



Queensland

Planning (Consequential) and Other Legislation Amendment Regulation 2017

Subordinate Legislation 2017 No. 103

made under the

Body Corporate and Community Management Act 1997

Building Act 1975

Coastal Protection and Management Act 1995

Disaster Management Act 2003

Economic Development Act 2012

Electricity Act 1994

Environmental Offsets Act 2014

Environmental Protection Act 1994

Fisheries Act 1994

Liquor Act 1992

Local Government Act 2009

Nature Conservation Act 1992

Plumbing and Drainage Act 2002

Prostitution Act 1999

Queensland Building and Construction Commission Act 1991

Queensland Heritage Act 1992

Regional Planning Interests Act 2014

Rural and Regional Adjustment Act 1994

*South-East Queensland Water (Distribution and Retail
Restructuring) Act 2009*

State Development and Public Works Organisation Act 1971

State Penalties Enforcement Act 1999

Supreme Court of Queensland Act 1991

Transport Infrastructure Act 1994

Transport Planning and Coordination Act 1994

Vegetation Management Act 1999

Waste Reduction and Recycling Act 2011

Water Act 2000

Wet Tropics World Heritage Protection and Management Act 1993

Contents

Wine Industry Act 1994
Planning Act 2016

Contents

	Page
Part 1	Preliminary
1	Short title 12
2	Commencement 12
Part 2	Amendment of Body Corporate and Community Management (Accommodation Module) Regulation 2008
3	Regulation amended 12
4	Amendment of s 159 (Disposal of interest in and leasing or licensing of common property—Act, s 154 [SM, s 161]) 12
Part 3	Amendment of Body Corporate and Community Management (Commercial Module) Regulation 2008
5	Regulation amended 13
6	Amendment of s 117 (Disposal of interest in and leasing or licensing of common property—Act, s 154 [SM, s 161]) 13
Part 4	Amendment of Body Corporate and Community Management (Small Schemes Module) Regulation 2008
7	Regulation amended 13
8	Amendment of s 95 (Disposal of interest in and leasing or licensing of common property—Act, s 154 [SM, s 161]) 13
Part 5	Amendment of Body Corporate and Community Management (Standard Module) Regulation 2008
9	Regulation amended 14
10	Amendment of s 161 (Disposal of interest in and leasing or licensing of common property—Act, s 154) 14
Part 6	Amendment of Building Regulation 2006
11	Regulation amended 14
12	Replacement of pt 2 (Self-assessable building work and building work that is exempt development) 14
	Part 2 Accepted building work
4	Accepted building work for the Planning Act—Act, s 21(2)(a) 15
13	Amendment of s 6 (Operation of pt 3) 15
14	Amendment of s 7 (Additional water saving targets) 15

15	Amendment of s 13 (Land liable to flooding)	15
16	Amendment of s 16A (Additional particulars for regulated pools register—Act, s 246AS)	16
17	Amendment of s 34 (Builder’s obligation to ensure stage complies with development approval)	16
18	Amendment of s 40 (Acting on referral agency’s inspection notice)	16
19	Amendment of s 44 (QBCC licensee certificate for self-assessable building work)	16
20	Amendment of s 53A (Notice requirement for particular development approvals for building work near sewers)	17
21	Amendment of s 53B (Notice requirement for particular development approvals for farm buildings)	17
22	Amendment of sch 1, hdg (Prescribed building work for Act, section 21)	18
23	Replacement of sch 2, hdg (Building work prescribed as exempt development for the Planning Act)	18
24	Amendment of sch 2C, s 5 (Work for barriers for regulated pools in particular circumstances)	18
25	Amendment of sch 4 (Dictionary)	18
Part 7	Amendment of Coastal Protection and Management Regulation 2003	
26	Regulation amended	19
27	Replacement of pt 4 (Tidal work)	19
	Part 4 Tidal works	
14	Assessment benchmarks for particular prescribed tidal works—Act, s 167	19
15	Requirements for accepted development—Act, s 167	19
16	Tidal works that are prescribed tidal works—Act, s 167	20
16A	Tidal works that is not prescribed tidal works—Act, s 167	20
28	Replacement of sch 4A, hdg (IDAS code for development applications for prescribed tidal work)	22
29	Replacement of sch 4A, pt 1, s 1 (Application of code)	22
	1 Application of code	22
30	Amendment of sch 4A, pt 1, s 2 (Purpose of code)	22
31	Amendment of sch 5 (Dictionary)	23
Part 8	Amendment of Disaster Management Regulation 2014	
32	Regulation amended	23
33	Amendment of s 2 (Members of State group—Act, s 19)	23
34	Amendment of s 3 (Persons to assist or carry out other activities relating	

Contents

	to the State group—Act, s 19A)	23
Part 9	Amendment of Economic Development Regulation 2013	
35	Regulation amended	24
36	Insertion of new pt 3	24
	Part 3 Plans of subdivision	
	7 Approving plans of subdivision—Act, s 104	24
37	Insertion of new sch 6	24
	Schedule 6 Approving plans of subdivision	24
	1 Definition for schedule	24
	2 Request for approval of plan of subdivision	25
	3 Assessing request	26
	4 Deciding request	27
Part 10	Amendment of Electricity Regulation 2006	
38	Regulation amended	28
39	Amendment of s 17 (Clearing, lopping and pruning of trees on non-freehold land)	28
Part 11	Amendment of Environmental Offsets Regulation 2014	
40	Regulation amended	28
41	Amendment of s 5 (Prescribed environmental matters—Act, s 10)	28
42	Amendment of s 6 (Environmental offsets policy—Act, s 12)	28
43	Amendment of s 10 (Requirements for financial settlement offsets—Act, s 24(2)(b))	29
44	Amendment of s 13 (Meaning of decision-maker)	29
45	Amendment of s 16 (Definitions for pt 7)	30
46	Amendment of s 29 (Who may appeal)	30
47	Amendment of s 36 (Administering agency to apply to for removal of particular duplicate offset condition)	30
48	Amendment of s 37 (Non-juvenile koala habitat tree prescribed as relevant for Act, s 15(4))	31
49	Amendment of sch 1 (Activities prescribed for section 9(c) of the Act)	31
50	Amendment of sch 2, s 2 (Regulated vegetation)	32
51	Amendment of sch 2, s 6 (Protected wildlife habitat)	33
52	Amendment of sch 3 (Dictionary)	33
Part 12	Amendment of Environmental Protection Regulation 2008	
53	Regulation amended	34
54	Amendment of s 16 (Meaning of concurrence ERA)	34

55	Replacement of s 19B (Application of div 3A)	35
	19B Assessing development application for concurrence ERA	35
56	Omission of s 19C (Assessing application)	35
57	Amendment of sch 12 (Dictionary)	36
Part 13	Amendment of Fisheries Regulation 2008	
58	Regulation amended	36
59	Amendment of s 216 (Authorisation under resource allocation authority)	36
60	Amendment of s 636 (Carrying out particular development in declared fish habitat area)	37
61	Amendment of s 637 (Collecting dead marine wood from unallocated State land)	37
62	Replacement of ch 15, pt 3 (Codes for IDAS)	37
	Part 3 Accepted development requirements	
	701 Purpose of pt 3	37
	702 Requirements for material change of use of premises for aquaculture	38
	703 Requirements for operational work for waterway barrier works	38
	704 Accepted development requirements for operational work within a declared fish habitat area	38
	705 Accepted development requirements for operational work impacting on marine plants	39
	706 Accepted development requirements available for inspection	39
63	Replacement of ch 15, pt 4, div 1, hdg	39
64	Omission of s 707A (Definition for div 1)	40
65	Omission of ss 708A–710	40
66	Amendment of sch 8 (Fees relating to development under Planning Act)	40
67	Amendment of sch 11 (Dictionary)	40
Part 14	Amendment of Liquor Regulation 2002	
68	Regulation amended	41
69	Amendment of s 22 (Decision by commissioner for application under s 21 other than application for an occasion approval)	41
70	Amendment of sch 19 (Dictionary)	41
Part 15	Amendment of Local Government (De-amalgamation Implementation) Regulation 2013	

Contents

71	Regulation amended	42
72	Amendment of s 46 (Planning instruments for new local government)	42
73	Amendment of schedule (Dictionary)	42
Part 16	Amendment of Nature Conservation (Administration) Regulation 2006	
74	Regulation amended	43
75	Amendment of sch 1, s 3 (Overview of this regulation and its relationship with the management instruments)	43
76	Amendment of sch 7 (Dictionary)	43
Part 17	Amendment of Nature Conservation (Koala) Conservation Plan 2006	
77	Plan amended	43
78	Amendment of s 4 (Main purposes of plan and how they are to be achieved)	44
79	Omission of pt 2, div 2 (Development in koala habitat areas) . . .	44
80	Renumbering of pt 2, div 3 (Map for koala habitat areas)	44
81	Omission of pt 5 (Amendment of plan)	44
82	Amendment of sch 2 (Dictionary)	44
Part 18	Amendment of Nature Conservation (Macropod) Conservation Plan 2005	
83	Plan amended	45
84	Amendment of s 19 (Restriction about processing macropod skin)	45
Part 19	Amendment of Nature Conservation (Wildlife Management) Regulation 2006	
85	Regulation amended	45
86	Amendment of s 379 (Chief executive may amend map in particular circumstances)	46
87	Amendment of sch 5 (Dictionary)	46
Part 20	Amendment of Planning Regulation 2017	
88	Regulation amended	46
89	Amendment of s 17 (Assessment benchmarks that local categorising instruments may not be inconsistent with—Act, s 43)	46
90	Amendment of sch 7, pt 3, s 5 (Operational work for taking or interfering with water)	47
91	Amendment of sch 7, pt 3, s 11 (Operational work relating to levees)	47
92	Amendment of sch 8 (Assessment manager for development applications)	47
93	Amendment of sch 10, pt 19, div 1, sdiv 2, s 29 (Assessable	

	development—operational work that involves taking or interfering with water)	49
Part 21	Amendment of Prostitution Regulation 2014	
94	Regulation amended	50
95	Replacement of s 25 (IDAS code)	50
	25 Assessment benchmarks for Planning Act—Act, s 140(2)(f)	50
96	Amendment of sch 3, hdg (Code for IDAS for assessing development application)	51
97	Omission of sch 3, s 1 (Application of code)	51
98	Amendment of sch 3, s 2 (Definitions)	51
99	Renumbering of sch 3, ss 2–4	51
Part 22	Amendment of Queensland Building and Construction Commission Regulation 2003	
100	Regulation amended	52
101	Amendment of sch 1AA, s 33 (Particular work performed personally by the owner of land)	52
102	Amendment of sch 2C, pt 2, div 2, sdiv 2, s 7 (Assistance for completion of work)	52
Part 23	Amendment of Queensland Heritage Regulation 2015	
103	Regulation amended	52
104	Replacement of s 7 (Code for IDAS—Act, s 121)	52
	7 Assessing development applications—Act, s 121	53
105	Amendment of sch 2, hdg (Code for IDAS)	53
106	Omission of sch 2, pt 1, s 1 (Application of code)	54
107	Amendment of sch 2, pt 1, s 2 (Purpose of code)	54
108	Renumbering of sch 2, ss 2–3	54
Part 24	Amendment of Regional Planning Interests Regulation 2014	
109	Regulation amended	55
110	Amendment of sch 2, pt 3, s 6 (Required outcome)	55
111	Amendment of sch 6 (Dictionary)	55
Part 25	Amendment of Rural and Regional Adjustment Regulation 2011	
112	Regulation amended	55
113	Amendment of sch 2, pt 1, s 1 (Definitions for sch 2)	56
114	Amendment of sch 3, s 1 (Definitions for sch 3)	56
115	Amendment of sch 21, pt 1, s 3 (Definitions for sch 21)	56
116	Amendment of sch 23, pt 1, s 4 (Meaning of eligible disaster)	56

Contents

Part 26	Amendment of South-East Queensland Water (Distribution and Retail Restructuring) Regulation 2010	
117	Regulation amended	57
118	Omission of pt 6 (Relevant day)	57
Part 27	Amendment of Standard Plumbing and Drainage Regulation 2003	
119	Regulation amended	57
120	Amendment of s 29B (Rectification notices for inspections under s 29A or the Act, s 87(8))	57
121	Amendment of sch 6 (Dictionary)	57
Part 28	Amendment of State Development and Public Works Organisation Regulation 2010	
122	Regulation amended	58
123	Amendment of sch 1, s 5 (Other approvals and conditions)	58
Part 29	Amendment of State Penalties Enforcement Regulation 2014	
124	Regulation amended	58
125	Amendment of sch 1 (Infringement notice offences and fines for nominated laws)	58
126	Amendment of sch 2 (Dictionary)	74
Part 30	Amendment of Transport Infrastructure (Public Marine Facilities) Regulation 2011	
127	Regulation amended	75
128	Amendment of s 38 (Mooring approval)	75
Part 31	Amendment of Transport Planning and Coordination Regulation 2005	
129	Regulation amended	76
130	Replacement of pt 2 (Code for IDAS)	76
	Part 2 Code for road works on local government roads	
	3 Code for road works on local government roads—Act, s 8C	
	76
131	Amendment of schedule, hdg (Code for IDAS)	76
132	Amendment of schedule, pt 1, s 2 (Definitions)	76
Part 32	Amendment of Uniform Civil Procedure (Fees) Regulation 2009	
133	Regulation amended	77
134	Insertion of new pt 2, div 2A	77
	Division 2A Planning and Environment Court	
	5AA Fees for Planning and Environment Court	77
135	Insertion of new sch 2A	77
	Schedule 2A Planning and Environment Court fees	77

Part 33	Amendment of Vegetation Management Regulation 2012	
136	Regulation amended	79
137	Amendment of pt 2, hdg (Approval of self-assessable codes) . .	79
138	Amendment of s 3 (Approval of self-assessable vegetation clearing codes—Act, s 19P)	79
139	Omission of s 11 (Matters prescribed for property vegetation management plan)	79
140	Amendment of sch 8 (Dictionary)	80
Part 34	Amendment of Waste Reduction and Recycling Regulation 2011	
141	Regulation amended	80
142	Amendment of sch 9 (Dictionary)	80
Part 35	Amendment of Water Plan (Border Rivers) 2003	
143	Plan amended	81
144	Amendment of s 17 (Application of div 2)	81
145	Amendment of s 33 (Decisions about taking overland flow water)	81
Part 36	Amendment of Water Plan (Calliope River Basin) 2006	
146	Plan amended	81
147	Amendment of s 14 (Decisions about taking overland flow water)	82
Part 37	Amendment of Water Plan (Condamine and Balonne) 2004	
148	Plan amended	82
149	Amendment of s 16 (Application of div 2)	82
150	Amendment of s 45 (Decisions about taking overland flow water)	82
Part 38	Amendment of Water Plan (Georgina and Diamantina) 2004	
151	Plan amended	83
152	Amendment of s 9 (Decisions about taking water)	83
153	Amendment of s 10 (Limitation on taking overland flow water—Act, s 20(2))	83
154	Amendment of s 11 (Decisions about taking overland flow water)	83
Part 39	Amendment of Water Plan (Gold Coast) 2006	
155	Plan amended	84
156	Amendment of sch 11 (Dictionary)	84
Part 40	Amendment of Water Plan (Great Artesian Basin) 2006	
157	Plan amended	84
158	Amendment of sch 6 (Dictionary)	84
Part 41	Amendment of Water Plan (Logan Basin) 2007	
159	Plan amended	85
160	Amendment of sch 13 (Dictionary)	85

Contents

Part 42	Amendment of Water Plan (Mary Basin) 2006	
161	Plan amended	85
162	Amendment of sch 12 (Dictionary)	85
Part 43	Amendment of Water Plan (Moonie) 2003	
163	Plan amended	86
164	Amendment of s 17 (Application of div 2)	86
165	Amendment of s 33 (Decisions about taking overland flow water)	86
Part 44	Amendment of Water Plan (Moreton) 2007	
166	Plan amended	86
167	Amendment of s 85 (Limitation on taking overland flow water—Act, s 20(2))	87
168	Amendment of sch 15 (Dictionary)	87
Part 45	Amendment of Water Plan (Warrego, Paroo, Bulloo and Nebine) 2016	
169	Plan amended	88
170	Amendment of s 18 (Application of this chapter)	88
171	Amendment of sch 6 (Dictionary)	88
Part 46	Amendment of Water Regulation 2016	
172	Regulation amended	88
173	Replacement of ss 98 and 99	88
	98 Works that are or are not assessable development—Act, s 39(f)	89
	99 Requirements for accepted development for operational work for taking water—Act, s 1014(2)(g)	90
174	Insertion of new s 101A	91
	101A Requirements for accepted development for category 1 levees—Act, s 1014(2)(g)	91
175	Replacement of s 102 (Code for IDAS for development applications for construction or modification of particular levees—Act, s 967)	92
	102 Assessment benchmarks for particular levees—Act, s 967(2)	92
176	Amendment of s 106 (Approved meter—Act, sch 4, def approved meter)	92
177	Amendment of s 127 (Conditions of water bore driller’s licence—Act, s 983A)	93
178	Amendment of s 139 (Declared underground water areas—Act, s 1046)	93
179	Amendment of sch 9 (Self-assessable development or assessable	

		Contents
	development)	94
180	Amendment of sch 10, hdg (Code for IDAS for development applications for construction or modification of particular levees)	95
181	Amendment of sch 10, s 1 (Application of code)	95
182	Amendment of sch 19 (Dictionary)	95
Part 47	Amendment of Wet Tropics Management Plan 1998	
183	Plan amended	96
184	Amendment of s 67 (Definitions for pt 5)	96
Part 48	Amendment of Wine Industry Regulation 2009	
185	Regulation amended	96
186	Amendment of s 2 (Particulars to be included in application for licence—Act, s 7(1)(b))	96

[s 1]

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Planning (Consequential) and Other Legislation Amendment Regulation 2017*.

2 Commencement

This regulation, other than part 20, commences on 3 July 2017.

Part 2 Amendment of Body Corporate and Community Management (Accommodation Module) Regulation 2008

3 Regulation amended

This part amends the *Body Corporate and Community Management (Accommodation Module) Regulation 2008*.

4 Amendment of s 159 (Disposal of interest in and leasing or licensing of common property—Act, s 154 [SM, s 161])

Section 159(8), definition *relevant Planning Act*, paragraph (a), ‘the *Sustainable Planning Act 2009*’—

omit, insert—

the Planning Act

Part 3 Amendment of Body Corporate and Community Management (Commercial Module) Regulation 2008

5 Regulation amended

This part amends the *Body Corporate and Community Management (Commercial Module) Regulation 2008*.

6 Amendment of s 117 (Disposal of interest in and leasing or licensing of common property—Act, s 154 [SM, s 161])

Section 117(8), definition *relevant Planning Act*, paragraph (a), ‘the *Sustainable Planning Act 2009*’—

omit, insert—

the Planning Act

Part 4 Amendment of Body Corporate and Community Management (Small Schemes Module) Regulation 2008

7 Regulation amended

This part amends the *Body Corporate and Community Management (Small Schemes Module) Regulation 2008*.

8 Amendment of s 95 (Disposal of interest in and leasing or licensing of common property—Act, s 154 [SM, s 161])

Section 95(8), definition *relevant Planning Act*, paragraph (a), ‘the *Sustainable Planning Act 2009*’—

omit, insert—

the Planning Act

Part 5 **Amendment of Body Corporate and Community Management (Standard Module) Regulation 2008**

9 **Regulation amended**

This part amends the *Body Corporate and Community Management (Standard Module) Regulation 2008*.

10 **Amendment of s 161 (Disposal of interest in and leasing or licensing of common property—Act, s 154)**

Section 161(8), definition *relevant Planning Act*, paragraph (a), ‘the *Sustainable Planning Act 2009*’—

omit, insert—

the Planning Act

Part 6 **Amendment of Building Regulation 2006**

11 **Regulation amended**

This part amends the *Building Regulation 2006*.

12 **Replacement of pt 2 (Self-assessable building work and building work that is exempt development)**

Part 2—

omit, insert—

Part 2 **Accepted building work**

4 Accepted building work for the Planning Act—Act, s 21(2)(a)

- (1) Schedules 1 and 2 prescribe building work for section 21(2)(a) of the Act.
- (2) Building work prescribed in schedule 1 is accepted development for the Planning Act only if the building work complies with the relevant provisions under section 25(5) of the Act for the work.

13 Amendment of s 6 (Operation of pt 3)

Section 6, notes—

omit, insert—

Notes—

- 1 A provision of a local law, local planning instrument or resolution about a prescribed aspect or matter is a *building assessment provision*. See section 30(1)(e) of the Act.
- 2 For public access to maps provided for under this part and registers under section 13(4), see the Planning Act, section 264 and the *Planning Regulation 2017*, schedule 22.

14 Amendment of s 7 (Additional water saving targets)

Section 7(1)(a), ‘self-assessable’—

omit, insert—

is accepted

15 Amendment of s 13 (Land liable to flooding)

- (1) Section 13(3), ‘the State Planning Policy 2013’—

omit, insert—

a State planning policy

- (2) Section 13(5), definition *State Planning Policy 2013*—

[s 16]

omit, insert—

State planning policy means a State planning policy under the Planning Act, other than a temporary State planning policy

16 Amendment of s 16A (Additional particulars for regulated pools register—Act, s 246AS)

Section 16A(d), ‘committee,’—

omit, insert—

committee under the repealed *Sustainable Planning Act 2009*,

17 Amendment of s 34 (Builder’s obligation to ensure stage complies with development approval)

Section 34, note, ‘section 532’—

omit, insert—

chapter 6, part 1 and schedule 1

18 Amendment of s 40 (Acting on referral agency’s inspection notice)

Section 40(2), note, ‘section 532’—

omit, insert—

chapter 6, part 1 and schedule 1

19 Amendment of s 44 (QBCC licensee certificate for self-assessable building work)

(1) Section 44, heading, ‘self-assessable’—

omit, insert—

accepted

(2) Section 44(2), ‘under section 21(1)(b) of the Act’—

omit, insert—

with the relevant provisions under section 21(5)
of the Act for the work

- (3) Section 44(3), ‘self-assessable’—

omit, insert—

accepted

20 Amendment of s 53A (Notice requirement for particular development approvals for building work near sewers)

Section 53A(1)(c), ‘concurrence’—

omit, insert—

referral

21 Amendment of s 53B (Notice requirement for particular development approvals for farm buildings)

- (1) Section 53B(1) and (2), ‘assessment manager’—

omit, insert—

decision-maker

- (2) Section 53B(3)—

insert—

decision-maker means—

- (a) if the building development application is a development application—the assessment manager for the application; or
- (b) if the building development application is a change application—the responsible entity for the application.

[s 22]

22 Amendment of sch 1, hdg (Prescribed building work for Act, section 21)

Schedule 1, heading—

omit, insert—

Schedule 1 Building work that is accepted development if relevant provisions complied with

23 Replacement of sch 2, hdg (Building work prescribed as exempt development for the Planning Act)

Schedule 2, heading—

omit, insert—

Schedule 2 Other building work that is accepted development

section 4(1)

24 Amendment of sch 2C, s 5 (Work for barriers for regulated pools in particular circumstances)

Schedule 2C, section 5(2)(a)(ii)(B), ‘self-assessable’—

omit, insert—

accepted

25 Amendment of sch 4 (Dictionary)

Schedule 4, definition *assessable building work*, from ‘not development’—

omit, insert—

not assessable development.

Part 7 **Amendment of Coastal Protection and Management Regulation 2003**

26 **Regulation amended**

This part amends the *Coastal Protection and Management Regulation 2003*.

27 **Replacement of pt 4 (Tidal work)**

Part 4—

omit, insert—

Part 4 Tidal works

14 Assessment benchmarks for particular prescribed tidal works—Act, s 167

- (1) This section applies to a development application for, or a change application relating to, assessable development that is prescribed tidal works, if the planning chief executive is not the assessment manager or responsible entity for the application.
- (2) For section 167(5)(a) of the Act, the code in schedule 4A is an assessment benchmark for the Planning Act for the development.

15 Requirements for accepted development—Act, s 167

- (1) This section applies to operational work mentioned in the *Planning Regulation 2017*, schedule 7, section 10(a), if undertaken by an entity mentioned in the *Planning Regulation*

[s 27]

2017, schedule 7, section 10(b).

- (2) For section 167(5)(b) of the Act, the operational work must comply with the document called ‘Code for self-assessable development—For tidal works, or work completely or partly within a coastal management district’ dated December 2014 and published on the department’s website.

16 Tidal works that are prescribed tidal works—Act, s 167

For section 167(5)(d) of the Act, subject to section 16A, the following work is prescribed tidal works—

- (a) work that consists only of tidal work;
- (b) work that consists of both—
 - (i) tidal work; and
 - (ii) other work that is not tidal work if the other work is an integral part of the tidal work.

16A Tidal works that is not prescribed tidal works—Act, s 167

- (1) For section 167(5)(d) of the Act, the following work is not prescribed tidal work—
 - (a) tidal work within a State managed boat harbour;
 - (b) tidal work for a new or existing structure used for the operation of—
 - (i) a port authority or port operator; or
 - (ii) a public marine facility constructed by or for Queensland Transport, a port authority or a port operator;
 - (c) tidal work for any of the following—

-
- (i) creating or changing the configuration or characteristics of a navigational channel;
 - (ii) an inlet or outlet for development for aquaculture if the development is carried out on land and is made accepted under the local government's planning scheme or is development requiring compliance assessment under the Planning Act;
 - (d) tidal work the subject of—
 - (i) a deemed approval; or
 - (ii) a development approval given under the repealed *Integrated Planning Act 1997* on or before the day this section commenced; or
 - (iii) a development application made under the repealed *Integrated Planning Act 1997* but not decided on or before the day this section commenced.

(2) In this section—

aquaculture see the *Fisheries Act 1994*, schedule.

navigational channel means a channel marked by an aid to navigation built, erected or placed in tidal water under the *Transport Operations (Marine Safety) Act 1994*.

Queensland Transport means the department in which the *Transport Operations (Marine Safety) Act 1994* is administered.

State managed boat harbour see the *Transport Infrastructure (Public Marine Facilities) Regulation 2011*, schedule 4.

[s 28]

28 Replacement of sch 4A, hdg (IDAS code for development applications for prescribed tidal work)

Schedule 4A, heading—

omit, insert—

Schedule 4A Code for assessable development that is prescribed tidal works

section 14

29 Replacement of sch 4A, pt 1, s 1 (Application of code)

Schedule 4A, part 1, section 1—

omit, insert—

1 Application of code

For section 167(5)(a) and (c) of the Act, this code—

- (a) is an assessment benchmark for the Planning Act; and
- (b) prescribes, for section 19(1)(b) of the Planning Act, the extent to which a local government may apply a planning scheme as a categorising instrument under that Act in relation to tidal works in the tidal area for its local government area, as defined under that Act.

30 Amendment of sch 4A, pt 1, s 2 (Purpose of code)

Schedule 4A, part 1, section 2, ‘for which it applies’—

omit.

31 Amendment of sch 5 (Dictionary)

Schedule 5, definition *prescribed tidal work*—
omit, insert—

prescribed tidal works means the work prescribed as prescribed tidal works under sections 16 and 16A.

Part 8 Amendment of Disaster Management Regulation 2014

32 Regulation amended

This part amends the *Disaster Management Regulation 2014*.

33 Amendment of s 2 (Members of State group—Act, s 19)

Section 2(c)(v)—
omit, insert—

(v) the *Planning Act 2016*;

34 Amendment of s 3 (Persons to assist or carry out other activities relating to the State group—Act, s 19A)

Section 3(1)(a)(vi)—
omit, insert—

(vi) the *Planning Act 2016*;

[s 35]

Part 9 **Amendment of Economic Development Regulation 2013**

35 Regulation amended

This part amends the *Economic Development Regulation 2013*.

36 Insertion of new pt 3

After section 6—

insert—

Part 3 Plans of subdivision

7 Approving plans of subdivision—Act, s 104

For section 104(2) of the Act, schedule 6 states the process for MEDQ to approve a plan of subdivision within the meaning of section 104(3) of the Act.

37 Insertion of new sch 6

After schedule 5—

insert—

Schedule 6 Approving plans of subdivision

section 7

1 Definition for schedule

In this schedule—

plan of subdivision see section 104(3) of the Act.

2 Request for approval of plan of subdivision

- (1) A person may, in writing, ask MEDQ to approve a plan of subdivision for reconfiguring a lot.
- (2) A request made under subsection (1) must be accompanied by—
 - (a) a copy of the proposed plan of subdivision; and
 - (b) if the plan of subdivision is authorised under a PDA development permit or required under a PDA development condition of a PDA development permit—evidence allowing the application to be assessed against the criteria stated in section 3(1); and
 - (c) if the plan relates to a plan of subdivision that is not PDA assessable development—evidence allowing the application to be assessed against the criteria stated in section 3(2).
- (3) If the person's request relates to reconfiguring a lot that is authorised under a PDA development permit, the request may be made only if the PDA development permit is in effect.
- (4) If a PDA development condition of a PDA development permit requires the plan of subdivision to be given to MEDQ, the request must be made—
 - (a) if the PDA development permit states a currency period under section 100(4) or (5) of the Act—before the currency period ends; or
 - (b) otherwise—within 4 years after the PDA development permit takes effect.

[s 37]

3 Assessing request

- (1) If the request relates to a plan of subdivision that is authorised under a PDA development permit, or a plan of subdivision required under a PDA development condition of a PDA development permit, the request must be assessed against the following criteria—
 - (a) the PDA development conditions of the PDA development permit have been complied with, or the applicant has given satisfactory security to MEDQ to ensure compliance with the conditions;
 - (b) there are no outstanding local government rates or charges or expenses that are a charge over the land under any Act;
 - (c) there are no outstanding special rates or charges, or infrastructure expenses recoupment charges, for the land;
 - (d) the plan has been prepared in accordance with the PDA development permit;
 - (e) the conditions of a water approval under the SEQ Water Act have been complied with;
 - (f) there are no outstanding fees or charges levied by a distributor-retailer under the SEQ Water Act.
- (2) If the request relates to a plan of subdivision for reconfiguring a lot that is not PDA assessable development, the request must be assessed against the following criteria—
 - (a) the plan is consistent with any PDA development permit relevant to the land;
 - (b) there are no outstanding local government rates or charges or expenses that are a charge over the land under any Act;

-
- (c) there are no outstanding special rates or charges, or infrastructure expenses recoupment charges, for the land;
 - (d) the conditions of a water approval under the SEQ Water Act have been complied with;
 - (e) there are no outstanding fees or charges levied by a distributor-retailer under the SEQ Water Act.
- (3) In this section—

local government rates or charges means rates or charges levied by a local government.

SEQ Water Act means the *South-East Queensland Water (Distribution and Retail Restructuring) Act 2009*.

special rate or charge means a special rate or charge levied under section 115 of the Act.

4 Deciding request

- (1) If the request made under section 2(1) complies with the criteria for the request stated in section 2, MEDQ must approve the request.
- (2) MEDQ must give notice of the approval to the person making the request within—
 - (a) 20 business days after MEDQ receives a request that is accompanied by the matters mentioned in section 2(2); or
 - (b) another period agreed between MEDQ and the person making the request.
- (3) If the Act that the plan of subdivision is to be registered or recorded under requires a particular form for the registration or recording, the request must be in that form.

[s 38]

Part 10 **Amendment of Electricity Regulation 2006**

38 **Regulation amended**

This part amends the *Electricity Regulation 2006*.

39 **Amendment of s 17 (Clearing, lopping and pruning of trees on non-freehold land)**

Section 17(4), definition *local planning instrument*—
omit, insert—

local planning instrument means a local
planning instrument under the *Planning Act 2016*.

Part 11 **Amendment of Environmental Offsets Regulation 2014**

40 **Regulation amended**

This part amends the *Environmental Offsets Regulation 2014*.

41 **Amendment of s 5 (Prescribed environmental matters—Act, s 10)**

Section 5(5)—
insert—

urban area see the *Planning Regulation 2017*,
schedule 24.

42 **Amendment of s 6 (Environmental offsets policy—Act, s 12)**

Section 6, ‘Queensland Environmental Offsets Policy (version
1.3)’—

omit, insert—

Queensland Environmental Offsets Policy
(version 1.4)

43 Amendment of s 10 (Requirements for financial settlement offsets—Act, s 24(2)(b))

Section 10(2), from ‘under the’—

omit, insert—

under—

- (a) the *Planning Regulation 2017*, schedule 11;
or
- (b) the repealed South East Queensland Koala Conservation State Planning Regulatory Provisions.

44 Amendment of s 13 (Meaning of *decision-maker*)

(1) Section 13, heading—

omit, insert—

13 Definition for part

(2) Section 13, definition *decision-maker*, paragraph (a), from ‘a State’ to ‘instrument’—

omit, insert—

the *Planning Regulation 2017*, schedule 11, the repealed South East Queensland Koala Conservation State Planning Regulatory Provisions or a local planning instrument

(3) Section 13, definition *State planning regulatory provision*—

omit.

[s 45]

45 Amendment of s 16 (Definitions for pt 7)

Section 16, definition *relevant Act*, ‘*Sustainable Planning Act 2009*’—

omit, insert—

Planning Act

46 Amendment of s 29 (Who may appeal)

Section 29, ‘*Sustainable Planning Act 2009*’—

omit, insert—

Planning Act

47 Amendment of s 36 (Administering agency to apply to for removal of particular duplicate offset condition)

(1) Section 36(d), from ‘under the’—

omit, insert—

under—

(i) the *Planning Regulation 2017*, schedule 11;
or

(ii) the repealed South East Queensland Koala Conservation State Planning Regulatory Provisions.

(2) Section 36—

insert—

(2) In this section—

SEQ region means the area, including the area of any Queensland waters, that comprised the SEQ region under the repealed *Integrated Planning Act 1997*, section 2.5A.2 immediately before 11 September 2007.

48 Amendment of s 37 (Non-juvenile koala habitat tree prescribed as relevant for Act, s 15(4))

Section 37, after ‘section 6(3)’—

insert—

or (4)

49 Amendment of sch 1 (Activities prescribed for section 9(c) of the Act)

- (1) Schedule 1, item 6, from ‘development for’ to ‘assessment provisions’—

omit, insert—

development for which an environmental offset may be required under any of the following modules of the repealed State development assessment provisions made under the repealed *Sustainable Planning Regulation 2009*

- (2) Schedule 1—

insert—

6A development for which an environmental offset may be required under any of the following State codes of the State development assessment provisions—

- (a) State code 8 (Coastal development and tidal works);
- (b) State code 9 (Great Barrier Reef wetland protection areas);
- (c) State code 11 (Removal, destruction or damage of marine plants);
- (d) State code 12 (Development in a declared fish habitat);
- (e) State code 16 (Native vegetation clearing);

[s 50]

- (f) State code 18 (Constructing or raising waterway barrier works in fish habitats);
 - (g) State code 22 (Environmentally relevant activities)
- (3) Schedule 1, item 7(b)—
omit, insert—
- (b) the *Planning Regulation 2017*, schedule 11;
 - (c) the repealed South East Queensland Koala Conservation State Planning Regulatory Provisions
- (4) Schedule 1, items 6A, as inserted, and 7—
renumber as schedule 1, items 7 and 8.

50 Amendment of sch 2, s 2 (Regulated vegetation)

- (1) Schedule 2, section 2(4), after ‘relevant watercourse’—
insert—
- or relevant drainage feature
- (2) Schedule 2, section 2(6)—
insert—
- relevant drainage feature*** means a drainage feature under the *Water Act 2000*, schedule 4 that is identified on the vegetation management watercourse and drainage feature map.
- (3) Schedule 2, section 2(6), definition *defined distance*, after ‘relevant watercourse’—
insert—
- or relevant drainage feature

51 Amendment of sch 2, s 6 (Protected wildlife habitat)

- (1) Schedule 2, section 6(3), before ‘South’—
insert—
repealed
- (2) Schedule 2, section 6—
insert—
- (3A) A non-juvenile koala habitat tree is a matter of State environmental significance if it is in—
- (a) a bushland habitat area under the *Planning Regulation 2017*; or
 - (b) a high value rehabilitation habitat area under the *Planning Regulation 2017*; or
 - (c) a medium value rehabilitation habitat area under the *Planning Regulation 2017*.
- (3) Schedule 2, section 6(5), definition *South East Queensland Koala Conservation State Planning Regulatory Provisions—omit.*
- (4) Schedule 2, section 6(3A) to (5)—
renumber as schedule 2, section 6(4) to (6).

52 Amendment of sch 3 (Dictionary)

- (1) Schedule 3, definitions *local planning instrument*, *SEQ region*, *South East Queensland Koala Conservation State Planning Regulatory Provisions*, *State development assessment provisions* and *urban area—omit.*
- (2) Schedule 3—
insert—

local planning instrument means a local planning instrument under the Planning Act.

[s 53]

repealed South East Queensland Koala Conservation State Planning Regulatory Provisions means the document called the ‘South East Queensland Koala Conversation State Planning Regulatory Provisions’, made under the repealed *Sustainable Planning Act 2009* in May 2010.

State development assessment provisions see the *Planning Regulation 2017*, schedule 24.

- (3) Schedule 3, definition *koala habitat*, ‘section 6(4)’—
omit, insert—

section 6(5)

- (4) Schedule 3, definition *non-juvenile koala habitat tree*, ‘section 6(5)’—
omit, insert—

section 6(6)

Part 12 Amendment of Environmental Protection Regulation 2008

53 Regulation amended

This part amends the *Environmental Protection Regulation 2008*.

54 Amendment of s 16 (Meaning of *concurrence ERA*)

Section 16(3), definition *relevant table*, note—
omit, insert—

Note—

For when a development permit is required for a concurrence ERA, see the Planning Act.

55 Replacement of s 19B (Application of div 3A)

Section 19B—

omit, insert—

19B Assessing development application for concurrence ERA

- (1) Subsection (2) applies if a local government is the assessment manager for a development application for a material change of use for a concurrence ERA.
- (2) The following matters are assessment benchmarks for the Planning Act for the material change of use—
 - (a) an environmental objective assessment against the environmental objectives and performance outcomes stated in schedule 5, part 3, table 2;
 - (b) the standard criteria;
 - (c) if the concurrence ERA is to be carried out in a strategic environmental area—the impacts of the activity on the environmental attributes for the area under the *Regional Planning Interests Act 2014*.
- (3) Subsection (4) applies if a local government is a referral agency for a development application for a material change of use for a concurrence ERA.
- (4) For the Planning Act, the local government must assess the development application against the matters stated in subsection (2)(a) to (c).

56 Omission of s 19C (Assessing application)

Section 19C—

omit.

[s 57]

57 Amendment of sch 12 (Dictionary)

- (1) Schedule 12, part 2, definitions *Queensland planning provisions* and *sensitive land use*—
omit.
- (2) Schedule 12, part 2—
insert—

sensitive land use see the *Planning Regulation 2017*, schedule 24.

Part 13 Amendment of Fisheries Regulation 2008

58 Regulation amended

This part amends the *Fisheries Regulation 2008*.

59 Amendment of s 216 (Authorisation under resource allocation authority)

- (1) Section 216(1)(a), ‘Planning Regulation, schedule 3, part 2, table 1, item 3(d) or table 4, item 3(d) or (e)’—
omit, insert—
Planning Regulation 2017, schedule 24, definition *non-referable building work*, paragraph (d)
- (2) Section 216(1)(c), from ‘mentioned in’ to ‘dead marine’—
omit, insert—

that is operational work impacting on marine plants that is dead marine wood on unallocated State land for trade or commerce—collect the wood

60 Amendment of s 636 (Carrying out particular development in declared fish habitat area)

Section 636(1), from ‘in both’—

omit, insert—

the *Planning Regulation 2017*, schedule 24, definition *non-referable building work*, paragraph (d).

61 Amendment of s 637 (Collecting dead marine wood from unallocated State land)

Section 637, ‘carry out development mentioned in the Planning Regulation, schedule 3, part 2, table 4, item 4(a), on unallocated State land’—

omit, insert—

remove, destroy or damage a marine plant if the marine plant is dead marine wood on unallocated State land and the removal, destruction or damage is for trade or commerce

62 Replacement of ch 15, pt 3 (Codes for IDAS)

Chapter 15, part 3—

omit, insert—

Part 3 Accepted development requirements

701 Purpose of pt 3

This part states, under section 23 of the Act, the documents that state the accepted development requirements for fisheries development that is accepted development.

[s 62]

Note—

See the *Planning Regulation 2017*, schedule 7, part 3 for how works done in accordance with the accepted development requirements affect the classification of the works.

702 Requirements for material change of use of premises for aquaculture

The document called ‘Accepted development requirements for material change of use that is aquaculture’, prepared and held by the chief executive, states the accepted development requirements for a material change of use of premises for aquaculture.

703 Requirements for operational work for waterway barrier works

The document called ‘Accepted development requirements for operational work that is constructing or raising waterway barrier works’, prepared and held by the chief executive, states the accepted development requirements for operational work for constructing or raising waterway barrier works.

704 Accepted development requirements for operational work within a declared fish habitat area

The document called ‘Accepted development requirements for operational work that is completely or partly within a declared fish habitat area’, prepared and held by the chief executive, states the accepted development requirements for operational work within a declared fish habitat area.

705 Accepted development requirements for operational work impacting on marine plants

The document called ‘Accepted development requirements for operational work that is the removal, destruction or damage of marine plants’, prepared and held by the chief executive, states the accepted development requirements for the removal, destruction or damage of marine plants.

706 Accepted development requirements available for inspection

- (1) A document mentioned in this part is—
 - (a) available for inspection by the public during office hours on business days at the department’s head office; and
 - (b) published on the department’s website.
- (2) Also, a person may obtain a copy of the document, free of charge, from the department’s head office.

Note—

At the commencement, the department’s head office was at 41 George Street, Brisbane.

63 Replacement of ch 15, pt 4, div 1, hdg

Chapter 15, part 4, division 1, heading—

omit, insert—

Division 1	Fees for resource allocation authority and fish movement exemption notice
-------------------	--

[s 64]

64 Omission of s 707A (Definition for div 1)

Section 707A—

omit.

65 Omission of ss 708A–710

Sections 708A to 710—

omit.

66 Amendment of sch 8 (Fees relating to development under Planning Act)

- (1) Schedule 8, heading, ‘under Planning Act’—

omit.

- (2) Schedule 8, authorising sections, ‘sections 708, 708A, 709, 709A, 709B and 710’—

omit, insert—

section 708

- (3) Schedule 8, part 1, item 1(b), ‘Planning Regulation, schedule 3, part 2, table 1, item 3(d) or table 4, item 3(d) or (e) or 4(a)’—

omit, insert—

Planning Regulation 2017, schedule 24, definition non-referable building work, paragraph (d) or that is operational work impacting on marine plants that is dead marine wood on unallocated State land for trade or commerce

- (4) Schedule 8, parts 3 to 5—

omit.

67 Amendment of sch 11 (Dictionary)

- (1) Schedule 11, part 2, definitions *development, development approval change request, IDAS, level of assessment, minor*

*impact works code, offset assessment fee, Planning Regulation, referral agency and relevant assessment fee—
omit.*

(2) Schedule 11, part 2—

insert—

development see the Planning Act, schedule 2.

referral agency see Planning Act, section 54(2).

Part 14 Amendment of Liquor Regulation 2002

68 Regulation amended

This part amends the *Liquor Regulation 2002*.

69 Amendment of s 22 (Decision by commissioner for application under s 21 other than application for an occasion approval)

Section 22(3), example 2, ‘*Sustainable Planning Act 2009*’—
omit, insert—

Planning Act

70 Amendment of sch 19 (Dictionary)

Schedule 19, definition *planning scheme*—
omit, insert—

planning scheme means a planning scheme under
the Planning Act.

Part 15 **Amendment of Local Government (De-amalgamation Implementation) Regulation 2013**

71 **Regulation amended**

This part amends the *Local Government (De-amalgamation Implementation) Regulation 2013*.

72 **Amendment of s 46 (Planning instruments for new local government)**

(1) Section 46(3), note—

omit.

(2) Section 46(4)(b), ‘Planning Act’—

omit, insert—

Sustainable Planning Act 2016

73 **Amendment of schedule (Dictionary)**

(1) Schedule, definitions *planning instrument* and *planning scheme*—

omit.

(2) Schedule—

insert—

planning instrument see the *Sustainable Planning Act 2016*, schedule 3.

planning scheme see the *Sustainable Planning Act 2016*, schedule 3.

Part 16 **Amendment of Nature Conservation (Administration) Regulation 2006**

74 **Regulation amended**

This part amends the *Nature Conservation (Administration) Regulation 2006*.

75 **Amendment of sch 1, s 3 (Overview of this regulation and its relationship with the management instruments)**

(1) Schedule 1, section 3(14)—

omit.

(2) Schedule 1, section 3(15)—

renumber as schedule 1, section 3(14).

76 **Amendment of sch 7 (Dictionary)**

Schedule 7, definitions *community infrastructure, development application, material change of use, operational work, Planning Act* and *reconfiguring a lot*—

omit.

Part 17 **Amendment of Nature Conservation (Koala) Conservation Plan 2006**

77 **Plan amended**

This part amends the *Nature Conservation (Koala) Conservation Plan 2006*.

[s 78]

78 Amendment of s 4 (Main purposes of plan and how they are to be achieved)

(1) Section 4(2)(c)—

omit.

(2) Section 4(2)(d) to (f)—

renumber as section 4(2)(c) to (e).

79 Omission of pt 2, div 2 (Development in koala habitat areas)

Part 2, division 2—

omit.

80 Renumbering of pt 2, div 3 (Map for koala habitat areas)

Part 2, division 3—

renumber as part 2, division 2.

81 Omission of pt 5 (Amendment of plan)

Part 5—

omit.

82 Amendment of sch 2 (Dictionary)

(1) Schedule 2, definitions *assessable development*, *assessment manager*, *clear*, *concurrence agency*, *development application*, *koala conservation criteria* and *Planning Act*—

omit.

(2) Schedule 2—

insert—

clear see the *Vegetation Management Act 1999*, schedule.

Planning Act means the *Planning Act 2016*.

- (3) Schedule 2, definition *approved local government map*, paragraph (b)(i), after ‘scheme’—

insert—

under the Planning Act

- (4) Schedule 2, definition *SEQ region*, ‘designated’—

omit.

Part 18 **Amendment of Nature Conservation (Macropod) Conservation Plan 2005**

83 **Plan amended**

This part amends the *Nature Conservation (Macropod) Conservation Plan 2005*.

84 **Amendment of s 19 (Restriction about processing macropod skin)**

Section 19(1)(a)(ii), ‘*Sustainable Planning Act 2009*’—

omit, insert—

Planning Act 2016

Part 19 **Amendment of Nature Conservation (Wildlife Management) Regulation 2006**

85 **Regulation amended**

This part amends the *Nature Conservation (Wildlife Management) Regulation 2006*.

[s 86]

86 Amendment of s 379 (Chief executive may amend map in particular circumstances)

Section 379(4)—

omit.

87 Amendment of sch 5 (Dictionary)

(1) Schedule 5—

insert—

Planning Act means the *Planning Act 2016*.

planning scheme means a planning scheme under the Planning Act.

(2) Schedule 5, definition *contingent salvage*, paragraph (a)(v), ‘*Sustainable Planning Act 2009*’—

omit, insert—

Planning Act

Part 20 Amendment of Planning Regulation 2017

88 Regulation amended

This part amends the *Planning Regulation 2017*.

89 Amendment of s 17 (Assessment benchmarks that local categorising instruments may not be inconsistent with—Act, s 43)

Section 17(b), ‘section 30(a)’—

omit, insert—

section 30(1)(a)

90 Amendment of sch 7, pt 3, s 5 (Operational work for taking or interfering with water)

Schedule 7, part 3, section 5(2)(b)—

omit, insert—

(b) is—

- (i) prescribed as not assessable development under the Water Act, section 39(f); or
- (ii) particular operational work that complies with the requirements prescribed under the Water Act, section 1014(2)(g).

91 Amendment of sch 7, pt 3, s 11 (Operational work relating to levees)

Schedule 7, part 3, section 11(1), ‘section 99’—

omit, insert—

section 101A

92 Amendment of sch 8 (Assessment manager for development applications)

(1) Schedule 8, table 1, item 2—

omit, insert—

2	If the development application is for building work only and— <ul style="list-style-type: none">(a) all or part of the building work must be assessed against the building assessment provisions; and(b) a private certifier (class A) is, under the Building Act, section 48, performing functions for the application	The private certifier
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(2) Schedule 8—

insert—

[s 92]

Table 1A		
Column 1 Development application type		Column 2 Assessment manager
Particular building work assessable against a local instrument		
1 If the development application is for building work or part of building work and— (a) the building work or part must be assessed against a local instrument; and (b) the matters in the local instrument that the building work or part must be assessed against include matters other than— (i) the building assessment provisions; and (ii) the matters mentioned in schedule 9, part 3, division 2; and (c) the building work or part is completely in a single local government area; and (d) the development application is not a development application mentioned in table 1, item 1		The local government
2 If the development application is for building work or part of building work and— (a) the building work or part must be assessed against a local instrument; and (b) the building work or part requires impact assessment; and (c) the building work or part is completely in a single local government area; and (d) the development application is not a development application mentioned in table 1, item 1		The local government

(3) Schedule 8, table 2, item 1, column 1, paragraphs (a) to (e)—
renumber as (b) to (f).

(4) Schedule 8, table 2, column 1, item 1—
insert—

(a) building work that is completely in a single local government area and—

-
- (i) all or part of the building work must be assessed against the building assessment provisions; and
 - (ii) the local government is receiving, assessing and deciding the application under the *Building Act 1975*, section 51; or
- (5) Schedule 8, table 2, column 1, item 1, paragraph (b) as renumbered, ‘development completely’—
- omit, insert—*
- development, other than building work, completely
- (6) Schedule 8, table 2, column 1, item 1, paragraph (b)(i) as renumbered—
- omit.*
- (7) Schedule 8, table 2, column 1, item 1, paragraph (b)(ii) to (v) as renumbered—
- renumber* as schedule 8, table 2, column 1, item 1, paragraph (b)(i) to (iv).

**93 Amendment of sch 10, pt 19, div 1, sdiv 2, s 29
(Assessable development—operational work that involves taking or interfering with water)**

Schedule 10, part 19, division 1, subdivision 2, section 29(c) and (d)—

omit, insert—

- (c) taking or interfering with underground water through a subartesian bore, if—
 - (i) the works are prescribed as assessable development under the Water Act, section 39(f); or
 - (ii) the work does not comply with the requirements that are prescribed under

[s 94]

- the Water Act, section 1014(2)(g) for the work to be characterised as accepted development;
- (d) taking overland flow water, if—
- (i) the works are prescribed as assessable development under the Water Act, section 39(f); or
 - (ii) the work does not comply with the requirements that are prescribed under the Water Act, section 1014(2)(g) for the work to be characterised as accepted development.

Part 21 **Amendment of Prostitution Regulation 2014**

94 **Regulation amended**

This part amends the *Prostitution Regulation 2014*.

95 **Replacement of s 25 (IDAS code)**

Section 25—

omit, insert—

25 **Assessment benchmarks for Planning Act—Act, s 140(2)(f)**

- (1) This section applies to a development application for, or change application relating to, assessable development that is a material change of use of premises for a brothel, if a local government is the assessment manager or responsible entity under the Planning Act for the application.
- (2) The code in schedule 3 sets out the assessment benchmarks against which the local government must assess the assessable development.

(3) In this section—

assessable development means development categorised as assessable development under the Planning Act.

96 Amendment of sch 3, hdg (Code for IDAS for assessing development application)

Schedule 3, heading—

omit, insert—

Schedule 3 Code setting out assessment benchmarks

97 Omission of sch 3, s 1 (Application of code)

Schedule 3, section 1—

omit.

98 Amendment of sch 3, s 2 (Definitions)

Schedule 3, section 2, definitions *infrastructure* and *planning instrument*—

omit, insert—

infrastructure see the Planning Act, schedule 2.

planning instrument see the Planning Act, section 8(1).

99 Renumbering of sch 3, ss 2–4

Schedule 3, sections 2 to 4—

renumber as schedule 3, sections 1 to 3.

[s 100]

Part 22 **Amendment of Queensland Building and Construction Commission Regulation 2003**

100 **Regulation amended**

This part amends the *Queensland Building and Construction Commission Regulation 2003*.

101 **Amendment of sch 1AA, s 33 (Particular work performed personally by the owner of land)**

Schedule 1AA, section 33(1)(b), from ‘Sustainable’ to ‘exempt’—

omit, insert—

Planning Act, accepted

102 **Amendment of sch 2C, pt 2, div 2, sdiv 2, s 7 (Assistance for completion of work)**

Schedule 2C, part 2, division 2, subdivision 2, section 7(7), definition *relevant law*, paragraph (b)—

omit, insert—

(b) the Planning Act.

Part 23 **Amendment of Queensland Heritage Regulation 2015**

103 **Regulation amended**

This part amends the *Queensland Heritage Regulation 2015*.

104 **Replacement of s 7 (Code for IDAS—Act, s 121)**

Section 7—

omit, insert—

7 Assessing development applications—Act, s 121

- (1) Subsection (2) applies to a development application for, or a change application relating to, assessable development on a local heritage place on a local heritage register, if a local government is the assessment manager or responsible entity under the Planning Act for the application.
- (2) The code in schedule 2 sets out the assessment benchmarks against which the local government must assess the assessable development.
- (3) Subsection (4) applies to a change application relating to assessable development on a local heritage place on a local heritage register, if a local government is a referral agency for the application.
- (4) The local government must assess the development application against the assessment benchmarks set out in the code in schedule 2.
- (5) However, this section does not apply if—
 - (a) the local heritage place is also a State heritage place; or
 - (b) the local government’s planning scheme applies, adopts or incorporates the local heritage register.
- (6) In this section—

assessable development means development categorised as assessable development under the Planning Act.

105 Amendment of sch 2, hdg (Code for IDAS)

Schedule 2, heading, ‘for IDAS’—

[s 106]

omit, insert—

setting out assessment benchmarks

106 Omission of sch 2, pt 1, s 1 (Application of code)

Schedule 2, part 1, section 1—

omit.

107 Amendment of sch 2, pt 1, s 2 (Purpose of code)

Schedule 2, part 1, section 2(2)—

omit, insert—

(2) In considering whether there is no prudent and feasible alternative to the demolition or removal of a local heritage place, the local government that is the assessment manager or responsible entity under the Planning Act for the assessable development must have regard to—

- (a) safety, health and economic considerations; and
- (b) any other matter the local government considers relevant.

108 Renumbering of sch 2, ss 2–3

Schedule 2, sections 2 and 3—

renumber as schedule 2, sections 1 and 2.

Part 24 **Amendment of Regional Planning Interests Regulation 2014**

109 **Regulation amended**

This part amends the *Regional Planning Interests Regulation 2014*.

110 **Amendment of sch 2, pt 3, s 6 (Required outcome)**

Schedule 2, part 3, section 6, ‘*Sustainable Planning Act 2009*’—

omit, insert—

Planning Act

111 **Amendment of sch 6 (Dictionary)**

Schedule 6, definition *Cape York strategic environmental area*—

omit, insert—

Cape York strategic environmental area means the part of Cape York Peninsula that is identified as the Cape York region under the *Planning Regulation 2017*, schedule 1.

Part 25 **Amendment of Rural and Regional Adjustment Regulation 2011**

112 **Regulation amended**

This part amends the *Rural and Regional Adjustment Regulation 2011*.

[s 113]

113 Amendment of sch 2, pt 1, s 1 (Definitions for sch 2)

Schedule 2, part 1, section 1, definition *development*—
omit, insert—

development see the *Planning Act 2016*, schedule 2.

114 Amendment of sch 3, s 1 (Definitions for sch 3)

Schedule 3, section 1, definition *development*—
omit, insert—

development see the *Planning Act 2016*, schedule 2.

115 Amendment of sch 21, pt 1, s 3 (Definitions for sch 21)

Schedule 21, part 1, section 3, definition *development*—
omit, insert—

development see the *Planning Act 2016*, schedule 2.

116 Amendment of sch 23, pt 1, s 4 (Meaning of *eligible disaster*)

Schedule 23, part 1, section 4(3), definition *development*—
omit, insert—

development see the *Planning Act 2016*, schedule 2.

Part 26 **Amendment of South-East Queensland Water (Distribution and Retail Restructuring) Regulation 2010**

117 **Regulation amended**

This part amends the *South-East Queensland Water (Distribution and Retail Restructuring) Regulation 2010*.

118 **Omission of pt 6 (Relevant day)**

Part 6—

omit.

Part 27 **Amendment of Standard Plumbing and Drainage Regulation 2003**

119 **Regulation amended**

This part amends the *Standard Plumbing and Drainage Regulation 2003*.

120 **Amendment of s 29B (Rectification notices for inspections under s 29A or the Act, s 87(8))**

Section 29B(7), note, from ‘*Sustainable*’—

omit, insert—

Planning Act, chapter 6.

121 **Amendment of sch 6 (Dictionary)**

Schedule 6, definition *local planning instrument*—

[s 122]

omit, insert—

local planning instrument see the Planning Act, section 8(3).

Part 28 **Amendment of State Development and Public Works Organisation Regulation 2010**

122 **Regulation amended**

This part amends the *State Development and Public Works Organisation Regulation 2010*.

123 **Amendment of sch 1, s 5 (Other approvals and conditions)**

Schedule 1, section 5(1)(a), ‘*Sustainable Planning Act 2009*’—

omit, insert—

Planning Act

Part 29 **Amendment of State Penalties Enforcement Regulation 2014**

124 **Regulation amended**

This part amends the *State Penalties Enforcement Regulation 2014*.

125 **Amendment of sch 1 (Infringement notice offences and fines for nominated laws)**

(1) Schedule 1, entry for *Sustainable Planning Act 2009*—

omit.

(2) Schedule 1—

insert—

Planning Act 2016

	Column 1 Infringement notice offence	Column 2 Infringement notice fine (penalty units)	
		Individual	Corporation
s 163(1)	1 If—		
	(a) the assessable development carried out is clearing development; and		
	(b) the land on which the development was carried out was in an area of high nature conservation value; and		
	(c) the area of native vegetation on the land that is cleared is—		
	• less than $\frac{1}{8}$ hectare	5	5
	• at least $\frac{1}{8}$ hectare but less than $\frac{1}{2}$ hectare	10	10
	• at least $\frac{1}{2}$ hectare but less than 2 hectares	20	20
	2 If—		

[s 125]

Column 1 Infringement notice offence	Column 2 Infringement notice fine (penalty units)	
	Individual	Corporation
(a) the assessable development carried out is clearing development; and		
(b) the land on which the development was carried out was in an area vulnerable to land degradation; and		
(c) the area of native vegetation on the land that is cleared is—		
• less than $\frac{1}{8}$ hectare	5	5
• at least $\frac{1}{8}$ hectare but less than $\frac{1}{2}$ hectare	10	10
• at least $\frac{1}{2}$ hectare but less than 2 hectares	20	20
3 If—		
(a) the assessable development carried out is clearing development; and		

Column 1 Infringement notice offence	Column 2 Infringement notice fine (penalty units)	
	Individual	Corporation
(b) the land on which the development was carried out was in an endangered regional ecosystem or an area shown on a PMAV as a category A area; and		
(c) the area of native vegetation on the land that is cleared is—		
• less than $\frac{1}{8}$ hectare	5	5
• at least $\frac{1}{8}$ hectare but less than $\frac{1}{2}$ hectare	10	10
• at least $\frac{1}{2}$ hectare but less than 2 hectares	20	20
4 If—		
(a) the assessable development carried out is clearing development; and		
(b) the land on which the development was carried out was in an of concern regional ecosystem; and		
(c) the area of native vegetation on the land that is cleared is—		

[s 125]

Column 1 Infringement notice offence	Column 2 Infringement notice fine (penalty units)	
	Individual	Corporation
<ul style="list-style-type: none"> less than $\frac{1}{8}$ hectare 	5	5
<ul style="list-style-type: none"> at least $\frac{1}{8}$ hectare but less than $\frac{1}{2}$ hectare 	9	9
<ul style="list-style-type: none"> at least $\frac{1}{2}$ hectare but less than 2 hectares 	16	16
<ul style="list-style-type: none"> at least 2 hectares but less than 5 hectares 	20	20
5 If—		
(a) the assessable development carried out is clearing development; and		
(b) the land on which the development was carried out was in a least concern regional ecosystem or an area shown on a PMAV as a category C area or category R area; and		
(c) the area of native vegetation on the land that is cleared is—		
<ul style="list-style-type: none"> less than $\frac{1}{8}$ hectare 	5	5

Column 1 Infringement notice offence	Column 2 Infringement notice fine (penalty units)	
	Individual	Corporation
<ul style="list-style-type: none"> • at least $\frac{1}{8}$ hectare but less than $\frac{1}{2}$ hectare 	8	8
<ul style="list-style-type: none"> • at least $\frac{1}{2}$ hectare but less than 2 hectares 	12	12
<ul style="list-style-type: none"> • at least 2 hectares but less than 5 hectares 	15	15
<ul style="list-style-type: none"> • at least 5 hectares but less than 10 hectares 	20	20
6 If the assessable development carried out—		
(a) is assessable development, other than clearing development, in a local government area; and		
(b) is the clearing of vegetation	5	5
7 If the assessable development carried out—		
(a) is assessable development under the <i>Fisheries Act 1994</i> ; and		

[s 125]

	Column 1 Infringement notice offence	Column 2 Infringement notice fine (penalty units)	
		Individual	Corporation
	(b) relates to aquaculture, a declared fish habitat area or is the removal, damage or destruction of marine plants	10	10
8	If the assessable development carried out is building work—		
	(a) for, or for an alteration to, a class 1 building under the Building Code; or	7	7
	(b) for, or for an alteration to, a class 10 building or structure under the Building Code	4	4
9	If the assessable development is on a Queensland heritage place, or local heritage place, under the <i>Queensland Heritage Act 1992</i>	20	100
10	If paragraphs 1 to 9 do not apply	20	100
s 164	11 For a contravention of a condition—		
	(a) in a development approval for development that is clearing development; and		

Column 1 Infringement notice offence	Column 2 Infringement notice fine (penalty units)	
	Individual	Corporation
(b) that relates to the clearing of native vegetation; and		
(c) that does not relate to the actual clearing of native vegetation	5	5
12 For a contravention of a condition—		
(a) in a development approval for development that is clearing development; and		
(b) that relates to the actual clearing of native vegetation in an area of high nature conservation value—		
• if the area cleared is less than $\frac{1}{8}$ hectare	5	5
• if the area cleared is at least $\frac{1}{8}$ hectare but less than $\frac{1}{2}$ hectare	10	10
• if the area cleared is at least $\frac{1}{2}$ hectare but less than 2 hectares	20	20
13 For a contravention of a condition—		

[s 125]

Column 1 Infringement notice offence	Column 2 Infringement notice fine (penalty units)	
	Individual	Corporation
(a) in a development approval for development that is clearing development; and		
(b) that relates to the actual clearing of native vegetation in an area vulnerable to land degradation—		
<ul style="list-style-type: none"> • if the area cleared is less than $\frac{1}{8}$ hectare 	5	5
<ul style="list-style-type: none"> • if the area cleared is at least $\frac{1}{8}$ hectare but less than $\frac{1}{2}$ hectare 	10	10
<ul style="list-style-type: none"> • if the area cleared is at least $\frac{1}{2}$ hectare but less than 2 hectares 	20	20
14 For a contravention of a condition—		
(a) in a development approval for development that is clearing development; and		

Column 1 Infringement notice offence	Column 2 Infringement notice fine (penalty units)	
	Individual	Corporation
(b) that relates to the actual clearing of native vegetation in an endangered regional ecosystem or an area shown on a PMAV as a category A area—		
<ul style="list-style-type: none"> • if the area cleared is less than $\frac{1}{8}$ hectare 	5	5
<ul style="list-style-type: none"> • if the area cleared is at least $\frac{1}{8}$ hectare but less than $\frac{1}{2}$ hectare 	10	10
<ul style="list-style-type: none"> • if the area cleared is at least $\frac{1}{2}$ hectare but less than 2 hectares 	20	20
15 For a contravention of a condition—		
(a) in a development approval for development that is clearing development; and		
(b) that relates to the actual clearing of native vegetation in an of concern regional ecosystem—		

[s 125]

Column 1 Infringement notice offence	Column 2 Infringement notice fine (penalty units)	
	Individual	Corporation
<ul style="list-style-type: none"> if the area cleared is less than $\frac{1}{8}$ hectare 	5	5
<ul style="list-style-type: none"> if the area cleared is at least $\frac{1}{8}$ hectare but less than $\frac{1}{2}$ hectare 	9	9
<ul style="list-style-type: none"> if the area cleared is at least $\frac{1}{2}$ hectare but less than 2 hectares 	16	16
<ul style="list-style-type: none"> if the area cleared is at least 2 hectares but less than 5 hectares 	20	20

- 16 For a contravention of a condition—
- (a) in a development approval for development that is clearing development; and
 - (b) that relates to the actual clearing of native vegetation in a least concern regional ecosystem or an area shown on a PMAV as a category C area or category R area—

Column 1 Infringement notice offence	Column 2 Infringement notice fine (penalty units)	
	Individual	Corporation
<ul style="list-style-type: none"> if the area cleared is less than $\frac{1}{8}$ hectare 	5	5
<ul style="list-style-type: none"> if the area cleared is at least $\frac{1}{8}$ hectare but less than $\frac{1}{2}$ hectare 	8	8
<ul style="list-style-type: none"> if the area cleared is at least $\frac{1}{2}$ hectare but less than 2 hectares 	12	12
<ul style="list-style-type: none"> if the area cleared is at least 2 hectares but less than 5 hectares 	15	15
<ul style="list-style-type: none"> if the area cleared is at least 5 hectares but less than 10 hectares 	20	20
17 For a contravention of a condition—		
<ul style="list-style-type: none"> (a) in a development approval for assessable development, under a planning scheme, that is not clearing development; and 		
<ul style="list-style-type: none"> (b) that relates to the clearing of vegetation 	5	5

[s 125]

	Column 1 Infringement notice offence	Column 2 Infringement notice fine (penalty units)	
		Individual	Corporation
	18 For a contravention of a condition in a development approval for development that—		
	(a) is assessable development under the <i>Fisheries Act 1994</i> ; and		
	(b) relates to aquaculture, a declared fish habitat area or is the removal, damage or destruction of marine plants	10	10
	19 If paragraphs 11 to 18 do not apply	20	100
s 165		10	50
s 166(7)		20	100
s 168(5)	20 If the enforcement notice relates to the clearing of native vegetation on prescribed land under the <i>Planning Regulation 2016</i> , schedule 10, part 3, division 1, section 5	20	20
	21 If the enforcement notice relates to noncompliance with the <i>Building Act 1975</i> , section 220, by an owner of a budget accommodation building	5	25
	22 If paragraph 20 or 21 do not apply	20	100

	Column 1 Infringement notice offence	Column 2 Infringement notice fine (penalty units)	
		Individual	Corporation
s 168(7)	23 If the enforcement notice relates to the clearing of native vegetation on prescribed land under the <i>Planning Regulation 2016</i> , schedule 10, part 3, division 1, section 5	10	10
	24 If the enforcement notice relates to noncompliance with the <i>Building Act 1975</i> , section 220, by an owner of a budget accommodation building	5	25
s 226(1)		10	50

Administering authority for an infringement notice offence that is an offence against a provision of the *Planning Act 2016*, or an infringement notice about the offence—

- (a) for an infringement notice served by an employee of a local government appointed, under an Act, as an authorised officer—the local government; or
- (b) for an infringement notice served by an authorised person appointed under the *Coastal Protection and Management Act 1995*—the department in which that Act is administered; or
- (c) for an infringement notice served by an authorised person appointed under the *Environmental Protection Act 1994*—the department in which that Act is administered; or

[s 125]

- (d) for an infringement notice served by an inspector appointed under the *Fisheries Act 1994*—the department in which that Act is administered; or
- (e) for an infringement notice served by an authorised person appointed under the *Queensland Heritage Act 1992*—the department in which that Act is administered; or
- (f) for an infringement notice served by an authorised person appointed under the *Vegetation Management Act 1999*—the department in which that Act is administered

Authorised person for service of infringement notices—

- (a) an employee of a local government appointed as an authorised person under the *City of Brisbane Act 2010*, section 199 or the *Local Government Act 2009*, section 202, for an offence against—
 - (i) section 163(1) as limited by the descriptions relating to that section in column 1, paragraphs 6 to 10; or
 - (ii) section 164 as limited by the descriptions relating to that section in column 1, paragraphs 17 and 19; or
 - (iii) section 165; or
 - (iv) section 168(5) as limited by the descriptions relating to that section in column 1, paragraphs 21 and 22; or
 - (v) section 168(7) as limited by the description relating to that section in column 1, paragraph 24; or
 - (vi) section 226(1); or

- (b) an authorised person appointed under the *Coastal Protection and Management Act 1995*, section 125, for an offence against—
 - (i) section 163(1) as limited by the description relating to that section in column 1, paragraph 10; or
 - (ii) section 164 as limited by the description relating to that section in column 1, paragraph 19; or
 - (iii) section 166(7), if the offence relates to tidal works; or
 - (iv) section 168(5) as limited by the description relating to that section in column 1, paragraph 22; or
- (c) an authorised person appointed under the *Environmental Protection Act 1994*, section 445, for an offence against—
 - (i) section 163(1) as limited by the description relating to that section in column 1, paragraph 10; or
 - (ii) section 164 as limited by the description relating to that section in column 1, paragraph 19; or
 - (iii) section 168(5) as limited by the description relating to that section in column 1, paragraph 22; or
- (d) an inspector appointed under the *Fisheries Act 1994*, section 140, for an offence against—
 - (i) section 163(1) as limited by the description relating to that section in column 1, paragraph 7; or
 - (ii) section 164 as limited by the description relating to that section in column 1, paragraph 18; or

[s 126]

- (e) an authorised person appointed under the *Queensland Heritage Act 1992*, section 125, for an offence against—
 - (i) section 163(1); or
 - (ii) section 164 as limited by the description relating to that section in column 1, paragraph 19; or
 - (iii) section 166(7), if the offence relates to a Queensland heritage place or local heritage place; or
 - (iv) section 168(5) as limited by the description relating to that section in column 1, paragraph 22; or
- (f) an authorised officer appointed under the *Vegetation Management Act 1999*, section 24, for an offence against—
 - (i) section 163(1) as limited by the descriptions relating to that section in column 1, paragraphs 1 to 5; or
 - (ii) section 164 as limited by the descriptions relating to that section in column 1, paragraphs 11 to 16; or
 - (iii) section 168(5) as limited by the description relating to that section in column 1, paragraph 20; or
 - (iv) section 168(7) as limited by the description relating to that section in column 1, paragraph 23

126 Amendment of sch 2 (Dictionary)

(1) Schedule 2—

insert—

native vegetation means vegetation under the

Vegetation Management Act 1999.

- (2) Schedule 2, definition *clearing development*, from ‘*Sustainable*’—
omit, insert—

Planning Regulation 2017, schedule 10, part 3.

- (3) Schedule 2, definition *small building site*, from ‘*Sustainable*’—
omit, insert—

Planning Act 2016, schedule 2 is being carried out.

Part 30 **Amendment of Transport Infrastructure (Public Marine Facilities) Regulation 2011**

127 **Regulation amended**

This part amends the *Transport Infrastructure (Public Marine Facilities) Regulation 2011*.

128 **Amendment of s 38 (Mooring approval)**

Section 38(6), definition *relevant State managed boat harbour*, paragraph (b), ‘under the *Sustainable Planning Act 2009*’—

omit.

[s 129]

Part 31 **Amendment of Transport Planning and Coordination Regulation 2005**

129 **Regulation amended**

This part amends the *Transport Planning and Coordination Regulation 2005*.

130 **Replacement of pt 2 (Code for IDAS)**

Part 2—

omit, insert—

Part 2 **Code for road works on local government roads**

3 **Code for road works on local government roads—Act, s 8C**

The code in the schedule is the code about road works on local government roads for section 8C(2) of the Act.

131 **Amendment of schedule, hdg (Code for IDAS)**

Schedule, heading ‘Code for IDAS’—

omit, insert—

Code for road works on local government roads

132 **Amendment of schedule, pt 1, s 2 (Definitions)**

Schedule, part 1, section 2, definition *identified local government road*, ‘for IDAS’—

omit, insert—

prescribed by regulation for that section

Part 32 Amendment of Uniform Civil Procedure (Fees) Regulation 2009

133 Regulation amended

This part amends the *Uniform Civil Procedure (Fees) Regulation 2009*.

134 Insertion of new pt 2, div 2A

After section 5—

insert—

Division 2A Planning and Environment Court

5AA Fees for Planning and Environment Court

Schedule 2A applies for the Planning and Environment Court and sets out the fees payable for proceedings in the Planning and Environment Court.

135 Insertion of new sch 2A

After schedule 2—

insert—

Schedule 2A Planning and Environment Court fees

section 5AA

[s 135]

	\$	
1	Filing a notice of appeal—	
	(a) if there is only 1 party initiating the appeal and the party is an individual, or if there is more than 1 party initiating the appeal and they are all individuals	610.90
	(b) otherwise	1,209.35
2	Filing an originating application— <i>Planning and Environment Court Rules 2010</i> , rule 6—	
	(a) if there is only 1 applicant and the applicant is an individual, or if there is more than 1 applicant and all the applicants are individuals	610.90
	(b) otherwise	1,209.35
3	Issuing a certificate on a final judgment, order, finding or decision	64.45
4	Filing a document (the <i>first document</i>), other than any subsequent document relating to the first document, for which no other fee is provided	92.75
5	Issuing a copy of a record of the court, a document or exhibit filed in the registry or reasons for judgment—	
	(a) first copy—each page	2.50
	(b) maximum fee for first copy	68.50
	(c) additional copy—each page	0.56
	(d) maximum fee for additional copy	27.10
6	Opening or keeping open the registry after hours	502.75
7	Searching the record in an appeal or other proceeding—for each name or file	24.00
8	Attending a view—	
	(a) for each hour or part of an hour	106.85
	(b) but not more than, for each day	534.70

[s 136]

		\$
9	Making an appointment for assessment of a costs statement	106.85
10	Assessing a costs statement—for each \$100 or part of \$100 allowed	12.85

Part 33 Amendment of Vegetation Management Regulation 2012

136 Regulation amended

This part amends the *Vegetation Management Regulation 2012*.

137 Amendment of pt 2, hdg (Approval of self-assessable codes)

Part 2, heading, ‘self-assessable codes’—
omit, insert—

**accepted development vegetation clearing
codes**

138 Amendment of s 3 (Approval of self-assessable vegetation clearing codes—Act, s 19P)

Section 3, ‘self-assessable’—
omit, insert—

accepted development

139 Omission of s 11 (Matters prescribed for property vegetation management plan)

Section 11—
omit.

[s 140]

140 Amendment of sch 8 (Dictionary)

Schedule 8, definition *key resource area*—
omit.

**Part 34 Amendment of Waste
Reduction and Recycling
Regulation 2011**

141 Regulation amended

This part amends the *Waste Reduction and Recycling Regulation 2011*.

142 Amendment of sch 9 (Dictionary)

- (1) Schedule 9, definition *development approval*—
omit, insert—

development approval means a development approval under the *Planning Act 2016*.

- (2) Schedule 9, definition *development condition*, paragraph 1, from ‘requirement of’ to ‘approval.’—

omit, insert—

requirement of—

- (a) the administering authority under the Environmental Protection Act; or
- (b) the chief executive of the department in which the *Planning Act 2016* is administered, as the assessment manager or a referral agency for the application for the approval.

Part 35 **Amendment of Water Plan (Border Rivers) 2003**

143 **Plan amended**

This part amends the *Water Plan (Border Rivers) 2003*.

144 **Amendment of s 17 (Application of div 2)**

Section 17(c)—

omit, insert—

(c) under the Planning Act; or

145 **Amendment of s 33 (Decisions about taking overland flow water)**

(1) Section 33(1), ‘or the *Sustainable Planning Act 2009*’—

omit.

(2) Section 33(1)—

insert—

Note—

See the *Planning Regulation 2017*, schedule 7, section 5 and schedule 10, section 29 for how the Planning Act regulates operational work involving taking overland flow water.

Part 36 **Amendment of Water Plan (Calliope River Basin) 2006**

146 **Plan amended**

This part amends the *Water Plan (Calliope River Basin) 2006*.

[s 147]

147 Amendment of s 14 (Decisions about taking overland flow water)

- (1) Section 14(1), ‘or the *Sustainable Planning Act 2009*’—
omit.
- (2) Section 14(1)—
insert—

Note—

See the *Planning Regulation 2017*, schedule 7, section 5 and schedule 10, section 29 for how the Planning Act regulates operational work involving taking overland flow water.

Part 37 Amendment of Water Plan (Condamine and Balonne) 2004

148 Plan amended

This part amends the *Water Plan (Condamine and Balonne) 2004*.

149 Amendment of s 16 (Application of div 2)

Section 16(c)—
omit, insert—

- (c) under the Planning Act; or

150 Amendment of s 45 (Decisions about taking overland flow water)

- (1) Section 45(1), ‘or the *Sustainable Planning Act 2009*’—
omit.
- (2) Section 45(1)—
insert—

Note—

See the *Planning Regulation 2017*, schedule 7, section 5 and schedule 10, section 29 for how the Planning Act regulates operational work involving taking overland flow water.

Part 38 **Amendment of Water Plan (Georgina and Diamantina) 2004**

151 **Plan amended**

This part amends the *Water Plan (Georgina and Diamantina) 2004*.

152 **Amendment of s 9 (Decisions about taking water)**

Section 9(2)(c)—

omit, insert—

(c) under the Planning Act; or

153 **Amendment of s 10 (Limitation on taking overland flow water—Act, s 20(2))**

Section 10, heading, ‘—Act, s 20(2)’—

omit.

154 **Amendment of s 11 (Decisions about taking overland flow water)**

(1) Section 11(1), ‘or the *Sustainable Planning Act 2009*’—

omit.

(2) Section 11(1)—

insert—

[s 155]

Note—

See the *Planning Regulation 2017*, schedule 7, section 5 and schedule 10, section 29 for how the Planning Act regulates operational work involving taking overland flow water.

Part 39 Amendment of Water Plan (Gold Coast) 2006

155 Plan amended

This part amends the *Water Plan (Gold Coast) 2006*.

156 Amendment of sch 11 (Dictionary)

- (1) Schedule 11, definition *SEQ regional plan*—
omit.
- (2) Schedule 11—
insert—

SEQ regional plan means the regional plan under the Planning Act for the region named the SEQ region under the *Planning Regulation 2017*.

Part 40 Amendment of Water Plan (Great Artesian Basin) 2006

157 Plan amended

This part amends the *Water Plan (Great Artesian Basin) 2006*.

158 Amendment of sch 6 (Dictionary)

Schedule 6, definition *works replacing works*—
omit.

Part 41 **Amendment of Water Plan (Logan Basin) 2007**

159 **Plan amended**

This part amends the *Water Plan (Logan Basin) 2007*.

160 **Amendment of sch 13 (Dictionary)**

- (1) Schedule 13, definitions *SEQ region* and *SEQ regional plan*—
 omit.
- (2) Schedule 13—
 insert—

SEQ regional plan means the regional plan under the Planning Act for the region named the SEQ region under the *Planning Regulation 2017*.

Part 42 **Amendment of Water Plan (Mary Basin) 2006**

161 **Plan amended**

This part amends the *Water Plan (Mary Basin) 2006*.

162 **Amendment of sch 12 (Dictionary)**

Schedule 12, definition *SEQ regional plan*—
omit, insert—

SEQ regional plan means the regional plan under the Planning Act for the region named the SEQ region under the *Planning Regulation 2017*.

[s 163]

Part 43 **Amendment of Water Plan (Moonie) 2003**

163 **Plan amended**

This part amends the *Water Plan (Moonie) 2003*.

164 **Amendment of s 17 (Application of div 2)**

Section 17(c)—

omit, insert—

(c) under the Planning Act; or

165 **Amendment of s 33 (Decisions about taking overland flow water)**

(1) Section 33(1), ‘or the *Sustainable Planning Act 2009*’—

omit.

(2) Section 33(1)—

insert—

Note—

See the *Planning Regulation 2017*, schedule 7, section 5 and schedule 10, section 29 for how the Planning Act regulates operational work involving taking overland flow water.

Part 44 **Amendment of Water Plan (Moreton) 2007**

166 **Plan amended**

This part amends the *Water Plan (Moreton) 2007*.

167 Amendment of s 85 (Limitation on taking overland flow water—Act, s 20(2))

- (1) Section 85, heading, ‘—Act, s 20(2)’—
omit.
- (2) Section 85(1)(c), ‘, within the meaning of the SEQ regional plan,’—
omit.

168 Amendment of sch 15 (Dictionary)

- (1) Schedule 15, definition *SEQ regional plan*—
omit.
- (2) Schedule 15—
insert—

SEQ regional plan means the regional plan under the Planning Act for the region named the SEQ region under the *Planning Regulation 2017*.

water sensitive design means water sensitive urban design within the meaning of the document titled ‘South East Queensland Regional Plan 2009-2031’ prepared by the Regional Planning Minister and dated July 2009.

- (3) Schedule 15, definition *allowable urban purpose*, paragraph (a), ‘, within the meaning of the SEQ regional plan,’—
omit.

[s 169]

Part 45 **Amendment of Water Plan (Warrego, Paroo, Bulloo and Nebine) 2016**

169 **Plan amended**

This part amends the *Water Plan (Warrego, Paroo, Bulloo and Nebine) 2016*.

170 **Amendment of s 18 (Application of this chapter)**

Section 18, from ‘than a decision’ to ‘authority’—
omit, insert—
than a decision about a water permit

171 **Amendment of sch 6 (Dictionary)**

Schedule 6, definitions *Planning Act* and *Planning Regulation—*
omit.

Part 46 **Amendment of Water Regulation 2016**

172 **Regulation amended**

This part amends the *Water Regulation 2016*.

173 **Replacement of ss 98 and 99**

Sections 98 and 99—
omit, insert—

98 Works that are or are not assessable development—Act, s 39(f)

- (1) For section 39(f) of the Act, the following works are to be regulated as assessable development—
- (a) works for taking overland flow water that are in an area mentioned in schedule 9, part 1, column 1;
 - (b) works for taking underground water through a subartesian bore that are in an area mentioned in schedule 9, part 2, column 1;

Note—

For the regulation of works for taking or interfering with underground water through an artesian bore, other than through a water monitoring bore, see the *Planning Regulation 2017*.

- (c) works for interfering with underground water that are in an area mentioned in schedule 9, part 3, column 1.
- (2) However—
- (a) the works mentioned in schedule 9, part 1, column 2 or part 2, column 2 are to be regulated as assessable development only to the extent the operational work to which the works relate does not comply with the requirements for the work mentioned in section 99(2); and
 - (b) the following works are not to be regulated as assessable development—
 - (i) works mentioned in subsection (1) relating to PDA-related development;
 - (ii) works mentioned in schedule 9, part 1, column 3, part 2, column 3 or part 3, column 2.

- (3) In this section—

[s 173]

PDA-related development see the *Planning Regulation 2017*, schedule 24.

99 Requirements for accepted development for operational work for taking water—Act, s 1014(2)(g)

- (1) This section applies to operational work involving works that are—
 - (a) in an area mentioned in schedule 9, part 1, column 1 or part 2, column 1; and
 - (b) mentioned in schedule 9, part 1, column 2 or part 2, column 2, opposite the area; and
 - (c) not of a type mentioned in schedule 9, part 1, column 3 or part 2, column 3, opposite the area.
- (2) For section 1014(2)(g) of the Act, to be categorised as accepted development—
 - (a) operational work involving taking overland water must comply with the requirements applying to the work mentioned in the following documents—
 - (i) the ‘Code for self-assessable development for stock and domestic purposes’;
 - (ii) the ‘Code for self-assessable development for taking overland flow water using limited capacity works’;
 - (iii) the ‘Code for self-assessable development for taking overland flow water to satisfy the requirements of an environmental authority or a development permit for carrying out an environmentally relevant activity’; and
 - (b) operational work involving taking underground water must comply with the

requirements applying to the work mentioned in the following documents—

- (i) the ‘Code for the self-assessable development of artesian bores’;
 - (ii) the ‘Code for self-assessable development of replacement bores’.
- (3) A reference in this section to a code by name is a reference to the document of that name made by the chief executive and published on the department’s website or on the Queensland government business and industry portal.

174 Insertion of new s 101A

Part 10, division 2—

insert—

101A Requirements for accepted development for category 1 levees—Act, s 1014(2)(g)

- (1) This section applies to operational work that is—
 - (a) the construction of a new category 1 levee;
or
 - (b) the modification of an existing levee if, after the modification, the levee will be a category 1 levee.
- (2) For section 1014(2)(g) of the Act, to be categorised as accepted development the operational work must comply with the requirements stated in the levee code.
- (3) In this section—

levee code means the ‘Self-assessable code for the construction of new levees or the modification of existing levees’ made by the chief executive and published on the department’s website or on the Queensland government business and industry portal.

[s 175]

175 Replacement of s 102 (Code for IDAS for development applications for construction or modification of particular levees—Act, s 967)

Section 102—

omit, insert—

102 Assessment benchmarks for particular levees—Act, s 967(2)

- (1) This section applies to a development application for, or change application relating to, the following assessable development, if a local government is the assessment manager or responsible entity under the Planning Act for the application—
 - (a) operational work for the construction of a new category 2 levee or category 3 levee;
 - (b) operational work for the modification of an existing levee if, after the modification, the levee will fulfil the requirements for a category 2 levee or category 3 levee.
- (2) For section 967(2) of the Act, the code in schedule 10 is an assessment benchmark under the Planning Act for assessing the development.

176 Amendment of s 106 (Approved meter—Act, sch 4, def *approved meter*)

(1) Section 106(1)(d)(ii)(B)—

omit, insert—

- (B) if the works are accepted development—in accordance with any requirements provided for in this regulation with which the works must comply to be categorised as accepted development; and

(2) Section 106(1)(d)(iii)(B)—
omit, insert—

(B) if the works to which the meter is attached are accepted development—in accordance with any requirements provided for in this regulation with which the works must comply to be categorised as accepted development.

177 Amendment of s 127 (Conditions of water bore driller's licence—Act, s 983A)

Section 127(c) and (d)—
omit, insert—

- (c) if a development approval is required to carry out particular water bore drilling activities, the licence holder must see the approval and carry out the activities in accordance with the approval;
- (d) development that is operational work involving works for taking or interfering with underground water through a subartesian bore must comply with the requirements provided for in section 99(2) to the extent the requirements apply to the work;

178 Amendment of s 139 (Declared underground water areas—Act, s 1046)

- (1) Section 139(5), 'under the *Sustainable Planning Act 2009*'—
omit.
- (2) Section 139(5), note, '*Sustainable Planning Regulation 2009*'—

[s 179]

omit, insert—

Planning Regulation 2017

179 Amendment of sch 9 (Self-assessable development or assessable development)

- (1) Schedule 9, heading—

omit, insert—

Schedule 9 Assessable development or accepted development

- (2) Schedule 9, parts 1 and 2, ‘Works that are self-assessable development’—

omit, insert—

Works that are accepted development if relevant requirements complied with

- (3) Schedule 9, part 1, entry for *Water Plan (Warrego, Paroo, Bulloo and Nebine) 2016* plan area, column 2, ‘Works for prescribed activities mentioned in schedule 3’—

relocate to schedule 9, part 1, entry for *Water Plan (Warrego, Paroo, Bulloo and Nebine) 2016* plan area, column 3.

- (4) Schedule 9, part 3—

omit, insert—

Part 3 Works that interfere with underground water

Column 1	Column 2
Area or groundwater unit	Works that are not assessable development
<i>Water Plan (Pioneer Valley) 2002</i> plan area	An excavation that interferes with underground water, other than an excavation in sub-area 3, 15, 16 or 17

180 Amendment of sch 10, hdg (Code for IDAS for development applications for construction or modification of particular levees)

Schedule 10, heading, ‘Code for IDAS for development applications’—

omit, insert—

Code for assessment of development

181 Amendment of sch 10, s 1 (Application of code)

Schedule 10, section 1(1), from ‘a development application’ to ‘that is’—

omit, insert—

assessable development for

182 Amendment of sch 19 (Dictionary)

Schedule 19, definition *replacement water bore*, paragraph (a)(i)(C), ‘Sustainable’—

omit, insert—

repealed *Sustainable*

[s 183]

Part 47 **Amendment of Wet Tropics Management Plan 1998**

183 **Plan amended**

This part amends the *Wet Tropics Management Plan 1998*.

184 **Amendment of s 67 (Definitions for pt 5)**

Section 67, definition *court*—

omit, insert—

court means the Planning and Environment Court.

Part 48 **Amendment of Wine Industry Regulation 2009**

185 **Regulation amended**

This part amends the *Wine Industry Regulation 2009*.

186 **Amendment of s 2 (Particulars to be included in application for licence—Act, s 7(1)(b))**

Section 2(2), definition *planning scheme*, ‘*Sustainable Planning Act 2009*’—

omit, insert—

Planning Act 2016

ENDNOTES

- 1 Made by the Governor in Council on 29 June 2017.
- 2 Notified on the Queensland legislation website on 30 June 2017.
- 3 The administering agency is the Department of Infrastructure, Local Government and Planning.

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