (c) an appeal brought under the Planning Act about a decision on an application mentioned in section 288(1) of that Act.

### 80 Definition for division

In this division—

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

### 81 Applying s 37 and pt 6 to proceedings

(1) For applying section 37 to the proceeding—

- (a) a reference in that section to an enabling Act or the Planning Act includes a reference to the repealed SPA; and
- (b) a reference in that section to a development approval includes a reference to a development approval under the repealed SPA; and
- (c) a reference in that section to a development application includes a reference to a development application under the repealed SPA.

- (2) For applying part 6 to the proceeding—
- (a) a reference in section 58, definition *costs* and section 61(2) to the Planning Act includes a reference to the repealed SPA; and
  - (b) a reference in section 60(1)(g) to a development application includes a reference to a development application under the repealed SPA; and
  - (c) a reference in section 61(2) to a development approval includes a reference to a development approval under the repealed SPA; and
  - (d) a reference in part 6 to an assessment manager, referral agency, applicant or submitter includes a reference to an assessment manager, referral agency, applicant or submitter under the repealed SPA.

## **82 Appeals about particular applications under repealed SPA**

- (1) This section applies if the proceeding—
- (a) is started after the commencement; and
  - (b) is an appeal mentioned in section 79(c).
- (2) For applying part 5, division 1 to the proceeding—
- (a) a reference in section 45(1)(a) or 46(5) or (6) to the Planning Act includes a reference to the repealed SPA; and
  - (b) a reference in section 45(2) or 46 to a development application includes a reference to a development application under the repealed SPA; and

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- (c) a reference in section 45(2) or 46(1) to a submitter includes a reference to a submitter under the repealed SPA; and
- (d) a reference in section 45(2) to an advice agency includes a reference to an advice agency under the repealed SPA.

### **Division 3                      Amendments commencing by proclamation**

#### **191      Amendment of s 16 (ADR process)**

Section 16(1), after ‘ADR registrar’—

*insert—*

or mediator

#### **192      Amendment of s 18 (Resolution agreement)**

Section 18(1), after ‘ADR registrar’—

*insert—*

, or mediator,

#### **193      Amendment of s 19 (Documents to be filed)**

Section 19(1), after ‘ADR registrar’—

*insert—*

, or mediator,

#### **194      Amendment of s 20 (Orders giving effect to resolution agreement)**

Section 20(2), from ‘after’—

*omit, insert—*

after the ADR registrar, or mediator, who

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conducted the ADR process files a certificate about the process under section 19(1).

**195 Amendment of s 21 (Preservation of confidentiality)**

Section 21, after ‘ADR registrar’—

*insert—*

or mediator

**196 Amendment of s 44 (Privileges, protection and immunity)**

Section 44(2), ‘ADR registrar, the ADR registrar’—

*omit, insert—*

ADR registrar, or a mediator under a referring order, the ADR registrar or mediator

**197 Amendment of sch 1 (Dictionary)**

Schedule 1—

*insert—*

*mediator* means a person appointed as a mediator under a referring order.

*referring order* means an order of the P&E Court referring a dispute the subject of a P&E Court proceeding to an ADR process.

**Part 15 Amendment of Queensland Reconstruction Authority Act 2011**

**198 Act amended**

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

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*Note—*

See also the amendments in schedule 1, part 1.

**199 Amendment of long title**

Long title, from ‘with’—

*omit, insert—*

Queensland communities to recover from  
disasters and improve resilience for potential  
disasters

**200 Amendment of s 2 (Main purpose of Act)**

Section 2, ‘disaster events’—

*omit, insert—*

disasters

**201 Amendment of s 3 (How main purpose is primarily achieved)**

Section 3(c)—

*omit, insert—*

- (c) providing for the declaration of, and the making of development schemes for, declared projects and reconstruction areas to facilitate the following—
  - (i) the protection, rebuilding and recovery of affected communities;
  - (ii) mitigating against potential disasters for affected communities;
  - (iii) improving the resilience of affected communities for potential disasters through, for example, the betterment of the communities.

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**202 Omission of s 6 (Meaning of *disaster event*)**

Section 6—

*omit.*

**203 Amendment of s 10 (Authority's functions)**

Section 10(1)—

*omit, insert—*

- (1) The main functions of the authority are as follows—
  - (a) to coordinate the development and implementation of whole-of-government policies for—
    - (i) managing flood risks; and
    - (ii) ensuring Queensland and its communities effectively and efficiently recover from the impacts of disasters; and
    - (iii) improving the resilience of communities for potential disasters through, for example, the betterment of the communities;
  - (b) to decide priorities for community infrastructure and community services needed for the protection, rebuilding and recovery of affected communities;
  - (c) to work closely with affected communities to ensure each community's needs are recognised in the rebuilding and recovery of the communities and improving their resilience;
  - (d) to collect and collate information about community services, and community infrastructure and other property, damaged or otherwise affected by a disaster;

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- (e) to coordinate and distribute financial assistance for communities in relation to mitigating against, recovering from or improving resilience for disasters;
- (f) to put into effect the strategic priorities of the board;
- (g) to ensure the protection, rebuilding and recovery of affected communities is—
  - (i) effectively and efficiently carried out; and
  - (ii) appropriate, having regard to the nature of the disaster;
- (h) to facilitate mitigating against potential disasters, including facilitating the development of a network of flood warning gauges that complies with best practice;
- (i) to plan for, coordinate and put in place measures to improve the resilience of communities for potential disasters through, for example, the betterment of the communities;
- (j) if asked by the Minister, to give the Minister advice about putting into effect recommendations made after an inquiry or inquest, particularly recommendations about mitigating against, recovering from or improving resilience for disasters.

## **204 Amendment of s 30 (Membership of board)**

(1) Section 30(1), from ‘7 persons’ to ‘follows—’—

*omit, insert—*

the following persons (each a *member*)—

(2) Section 30(1)(d)—



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*omit, insert—*

- (d) at least 3 other members.

**205 Amendment of s 35 (Time and place of meetings)**

Section 35(2), ‘once each month’—

*omit, insert—*

8 times each year

**206 Amendment of s 41 (Reporting by the board and chairperson)**

- (1) Section 41(1), ‘month’—

*omit, insert—*

quarter

- (2) Section 41(3)—

*omit, insert—*

- (3) The authority must keep a copy of each report given under subsection (1) or (2) on its website.

**207 Amendment of s 42 (Declaration of declared project)**

- (1) Section 42(1)(a), ‘event’—

*omit.*

- (2) Section 42(1)(b)—

*omit, insert—*

- (b) the declaration is necessary to facilitate—
- (i) the protection, rebuilding and recovery of an affected community; or
  - (ii) mitigating against potential disasters for an affected community; or

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- (iii) improving the resilience of an affected community for potential disasters through, for example, the betterment of the community.

**208 Amendment of s 43 (Declaration of reconstruction area)**

- (1) Section 43(2)(a), ‘event’—

*omit.*

- (2) Section 43(2)(b)—

*omit, insert—*

- (b) the declaration is necessary to facilitate a matter mentioned in section 42(1)(b).

- (3) Section 43(5), ‘the authority’s reconstruction function’—

*omit, insert—*

a reconstruction function of the authority

**209 Amendment of s 51 (Step-in notice)**

Section 51(2), from ‘facilitate’—

*omit, insert—*

facilitate a matter mentioned in section 42(1)(b).

**210 Amendment of s 63 (Content of development scheme)**

Section 63(2)(c), ‘the reconstruction function’—

*omit, insert—*

each reconstruction function

**211 Amendment of s 92 (Minister’s power to amend development approval)**

Section 92(1), ‘the authority’s reconstruction function’—

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*omit, insert—*

a reconstruction function of the authority

**212 Amendment of s 96 (Direction for authority to undertake works)**

Section 96(1), ‘the authority’s reconstruction function’—

*omit, insert—*

a reconstruction function of the authority

**213 Amendment of s 98 (Application of State Development Act for works on foreshore or under waters)**

Section 98, ‘the authority’s reconstruction function’—

*omit, insert—*

a reconstruction function of the authority

**214 Amendment of s 99 (Authority’s power to take land)**

Section 99(1)(c), ‘the authority’s reconstruction function’—

*omit, insert—*

a reconstruction function of the authority

**215 Amendment of schedule (Dictionary)**

(1) Schedule, definitions *disaster event* and *reconstruction function*—

*omit.*

(2) Schedule—

*insert—*

***betterment***, of a community, includes improving the community’s infrastructure so that the infrastructure is less likely to be damaged or otherwise affected by the impacts of a disaster.

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***disaster*** see the *Disaster Management Act 2003*, section 13(1).

***mitigating***, against a potential disaster, means reducing or eliminating—

- (a) the risk of the disaster happening; or
- (b) the potential impacts of the disaster.

***reconstruction function***, of the authority, means any of the following functions of the authority—

- (a) the function mentioned in section 10(1)(g);
- (b) the function mentioned in section 10(1)(h) to the extent it relates to an affected community;
- (c) the function mentioned in section 10(1)(i) to the extent it relates to an affected community.

***resilience***, of a community, means the ability of the community and its systems—

- (a) to recover from the impacts of a disaster, including, for example, the ability to restore essential infrastructure and community functions; and
- (b) to accommodate or adapt to the impacts of a disaster.

- (3) Schedule, definition *affected community*, ‘event’—  
*omit.*

## **Part 16**                      **Amendment of Sanctuary Cove Resort Act 1985**

### **216**    **Act amended**

This part amends the *Sanctuary Cove Resort Act 1985*.

*Note—*

See also the amendment in schedule 1, part 1.

**217 Amendment of s 4A (Meaning of *approved use* for a zone)**

- (1) Section 4A, after ‘a zone’—

*insert—*

or part of a zone

- (2) Section 4A, after ‘the zone’—

*insert—*

or part

**218 Amendment of s 9 (Town planning provisions)**

- (1) Section 9(3), from ‘a zone’ to ‘the zone’—

*omit, insert—*

a part of a zone of the site for an approved use for the part

- (2) Section 9(4), from ‘a zone’ to ‘the zone’—

*omit, insert—*

a part of a zone of the site for a use that is not an approved use for the part

**219 Amendment of s 12E (Town planning provisions)**

- (1) Section 12E(3), from ‘a zone’ to ‘the zone’—

*omit, insert—*

a part of a zone of the adjacent site for an approved use for the part

- (2) Section 12E(4), from ‘a zone’ to ‘the zone’—

*omit, insert—*

a part of a zone of the adjacent site for a use that

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is not an approved use for the part

**220 Amendment of s 12I (Amendment applications)**

- (1) Section 12I(1)(a), after ‘a zone’—

*insert—*

or part of a zone

- (2) Section 12I(1)(a)(ii), after ‘the zone’—

*insert—*

or part

**221 Amendment of s 12O (Approval of change of use for zone)**

- (1) Section 12O, heading, after ‘zone’—

*insert—*

**or part of zone**

- (2) Section 12O, after ‘a zone’—

*insert—*

or part of a zone

**222 Amendment of sch 1 (Names of and uses for zones)**

- (1) Schedule 1, part 2—

*insert—*

- residential care facility
- retirement facility

- (2) Schedule 1, part 3—

*insert—*

***residential care facility*** means premises used or intended for use for supervised accommodation, and medical and other support services, for

persons who—

- (a) can not live independently; and
- (b) require regular nursing or personal care.

*Examples of a residential care facility—*

a convalescent home or nursing home

***retirement facility*** means premises used or intended for use for—

- (a) accommodation for older members of the community, or retired persons, in independent living units or serviced units; or
- (b) amenity and community facilities, a manager's residence, health care and support services, preparing food and drink or staff accommodation, if the use is ancillary to the use mentioned in paragraph (a).

## **223 Amendment of sch 9 (Dictionary)**

Schedule 9, definition *approved use*, after 'zone'—

*insert—*

or part of a zone

# **Part 17 Amendment of South Bank Corporation Act 1989**

## **224 Act amended**

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

*Note—*

See also the amendments in schedule 1, part 1.

**225 Amendment of s 4 (Meaning of *assessable development*)**

Section 4(b)—

*omit, insert—*

(b) development that—

- (i) is categorised as assessable development, or accepted development, by a regulation made under the Planning Act; or
- (ii) is accepted development under the Planning Act, section 44(6)(b)(ii);

**Part 18 Amendment of South-East  
Queensland Water (Distribution  
and Retail Restructuring) Act  
2009**

**226 Act amended**

This part amends the *South-East Queensland Water (Distribution and Retail Restructuring) Act 2009*.

*Note—*

See also the amendment in schedule 1, part 1.

**227 Amendment of s 99BRCI (When charge may be levied and recovered)**

Section 99BRCI(2)—

*insert—*

*Note—*

For the giving of an infrastructure charges notice for the part of a water approval that was a PDA development approval under the *Economic Development Act 2012*, see also section 51AU(5) and (6) of that Act.



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**228 Amendment of s 99BRDE (Application to convert infrastructure to trunk infrastructure)**

Section 99BRDE(1)—

*insert—*

*Note—*

For the making of a conversion application for the part of a water approval that was a PDA development approval under the *Economic Development Act 2012*, see also section 51AU(7) of that Act.

**229 Amendment of s 99BRDO (Water infrastructure agreement prevails over water approval and infrastructure charges notice)**

Section 99BRDO—

*insert—*

- (2) This section is subject to the *Economic Development Act 2012*, section 120A(4).

*Note—*

See also the *Economic Development Act 2012*, section 120(5) for when an infrastructure agreement under the Planning Act applies instead of the part of a water approval that was part of a PDA development approval under that Act.

## **Part 19 Repeal**

**230 Repeal**

The Southern Moreton Bay Islands Development Entitlements Protection Act 2004, No. 32 is repealed.

[s 231]

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## **Part 20**                      **Minor and consequential amendments**

### **231**    **Legislation amended**

Schedule 1 amends the legislation it mentions.

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## Schedule 1      Legislation amended

section 231

### Part 1                      Amendments commencing on assent

#### Coastal Protection and Management Act 1995

**1      Section 110(c)(i) and (ii), after ‘for the application’—**

*insert—*

under the Planning Act

**2      Section 206(3), ‘section 78(3)’—**

*omit, insert—*

section 78A

**3      Schedule, definition *referral agency*—**

*omit.*

#### Economic Development Act 2012

**1      Section 40A, note, ‘section 57(3) and (3A)’—**

*omit, insert—*

section 57(3) and (5)

**2 Section 42H(2), ‘and (3)’—**

*omit.*

**3 Section 129(3)(b)—**

*omit, insert—*

(b) an amendment application.

**4 Section 160(1), ‘or an authority member under section 146(1)(c)(iii)’—**

*omit.*

**5 Particular references to authority member**

Each of the following provisions is amended by omitting ‘, authority member’—

- section 161
- section 162(1)
- section 171(1), note and (3), definition *prescribed person*, paragraph (a).

**6 Section 169(1)(d) and (e)—**

*omit.*

**6A Section 169(1)(g)—**

*omit, insert—*

(g) a member of a local representative committee;

**7 Section 169(1)(f) to (j)—**

*renumber* as section 169(1)(d) to (h).

- 8 Section 169(3)—**  
*omit.*
- 9 Section 169(5), ‘subsection (4)’—**  
*omit, insert—*  
subsection (3)
- 10 Section 169(6), ‘or authority member’—**  
*omit.*
- 11 Section 169(8), ‘subsection (7)’—**  
*omit, insert—*  
subsection (6)
- 12 Section 169(4) to (9)—**  
*renumber* as section 169(3) to (8).
- 13 Section 174(2)(a), from ‘the board’ to ‘committees’—**  
*omit, insert—*  
the board, local representative committees and  
local consultative committees

## **Economic Development Regulation 2013**

- 1 Section 4—**  
*omit.*

Schedule 1

---

**2 Section 5(2)—**

*omit.*

**3 Section 5(3)—**

*renumber* as section 5(2).

**4 Sections 5A and 5B—**

*omit.*

**5 Schedule 2—**

*omit.*

**6 Schedule 3, part 3—**

*omit.*

**7 Schedules 4 and 5—**

*omit.*

## **Environmental Offsets Act 2014**

**1 Section 5(2)(a), ‘under the Planning Act’—**

*omit.*

**2 Schedule 2, definition *assessment manager*—**

*omit, insert—*

*assessment manager* means an assessment manager under the Planning Act.

**3 Schedule 2, definition *referral agency*—**

*omit, insert—*

*referral agency* means a referral agency under the Planning Act.

## **Environmental Protection Act 1994**

**1 Schedule 1, section 3, note—**

*omit, insert—*

*Notes—*

- 1 See the *Economic Development Act 2012*, section 54(7) in relation to by-laws made under that Act that are taken, for paragraphs (a) and (b), to be local laws.
- 2 See also the *Major Events Act 2014*, section 79 for an exemption from this Act for light and noise.

**2 Schedule 4, definition *referral agency*—**

*omit, insert—*

*referral agency*, for a development application, means a referral agency for the application under the Planning Act.

## **Fisheries Act 1994**

**1 Schedule, definition *assessment manager*—**

*omit, insert—*

*assessment manager* means an assessment manager under the Planning Act.

## **Fisheries Regulation 2008**

- 1**      **Schedule 11, part 2, definition *referral agency*—**  
*omit.*

## **Planning Act 2016**

- 1**      **Sections 20(3), 22(2) and 23(5), ‘rules’—**  
*omit, insert—*  
Minister’s rules
- 2**      **Section 46(2)(a), ‘assessment manager’—**  
*omit, insert—*  
prescribed assessment manager
- 3**      **Section 59(1), ‘development’—**  
*omit.*
- 4**      **Section 61(1), ‘properly made development application’—**  
*omit, insert—*  
properly made application
- 5**      **Section 69, heading, ‘rules’—**  
*omit, insert—*  
**development assessment rules**



- 6 Section 70, heading, ‘rules’—**  
*omit, insert—*  
**development assessment rules**
- 7 Section 70(2), ‘to the rules’—**  
*omit, insert—*  
to the development assessment rules
- 8 Section 70(3), ‘rules’—**  
*omit, insert—*  
development assessment rules
- 9 Section 105(4)(a), ‘sections 45(3) to (7)’—**  
*omit, insert—*  
sections 45(3) to (8)
- 10 Section 105(4)(c), ‘section 81’—**  
*omit, insert—*  
sections 81 and 81A
- 11 Section 107(4), definition *use or preservation covenant*, ‘section 373A(4)’—**  
*omit, insert—*  
section 373A(5)(a) or (b)
- 12 Section 127(2), note, ‘sections 81(4)(a)’—**  
*omit, insert—*  
sections 81A(2)(a)

**13 Section 228(1), ‘in offence proceedings’—**

*omit, insert—*

in a proceeding for an offence against this Act

## **Planning and Environment Court Act 2016**

**1 Section 13(5), note—**

*omit.*

**2 Section 46(2)(b), ‘subsection (7)’—**

*omit, insert—*

subsection (8)

**3 Section 60(2), definition *referral agency*—**

*omit, insert—*

*referral agency* means a referral agency under the Planning Act.

## **Planning Regulation 2017**

**1 Section 21(1), ‘section 48(2)’—**

*omit, insert—*

section 48(1)

## Queensland Building and Construction Commission Act 1991

**1 Schedule 2, definition *assessment manager*—**

*omit, insert—*

*assessment manager* means an assessment manager under the Planning Act.

## Queensland Reconstruction Authority Act 2011

**1 Section 17(2)—**

*omit.*

**2 Part 3, division 1, heading—**

*omit.*

**3 Part 3, division 1, subdivision 1, heading—**

*omit, insert—*

**Division 1          Establishment and  
functions**

**4 Part 3, division 1, subdivision 2, heading—**

*omit, insert—*

**Division 2          Members**

**5 Section 31(1), ‘this subdivision’—**

*omit, insert—*

this division

**6 Section 31(2)—**

*omit.*

**7 Part 3, division 1, subdivision 3, heading—**

*omit, insert—*

**Division 3 Chairperson**

**8 Part 3, division 1, subdivision 4, heading—**

*omit, insert—*

**Division 4 Proceedings of the board**

**9 Section 38(1), ‘this subdivision’—**

*omit, insert—*

this division

**10 Part 3, division 1, subdivision 5, heading—**

*omit, insert—*

**Division 5 Disclosure of conflict of interests and reporting requirements**

**11 Section 81(3), ‘sections 81 and 82’—**

*omit, insert—*

sections 81, 81A and 82

**12 Part 10, division 2—**

*omit.*

**13 Schedule, definition *assessment manager*—**

*omit, insert—*

*assessment manager* means an assessment manager under the Planning Act.

**14 Schedule, definition *referral agency*—**

*omit, insert—*

*referral agency* means a referral agency under the Planning Act.

## **Sanctuary Cove Resort Act 1985**

**1 Section 60(5A)(a) and (b), after ‘;’—**

*insert—*

and

## **South Bank Corporation Act 1989**

**1 Section 106, ‘section 255,’—**

*omit, insert—*

section 255

**2 Section 127, ‘part 9,’—**

*omit, insert—*

part 9

## **South-East Queensland Water (Distribution and Retail Restructuring) Act 2009**

### **1 Section 53(9), definition *referral agency*—**

*omit, insert—*

*referral agency*, for a development application, means a referral agency for the application under the Planning Act.

## **State Development and Public Works Organisation Act 1971**

### **1 Schedule 2, definition *referral agency*—**

*omit, insert—*

*referral agency* means a referral agency under the Planning Act.

## **Sustainable Ports Development Act 2015**

### **1 Section 19(4)(a), ‘, PDA self-assessable development or PDA exempt development’—**

*omit, insert—*

or PDA accepted development

**2 Section 30(7), ‘section 60, 61, 81 or 82’—**

*omit, insert—*

section 60, 61, 81, 81A or 82

## **Transport Infrastructure Act 1994**

**1 Section 49A(4), ‘sections 55, 81 and 82’—**

*omit, insert—*

sections 55, 81, 81A and 82

**2 Section 67(9), definition *response period*, paragraph (c), ‘section 81(5) or (6)’—**

*omit, insert—*

section 81A(3) or (4)(b)

**3 Section 67(9), definition *response period*, paragraph (c), ‘section 81(7)’—**

*omit, insert—*

section 81A(5)

**4 Section 258(4), ‘sections 55, 81 and 82’—**

*omit, insert—*

sections 55, 81, 81A and 82

**5 Section 287A(4), ‘sections 55, 81 and 82’—**

*omit, insert—*

sections 55, 81, 81A and 82

**6 Schedule 6, definition *referral agency*—**

*omit, insert—*

*referral agency*, for a development application or change application, means a referral agency for the application under the Planning Act.

**7 Schedule 6, definition *responsible entity*, first and second occurring—**

*omit, insert—*

*responsible entity*—

- (a) for a change application—means the responsible entity for the application under the Planning Act; or
- (b) for chapter 12—see section 415.

## **Transport Planning and Coordination Act 1994**

**1 Section 8B(3), ‘sections 55, 81 and 82’—**

*omit, insert—*

sections 55, 81, 81A and 82

## **Vegetation Management Act 1999**

**1 Schedule, definition *assessment manager*—**

*omit.*



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## Part 2                      Amendments commencing by    proclamation

### City of Brisbane Regulation 2012

#### 1        Section 63—

*insert—*

*Note—*

See the *Economic Development Act 2012*, section 51AW in relation to the non-application of this provision to land subject to particular public thoroughfare easements.

### Dispute Resolution Centres Act 1990

#### 1        Section 2(1), definition *referring order*—

*insert—*

- (c) the Planning and Environment Court under the *Planning and Environment Court Act 2016*.

### Economic Development Act 2012

#### 1        Section 167, heading, ‘summary’—

*omit.*

**2 Section 167, ‘a summary offence’—**

*omit, insert—*

an offence

## **Land Title Act 1994**

**1 Section 89—**

*insert—*

*Note—*

See also the *Economic Development Act 2012*, section 51AV and the *Queen’s Wharf Brisbane Act 2016*, section 58 in relation to the registration of public thoroughfare easements.

## **Local Government Regulation 2012**

**1 Section 63—**

*insert—*

*Note—*

See the *Economic Development Act 2012*, section 51AW in relation to the non-application of this provision to land subject to particular public thoroughfare easements.

## **Neighbourhood Disputes (Dividing Fences and Trees) Act 2011**

- 1 Section 37(4), ‘subsection (4)’—**  
*omit, insert—*  
subsection (3)
  
- 2 Chapter 6, heading, from ‘and amendment’—**  
*omit.*
  
- 3 Chapter 6, part 1, heading—**  
*omit.*

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