Planning (Consequential) and Other Legislation Amendment Bill 2015

Explanatory Notes

Short title

The short title of the Bill is the Planning (Consequential) and Other Legislation Amendment Bill 2015.

Policy objectives and the reasons for them

The objective of the Bill is to make consequential amendments required for the proposed enactment of the Planning Bill 2015 and Planning and Environment Court Bill 2015 and repeal of the *Sustainable Planning Act 2009*.

On 25 May 2015, the Queensland Government released a Directions Paper: Better Planning for Queensland, outlining the government's commitment to deliver a new Planning Act and other reforms to Queensland's planning and development assessment system, including moving the establishment and jurisdiction of the Planning and Environment Court to a separate Act.

The Planning Bill 2015 and the Planning and Environment Court Bill 2015 have been developed to implement these reforms, following an extensive program of public and targeted consultation. These Bills simplify the planning and development assessment framework, through streamlining and reducing the complexity of plan-making processes, categories of development, simplifying assessment rules, and removing procedural and prescriptive detail from the primary legislation.

The Planning (Consequential) and Other Legislation Amendment Bill makes the amendments required as a result of the reform of the planning legislation, including updating Sustainable Planning Act terminology and references in other Acts, and reflecting the consolidation of planning functions within the planning portfolio.

Achievement of policy objectives

The Bill amends 68 Acts to reflect changes due to the proposed enactment of the Planning Bill and Planning and Environment Court Bill. The Bill includes amendments to:

- update references to Sustainable Planning Act with references to the proposed Planning Act or Planning and Environment Court Act;
- replace terminology under the Sustainable Planning Act with changed terminology under the Planning Bill, such as the new categories of development;
- omit referral agency and assessment provisions for other State agencies which have been redundant since the establishment of SARA (the planning chief executive as the State Assessment and Referral Agency) in July 2013; and
- remove duplication in other Acts of planning processes or requirements which are more appropriately dealt with under the planning legislation.

Alternative ways of achieving policy objectives

The Bill includes amendments to legislative references and terminology required as a result of the proposed introduction of the Planning Act and the Planning and Environment Court Act, and to remove redundant provisions. There is no alternative to effecting these amendments other than through the passage of legislation.

Estimated cost for government implementation

The costs of implementation of the planning reform program are to be funded within current resources. There are not expected to be any significant additional costs to government for implementation of the Planning (Consequential) and Other Legislation Amendment Bill, however, any costs will be incorporated as part of the overall implementation of the planning reform program or covered by existing budget allocations.

The government is committed to providing support to stakeholders within the planning framework in the implementation of the new planning legislation, such as tools, training and guidance.

Consistency with fundamental legislative principles

The Bill has been drafted having regard to the fundamental legislative principles (FLP) contained in the *Legislative Standards Act 1992*. The Bill is generally consistent with fundamental legislative principles except as discussed below—

Amendment of the *Coastal Protection and Management Act 1995* (Coastal Act)

Land surrender requirements

The Bill provides for an arrangement for land surrender for coastal management purposes, regarding applications for reconfiguration of a lot for land that is within the coastal management district, and in an erosion prone area or within 40 metres of the foreshore.

Land surrender arrangements have been in the Coastal Act since 2001, carrying over provisions from the *Beach Protection Act 1968*.

While there were no fundamental legislative principles raised when the provisions were added into the Coastal Act in 2001, it is noted that there is no right of appeal against a land surrender requirement nor is there a right to compensation for land surrendered.

While these provisions were rendered nonoperational with the introduction of the coordinated State assessment and referral functions through amendments to the *Sustainable Planning Act 2009* in 2012, this has been a long-standing arrangement, likely to be used in very limited circumstances where the public benefit in seeking surrender of the land to avoid or minimise detrimental impacts on coastal management outweighs the impact to the individual owner.

The arrangement has been adjusted to include an opportunity for the owner to make submissions in response to the land surrender notice. Time limits have been added to the arrangements, and it is noted that a person may seek judicial review.

Transitional provisions for planning

The Bill inserts a new section 206 (Responsible entity for change application for deemed approval) into the Coastal Act. This new section has the effect that the chief executive is given the power to decide who will be the responsible entity for assessing applications to change particular historic approvals. While this section does not contain any criteria for deciding who the responsible entity will be or allow any review of this decision, this provision is based on similar provisions already in the Coastal Act – section 190 (Assessment manager for particular applications) and section 193 (Responsible entity for request to change deemed approval).

Amendment of the *Building Act 1975*

Clause 75 of the Bill amends section 83 (General restrictions on granting building development approval) of the *Building Act 1975*. The effect of this amendment is that a building development approval cannot be given unless any security required by the local government for the application for the approval has been paid. The *Building Act 1975* does not contain any criteria or review rights in relation to requiring, or settling the amount of, security. Generally, a requirement to pay security in relation to an application would be imposed by a local government under its powers under the *Local Government Act 2009* or the *City of Brisbane Act 2010*. This amendment reflects existing section 83 of the *Building Act 1975* and clarifies that the provision only applies in relation to security required to be paid by the applicant to a local government.

Consultation

Improvements to the regulatory component of the planning framework have been a key component of planning reform, and legislative review has been underway over a number of years. In the course of review, there has been considerable engagement with stakeholders including local government, peak bodies, industry, professional and legal representatives, community and environmental groups and the public to identify key reforms around plan making, development assessment, dispute resolution and other areas of the planning system. This engagement has ranged from individual meetings, to formal consultation processes and whole sector summits.

Most recently, a Planning Summit was held on 28 July 2015, which brought together over 200 representatives from the planning community including local government elected members, planning practitioners, peak bodies, industry, development, community and environmental groups.

In May 2015, the Government released Better Planning For Queensland, its strategic course for the next steps in planning reform, with a particular focus on the legislative reform agenda. This directions paper was communicated through a contact database of over 700 people and every local government in Queensland; a 'live streamed' event to engage as broad an audience as possible in the reform discussions; and though local government and industry workshops held in 11 locations across Queensland throughout June and July 2015. Over 1100 comments on key topics were captured through the workshops.

From feedback received at the local government and industry workshops and through public submissions, it was clear that stakeholders were broadly supportive of many of the key directions and of the continuation of the legislative reform agenda. However, there were some topics on which stakeholder responses were mixed and consensus could not be reached. This feedback informed the preparation of the consultation draft Planning Bill.

Public consultation on a consultation draft Planning Bill was open from 10 September to 23 October 2015. Some provisions in the Bill were highlighted to identify areas that the Government was seeking further input on.

The consultation program on the consultation draft Planning Bill extended to each region across the state. In local government and practitioner workshops, and development industry sessions, attendees were taken through the key elements and the highlighted areas of the Bill to encourage discussion and to answer any questions. These workshops and sessions were intended to assist attendees in preparing informed submissions on the Bill.

Meetings were hosted with community groups and 'meet the planner' sessions aimed at the broader community and which were advertised through newspapers and radios.

The Planning (Consequential) and Other Legislation Amendment Bill, along with the draft Planning Bill and the draft Planning and Environment Court Bill, was available during the consultation period on the planning reform website, together with drafts of supporting instruments, explanatory videos and fact sheets.

As a result of the public consultation, 322 submissions were received on the consultation Bills, the majority being on the draft Planning Bill. Feedback was wide ranging and included general planning matters, comments on specific provisions and viewpoints supporting or objecting to elements of the Bills. A number of submissions focussed their comments on the highlighted topics in the Planning Bill.

Each submission was analysed to identify key issues, and collate shared or alternate views on topics. This analysis was used to provide a more complete understanding of the impacts of planning reform on a range of stakeholders and to inform the Bills.

Overall, there has been broad support for the policy concepts of the Bills. It is clear that stakeholders are aware of the need to balance certainty with flexibility in the planning system. However, because of the diversity of stakeholders who use or contribute to the planning system, differing levels of support have been expressed on a range of matters, as expected. Many matters have been addressed and some compromise positions have been determined to resolve issues.

The development industry has generally indicated high levels of support for the reforms. Representative bodies and individuals have been involved in stakeholder forums and in the formal public consultation and have provided high levels of input. The planning community's representative body has indicated general support amongst its members for many of the reforms and the opportunities they present to the sector.

Variable views have been expressed by the local governments about the draft Planning Bill as anticipated. The high level of engagement with local government since the commencement of the reform program will continue to ensure transitional arrangements and key documents required under the Bills are trialled, adjusted and implemented.

The environmental and community interests sectors have raised a number of issues which have been managed through the Planning Bill development process, including maintaining ecological sustainability; protection of the State's interests in heritage and coastal matters and providing for community engagement in, and accessibility to, planning processes.

Consistency with legislation of other jurisdictions

The Bill is specific to the State of Queensland, and is not uniform with or complementary to legislation of the Commonwealth or another state. However, the planning reform program has been developed having regard to the direction of planning reforms being pursued across other jurisdictions.

Notes on provisions

Part 1 Preliminary

Clause 1 provides that the short title of the Act is the Planning (Consequential) and Other Legislation Amendment Act 2015.

Clause 2 states that the Bill commences on a day to be fixed by proclamation. The commencement date will be aligned with the date of commencement of the proposed Planning Act and Planning and Environment Court Act. It is intended that the interval between enactment and commencement will allow adequate time to enable the training and assistance required by stakeholders.

Part 2 Amendment of Aboriginal Cultural Heritage Act 2003

Clause 3 provides that the part amends the *Aboriginal Cultural Heritage Act 2003.*

Clause 4 omits section 89 (Cultural heritage management plan needed under Planning Act), which applies when the chief executive administering the Aboriginal Cultural Heritage Act is a concurrence agency for a development application. Following the establishment of SARA, the chief executive administering the Sustainable Planning Act performs referral agency functions on behalf of the State. This provision is redundant as a consequence of these new arrangements, and also because the chief executive administering the Aboriginal Cultural Heritage Act has not been prescribed as a concurrence agency for a development application.

Part 3 Amendment of Aboriginal Land Act 1991

Clause 5 provides that the part amends the *Aboriginal Land Act 1991*.

Clause 6 updates a legislative reference.

Part 4 Amendment of Acquisition of Land Act 1967

Clause 7 provides that the part amends the *Acquisition of Land Act 1967*.

Clause 8 amends schedule 1 (Purposes for taking land) part 2, which lists purposes relating to the Environment as including conservation of koalas on land in certain areas within the Regional Plan for South East Queensland.

The clause updates references to the proposed new planning legislation and includes reference to Noosa Shire Council as a local government area with the SEQ Regional Plan area following de-amalgamation of Noosa Shire from the Sunshine Coast Regional Council.

Part 5 Amendment of Acts Interpretation Act 1954

Clause 9 provides that the part amends the *Acts Interpretation Act 1954*.

Clause 10 amends schedule 1 (Meaning of commonly used words and expressions) to include a definition of the Planning and Environment Court as the court continued in existence under the Planning and Environment Court Act. Due to the inclusion of this definition in the Acts Interpretation Act, it will not be necessary to separately define the Planning and Environment Court in individual Acts.

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

Clause 11 provides that the part amends the *Airport Assets (Restructuring and Disposal) Act 2008*.

Clause 12 amends sections 31 (Notice of first land use plan) and 33 (Requirement to replace or amend first land use plan) to update a legislative cross-reference to amended section 35(1)(c) and (d).

Clause 13 amends section 35 (Content of land use plan) to update terminology and references to categories of development for consistency with the Planning Bill. This clause also updates legislative references and terms, for example to remove the term ‘desired environmental outcomes’ which is no longer used in the planning legislation, and replace ‘priority infrastructure interface plan’ with the shorter form ‘infrastructure interface plan’.

Clause 14 amends section 36 (Statement of proposal for preparation of land use plan or amendment of plan) to update terminology by replacing ‘exempt or self-assessable’ categories with ‘accepted’, for consistency with the Planning Bill. This clause also omits the definition of ‘minor amendment’, which has been relocated to schedule 3 (Dictionary).

Clause 15 amends section 46 (Ministerial direction to airport lessee) to omit the definition of ‘minor amendment’, which has been relocated to schedule 3 (Dictionary).

Clause 16 amends section 48 (Airport land not subject to local planning instrument) to update legislative references.

Clause 17 omits section 49 (Development under land use plan) as it duplicates section 35 and has been combined with that section. The clause also omits section 50 (Local government is advice agency for particular development). Under the Planning Bill, advice agencies are not continued as a separate category of referral agency, instead the proposed Planning Regulation will prescribe referral agencies and any limitation on the powers of referral agencies, for example to the power to only give advice . The power of relevant local governments in providing advice on development applications for airport land will be maintained through the proposed Planning Regulation.

Clause 18 amends section 52 (Particular provisions of Planning Act do not apply in relation to airport land) to update legislative references. These amendments maintain the existing effect of section 52, which provides that the local government land acquisition and compensation provisions of the Sustainable Planning Act do not apply to airport land.

Clause 19 amends section 53 (Modified application of Planning Act, ch 9, pt 6, div 4) to update legislative references relating to planning and development certificates. Detailed requirements for the contents of planning and development certificates are to be prescribed under the proposed Planning Regulation, and the proposed new subsection (3) applies these requirements to the planning chief executive for applications for certificates for premises on airport land.

Clause 20 amends section 54 (Development on local heritage place not assessable development) and heading. This amendment maintains the existing effect of section 54 by providing that development on a local heritage place on airport land is not assessable development.

Clause 21 replaces section 55 (Restriction on designation for community infrastructure) and heading to update legislative 'community infrastructure' references with 'designation of premises under Planning Act for development of infrastructure' for consistency with the Planning Bill. The new section provides that only the planning Minister may designate premises on airport land, consistent with the Planning Bill, and that development under the designation made by the Minister is accepted development, despite the category for the development under the land use plan for the airport land. It also omits the definition for community infrastructure which is now superfluous.

Clause 22 omits section 56 (Restriction on application of master plan) as this provision is redundant.

Clause 23 replaces sections 58 (Land use plan or amendment of plan does not affect existing development approval) and 59 (Planning scheme cannot affect existing development approval).

- New section 58 (Existing lawful uses, works and approvals) confirms that, if the land use plan is subsequently amended or replaced, existing lawful uses or works, and

existing development approvals for premises on airport land are protected in the same way as existing lawful uses, works and development approvals under the Planning Bill.

- New section 59 (Implied and uncommenced right to use) reflects the equivalent provision in the Planning Bill and ensures that particular material changes of use implied by a development approval are taken to be lawful uses provided the use starts within the stated timeframe.

Clause 24 amends section 61 (Amendment of planning schemes) to update legislative references relating to the process for making or amending planning schemes under the Planning Bill.

Clause 25 omits the chapter 6, part 1 heading (Miscellaneous) as these transitional provisions are no longer required.

Clause 26 omits chapter 6, part 2 (Transitional provisions). As above, these provisions are no longer required.

Clause 27 inserts a new chapter 7 (Transitional provisions for Planning (Consequential) and Other Legislation Amendment Act 2015) to provide for transitional arrangements upon commencement.

- New section 108 (Definitions for chapter) inserts new a definition for 'amending Act', 'former' and 'repealed Planning Act' required for the interpretation of chapter 7.

- New section 109 (References to priority infrastructure interface plans in land use plans) clarifies that a priority infrastructure interface plan is taken to be an infrastructure interface plan after commencement.

- New section 110 (Existing development applications) ensures that existing sections 50 (Local government is advice agency for particular development) and 51 (Restriction on conditions of development approvals) of the Airport Assets (Restructuring and Disposal) Act as in force before the commencement of the Bill continue to apply to any development application to which the repealed Sustainable Planning Act applies under the transitional provisions of the Planning Bill. A definition of 'existing development application' supports the intent of the provision.

- New section 111 (Existing process for amending planning scheme to make a change required by s 61(2)) applies to any amendment to a local government planning scheme required under section 61(2) which has not been completed before commencement. The provision ensures that the process for amending a planning scheme under the Sustainable Planning Act and applied through section 61(3) continues to apply to the amendment.

Clause 28 amends schedule 3 (Dictionary) to update terminology, references to categories of development, and legislative references for consistency with the Planning Bill, including replacing the definitions for 'priority infrastructure plan' and 'priority infrastructure interface plan' with 'LGIP' and 'infrastructure interface plan' respectively.

A definition of 'minor amendment' applying to amendments to airport land use plans is relocated from sections 36 and 46 and amended for consistency with the Planning Bill.

Part 7 Amendment of Biosecurity Act 2014

Clause 29 provides that the part amends the *Biosecurity Act 2014*.

Clause 30 amends section 9 (Relationship with particular Acts) to ensure that the *Biosecurity Act 2014* prevails over the proposed Planning Act to the extent of any inconsistency. This ensures that any activity done for a biosecurity reason, that is inconsistent with activity approved under the Planning Act, prevails.

Clause 31 amends section 119 (Additional powers of inspector for place within a biosecurity emergency area) to omit subsection (8) as it is no longer required.

Part 8 Amendment of Body Corporate and Community Management Act 1997

Clause 32 provides that the part amends the *Body Corporate and Community Management Act 1997*.

Clause 33 amends section 60 (Community management statement notation) to update legislative references, and apply relevant procedural provisions of the proposed Planning and Environment Court Act for appeals about community management statement notations.

Clause 34 amends section 313 (Representation in planning proceedings) to update a legislative reference.

Clause 35 amends schedule 6 (Dictionary) to insert a definition of 'Planning Act' and update legislative references in the definition of 'development approval'.

Part 9 Amendment of Building Act 1975

Clause 36 provides that the part amends the *Building Act 1975*.

Clause 37 amends section 3 (Simplified outline of main provisions of Act) to reflect that self-assessable development is not a category of development under the Planning Bill, instead noting that Chapter 2 includes what work is assessable or 'accepted development' for the Planning Act and removing the reference to carrying out self-assessable development. Self-

assessable development under the Sustainable Planning Act has generally transitioned to accepted development under the Planning Bill, provided that any requirements applying to the development for it to be accepted development are complied with.

Clause 38 amends section 5 (What is *building work*) to remove the reference to IDAS, under the Sustainable Planning Act, as amendments to section 30 remove IDAS from the building assessment provisions. The term IDAS is not continued in the Planning Bill.

Clause 39 replaces section 6 (What is a building development application) so that the section also reflects the change application process under the Planning Bill.

Clause 40 amends section 10 (What is a building certifying function) to replace the term 'concurrence' with 'referral', as the Planning Bill does not continue the terms 'concurrence' or 'advice' to differentiate between referral agency powers. Instead, any restriction on their response powers will be contained in the Planning Regulation, for example to the power to only give advice.

Clause 41 amends section 11 (Who is the assessment manager for a building development application) to update a legislative reference.

Clause 42 amends section 16 (Reference in Act to applicants, development, assessment managers, referral agencies, building work or building certifiers) to remove references to 'concurrence agency' and 'advice agency' as these terms are not continued in the Planning Bill.

Clause 43 amends section 18 (Reference to local government includes any other assessment manager under the Planning Act) to reflect the intention that, under the Planning Bill, private certifiers as well as local governments will be prescribed as the assessment manager for building development applications.

Clause 44 amends the chapter 2 heading (When building work is assessable, self-assessable or exempt development) to replace 'self-assessable' and 'exempt' with 'accepted' to reflect the new categories of development under the Planning Bill. It also updates the note to replace specific Sustainable Planning Act references, including IDAS, which is not continued in the Planning Bill, rather the term 'the development assessment process' is used.

Clause 45 amends section 20 (Building work that is assessable development for the Planning Act) to replace 'self-assessable' and 'exempt' with 'accepted' to reflect the new categories of development under the Planning Bill.

Clause 46 amends section 21 (Building work that is self-assessable for the Planning Act) which currently provides that the Building Act can declare building work to be self-assessable development for the Planning Act; and also provides that building work prescribed as self-assessable development under a regulation, must comply with any relevant building

assessment provision or alternative provisions detailed in section 33 of the Building Act. With the Planning Bill replacing 'exempt' and 'self-assessable' categories of development under the Sustainable Planning Act with 'accepted' development, this provision needs to continue the ability to provide the distinction between what is currently 'exempt' and 'self-assessable' for the Planning Act. Accordingly, this clause amends section 21 by updating 'self-assessable' references to 'accepted' development and introducing the term 'relevant provisions' which includes 'any building assessment provisions that apply to the work'.

The amendments provide the ability for a regulation to prescribe particular building work to be 'accepted development', and also to require building work prescribed 'accepted development' to comply with the 'relevant provisions' in order to be declared 'accepted development'. This continues the ability for the Building Act to distinguish between requirements for what is currently 'self-assessable' building work and what is 'exempt' building work for the Sustainable Planning Act, as 'accepted development' under the Planning Bill.

Clause 47 omits section 22 (Building work that is exempt development for the Planning Act) as the amended section 21 provides the ability for a regulation to prescribe certain building work as 'accepted development', continuing the effect of this provision.

Clause 48 amends the note under heading, chapter 3 (Additional requirements for building development applications) to update legislative references.

Clause 49 amends section 25 (General requirements for supporting documents) to remove references to 'IDAS' and update Sustainable Planning Act terms 'self-assessable development' and 'concurrence agency' for consistency with the relevant terms under the Planning Bill.

Clause 50 replaces the chapter 4 heading (Assessment of building development applications and carrying out self-assessable building work) to change the concept of building work being assessed against the 'building assessment provisions', to the concept that the 'building assessment provisions' apply to building work. This aligns with the amended section 31 of the Building Act which states that the building assessment provisions are assessment benchmarks for the Planning Bill, and under the Planning Bill, assessable development must be assessed against stated assessment benchmarks.

In addition, sections 34A, 36 and the definition of 'building assessment work' in the Building Act address that building assessment work must comply with the building assessment provisions, and that building work that complies with the 'building assessment provisions' must be approved. The amended section 21 addresses when the 'building assessment provisions' apply for building work to be 'accepted development'.

Clause 51 amends the chapter 4, part 1 heading (Laws and other documents under which building work must be assessed) to reflect the change from building work being assessed

against the 'building assessment provisions', to the concept that the 'building assessment provisions' apply to building work.

Clause 52 amends the chapter 4, part 1, division 1 heading (General provisions about the laws and documents for the assessment) to reflect the change from building work being assessed against the 'building assessment provisions', to the concept that the 'building assessment provisions' apply to building work.

Clause 53 amends section 30 (Relevant laws and other documents for assessment of building work) to define 'building assessment provisions' by reflecting the intent of amendments made to the headings of chapter 4; remove reference to 'IDAS' as this is an unnecessary inclusion as a 'building assessment provision' given that building development approvals are development approvals under the Planning Bill, and development approvals under the Planning Bill are issued following the development assessment process; and replace 'self-assessable building work' with 'accepted building work' to reflect the new categories of development under the Planning Bill.

Clause 54 amends section 31 (Building assessment provisions form a code for IDAS) to provide that the building assessment provisions are assessment benchmarks for the Planning Bill, rather than 'a Code for IDAS' under the Sustainable Planning Act. The provision continues to provide that a local law, local planning instrument or local government resolution can not change the effect of the building assessment provisions, and must not include provisions about the building work, other than as provided for under section 30 as amended by the Bill.

Clause 55 amends section 33 (Alternative provisions to QDC boundary clearance and site cover provisions for particular buildings) to replace 'self-assessable' with 'accepted' to reflect the new categories of development under the Planning Bill.

Clause 56 omits section 34 (Relationship between IDAS and other building assessment provisions) to reflect the intent behind removing the 'IDAS' (development assessment process) reference from the 'building assessment provisions'.

Clause 57 amends section 34A (Decision for building development application that complies with building assessment provisions) to update a legislative reference.

Clause 58 amends section 37 (Provision for changes to building assessment provisions) to remove references to IDAS under the Sustainable Planning Act.

Clause 59 amends section 38 (Applying to vary how particular building assessment provision applies) to remove references to IDAS under the Sustainable Planning Act.

Clause 60 amends section 40 (Effect of variation application on IDAS process) to replace references to 'IDAS process' with references to 'development assessment process' under the Planning Bill.

Clause 61 amends section 42 (Criteria for decision) to remove references to IDAS.

Clause 62 amends section 43 (Notice of decision) to update legislative references in the note.

Clause 63 amends section 46 (Concurrence agencies may carry out building assessment work within their jurisdiction) and heading to update references to 'concurrence' agency with 'referral' agency and update legislative references.

Clause 64 amends section 48 (Functions of private certifier (class A)) to update legislative references, and recognises that under the Planning Bill, private certifiers (class A) as well as local governments will be prescribed as an assessment manager for building work matters assessable against building assessment provisions. The term 'assessing authority' under the Sustainable Planning Act is not continued, instead the Planning Bill introduces the term 'enforcement authority'.

Clause 65 amends section 51 (Function to act on building development application or development approval unless private certifier (class A) engaged) to update legislative references.

Clause 66 amends section 54 (Local government may rely on documents private certifier gives it for inspection for purchase) to update the title and provisions to refer to the requirements for public access to documents under the Planning Bill.

Clause 67 amends the chapter 4, part 2, division 4 heading (Power of particular replacement assessment managers to decide status under IDAS) to update the IDAS reference to the development assessment process under the Planning Bill.

Clause 68 amends section 55 (Power to decide what stage of IDAS application is to resume or start) and heading to update the IDAS reference to the development assessment process under the Planning Bill.

Clause 69 amends section 57 (Building certifier's or concurrence agency's discretion – QDC) to replace references to 'concurrence' agency with 'referral' agency for consistency with the Planning Bill.

Clause 70 amends section 59 (Discretion for building development applications for particular budget accommodation buildings) to better reflect the intent of the provision and to replace the outdated Integrated Planning Act term 'desired environmental outcome' in the example.

Clause 71 omits section 62 (Requirement to consider any advice agency response) as this provision is an unnecessary duplication of the Planning Bill provisions for assessment managers.

Clause 72 amends the note at chapter 4, part 5 heading (Conditions of building development approvals) to update legislative references.

Clause 73 amends section 69 (Operation of div 1) to update legislative references.

Clause 74 amends section 71 (When demolition, removal and rebuilding must start and be completed) to update a legislative reference in the note.

Clause 75 amends section 83 (General restrictions on granting building development approval) to remove references to 'compliance permits' under the Sustainable Planning Act which are not continued under the Planning Bill, and update 'concurrence' agency and 'IDAS' references to 'referral' agency and 'development assessment process' references under the Planning Bill respectively. The amended section clarifies the types of approvals and permits that are required to be given before the application is taken to have been received by the private certifier.

Clause 76 amends section 84 (Approval must not be inconsistent with particular earlier approvals or self-assessable development) to replace 'self-assessable' with 'accepted' and remove references to 'compliance permits' to reflect the new categories of development and to reflect the change application process under the Planning Bill.

Clause 77 amends section 85 (Additional requirements for decision notice) to update references to 'self-assessable codes' to requirements the building work must comply with to be categorised as accepted development' to reflect the new categories of development under the Planning Bill.

Clause 78 amends section 86 (Requirements on approval of application) to update legislative references in the note.

Clause 79 amends section 90 (Relevant period under the Planning Act, s341 for development approval) and heading to update legislative references and terms. Under the Planning Bill the term 'relevant period' is not continued and is replaced by 'currency period'.

Clause 80 amends section 91 (Lapsing of building development approval) to update a legislative reference.

Clause 81 amends section 94 (Application of div 2) to update legislative references in the note.

Clause 82 amends section 95 (Reminder notice requirement for lapsing) to update terminology and legislative references for consistency with the Planning Bill.

Clause 83 amends section 96 (Extension of lapsing time because of application to extend relevant period under the Planning Act, s341) and heading to update legislative references and terms. Under the Planning Bill the term 'relevant period' is not continued and is replaced by 'currency period'.

Clause 84 amends section 97 (Restriction on private certifier (class A) extending relevant period under the Planning Act, s341 more than once) and heading to update legislative references and terms. Under the Planning Bill the term 'relevant period' is not continued and is replaced by 'currency period'.

Clause 85 amends section 99 (Obligation to give owner inspection documentation on final inspection) to update terminology and legislative references in the note. A 'building and development dispute resolution committee' under the Sustainable Planning Act is changed to a 'development tribunal' under the Planning Bill.

Clause 86 amends section 102 (Obligation to give certificate of classification on inspection after particular events) to update terminology and a legislative references in the note, for consistency with the Planning Bill.

Clause 87 amends section 107 (Building certifier's obligation to give referral agency certificate and other documents) to update legislative references for consistency with the Planning Bill, and provide greater clarity on the relevance to the agency's function as a referral agency.

Clause 88 amends section 122 (Building certifier's obligation to give owner inspection documentation if building development approval lapses) to update legislative references in the note for consistency with the Planning Bill.

Clause 89 amends section 131 (Access to code of conduct) to update terminology and legislative references to refer to the requirements for public access to documents under the Planning Bill..

Clause 90 amends section 146 (Agreed fee recoverable despite valid refusal of particular actions) to replace 'applicable code under IDAS' with 'assessment benchmark under the Planning Act' to reflect the terminology under the Planning Bill.

Clause 91 amends section 204 (Decision after investigation or audit completed) to replace 'self-assessable' development references with 'accepted' development to reflect the new categories of development under the Planning Bill.

Clause 92 amends section 220 (Owner must ensure building confirms with fire safety standards) by updating legislative references in the Building Act.

Clause 93 amends section 221 (Approval of longer period for conformity with fire safety standard) to update a legislative reference in the note.

Clause 94 amends section 223 (Stay of operation of local government decision) to update the reference to 'building and development dispute resolution committee' with 'the development tribunal' to reflect its changed name under the Planning Bill.

Clause 95 amends section 226 (Obligation about fire safety management plan) to reflect the change application process under the Planning Bill.

Clause 96 amends section 231AI (RCB assessment reports) to update legislative references in the note for consistency with the Planning Bill.

Clause 97 amends section 231AL (Approval of later day for obtaining fire safety (RCB) compliance certificate or certificate of classification) to update a legislative reference in note 2.

Clause 98 amends section 238 (Notice of decision) to update a legislative reference in the note.

Clause 99 amends section 242 (Local government may revoke exemption) to update a legislative reference in the note.

Clause 100 amends section 244 (Keeping copy of exemption) to update legislative references for consistency with the Planning Bill.

Clause 101 amends section 245C (Notice of decision and application of pool safety standard under exemption) to update a legislative reference in the note.

Clause 102 amends section 245E (Local government may revoke exemption) to update a legislative reference in the note.

Clause 103 amends section 245FA (Keeping copy of exemption) to update legislative references.

Clause 104 amends section 245S (Appeals to building and development committee of decision under div 6) to update references to 'building and development committee' with 'the development tribunal' to reflect its changed name under the Planning Bill.

Clause 105 amends section 246AO (Appeals to building and development committee of decisions under pt 3) to update references to 'building and development committee' with 'the development tribunal' to reflect its changed name under the Planning Bill, and to remove the note.

Clause 106 amends section 246ATB (Private certifier to take enforcement action) to update terminology and legislative references.

Clause 107 amends Chapter 9 (Show Cause and enforcement notices) heading to update legislative references in the note.

Clause 108 amends section 248 (Enforcement notices) to update a legislative reference.

Clause 109 amends section 250 (Appeals against enforcement notices) to update references to 'building and development dispute resolution committee' with 'the development tribunal' to reflect its changed name under the Planning Bill.

Clause 110 amends section 255 (Information to be given by the state) to update the 'self-assessable' development reference to 'accepted' development to reflect the new categories of development under the Planning Bill.

Clause 111 amends section 259 (Access to guidelines) to update a legislative reference to the requirements for public access to documents under the Planning Bill.

Clause 112 inserts a new chapter 11, part 19 (Transitional provision for Planning (Consequential) and Other Legislation Amendment Act 2015) to provide for transitional arrangements upon commencement.

- New section 345 (Existing building development applications) provides that existing building development applications made under the Sustainable Planning Act but not decided before commencement continue to be progressed under the Building Act provisions applicable before the enactment of the Planning (Consequential) and Other Legislation Amendment Act 2015.

Clause 113 amends Schedule 2 (Dictionary) to remove Sustainable Planning Act terms not continued under the Planning Bill, and include new definitions and update legislative references for consistency with the Planning Bill.

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

Clause 114 provides that the part amends the *Building and Construction Industry (Portable Long Service Leave) Act 1991*.

Clause 115 amends section 67 (Notification of building and construction work) to omit a reference to compliance permits under the Sustainable Planning Act, which are not continued under the Planning Bill.

Under the transitional provisions of the Planning Bill, on commencement compliance permits become instruments of the corresponding type, being development permits.

Clause 116 amends section 73 (Meaning of *cost* of building and construction work) to refer to environmental impact statements conducted under the 'repealed' Sustainable Planning Act. The Planning Bill does not provide for the conduct of environmental impact statements.

Clause 117 amends section 74 (Liability for levy) to update a legislative reference to the Planning Act and omit paragraph (ca), which deals with compliance assessment under the Sustainable Planning Act, as this category of development is not continued under the Planning Bill.

Clause 118 amends section 75 (When levy is payable) to update legislative references to the Planning Act and omit references to compliance permits.

Clause 119 amends section 77 (Duty to sight approved form) to update legislative references for consistency with the Planning Act and omit references to compliance permits and compliance assessors under the Sustainable Planning Act.

Clause 120 inserts a new part 11, division 8 (Transitional provision for Planning (Consequential) and Other Legislation Amendment Act 2015) to provide for transitional arrangements upon commencement.

- New section 125 (Existing particular development applications or requests for compliance assessment) applies to applications for a development permit and requests for compliance assessment made under the Sustainable Planning Act but not decided before the commencement. This clause ensures that the unamended sections 74, 75 and 77 of the Building and Construction Industry (Portable Long Service Leave) Act continue to apply to these applications and requests.

*Clause 121*amends the schedule (Dictionary) to insert definitions for 'Planning Act', 'private certifier', and 'private certifier (class A)', and replaces a reference to the Sustainable Planning Act in the definition of 'assessment manager' with 'Planning Act'.

Part 11 Amendment of Cape York Peninsula Heritage Act 2007

Clause 122 provides that the part amends the *Cape York Peninsula Heritage Act 2007*.

Clause 123 inserts a new part 7 (Transitional provision for Planning (Consequential) and Other Legislation Amendment Act 2015) to provide for transitional arrangements upon commencement.

- New section 30 (Continuing application of pt 4 to existing vegetation clearing application) provides that part 4 of the Cape York Peninsula Heritage Act, as in force immediately before commencement, continues to apply to an existing vegetation clearing application as if the application was a vegetation clearing application. The

section inserts a corresponding definition for ‘existing vegetation clearing application’.

Clause 124 amends the schedule (Dictionary) to update the definition for ‘vegetation clearing application’, as the term under the Vegetation Management Act.

Part 12 Amendment of Century Zinc Project Act 1997

Clause 125 provides that the part amends the *Century Zinc Project Act 1997*.

Clause 126 inserts a new part 8 (Transitional provision for Planning (Consequential) and Other Legislation Amendment Act 2015) to provide for transitional arrangements upon commencement.

- New section 23 (Existing development applications—Gregory outstation) provides that part 4 of the Century Zinc Project Act, as in force before commencement of the Planning (Consequential) and Other Amendment Act, continues to apply to a development application made under the Sustainable Planning Act, to which the former part 4 applied.

Clause 127 amends schedule 6 (Dictionary) to update a legislative reference in the definition for ‘development application’.

Part 13 Amendment of City of Brisbane Act 2010

Clause 128 provides that the part amends the *City of Brisbane Act 2010*.

Clause 129 amends section 40 (Development processes) to replace a legislative reference with a reference to the development assessment process under the Planning Bill.

Clause 130 amends section 79 (Assessment of impacts on roads from certain activities) to update reference to development categorised as assessable development under the council’s planning scheme and omit references to compliance assessment and compliance assessor, which are not continued under the Planning Bill.

Clause 131 inserts a new chapter 8, part 7 (Transitional provisions for Planning (Consequential) and Other Legislation Amendment Act 2015) to provide for transitional arrangements upon commencement.

- New section 270 (Definitions for part) inserts a new definition for ‘amending Act’, ‘former’ and ‘repealed Planning Act’, required for the interpretation of part 7.

- New section 271 (Existing development application—resumption of particular land) provides that former section 90 (Resumption of prescribed land by council) continues to apply to existing development applications made before the commencement. This provision is necessary as the definition of 'Planning Act' referenced in this section is being amended to refer to the proposed Planning Act. A definition for 'existing development application' supports the intent of the provision.

- New section 272 (Entry under existing application, permit or notice) states that former section 121 (Entering under an application, permit or notice) continues to apply to an application made, or a permit or notice given under the Sustainable Planning Act before the commencement.

- New section 273 (Existing remedial notice) ensures that a remedial notice requiring an owner or occupier of a property to take action under the Sustainable Planning Act that was given under section 127A (Notices for this division) before the commencement, continues to have effect as if the Sustainable Planning Act had not been repealed.

- New section 274 (Existing inside information) provides that information about certain actions and decisions under the Sustainable Planning Act, and certain advice about the Sustainable Planning Act, continues to be inside information for section 173A (Prohibited conduct by councillor in possession of inside information) as if the Sustainable Planning Act had not been repealed.

- New section 275 (Existing unpaid fine—where fine to be paid to) provides that section 228continues to apply to a fine imposed by the court for an offence against the Sustainable Planning Act as if that Act had not been repealed. This means that fines continue to be paid to the council's operating fund unless the court ordered the fine be paid to a person.

These transitional provisions are necessary as the definition of 'local government related law' referenced in these sections currently includes the Sustainable Planning Act but is being amended to refer to the proposed Planning Act.

Clause 132 amends schedule 1 (Dictionary) to update legislative references for the definitions of 'Planning Act' and 'planning scheme' and omit the 'Planning and Environment Court' definition, as this definition is being inserted into the Acts Interpretation Act.

Part 14 Amendment of Coastal Protection and Management Act 1995

Clause 133 provides that the part amends the *Coastal Protection and Management Act 1995*.

Clause 134 amends section 9 (Meaning of canal) to further define 'canal' to provide that it does not include an artificial waterway that intersects, or is connected to, inundated land or leased land if the registered proprietor of the land, or lessee of the leased land, may restrict or prohibit the use or movement of vessels in water on the land. This captures requirements previously identified in section 118 of the Coastal Protection and Management Act. By adding these criteria to the definition of canal, section 118 can be omitted and the matter can be identified upfront, as part of the definition, instead of as a mandatory refusal provision for a development application.

Clause 135 amends section 21 (Content of coastal plan) to remove references to 'coastal State planning instrument', as the State Planning Policy made under the planning legislation includes planning and development requirements for the coastal environment.

Clause 136 amends section 25 (Notice about draft coastal plan) to remove the requirement for a copy of the draft coastal plan to be given to the Planning Minister, as the draft coastal plan will no longer include planning and development requirements.

Clause 137 amends section 28 (Notice about making coastal plan) to remove the requirement for a copy of the coastal plan to be given to the Planning Minister, given that the coastal plan will no longer include planning and development requirements.

Clause 138 amends section 34 (Implementation of coastal plan) to remove a subsection that is not required, as it simply refers to making a request and this can occur without a legislative provision.

Clause 139 amends section 66 (Coastal building line) to ensure consistent terminology.

Clause 140 amends section 85 (Suspension or cancellation–grounds) to include reference to development permits for removal of the quarry material obtained before the day an allocation notice is issued.

Clause 141 omits chapter 2, part 5, division 2 (Removal of quarry material may require other approvals) to remove duplicative and redundant provisions.

Clause 142 amends chapter 2, part 6 heading (Development approvals for assessable development) to reflect amended provisions.

Clause 143 omits chapter 2, part 6, divisions 1 and 2 as these divisions are no longer required.

Clause 144 inserts a new section 109 (Definitions for division) which defines 'change application' and 'relevant application'.

Clause 145 omits chapter 2, part 6, division 3, subdivision 2 (Land surrender conditions), and replaces them with new Subdivision 2 (Land surrender requirements).

- New section 110 (Application of subdivision) establishes when the land surrender arrangements will apply to a lot to be reconfigured. This includes land that is within the coastal management district; and in an erosion prone area or within 40m of the foreshore.

- New section 111 (Notice of proposed land surrender) provides for arrangements for the giving of a notice of proposed land surrender by the chief executive if the chief executive proposes to require the owner of the land to surrender all or part of the land to the State for coastal management. There is provision of a 15 business day time limit for the chief executive to issue the notice, and the notice must provide 15 days for the owner to make a written submission to the chief executive.

- New section 112 (Decision whether to require surrender of land) provides that in deciding whether or not to require the land surrender, the chief executive must consider written submissions made by the owner of the land; and how the surrender would avoid or minimise detrimental impacts on coastal management. Section 112(2) provides a 30 business day time period for the chief executive to decide not to require the surrender. This period can be extended under section 112(3) by not more than 10 business days by agreement with the land owner.

- New section 113 (Land surrender requirement) provides for the written notice by the chief executive to the owner of a decision that the land is to be surrendered for coastal management and that the Minister approves this requirement. The giving of this notice must occur within 30 business days after the proposed surrender notice. Section 113 also defines the term land surrender requirement, when it is to be given, what it must state, its effect, extension of time, and who copies of the notice must be provided to.

- New section 114 (Effect on decisions or actions if relevant application is refused or stops having effect) establishes that any action taken or decision made by the chief executive under the subdivision for a relevant application has no effect, and is taken to have never been made or taken, if the application is refused, or any development approval given for the relevant application stops having effect.

- New section 115 (Land surrender requirement can not be given in particular circumstances) establishes circumstances when a land surrender requirement can not be given in relation to a relevant application.

- New section 115AA (Compliance with land surrender requirement) provides a maximum penalty for noncompliance with a land surrender requirement.

Clause 146 amends section 115A (Applicant may surrender land voluntarily) as a result of changes to the land surrender arrangements and their removal from within the development assessment system.

Clause 147 amends section 115B (Surrendered land to be dedicated for coastal management purposes) to reflect changed terminology from a condition to a requirement.

Clause 148 amends section 116 (Canals – surrender to the State) to ensure consistent terminology.

Clause 149 omits chapter 2, part 6, division 4, subdivision 2 (Development applications involving artificial waterways) as these sections are redundant as a result of SARA arrangements and relevant requirements in section 118 are better located in the section 9 definition of 'canal'.

Clause 150 omits chapter 2, part 6, division 5 (Exemption Certificates), given that there is an exemption certificate process in the Planning Bill.

Clause 151 amends section 123 (Right to occupy and use land on which particular tidal works were, or are to be, carried out) to update terminology to reflect the Planning Bill.

Clause 152 inserts a new chapter 5, part 2A (Planning and Environment Court declarations) and new section 164A (Planning and Environment Court may make declarations) so that the Court is empowered to make declarations about matters under chapter 2, part 3, division 2. This section does not limit chapter 5, part 2 (Appeals).

Clause 153 amends section 167 (Regulation-making power) to remove redundant provisions and update the provision to reflect the Planning Bill.

Clause 154 amends section 177 (Relationship to particular Planning Act provisions) to update legislative references.

Clause 155 amends section 189 (Particular permits under the Beach Protection Act) to update legislative references.

Clause 156 amends section 193 (Responsible entity for request to change deemed approval) to provide an end date for the application of this transitional provision and update legislative references.

Clause 157 amends section 194 (Continuing application of particular provisions) to update legislative references.

Clause 158 amends section 204 (Development applications not decided on commencement that relate to tidal works) to update legislative references.

Clause 159 inserts a new chapter 6, part 8 (Transitional provisions for Planning (Consequential) and Other Legislation Amendment Act 2015) to provide for transitional arrangements upon commencement.

- New section 205 (Definitions for part) inserts definitions for the interpretation of new chapter 6, part 8.

- New section 206 (Change application for deemed approval) applies to a deemed approval mentioned in section 177 (Relationship to particular Planning Act provisions) if the holder of the approval makes a change application for a change to the deemed approval after commencement of the proposed Planning Act and proposed Planning (Consequential) and Other Legislation Amendment Act.

- New section 207 (Existing particular development applications) provides that, for a development application made under the Sustainable Planning Act but not decided before commencement, former sections 100A (Removal of quarry material is subject to other approvals) and, if the chief executive administering the Coastal Protection and Management Act is the assessment manager or a concurrence agency for the development application, former chapter 2, part 6 (Development approvals for assessable development), continue to apply to the development application as if the Planning (Consequential) and Other Amendment Act had not commenced.

- New section 208 (Development approval that includes a land surrender condition) provides that, if a development approval includes a land surrender condition under former section 110 (Minister may approve inclusion of land surrender condition), former section 115B (Surrendered land to be dedicated for coastal management purposes) continues to apply to the surrender of land under the land surrender condition as if the Planning (Consequential) and Other Amendment Act had not commenced.

Clause 160 amends the schedule (Dictionary) to update legislative references and remove redundant definitions.

Part 15 Amendment of Criminal Organisation Act 2009

Clause 161 provides that the part amends the *Criminal Organisation Act 2009*.

Clause 162 amends section 40 (Relationship with Planning Act and development approvals) to replace subsection 40(2), with the effect of replacing reference to ‘exempt development’ with ‘accepted development’ and removing reference to ‘development requiring compliance assessment’, to reflect to the changed categories of development in the Planning Bill.

Clause 163 amends schedule 2 (Dictionary) to update legislative references in the definition of ‘Planning Act’.

Part 16 Amendment of Disaster Management Act 2003

Clause 164 provides that the part amends the *Disaster Management Act 2003*.

Clause 165 amends section 20B (Chairperson may give notice about deemed approvals under Sustainable Planning Act) and heading to update the definitions for 'deemed approval provisions', 'development application' and 'Planning Act' and make related amendments to reflect the Planning Bill. The amendments maintain the existing intention of section 20B, which allows the chairperson of the State Disaster Management Group to prevent deemed approval provisions from applying to particular development applications or change applications where this is necessary due to a disaster situation.

Clause 166 inserts a new part 14, division 3, subdivision 3 (Transitional provision for Planning (Consequential) and Other Legislation Amendment Act 2015) to provide for transitional arrangements upon commencement.

- New section 181 (Notices about deemed approvals for existing development applications) continues the application of section 20B to any existing development applications which were made under the Sustainable Planning Act but not decided before the commencement, and the effect of any notices given under the unamended Disaster Management Act. Definitions for 'existing development application' and 'former' support the intent of the new section.

Part 17 Amendment of Economic Development Act 2012

Clause 167 provides that the part amends the *Economic Development Act 2012*.

Clause 168 amends section 34 (Declaration) to replace a reference to the Sustainable Planning Act with the 'Planning Act'. A new definition of Planning Act, being the proposed Planning Act, is also being inserted into schedule 1 (Dictionary).

Clause 169 amends section 37 (Declaration) to update a reference to the Sustainable Planning Act.

Clause 170 amends section 41 (Cessation of provisional priority development area) to update a reference to the Sustainable Planning Act and replace legislative references to reflect the Planning Bill.

Clause 171 amends section 42K (Effect of planning instrument change) to update a reference to the Sustainable Planning Act and replace legislative references to reflect the Planning Bill.

Clause 172 amends the heading of chapter 3, part 2, division 4 (Relationship with Sustainable Planning Act) to update a reference to the Sustainable Planning Act.

Clause 173 amends section 44 (Existing SPA development applications) and heading to replace references to 'SPA development applications' with 'development applications under the Planning Act' and reflect the change application process under the Planning Bill.

Clause 174 amends section 45 (Existing SPA development approvals) and heading to replace references to 'SPA development approvals' with 'development approvals under the Planning Act'.

Clause 175 amends section 47 (Community infrastructure designation) and heading to replace the provision to replace references to 'community infrastructure designation' to reflect terminology in the Planning Bill.

Clause 176 amends section 48 (Conversion of PDA development approval to SPA development approval) and heading to update references from 'SPA development approval' to 'a development approval under the Planning Act'.

Clause 177 amends section 49 (Outstanding PDA development applications) to update a references from 'SPA development approval' to 'a development approval under the Planning Act'.

Clause 178 amends section 50 (Provisions for converted SPA development approval) and heading to update terminology and legislative references.

Clause 179 amends section 51 (Lawful uses in priority development area) to update a reference to the Sustainable Planning Act.

Clause 180 amends section 57 (Content of development scheme) to replace a reference to plans, policies and codes made under the Sustainable Planning Act or other Acts, with assessment benchmarks, consistent with the terminology of the Planning Bill. The Economic Development Act provides a streamlined planning framework to facilitate development in priority development areas (PDAs) independent of the Sustainable Planning Act and, as such, existing categories of development will be retained.

Clause 181 amends section 71 (Development scheme prevails over particular instruments) to update a reference to plans, policies or codes made under the Sustainable Planning Act.

Clause 182 amends section 77 (Exemption for particular SPA development approvals and community infrastructure designations) and heading to update terminology and legislative references to reflect the Planning Bill.

Clause 183 amends section 80 (Amendment of relevant development instrument does not affect existing SPA or PDA development approval) and heading to update terminology to reflect the Planning Bill.

Clause 184 amends section 81 (Development or use carried out in emergency) to update a reference to community infrastructure and insert a new definition of 'emergency' consistent with the Planning Bill.

Clause 185 amends section 86 (Restrictions on granting approval) to replace a reference to 'SPA preliminary approval' with a 'preliminary approval under the Planning Act'.

Clause 186 amends section 87 (Matters to be considered in making decision) to replace a reference to 'SPA preliminary approval'.

Clause 187 amends section 90 (Right of appeal against particular conditions) to update legislative references and reflect the process set out in the Planning Bill for starting an appeal in the Planning and Environment Court.

Clause 188 amends section 97 (Provision for enforcement of PDA development conditions) to replace subsection (1) to update legislative references.

Clause 189 amends section 100 (When approval lapses generally) to update the currency periods and terminology for PDA development approvals consistent with the new currency periods and terminology under the Planning Bill.

*Clause 190*amends section 104 (Plans of subdivision) to allow requirements for the approval by the Minister for Economic Development Queensland (MEDQ) of plans of subdivision to be prescribed by regulation. Currently, the Economic Development Act applies the requirements of the Sustainable Planning Act in relation to compliance assessment of plans of subdivision as prescribed under schedule 19 of the Sustainable Planning Regulation. Compliance assessment has been discontinued under the Planning Bill, and the process for approval of plans of subdivision by local governments will be prescribed under the proposed Planning Regulation. Regulatory amendments required for the commencement of the proposed Planning Act will include amendments to the *Economic Development Regulation 2013* to prescribe requirements for MEDQ approval of plans of subdivision, consistent with the requirements which will apply for local governments under the proposed Planning Regulation.

Clause 191 amends section 109 (Powers about enforcement orders) to update cross-references to the Sustainable Planning Act with the relevant provisions of the Planning and Environment Court Bill and the Planning Bill.

Clause 192 amends section 110 (Offence to contravene enforcement order) to update a cross-reference relating to the Planning and Environment Court with the relevant provision of the Planning and Environment Court Bill in the note.

Clause 193 amends section 123 (Application of local government entry powers for MEDQ's functions or powers) to update the definition of 'lot' with the relevant provision of the Planning Bill.

Clause 194 amends section 127 (Direction to government entity or local government to accept transfer) to update a cross-reference with the relevant provision of the Planning Bill.

*Clause 195*amends the chapter 6 heading (Transitional provisions and repeals) to clarify which Act the provisions relate to.

Clause 196 amends section 177 (Definitions for ch 6) to insert new definitions for 'SPA development approval' and 'repealed Sustainable Planning Act' for the interpretation of chapter 6, which provides new transitional provisions.

Clause 197 amends section 195 (Relationship with Sustainable Planning Act) to refer to the repealed Sustainable Planning Act and insert new definitions of 'community infrastructure designation' and 'SPA development application' for section 195.

Clause 198 amends section 204 (Plans of subdivision requiring former ULDA's approval) to update legislative references.

Clause 199 amends section 213 (Existing directions to government entity or local government to accept transfer) to update legislative references.

Clause 200 inserts new chapter 7 (Transitional provisions for Planning (Consequential) and Other Legislation Amendment Act 2015) to provide for transitional arrangements upon commencement.

- New section 217 (Definitions for chapter) inserts new definitions of 'amending Act' and 'former' required for the interpretation of chapter 7.

- New section 218 (Existing SPA development applications made before priority development area declared) ensures that former section 44 (Existing SPA development applications) of the Economic Development Act continues to apply to any development applications which have been made under the Sustainable Planning Act but not decided at commencement. Under the transitional provisions of the Planning Bill, undecided applications will continue to be considered and decided under the Sustainable Planning Act. Further, subsection (3) provides that the carrying out of the development or use under the approval is not a PDA development offence.

- New section 219 (Unfinished compliance assessment for plan of subdivision) provides that existing section 104 (Plans of subdivision) continues to apply to any compliance assessment of plans of subdivision which has not been completed at commencement.

Clause 201 amends schedule 1 (Dictionary) to update definitions and omit redundant definitions.

Part 18 Amendment of Electricity Act 1994

Clause 202 provides that the part amends the *Electricity Act 1994*.

Clause 203 replaces section 112A (Clearing native vegetation for operating works on freehold land) with new section 112A (Clearing vegetation on freehold land for operating works) for consistency with legislative references and terms in the Planning Bill.

Part 19 Amendment of Environmental Offsets Act 2014

Clause 204 provides that the part amends the *Environmental Offsets Act 2014*.

Clause 205 amends section 5 (Relationship with particular Acts) to update legislative references.

Clause 206 amends section 13B (What this part is about) to update a legislative reference.

Clause 207 amends section 16 (Conditions that apply under this Act to authority) to update legislative references.

Clause 208 amends schedule 2 (Dictionary) to insert definitions for 'assessment manager', 'Planning Act' and 'referral agency', and update the definition for 'administering agency' to update terminology and legislative references.

Part 20 Amendment of Environmental Protection Act 1994

Clause 209 provides that the part amends the *Environmental Protection Act 1994*.

Clause 210 amends section 115 (Development application taken to be application for environmental authority in particular circumstances) to update terminology and legislative references.

Clause 211 amends section 120 (Application for environmental authority can not be made in particular circumstances) to reflect the change application process for development approvals under the Planning Bill.

Clause 212 amends section 166 (When does decision stage start—application relating to development applications) to update terminology.

Clause 213 amends section 169 (When decision must be made—particular applications) to update terminology.

Clause 214 amends section 173 (When particular applications must be refused) to update terminology and to include reference to the planning chief executive as a result of SARA.

Clause 215 amends section 195 (Issuing environmental authority) to include references to the planning chief executive as a result of SARA.

Clause 216 amends section 225 (Amendment application can not be made in particular circumstances) to reflect the change application process for a development approval under the Planning Bill.

Clause 217 amends section 332 (Administering authority may require draft program) to remove reference to a development condition of a development approval.

Clause 218 amends section 338 (Criteria for deciding draft program) by omitting a subsection that is not required.

Clause 219 amends section 370 (Definitions for pt 8) to remove the definition for 'compliance permit' as a consequence of the changed categories of development under the Planning Bill.

Clause 220 omits section 382 (Compliance permit) as a consequence of the changed approach for categories of development under the Planning Bill.

Clause 221 amends section 388 (Application of sdiv 2) to omit reference to 'compliance assessment'. Compliance assessment is not intended to continue as the category of development for development on contaminated land under the Planning Bill.

Clause 222 amends section 580 (Regulation-making power) to omit a redundant provision relating to prescribed fees payable to an administering authority prior to SARA, and provide for a regulation to prescribe assessment benchmarks and other referral agency assessment matters, other than for assessment carried out by the planning chief executive as SARA.

Clause 223 amends sections 616ZB (End of environmental authority) to update a legislative reference.

Clause 224 amends section 624 (Effect of commencement on particular approvals) to update a legislative reference.

Clause 225 inserts a new chapter 13, part 24 (Transitional provisions for Planning (Consequential) and Other Legislation Amendment Act 2015), to provide for transitional arrangements upon commencement.

- New section 740 (Definitions for part) provides definitions for the interpretation of the new part 24.

- New section 741 (Existing development application relating to prescribed ERA) provides that, for development applications made under the Sustainable Planning Act before the commencement, that are also taken to be applications for an environmental authority, the Environmental Protection Act as in force immediately before commencement of the Planning (Consequential) and Other Legislation Amendment Act will continue to apply to the application for the environmental authority as if the.

- New section 742 (Compliance permits given under the repealed Planning Act) provides transitional arrangements for compliance permits given under the Sustainable Planning Act before or after commencement.

- New section 743 (Existing development condition requiring a transitional environmental program) provides that a condition of a development approval given before or after the commencement that requires a draft transitional environmental program under former section 332(1)(b) will continue in force. It also provides that the Environmental Protection Act as in force immediately before commencement of the Planning (Consequential) and Other Legislation Amendment Act will continue to apply in relation to the condition.

Clause 226 amends schedule 1 (Exclusions relating to environmental nuisance or environmental harm) to update a legislative reference.

Clause 227 amends schedule 2 (Original decisions) to omit particular entries.

Clause 228 amends schedule 4 (Dictionary) to update definitions and legislative references and omitted terms.

Part 21 Amendment of Exhibited Animals Act 2015

Clause 229 provides that the part amends the *Exhibited Animals Act 2015*.

Clause 230 amends section 58 (General criteria for decision) to update terminology and legislative references.

Part 22 Amendment of Fire and Emergency Services Act 1990

Clause 231 provides that the part amends the *Fire and Emergency Services Act 1990*.

Clause 232 amends section 113 (Appeal against local government's determination) to update a reference to the Sustainable Planning Act with the proposed Planning Act.

Clause 233 amends section 152C (Inspection of records of local governments and building certifiers) to replace references to the *Integrated Planning Act 1997* and the Sustainable Planning Act with the 'repealed' Acts and the proposed Planning Act.

Part 23 Amendment of Fisheries Act 1994

Clause 234 provides that the part amends the *Fisheries Act 1994*.

Clause 235 amends section 22 (Integrated development assessment system regulations and guidelines) and heading to omit redundant terminology and references, update legislative references and renumber remaining sections.

Clause 236 inserts a new part 4 (Accepted development requirements) to provide for the making of a regulation to state the requirements that particular fisheries development must comply with to be categorised as accepted development.

Clause 237 amends the note at section 52 (Things authorised by authorities) to update legislative references.

Clause 238 amends section 76A (Application of sdiv 1) to update terminology and legislative references.

Clause 239 amends section 76C (Nature of fisheries development approval for which resource allocation authority required) to update legislative references.

Clause 240 omits part 5, division 3A, subdivision 2 (Assessment of development applications for fisheries development approval generally) to remove redundant provisions.

Clause 241 replaces part 5, division 3A, subdivision 3, heading (Assessment of development applications for construction or raising of waterway barrier works) to reflect amended provisions.

Clause 242 omits section 76G (When chief executive may approve applications relating to waterway barrier works) to remove a provision that is no longer required as a result of SARA.

Clause 243 replaces part 5, division 3A, subdivision 4, heading (Conditions on fisheries development approvals generally) to reflect amended provisions for environmental offset conditions.

Clause 244 amends section 76H (Relationship between subdivision 4 and Planning Act) to update legislative references.

Clause 245 omits section 76I (Conditions on fisheries development approvals generally) to remove a redundant provision.

Clause 246 amends section 76IA (Environmental offset conditions) to update legislative references.

Clause 247 omits sections 76J (Conditions on fisheries development approvals relating to aquaculture), 76K (Conditions on fisheries development approvals for constructing or raising waterway barrier works) and 76L (Conditions on fisheries development approvals for works in a declared fish habitat area or removal etc. of marine plans) to remove redundant provisions no longer required as a result of SARA.

Clause 248 omits part 5, division 3A, subdivision 5 (Amending conditions on fisheries development approvals) to remove redundant provisions no longer required as a result of SARA.

Clause 249 amends section 76S (Purpose of sdiv 6) to update legislative references in the note.

Clause 250 amends section 76T (Penalties for carrying out assessable development without permit) to update legislative references.

Clause 251 amends section 76U (Penalties for noncompliance with particular development approvals) to update legislative references.

Clause 252 amends section 76V (Additional requirement for development carried out in emergency) to update legislative references and omits the requirement for the notice to be given to the assessment manager, as under the Planning Bill the notice must also be given to the enforcement authority.

Clause 253 amends section 88B (Carrying out particular development without resource allocation authority) to update legislative references and terms.

Clause 254 amends section 145 (Entry to places) to update terminology to reflect changes to categories of development under the Planning Bill.

Clause 255 amends section 185 (Who may apply for review) to remove a redundant part of the provision.

Clause 256 amends section 223 (Regulation making power) to allow a regulation to state the requirements that fisheries development must comply with to be categorised as accepted development under the proposed Planning Act. This amendment is required as a result of the changed categories of development under the Planning Bill, and to reflect the change application process under the Planning Bill.

Clause 257 amends section 240 (Definitions for div 4) to insert a new definition.

Clause 258 omits a note in section 242 (Continuing effect of existing approvals for waterway barrier works) as the Planning Bill will make it redundant.

Clause 259 amends section 244 (Applications in progress for particular relevant authorities) to define 'Planning Act' as the Sustainable Planning Act for that section.

Clause 260 inserts a new part 12, division 10 (Transitional provisions for Planning (Consequential) and Other Legislation Amendment Act 2015) to provide for transitional arrangements upon commencement.

- New section 262 (Definitions for division) provides definitions for the interpretation of new division 10.

- New section 263 (Existing particular development applications for fisheries development) provides that former sections 76D, 76G and part 5, division 3A, subdivision 4 continue to apply to a development application made under Sustainable Planning Act but not decided before the commencement if the chief executive administering the Fisheries Act is the assessment manager or a concurrence agency for the development application. It also provides that a decision of the chief executive administering the Fisheries Act about the development application is not reviewable under section 185(1).

- New section 264 (Existing appeals—amendment of fisheries development approval conditions) provides that, if a person has appealed to the Planning and Environment Court under former section 76Q(1) and the appeal has not been decided before commencement, the Planning and Environment Court must hear, or continue to hear, and decide the appeal under former sections 76Q and 76R as if the Planning (Consequential) and Other Legislation Amendment Act 2015 had not commenced.

- New section 265 (Existing right to appeal—amendment of fisheries development approval conditions) provides that if a person, before commencement, could have appealed to the Planning and Environment Court under former section 76Q(1) and the person has not appealed before commencement, the person may appeal and the Planning and Environment Court must hear and decide the appeal under former sections 76Q and 76R as if the Planning (Consequential) and Other Legislation Amendment Act 2015 had not commenced.

Clause 261 amends the schedule (Dictionary) to update legislative terms and references and omit redundant definitions.

Part 24 Amendment of Geothermal Energy Act 2010

Clause 262 provides that the part amends the *Geothermal Energy Act 2010*.

Clause 263 amends section 327 (Restriction on carrying out geothermal activities) to update a legislative reference.

Part 25 Amendment of Gold Coast Waterways Authority Act 2012

Clause 264 provides that the part amends the *Gold Coast Waterways Authority Act 2012*.

Clause 265 amends section 4 (Relationship with other Acts) to update a legislative reference.

Part 26 Amendment of Inala Shopping Centre Freeholding Act 2006

Clause 266 provides that the part amends the *Inala Shopping Centre Freeholding Act 2006*.

Clause 267 replaces section 27 (Exempt development) and heading, with 'Accepted development', to reflect the changed categories of development under the Planning Bill.

Part 27 Amendment of Integrated Resort Development Act 1987

Clause 268 provides that the part amends the *Integrated Resort Development Act 1987*.

Clause 269 amends section 15 (Approved scheme regulates development etc. of site) to update a legislative reference.

Clause 270 amends section 20 (Effect of revocation) to update a legislative reference.

Clause 271 amends section 72 (Boundary adjustment plan) to update a legislative reference to the proposed Planning and Environment Court Act.

Clause 272 amends section 90 (Construction of canals) to update a legislative reference.

Clause 273 amends section 96 (Surrender of canal to the State) to update a legislative reference.

Clause 274 amends schedule 7 (Dictionary) to update legislative references.

Part 28 Amendment of Integrity Act 2009

Clause 275 provides that the part amends the *Integrity Act 2009*.

Clause 276 amends section 42 (Meaning of *lobbying activity* and *contact*) to update a legislative reference.

Part 29 Amendment of Land Act 1994

Clause 277 provides that the part amends the *Land Act 1994*.

Clause 278 amends section 55D (Registration surrenders deed of grant in trust) to update a legislative reference.

Clause 279 amends section 109A (Simultaneous opening and closing of roads--deed of grant) to update a legislative reference.

Clause 280 amends section 109B (Simultaneous opening and closure of roads--trust land or lease land) to update a legislative references.

Clause 281 amends section 294B (Building management statement may be registered) to update the definition for 'building development approval'.

Clause 282 amends section 373A (Covenant by registration) to update legislative references and terms. It also incorporates a requirement previously located in section 87 (Covenants not to conflict with planning schemes) of the Sustainable Planning Act.

Clause 283 amends section 373AB (Compliance with s 373A) to insert a new subsection (4) that provides that the chief executive does not need to consider whether a proposed covenant is inconsistent with a planning scheme, when deciding to register the document.

Clause 284 amends section 431N (Ability to prosecute under other Acts) to update a legislative reference.

Clause 285 amends schedule 6 (Dictionary) to include a definition for 'Planning Act'.

Part 30 Amendment of Land Sales Act 1984

Clause 286 provides that the part amends the *Land Sales Act 1984*.

Clause 287 amends section 12 (Requirements for disclosure statement) to change the definition of 'development approval' to omit reference to compliance permits, as compliance assessment and compliance permits are not continued under the Planning Bill.

Clause 288 amends schedule 1 (Dictionary) to update legislative references for the definitions of 'Planning Act', 'operational work' and 'reconfiguring a lot'.

Part 31 Amendment of Land Tax Act 2010

Clause 289 provides that the part amends the *Land Tax Act 2010*.

Clause 290 amends section 55 (Port authority land) to update legislative references.

Part 32 Amendment of Land Title Act 1994

Clause 291 provides that the part amends the *Land Title Act 1994*.

Clause 292 amends section 50 (Requirements for registration of plan of subdivision) to reflect updated terms and processes for consistency with the Planning Bill.

Clauses 293 amends section 54A (Building management statement may be registered) to update legislative references and omit the term 'compliance permit', as compliance assessment and compliance permits are not continued under the Planning Bill.

Clause 294 amends section 65 (Requirements of instrument of lease) to refer to 'reconfiguring a lot' and update a legislative reference.

Clause 295 amends section 83 (Registration of easement) to update legislative references and terms for consistency with the Planning Bill.

Clause 296 amends section 94 (Meaning of high-density development easement) to update legislative references.

Clause 297 amends section 97A (Covenant by registration) to update legislative references and terms. It also incorporates a requirement previously located in section 87 (Covenants not to conflict with planning schemes) of the Sustainable Planning Act.

Clause 298 amends section 97AA (Compliance with s 97A) to insert a new subsection (4) that provides that the chief executive does not need to consider whether a proposed covenant is inconsistent with a planning scheme, when deciding to register the document.

Clause 299 amends section 115I (Enlarging the number of lots through progressive subdivision) so that the section also applies to a basic scheme for which an application for development approval is made under the proposed Planning Act.

Clause 300 amends schedule 2 (Dictionary) to provide a definition for 'Planning Act'.

Part 33 Amendment of Land Valuation Act 2010

Clause 301 provides that the part amends the *Land Valuation Act 2010*.

Clause 302 amends section 10 (Zoned rural land) to continue the effect of the provision while taking into account changes under the Planning Bill.

Clause 303 amends section 11 (Cessation of zoned rural land) to replace a reference to a 'preliminary approval under the Planning Act' with 'development approval' to address an existing issue in the Land Valuation Act. The provision as amended provides that zoned rural land ceases to be zoned rural land and becomes non-rural land if, under a development approval approving a material change of use, it is used for an urban purpose.

Clause 304 amends the schedule (Dictionary) to update legislative references and include a definition for 'planning scheme'.

Part 34 Amendment of Liquor Act 1992

Clause 305 provides that the part amends the *Liquor Act 1992*.

Clause 306 amends section 4 (Definitions) to update definitions for 'development approval' and 'relevant period' and insert a new definition for 'Planning Act'.

Clause 307 amends section 105B (Application for adult entertainment permit requires local government consent) to update legislative references for the definition of 'consent'.

Clause 308 amends section 121 (Matters the commissioner must have regard to) to update a legislative reference.

Clause 309 amends section 123 (Commissioner may grant provisional licence) to update a legislative reference.

Part 35 Amendment of Local Government Act 2009

Clause 310 provides that the part amends the *Local Government Act 2009*.

Clause 311 amends section 37 (Development processes) to update reference to the development assessment process under the proposed Planning Act.

Clause 312 amends section 72 (Assessment of impacts on roads from certain activities) to update reference to development categorised as assessable development under the local government's planning scheme, and omitting reference to compliance assessment and compliance assessor which are not continued under the Planning Bill.

Clause 313 amends section 93 (Land on which rates are levied) to omit a reference to compliance permits.

Clause 314 inserts a new chapter 9, part 9 (Transitional provisions for Planning (Consequential) and Other Legislation Amendment Act 2015) to provide for transitional arrangements upon commencement.

- New section 308 (Definitions for part) inserts definitions for 'former' and 'repealed Planning Act' required for the interpretation of part 9.

- New section 309 (Entry under existing application, permit or notice) provides that section 132 (Entering under an application, permit or notice) continues to apply to an application made, or a permit or notice given under the Sustainable Planning Act before the commencement.

- New section 310 (Existing remedial notice) ensures that remedial notices issued before the commencement under section 138AA (Notices for this division) requiring remedial action to be taken under the Sustainable Planning Act continue to have effect.

- New section 311 (Existing inside information) protects the confidentiality of information about the exercise of a power under the Sustainable Planning Act in accordance with the requirements applying to other local government related laws under section 171A (Prohibited conduct by councillor in possession of inside information).

- New section 312 (Existing unpaid fine—where fine to be paid to) ensures that any fines imposed for an offence under the Sustainable Planning Act continue to be paid to the council's operating fund in accordance with section 246 (Where fines are to be paid to).

These transitional provisions are necessary as the definition of 'Local Government Act' referenced in these sections currently includes the Sustainable Planning Act but is being amended to refer to the proposed Planning Act.

Clause 315 amends schedule 4 (Dictionary) to update the definitions of 'Planning Act' and 'planning scheme' for the Planning Bill. The definition of 'Planning and Environment Court' is omitted as this definition is being inserted into the Acts Interpretation Act.

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

Clause 316 provides that the part amends the *Local Government (Robina Central Planning Agreement) Act 1992*.

Clause 317 amends section 6 (Amendment of planning agreement) to update legislative terms and references, and requires the process for the making of a further agreement to follow the process under the Planning Bill for making a proposed planning scheme amendment. This provides for the planning chief executive, after considering the Minister's guidelines, to determine the process to be followed in making the further agreement.

Clause 318 inserts a new section 12 (Transitional provision for Planning Act 2015 and Planning (Consequential) and Other Legislation Amendment Act) to provide for transitional arrangement upon commencement, and provides that if a further agreement is in the process of being made on commencement of this Bill, that the process may continue and the further agreement be made as if the Bill had not commenced.

Part 37 Amendment of Major Events Act 2014

Clause 319 provides that the part amends the *Major Events Act 2014*.

Clause 320 amends section 78 (Application of other Acts to activities or works for major event) to replace a reference to the Sustainable Planning Act with the proposed Planning Act.

Part 38 Amendment of Major Sports Facilities Act 2001

Clause 321 provides that the part amends the *Major Sports Facilities Act 2001*.

Clause 322 amends section 30AI (Definitions for div 1) to update the definition of 'relevant development approval' to refer to the 'repealed' Sustainable Planning Act and the proposed Planning Act.

Clause 323 amends section 30AN (Use of Suncorp Stadium for major sport events) to insert a replacement subsection (2), replacing a reference to the Sustainable Planning Act and omitting references to compliance permits, which are not continued under the Planning Bill.

Clause 324 amends section 30A (Lawful use for major sports facilities for prescribed special events) to insert a replacement subsection (2), replacing a reference to the Sustainable Planning Act and omitting references to compliance permits.

Clause 325 amends schedule 2 (Dictionary) to insert a definition of 'Planning Act' and update the legislative reference in the definition of 'use'.

Part 39 Amendment of Marine Parks Act 2004

Clause 326 provides that the part amends the *Marine Parks Act 2004*.

Clause 327 amends the schedule (Dictionary) to update the legislative reference in the example in the definition of 'environment conservation legislation'.

Part 40 Amendment of Mineral Resources Act 1989

Clause 328 provides that the part amends the *Mineral Resources Act 1989*.

Clause 329 amends chapter 1, part 3, heading (Relationship with Sustainable Planning Act 2009) to update legislative references.

Clause 330 amends section 4A (Effect on development) to update legislative terms, references and effects for consistency with the Planning Bill and the Building Act as amended by this Bill.

Clause 331 amends section 4B (Notice to local government and chief executive (planning) of particular mining tenements) to update terminology as a result of the Planning Bill.

Clause 332 amends schedule 2 (Dictionary) to update terminology and legislative references.

Part 41 Amendment of Nature Conservation Act 1992

Clause 333 provides that the part amends the *Nature Conservation Act 1992*.

Clause 334 omits section 106 (Orders prevail over planning schemes) as a redundant provision. Applicable interim conservation orders and planning schemes both need to be complied with and one does not prevail over the other.

Clause 335 omits section 122 (Conservation plans and regulations prevail over planning schemes) as a redundant provision. Applicable conservation plans, and regulations giving effect to management plans, and planning schemes each need to be complied with and one does not prevail over the other.

Clause 336 amends the schedule (Dictionary) to remove a redundant definition.

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

Clause 337 provides that the part amends the *Neighbourhood Disputes (Dividing Fences and Trees) Act 2011*.

Clause 338 amends the schedule (Dictionary) to update legislative references in the definition of 'development approval'.

Part 43 Amendment of Nuclear Facilities Prohibition Act 2007

Clause 339 provides that the part amends the *Nuclear Facilities Prohibition Act 2007*.

Clause 340 amends section 8 (No development approval or mining tenement for a nuclear facility) to update legislative references and to omit reference to a compliance permit which is not continued under the Planning Bill.

Clause 341 inserts new section 19A (How appeals under s 19 are started) and provides that a notice of appeal must be in the approved form and lodged with the registrar of the court.

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

Clause 342 provides that the part amends the *Petroleum and Gas (Production and Safety) Act 2004*.

Clause 343 amends a note to section 33 (Incidental activities) to update legislative references.

Clause 344 amends a note to section 112 (Incidental activities) to update legislative references.

Clause 345 amends a note to section 403 (Incidental activities) to update legislative references.

Clause 346 amends a note to section 442 (Incidental activities) to update legislative references.

Part 45 Amendment of Plumbing and Drainage Act 2002

Clause 347 provides that the part amends the *Plumbing and Drainage Act 2002*.

Clause 348 amends section 85 (Process for assessing plans) to update the reference in the note from the relevant sections of the Sustainable Planning Act to the relevant sections of the proposed Planning Act.

Clause 349 amends section 86 (General process for assessing compliance assessable work) to update the reference in the note from the relevant sections of the Sustainable Planning Act to the relevant sections of the proposed Planning Act.

Clause 350 amends section 86A (Process for assessing certain compliance assessable work in remote areas) to update the reference in the note from the relevant sections of the Sustainable Planning Act to the relevant sections of the proposed Planning Act.

Clause 351 amends section 95 (Information Notice) to update the reference in the note from the relevant sections of the Sustainable Planning Act to the relevant sections of the proposed Planning Act.

Clause 352 amends s114 (Functions and powers of inspectors and relationship to the Local Government Act 2009 and City of Brisbane Act 2010) to replace a reference to the Sustainable Planning Act with a reference to the proposed Planning Act.

Clause 353 amends s118 (Relationship with Sustainable Planning Act 2009) and heading to update legislative references to reflect the proposed Planning Act.

Clause 354 amends the schedule (Dictionary) to include a definition for 'Planning Act', and update legislative references and terms.

Part 46 Amendment of Private Health Facilities Act 1999

Clause 355 provides that the part amends the *Private Health Facilities Act 1999*.

Clause 356 amends section 62 (Meaning of *prescribed alteration*) to omit reference to compliance permits and replace a reference to the Sustainable Planning Act with the proposed Planning Act.

Part 47 Amendment of Prostitution Act 1999

Clause 357 provides that the part amends the *Prostitution Act 1999*.

Clause 358 amends section 15 (Consideration of application) to clarify the intent of the provision, that a development approval must be in effect before the Authority is obliged to consider an application.

Clause 359 replaces section 62 (Definition for pt 4) for consistency with the Planning Bill, and to reflect the change application process under the Planning Bill.

Clause 360 amends part 4, division 2 (Particular provisions about development applications) heading, to reflect the terminology in replaced section 62.

Clause 361 replaces section 63B (Notification by assessment manager of development application) to reflect the terminology in replaced section 62.

Clause 362 amends part 4, division 3 (Review by QCAT) heading to omit the editor's note referring to the repealed Integrated Planning Act and interpretive provisions of the Sustainable Planning Act.

Clause 363 amends section 64A (Review of decisions about code assessment) to align the decisions subject to review by the Queensland Civil and Administrative Tribunal (QCAT) with the appeal rights for other development applications as prescribed under schedule 1 of Planning Bill. The clause replaces references to decisions provided for under the Integrated Planning Act, updating these to the relevant decisions provided for under the Planning Bill.

Clause 364 amends section 64B (Review of decisions about impact assessment) to update legislative references and to reflect the change application process under the Planning Bill References to 'acknowledgement notice' are omitted as these notices are not continued under the Planning Bill.

Requirements for the acknowledgment of development applications will be set out in the Development Assessment Rules to be made under the proposed Planning Act, and the amendment includes reference to a notice accepting the application given under the Rules.

Clause 365 amends section 64C (Procedures for review) to reflect the terminology in replaced section 62.

Clause 366 amends section 64D (No appeal from QCAT's decision under the Integrated Planning Act) and heading, to update legislative references.

Clause 367 amends section 66 (Declaration that premises are a prohibited brothel) to provide that the declaration may be made if the development is being used in contravention of the Sustainable Planning Act or the proposed Planning Act.

Clause 368 amends section 140 (Regulation-making power) to replace subsection (2)(f) which contains reference to an IDAS code with 'assessment benchmarks' for the assessment of brothel development applications. Under the Planning Bill, IDAS codes are not continued and 'assessment benchmarks' will be introduced to specify the matters assessment managers must assess development applications against. Regulatory amendments required for the commencement of the proposed Planning Act will include amendments to the *Prostitution Regulation 2014* to update the terminology of the current IDAS code for brothels.

Clause 369 inserts a new part 9, division 8 (Provisions for Planning (Consequential) and Other Legislation Amendment Act 2015) to provide for transitional arrangements upon commencement.

- New section 164 (Definitions for division) inserts a definition for 'amending Act' and 'former' required for the interpretation of part 9, division 8.

- New section 165 (Existing development application or request to change a development approval) ensures that existing section 63B (Notification by assessment manager of development application) of the Prostitution Act continues to apply to any development applications for a material change of use for a brothel or a request to change a development approval for a brothel which have been made under the Sustainable Planning Act but not decided at commencement. Under the transitional provisions of the Planning Bill, undecided applications will continue to be considered and decided under the Sustainable Planning Act.

- New section 166 (Existing review or right to review by QCAT) applies for any QCAT reviews under sections 64A or 64B which have not been decided before the commencement. The proposed new section provides that QCAT must continue to hear and decide the matter in accordance with the unamended Prostitution Act, and that existing rights to apply to QCAT for review and for QCAT to hear and decide the matter continue as if this Bill had not commenced. It also provides definitions for 'amending Act' and 'pre-amended Act' for clarity.

- New section 167 (Existing declaration or temporary declaration that premises are a prohibited brothel) provides that a declaration made under section 66 or a temporary declaration made under section 66A before commencement continues in force after commencement.

Clause 370 amends schedule 4 (Dictionary) to insert or update legislative references for the definitions of, 'assessment manager', 'change application', 'decision-maker', 'development application', 'development approval', 'material change of use', 'minor change application' , 'Planning Act', 'relevant application' and omits the definition of 'IDAS'.

Part 48 Amendment of Queensland Building and Construction Commission Act 1991

Clause 371 provides that the part amends the *Queensland Building and Construction Commission Act 1991*.

Clause 372 amends s68E (Obligation of assessment manager or compliance assessor in relation to insurance premium) and heading, to replace provisions referencing compliance

assessment requirements under the Sustainable Planning Act with the equivalent development approval requirements under the Planning Bill.

Clause 373 amends s108 (Obligation of assessment manager) to omit a redundant provision. Under the Planning Bill, a private certifier (class A) will be prescribed as an assessment manager for particular development.

Clause 374 inserts new schedule 1, part 12 (Transitional provision for Planning (Consequential) and Other Legislation Amendment Act 2015) to provide for transitional arrangements upon commencement.

- New section 69 (Existing development applications and requests for compliance assessment) ensures that section 68E in force before the commencement continues to apply to applications for a development approval or a compliance permit made before the commencement. It also provides definitions for 'amending Act', 'existing development application', 'existing request for compliance assessment', 'former section 68E', and 'repealed Planning Act', for the section.

Clause 375 amends Schedule 1B (Domestic building contracts) to update a legislative reference in the definition for 'development approval'.

Clause 376 amends Schedule 2 (Dictionary) to update legislative references in the definitions for 'assessment manager', 'development approval' and 'Planning Act'.

Part 49 Amendment of Queensland Heritage Act 1992

Clause 377 provides that the part amends the *Queensland Heritage Act 1992*.

Clause 378 amends section 58 (Obligation to give notice about proposed development) to reflect the change application process under the Planning Bill.

Clause 379 amends section 59 (Obligation to give notice about development approvals) to reflect the change application process under the Planning Bill, and insert a legislative reference.

Clause 380 replaces part 6, division 1 (Assessing development applications) heading to change it to 'Development on Queensland heritage place by State' as a consequence of omitting sections 68-70 (see clause below) and renumbering of divisions in the part.

Clause 381 omits sections 68 to 70, which provided arrangements for the assessment of development applications, as these provisions are redundant as a result of the establishment of SARA.

Clause 382 amends section 77 (Purpose of div 3) to update legislative references and terms.

Clause 383 amends section 111 (Appeals about permit to enter protected area) to update legislative references to the proposed Planning Act and the proposed Planning and Environment Court Act.

Clause 384 amends section 112 (Local government to identify places in planning scheme or local heritage register) to remove a redundant provision.

Clause 385 amends section 112A (Chief executive may recommend place becomes a local heritage place) to update a legislative cross-reference.

Clause 386 replaces part 11, division 4 (Code for IDAS for local heritage places on local heritage registers) and heading to update terminology and legislative references in the replaced section 121 (Particular matters for assessing development on a local heritage place on a local heritage register), to provide for assessment benchmarks or referral agency assessment matters for the Planning Bill to be prescribed for development on a local heritage place, for assessment other than by the planning chief executive.

Clause 387 amends section 123 (Local heritage register may be adopted in planning scheme) to omit a redundant provision, given there is no equivalent of section 85 of the Sustainable Planning Act in the Planning Bill.

Clause 388 amends section 124 (Provision about entitlement to claim compensation) to update legislative references and terms.

Clause 389 replaces section 164 (Court process for appeal) to update legislative references to the proposed Planning Act and the proposed Planning and Environment Court Act.

Clause 390 amends section 164B (Restoration orders) to update legislative references in the definition of ‘offence’.

Clause 391 amends section 164C (Non-development orders) to update legislative references in the definition of ‘offence’.

Clause 392 amends section 164D (Education and public benefit orders) to update legislative references in the definitions of ‘education order’ and ‘offence’.

Clause 393 amends section 198 (Local governments prescribed under the pre-amended Act, s 112) to update legislative references.

Clause 394 amends section 199 (Non-application of particular provisions to local governments) to update a legislative reference.

Clause 395 inserts a new part 15, division 5 (Transitional provisions for Planning (Consequential) and Other Legislation Amendment Act 2015) to provide for transitional arrangements on commencement.

- New section 200 (Definitions for division) defines 'amending Act', 'former', and 'repealed Act' for the purposes of the division.

- New section 201 (Existing particular development applications) applies to a development application for a development approval made under the repealed Sustainable Planning Act before the commencement. The clause provides that section 59 continues to apply to the development application as if the amending Act had not commenced. It goes on to provide that if the chief executive is the assessment manager or a referral agency for the development application, former section 68 to 70 continue to apply to the development application as if the amending Act had not commenced. 'Existing application for a development approval or existing development application' is defined for the purpose of the section.

- New section 202 (Existing appeals) applies if an appeal has been made to the Planning and Environment Court under former section 111 or former part 13 but not decided before the commencement. The appeal must be heard and decided as if the amending Act had not commenced and the Sustainable Planning Act had not been repealed.

- New section 203 (Entries in local government's local heritage register made before commencement) provides that if a place was entered in a local heritage register before the commencement, former section 124 and the repealed Sustainable Planning Act continue to apply as if the amending Act had not commenced and the Sustainable Planning Act had not been repealed. It also provides that if a claim for compensation is made under the Sustainable Planning Act about the entry, a further claim cannot be made under the proposed Planning Act.

- New section 204 (Court's power to make particular restoration orders, and their enforcement) applies if a person is convicted of an offence against the repealed Sustainable Planning Act, section 578(1) or 580 in relation to development on a Queensland heritage place. The section provides that the court may make an order under former section 164B in relation to the offence as if the amending Act had not commenced.

- New section 205 (Court's power to make particular non-development orders, and their enforcement) applies if the owner of a Queensland heritage place is convicted of an offence against the repealed Sustainable Planning Act, section 578(1) or 580 in relation to development on a Queensland heritage place; and the offence involves the destruction of, or damage to, the Queensland heritage place. The section provides, in

subsection (2), that the court may make an order under former section 164C in relation to the offence as if the amending Act had not commenced

- New section 206 (Court's power to make particular education and public benefit orders) applies if a person is convicted of an offence against the repealed Sustainable Planning Act, section 578 or 580 in relation to development on a Queensland heritage place, before or after the commencement. The court may continue to make an education order or a public benefit order under former section 164D in relation to the offence as if the amending Act had not commenced.

Clause 396 amends the schedule (Dictionary) to remove the definition for Planning and Environment Court as this is now addressed by the Acts Interpretation Act, update legislative references in the definitions of 'local heritage register', 'Planning Act' and 'planning scheme', and include a new definition for 'change application'.

Part 50 Amendment of Queensland Reconstruction Authority Act 2011

Clause 397 provides that the part amends the *Queensland Reconstruction Authority Act 2011*.

Clause 398 amends section 47 (Definitions for pt 5) to update the definitions of 'decision-maker' and 'prescribed process' to omit references to 'concurrence agency' and 'IDAS', which are not continued under the Planning Bill, and to omit an example from the definition 'prescribed process'.

Clause 399 amends section 49 (Progression notice) to omit a reference to IDAS.

Clause 400 amends section 50 (Notice to decide) to update a reference to the decision stage for a development application under the Sustainable Planning Act to refer to the decision-making period, and to reflect the change application process, consistent with the Planning Bill.

Clause 401 amends section 53 (Providing assistance or recommendations) to update a reference to 'infrastructure' under the Sustainable Planning Act.

Clause 402 amends section 54 (Effects of step-in notice) to omit references to 'concurrence agency' and 'advice agency' under the Sustainable Planning Act, and to reflect the change application process under the Planning Bill. Under the Planning Bill, concurrence agencies and advice agencies are not continued as separate categories of referral agencies.

Clause 403 amends section 55 (Authority's decision) to omit subsection (4) as it is redundant, and renumber the remaining provisions. It is not necessary to require the local government to give an infrastructure charges notice, as this is provided for under the Planning Bill.

Clause 404 amends section 56 (Effects of decision) to clarify a section cross-reference.

Clause 405 amends section 57 (Notice of decision) to insert a new subsection (1A) which provides that the Queensland Reconstruction Authority must give notice of decisions about development applications or change applications to the relevant local government. This amendment ensures that the local government is able to comply with the requirements of section 55 in relation to the issuing of infrastructure charges notices under the Planning Bill.

Clause 406 amends section 58 (Report about decision) to correct section cross-references.

Clause 407 amends section 63 (Content of development scheme) to replace subsection 63(3)(b) to (e) which relate to requirements for land use plans which form part of the development schemes for reconstruction areas. The amendment replaces references to the categories of development under the Sustainable Planning Act with the new categories under the Planning Bill, being accepted development, assessable development and prohibited development.

In addition, the clause replaces a reference to plans, policies and codes made under the Sustainable Planning Act or other Acts, with assessment benchmarks, consistent with the terminology of the Planning Bill.

Clause 408 amends section 64 (Development scheme may make provision for particular assessable development) to update references to assessable development under the Sustainable Planning Act with terminology consistent with the Planning Bill. The amendments maintain the existing powers under the Queensland Reconstruction Authority Act for development schemes to override requirements prescribed under the Sustainable Planning Act.

Clause 409 amends section 78 (Relationship with other instruments) to replace a reference to plans, policies and codes made under the Sustainable Planning Act or other Acts, with assessment benchmarks, consistent with the terminology of the Planning Bill.

Clause 410 amends the heading of part 6, division 4 (Relationship with Sustainable Planning Act) to update a reference to the Sustainable Planning Act.

Clause 411 amends section 79 (Application of sdivs 2 and 3) to reflect the change application process under the Planning Bill and to confirm that development applications and change applications are each a 'relevant application'.

Clause 412 replaces part 6, division 4, subdivision 2 (Assessing development applications) and subdivision 3 (Deciding development applications) headings, and omits sections 80 to 83.

- New section 80 (Assessment of development applications) which ensures the application is assessed against the development scheme, and updates legislative references.

- New section 81 (Assessment of change applications) to reflect the change application process under the Planning Bill and ensures the responsible entity assesses the application against the development scheme, and updates legislative references.

- New section 82 (Restriction on approving relevant application) ensures that any approval given for a relevant application must not be inconsistent with the land use plan for the development scheme, other than under particular circumstances.

Clause 413 omits part 6, division 4, subdivision 4 (Compliance stage under IDAS) as this subdivision modifies provisions relating to compliance assessment, which is not continued under the Planning Bill.

Clause 414 amends section 89 (Lawful use of premises protected) to replace a reference to the Sustainable Planning Act in the definition of 'lawful use' with the proposed Planning Act and the repealed planning Acts and to update a cross-reference.

Clause 415 amends section 91 (New instruments can not affect existing development approval or compliance permit) to omit references to compliance permits, which are not continued under the Planning Bill.

Clause 416 amends section 92 (Minister's power to amend development approval or compliance permit) to omit references to compliance permits, update a reference to the Sustainable Planning Act and include reference to the requirements for public access to documents under the Planning Bill.

Clause 417 replaces part 6, division 4, subdivision 6 (Designations under the Planning Act) relating to the infrastructure designations for land subject to a development scheme. Currently, the Queensland Reconstruction Authority Act prohibits an infrastructure designation being made for land subject to a development scheme. However, recent amendments to section 47 of the Economic Development Act allowed community infrastructure designations to be made for land in priority development areas, and the Planning Bill will provide that only the Minister is able to make designations of land for infrastructure. Accordingly, section 93 (Community infrastructure designations) and heading is replaced by new section 93 (Designation of premises—development scheme) to allow infrastructure designations to be made for land to which a development scheme applies, to continue any existing designations in force, and to provide that development in accordance with the designation is accepted development. As a result of the amendments, existing section 94 of the Act will be omitted.

Clause 418 amends section 95 (Planning and Environment Court may make declarations) to omit the definition of 'Planning and Environment Court' as this definition is being inserted into the Acts Interpretation Act.

Clause 419 amends section 100 (Application of Sustainable Planning Act) to update cross-references to the Sustainable Planning Act with the relevant provision of the Planning Bill.

Clause 420 amends section 112 (Power of Minister to direct local government to take particular action about local planning instrument) to omit an example referring master planned areas, as these provisions have been removed from the Sustainable Planning Act, and to allow for Ministerial powers to direct amendment of (in addition to making and repealing) temporary local planning instruments. Definitions of 'planning scheme', 'planning scheme policy' and 'temporary local planning instrument' are also updated for the Planning Bill.

Clause 421 amends section 114 (Minister to give notice of direction) to update a reference to the Sustainable Planning Act.

Clause 422 inserts new part 11 (Transitional provisions for Planning (Consequential) and Other Legislation Amendment Act 2015) to provide for transitional arrangements upon commencement.

- New section 139 (Definition for part) inserts new definitions required for the interpretation of part 11.

- New section 140 (Existing particular development applications) provides that particular development applications made under former section 79 before commencement continue to be dealt with as if the amending Act had not commenced.

- New section 141 (Existing particular requests for compliance assessment) provides that particular requests for compliance assessment of development mentioned in former section 84(a) continue to be dealt with as if the amending Act had not commenced.

Clause 423 amends the schedule (Dictionary) to update definitions to reflect the Planning Bill.

Part 51 Amendment of Regional Planning Interests Act 2014

Clause 424 provides that the part amends the *Regional Planning Interests Act 2014*.

Clause 425 amends section 5 (Relationship with resource Acts and Environmental Protection Act) to replace a reference to the Sustainable Planning Act with the proposed Planning Act.

Clause 426 amends section 25 (Exemption—pre-existing regulated activity) to insert reference to the 'repealed' Sustainable Planning Act' and the proposed Planning Act.

Clause 427 amends section 71 (Definitions for pt 5) to omit reference to the Planning Environment Court being established under the Sustainable Planning Act.

Clause 428 amends section 72 (Appeals to Planning and Environment Court) to replace the note to refer to provisions of the Planning and Environment Court Bill relating to the powers, processes and procedures of the court.

Clause 429 inserts new section 73A (How appeals are started) and provides that a notice of appeal must be in the approved form and lodged with the registrar of the court.

Clause 430 inserts new section 77A (Appeal decision) to specify the powers of the Planning and Environment Court in deciding an appeal against a regional interests decision. These powers are consistent with the Planning and Environment Court Bill, which applies to Planning Bill appeals.

Clause 431 amends section 78 (Declarations) to replace subsection (2) to provide that the Planning and Environment Court may make an order about any declaration it makes. This provides consistency with the court's general declaratory jurisdiction under the Planning and Environment Court Bill.

Clause 432 replaces part 9 (Transitional regulation-making power) with new part 9 (Transitional provision for Planning (Consequential) and Other Legislation Amendment Act 2015) to provide for transitional arrangements upon commencement.

- New section 108 (Existing appeals) applies to appeals made but not decided before the commencement, and ensures the appeal is heard and decided as if the amending Act had not commenced,

Clause 433 amends schedule 1 (Dictionary) to update the definitions for 'regional plan' and 'road' and insert a definition of 'Planning Act' to reflect the Planning Bill.

Part 52 Amendment of Residential Services (Accreditation) Act 2002

Clause 434 provides that the part amends the *Residential Services (Accreditation) Act 2002*.

Clause 435 amends section 29 (Notice of compliance with prescribed building requirements) to replace legislative terms and references to reflect the Planning Bill.

Clause 436 amends section 30 (Appeal) to replace a reference to the Sustainable Planning Act with a reference to the Planning Bill.

Clause 437 amends section 31 (Decision on appeal) to replace legislative terms and references to reflect the Planning Bill.

Clause 438 amends section 33 (Prescribed fire safety document) to remove provisions relating to compliance assessment under the Sustainable Planning Act, which is not continued under the Planning Bill, and to reflect the change application process under the Planning Bill.

Clause 439 inserts new part 15 (Transitional provision for Planning (Consequential) and Other Legislation Amendment Act 2015) to provide for transitional arrangements upon commencement.

- New section 204 (Appeals and particular rights to appeal to a building and development dispute resolution committee) applies to appeals made but not decided before the commencement, and ensures the proceeding is heard and decided upon as if the amending Act had not commenced. The provision also provides for the circumstances where a building and development dispute resolution committee had not been established before the commencement for the appeal, and if a person had a right to appeal under former section 30 but had not started the appeal before commencement.

Clause 440 amends Schedule 2 (Dictionary) to insert a definition for 'Planning Act' and replace Sustainable Planning Act references with the relevant Planning Bill references.

Part 53 Amendment of Sanctuary Cove Resort Act 1985

Clause 441 provides that the part amends the *Sanctuary Cove Resort Act 1985*.

Clause 442 amends sections 9, 12E and 103 to update legislative terms.

Clause 443 amends schedule 9 (Dictionary) to update legislative references.

Part 54 Amendment of South Bank Corporation Act 1989

Clause 444 provides that the part amends the *South Bank Corporation Act 1989*.

Clause 445 amends section 3 (Definitions) to update definitions of 'Planning Act', 'planning scheme' and 'operational work' for the Planning Bill.

Clause 446 amends section 4 (Meaning of assessable development) to update a reference to assessable development or self-assessable development prescribed under the Sustainable Planning Act to remove reference to 'self-assessable development' and update terminology consistent with the Planning Bill.

Clause 447 amends the heading of part 7, division 5 (Relationship with the Sustainable Planning Act until the development completion date) to replace the reference to the

Sustainable Planning Act with the proposed Planning Act and Planning and Environment Court Act.

Clause 448 replaces section 77 (Application of div 5) and section 78 (Modified application of the Planning Act) and inserts a new section 78A (Modified application of Planning and Environment Court Act 2015—particular declarations).

- New section 77 (Application of division) reflects the change application process under the Planning Bill and omits current provisions relating to concurrence agency codes where the South Bank Corporation is prescribed as a concurrence agency under the Sustainable Planning Act.

- New sections 78 (Modified application of the Planning Act—appeals and prohibited development conditions) and 78A (Modified application of Planning and Environment Court Act 2015—particular declarations) will apply if the South Bank Corporation is prescribed as a referral agency, and maintain the existing application of former subsection 78(b), (c) and (d) in relation to the South Bank Corporation's referral agency role. The effect of former subsection 78(a) is removed, as concurrence agencies are not continued as a separate category of referral agency under the Planning Bill, and the relevant matters referral agencies must assess applications against will be prescribed under the proposed Planning Regulation.

Clause 449 amends the heading of part 7, division 6 (Relationship with the Sustainable Planning Act on development completion date) to update a reference to the Sustainable Planning Act.

Clause 450 amends section 79 (Effect of development completion date) to update a reference to the Sustainable Planning Act.

Clause 451 inserts new part 11, division 9 (Transitional provision for Planning (Consequential) and Other Legislation Amendment Act 2015 to provide for transitional arrangements upon commencement.

- New section 141 (Existing development application if corporation was concurrence agency) continues the application of section 78 (Modified application of the Planning Act) if the South Bank Corporation is a concurrence agency for a development application made but not decided before commencement.

Clause 452 amends schedule 4 (Modified Building Units and Group Titles Act) to update a legislative reference.

Part 55 Amendment of South-East Queensland Water (Distribution and Retail Restructuring) Act 2009

Clause 453 provides that the part amends the *South East Queensland Water (Distribution and Retail Restructuring) Act 2009*.

Clause 454 amends section 53 (Delegation) to update legislative terms.

Clause 455 amends section 77H (Provision for things done under agreement before the transfer) to update legislative references and terms.

Clause 456 amends section 77I (Application of sdiv 3A) to update legislative references.

Clause 457 amends section 78 (Reconfiguring a lot after transfer scheme or notice takes effect) to update legislative references and terms.

Clause 458 omits chapter 3, part 3, division 2, subdivision 5 (Planning schemes and declared master planned areas) to remove obsolete provisions.

Clause 459 replaces chapter 3A, part 5, division 6, heading (Planning Act) with 'Repealed Sustainable Planning Act 2009'.

Chapter 460 amends section 92DI (Cessation of Allconnex's functions) to update legislative references and to confirm Allconnex retains certain functions for applications under the repealed Sustainable Planning Act.

Clause 461 omits section 92DJ (Continued effect of non-application of planning schemes under s 78A) to remove an obsolete provision.

Clause 462 amends section 99BO (Content of part A of plan) to update a legislative reference.

Clause 463 amends section 99BRBC (Notice of review decision) to update a legislative term.

Clause 464 amends chapter 4C, part 4, division 3, heading (Appeals to a building and development committee) to update a legislative term.

Clause 465 amends section 99BRBE (Appeals about applications for connections-general) to update legislative terms and references.

Clause 466 amends sections 99BRBF (Appeals about applications for connections-particular charges) to update legislative terms.

Clause 467 amends section 99BRBFA (Appeals against refusal of conversion application) to update legislative terms.

Clause 468 amends section 99BRBG (Application of relevant committee appeal provisions) to update legislative terms and references and the definition of 'relevant development tribunal appeal provisions'.

Clause 469 amends section 99BRBH (Notice of appeal) to update legislative terms.

Clause 470 inserts new section 99BRBIA (Development tribunal to decide appeal about application for a connection based on particular laws) which provides that the development tribunal must decide an appeal based on the laws in effect when the application was made.

Clause 471 amends section 99BRBK (Registrar must ask distributor-retailer for material in particular proceedings) to update legislative terms.

Clause 472 amends section 99BRBL (Lodging appeal stops particular actions) and heading, to better reflect the intent of the provision and to update legislative terms.

Clause 473 inserts new section 99BRBPA (How appeals are started) and provides that a notice of appeal must be in the approved form and lodged with the registrar of the court.

Clause 474 amends section 99BRBQ (Application of relevant court provisions) updates legislative references and terms and in particular clarifies certain terms used under the Planning Act to ensure they are able to be interpreted under this Act. The amendment also replaces the definition for 'relevant court appeal provisions' to update legislative references.

Clause 475 inserts a new section 99BRBQA (Court to decide appeal about application for a connection based on particular statutory instruments) that confirms that the Planning and Environment Court must decide an appeal based on the statutory instruments applying when the application was made, but the Court has discretion to consider an amended or replacement instrument to the extent the Court considers appropriate in deciding the appeal.

Clause 476 amends section 99BRBU (Who must prove case for appeals) to confirm, in certain circumstances, that the appellant is to establish that the appeal should be upheld and the distributor-retailer must establish that the appeal should be dismissed in the case of an appeal by the recipient of a water connection compliance notice.

Clause 477 amends section 99BRBV (Lodging appeal stops particular actions) and heading, to better reflect the intent of the provision.

Clause 478 amends section 99BRCC (Definitions for part 7) to update legislative terms and references and omit a redundant definition.

Clause 479 amends section 99BRCF (Power to adopt charges by board decision) to update legislative references and terms and clarify that an adopted charge must not be for trunk infrastructure supplied by a department or part of a department under a designation for infrastructure, to reflect the intent under the Planning Bill.

Clause 480 amends section 99BRCG (Matters for board decision) to update and remove redundant legislative references and terms. The definition of 'maximum adopted charge' is amended to reflect the introduction of automatic indexation of the charge to reflect the intent under the Planning Bill.

Clause 481 amends section 99BRCH (Working out cost of infrastructure for offset or refund) to update legislative references.

Clause 482 amends section 99BRCHA (Criteria for deciding conversion application) to update legislative references.

Clause 483 amends section 99BRCI (When charge may be levied and recovered) to update legislative references and to clarify factors applying to a levied charge under an infrastructure charges notice

Clause 484 amends section 99BRCJ (Limitation of levied charge) to update a legislative reference.

Clause 485 amends section 99BRCL (Payment triggers generally) to update legislative terms.

Clause 486 amends section 99BRCN (Application of Planning Act, ch 8, pt 2, div 1, sdiv 5) to update section numbering as a result of other amendments, and to update legislative references.

Clause 487 amends section 99BRDB (No conditions on State infrastructure suppliers) to update section numbering.

Clause 488 amends section 99BRDE (Application to convert infrastructure to trunk infrastructure) to reflect changes to the distributor-retailer model framework.

Clause 489 amends section 99BRDN (When water infrastructure agreement binds successors in title) to update section numbering.

*Clause 490*amends section 99BU (Requirements for infrastructure charges register) to update legislative terms.

Clause 491 amends section 100G (Documents and information about water approvals and development approvals) to insert a new definition of 'development application'.

Clause 492 amends section 102 (Regulation-making power) to omit a provision no longer required.

Clause 493 amends section 132 (Delegations for concurrence agency functions) to section 135 (Water connection aspect of development approvals under the Planning Act) to replace references to the 'Planning Act' with 'repealed SPA', to maintain the intent of the provisions.

Clause 494 amends section 139 (Overdue charges) to replace references to the 'Planning Act' with 'repealed SPA', to maintain the intent of the provisions.

Clause 495 amends section 140B (Definitions for part 10) to update legislative references.

Clause 496 amends section 140C (Development application for development approval—distributor-retailers) to replace references to the 'Planning Act' with 'repealed SPA', to maintain the intent of the provisions.

Clause 497 amends section 140D (Existing notices) and section 140E (Power to give infrastructure charges notice for particular existing development approvals) to replace references to the 'Planning Act' with 'repealed SPA', to maintain the intent of the provisions.

Clause 498 amends section 140F (Adopted infrastructure charges at commencement continue in effect) to replace references to the 'Planning Act' with 'repealed SPA', to maintain the intent of the provisions.

Clause 499 inserts a new chapter 6, part 11 (Transitional provisions for Planning (Consequential) and Other Legislation Amendment Act 2015) to provide for transitional arrangements upon commencement.

- New section 141 (Definitions for part) inserts new definitions required for the interpretation of part 11.

- New section 142 (Particular existing functions of distributor-retailer—SEQ declared master planned area) provides that former section 78B remains in force and continues to apply to an SEQ declared master planned area as if the amending Act had not commenced.

- New section 143 (Appeals and particular rights to appeal to a building and development dispute resolution committee) applies to appeals made to a building and development dispute resolution committee under former chapter 4C, part 4, division 3 and not decided before the commencement. Former chapter 4C, part 4, division 3 and the repealed Sustainable Planning Act continue to apply to the proceedings. The provision also provides for the circumstances where a building and development dispute resolution committee had not been established before the commencement for

the appeal, and if a person had a right to appeal under former chapter 4C, part 4, division 3 but had not started the proceedings before commencement.

- New section 144 (Appeals and particular rights to appeal to Planning and Environment Court) applies to appeals made to the court and not decided before the commencement. Former chapter 4C, part 4, division 4 and the repealed Sustainable Planning Act continue to apply to the proceedings. The provision also provides for the circumstance where a person had a right to appeal under former chapter 4C, part 4, division 4 but had not started the proceedings before commencement.

- New section 145 (Existing board decisions) provides that the South-East Queensland Water (Distribution and Restructuring) Act applies to an existing board decision as if it were made under section 99BRCF in force before the commencement.

- New section 146 (Submission made under former s 99BRCN) applies if a person had made a submission to a local government about an infrastructure charges notice under the Sustainable Planning Act before the commencement. The former section 99BRCN applies to the submission as if the amending Act had not commenced.

- New section 147 (Development approval involving a water connection aspect given after commencement) clarifies the matters applying to development approvals involving a water connection where the development application was made before the commencement and an approval is given after the commencement.

- New section 148 (Defined related application made after commencement—water approval conditions) applies to 'related applications' made after the commencement and in particular, to deciding the water connection aspects of the application.

- New section 149 (Infrastructure charges notice for water connection aspect of development approval taken to be water approval) clarifies circumstances where other sections apply to a water connection aspect of a development approval where it is taken to be a water approval under section 147.

- New section 150 (Infrastructure charges notice for particular other development approval) clarifies that a new infrastructure charges notice may be given to replace the original notice, in the circumstances where a charges notices applies to a development approval given before 1 July 2014 and the water connection aspect did not become a water approval under section 135, and a request is made to change or extend the development approval.

- New section 151 (Delegations) clarifies the circumstances relating to related applications made after the commencement and development approvals involving a water connection aspect, and provides for the continuing effect of delegations relating to certain referral and compliance assessment functions.

Clause 500 amends the schedule (Dictionary) to update legislative terms and references, omit redundant definitions and insert additional definitions inserted by related legislative amendments reflecting changes to the distributor-retailer model.

Part 56 Amendment of Southern Moreton Bay Islands Development Entitlements Protection Act 2004

Clause 501 provides that the part amends the *Southern Moreton Bay Islands Development Entitlements Protection Act 2004*.

Clause 502 amends section 4 (What is an SMBI application) to update legislative terms.

Clause 503 amends section 4A (What is an SMBI request) to update legislative terms and references.

Clause 504 amends section 7 (Modified application of Sustainable Planning Act 2009) to update legislative terms and references.

Clause 505 amends section 8 (Certain rights unaffected) to update legislative terms and references.

Clause 506 inserts a new section 12 (Transitional provisions for Planning (Consequential) and Other Legislation Amendment Act 2015) to provide that for an SMBI application or SMBI request or a development approval given before the commencement for an SMBI application, made before the commencement, the Act as in force immediately before the commencement continues to apply to the SMBI application or SMBI request as if the Planning (Consequential) and Other Legislation Amendment Act 2015 had not commenced.

Clause 507 amends the schedule (Dictionary) to update legislative terms and references.

Part 57 Amendment of State Development and Public Works Organisation Act 1971

Clause 508 provides that the part amends the *State Development and Public Works Organisation Act 1971*.

Clause 509 amends section 24 (Definitions for pt 4) to update a reference to the Sustainable Planning Act in the definition of ‘assessment manager’.

Clause 510 amends section 26 (Declaration of coordinated project) to clarify the intent of the provision.

Clause 511 amends section 34G (Preparation of draft IAR) to update legislative references.

Clause 512 amends section 35A (Lapsing of Coordinator-General's report) to update a reference to the Sustainable Planning Act in the definition of 'relevant approval'.

Clause 513 amends the heading of part 4, division 4 (Relationship with Sustainable Planning Act) to update a reference to the Sustainable Planning Act.

Clause 514 amends section 36 (Application of sdiv 1) to clarify the intent of the provision and application to a 'relevant application' to include the change application process under the Planning Bill.

Clause 515 amends section 37 (Applications for material change of use or requiring impact assessment) to update legislative references and terminology for consistency with the Planning Bill. This includes removing references to 'IDAS', and replacing references to 'concurrence agency' with 'referral agency'. While these amendments update terminology and clarify that a 'relevant application' includes a change application under the Planning Bill, the existing application of section 37 is maintained.

Clause 516 amends section 38 (When the decision stage for the project starts under IDAS) and heading to replace references to the decision stage of IDAS with the decision-making period under the Planning Bill, that a 'relevant application' includes a change application under the Planning Bill, and update legislative references.

Clause 517 amends section 39 (Application of Coordinator-General's report to IDAS) and heading to clarify the intent of the provision, replace references to IDAS, the Sustainable Planning Act and concurrence agency with new terminology, and update a legislative cross-reference relating to development approvals with the relevant provision of the Planning Bill.

Clause 518 replaces section 40 (Assessment manager to be given copy of Coordinator-General's report) under new heading 'Decision maker to be given copy of Coordinator-General's report', and provides that the requirement applies to 'relevant applications' including change applications under the Planning Bill.

Clause 519 amends section 41 (Concurrence agencies for conditions of development approvals) and heading to replace references to 'concurrence agency' with 'referral agency'.

Clause 520 omits section 42 (Changing or cancelling a condition of a development approval) which is redundant as the Planning Bill determines the 'responsible entity'.

Clause 521 replaces section 42A (Application of Coordinator-General's change report to IDAS) and heading to replace references to IDAS, and to clarify the effect of a Coordinator-General's change report on the decision-making period under the proposed Planning Act for a relevant application. The new provision explicitly provides that the decision-making period under the proposed Planning Act ends on the day the change report is given to the proponent, and starts again in its entirety on the day the decision maker receives a copy of the report. To

ensure this is able to have effect, the new provision requires the Coordinator-General to give a copy of the change report to the decision maker for the relevant application.

Clause 522 replaces the heading of part 4, division 4, subdivision 2 (Community infrastructure) with 'Designation of premises under Planning Act for development of infrastructure', consistent with the terminology of the Planning Bill.

Clause 523 amends section 43 (Application of Coordinator-General's report to designation) to update terminology and cross-references relating to the designation of premises for infrastructure with the relevant provisions of the Planning Bill.

Clause 524 amends section 50 (Application of div 7) to update a legislative reference.

Clause 525 amends section 54A (Application of div 8) to update a legislative reference.

Clause 526 amends section 54C (Provision for what conditions may be imposed) to update a legislative reference.

Clause 527 amends section 54D (Effect of imposed conditions) to update legislative references.

Clause 528 amends section 54F (Provision about enforcement orders under the Sustainable Planning Act) to update a legislative reference.

Clause 529 amends section 54G (Declaration-making powers) to update a legislative reference to the proposed Planning and Environment Court Act.

Clause 530 amends section 54ZM (Declarations) to update a legislative reference to the proposed Planning and Environment Court Act and correct an error in the title of the Planning and Environment Court.

Clause 531 amends section 76D (Definitions for pt 5A) to insert a new definition of 'relevant local government' for the purposes of section 76Q and update the definitions of 'decision maker' and 'prescribed decision' and 'prescribed process'.

Clause 532 amends section 76I (Progression notice) to remove a reference to IDAS.

Clause 533 amends section 76J (Notice to decide) to update legislative terminology and to reflect the change application process under the Planning Bill.

Clause 534 amends section 76M (Providing assistance or recommendation) to update a reference to 'infrastructure' with 'trunk infrastructure' and 'non-trunk infrastructure'.

Clause 535 amends section 76N (Effects of step in notice) to replace reference to 'concurrence agency' and 'advice agency' with 'referral agency', and to reflect the change application process under the Planning Bill. The amendment also maintains the existing

position that referral agencies are limited to providing advice to the Coordinator-General for a prescribed decision or process under this section.

Clause 536 amends section 76O (Coordinator-General's decision) to omit subsection (4B). It is not necessary to require the local government to give an infrastructure charges notice, as this is provided for under the Planning Bill.

Clause 537 amends section 76P (Effects of decision) to clarify a section cross-reference.

Clause 538 amends section 76Q (Notice of decision) to insert a new subsection (1A) which provides that the Coordinator-General must give notice of decisions about development applications or change applications to the relevant local government. This amendment ensures that the local government is able to comply with the requirements of section 76O in relation to the issuing of infrastructure charges notices under the Planning Bill.

Clause 539 amends section 76R (Report about decision) to clarify a section cross-reference.

Clause 540 amends section 85 (Carrying out of particular development, use or works not an offence) to insert new subsections (5) and (6) which specify the effect of an infrastructure designation on land subject to a development scheme. This continues the effect of section 204 of the Sustainable Planning Act.

Clause 541 amends section 140 (Powers in respect of particular works on foreshore and under waters) to replace a reference to 'exempt development' with 'accepted development'.

Clause 542 amends section 157A (What is an 'enforceable condition') to update a legislative reference.

Clause 543 amends section 157D (Right of appeal) to update a legislative reference in the note to the proposed Planning and Environment Court Act.

Clause 544 amends section 157M (Powers about enforcement orders to update a legislative reference in the note to the proposed Planning and Environment Court Act.

Clause 545 amends section 157N (Offence to contravene enforcement order) to update a legislative reference in the note to the proposed Planning and Environment Court Act.

Clause 546 inserts a new part 9, division 9 (Transitional provision for Planning (Consequential) and Other Legislation Amendment Act 2015) to provide for transitional arrangements upon commencement.

- New section 203 (Existing development application under repealed Sustainable Planning Act 2009) ensures that former part 4, division 4, subdivision 1 (Development approvals) continues to apply to any development applications which have been made under the Sustainable Planning Act but not decided at

commencement. Under the transitional provisions of the Planning Bill, undecided applications will continue to be considered and decided under the Sustainable Planning Act.

Clause 547 amends schedule 2 (Dictionary) to update the definitions for consistency with the Planning Bill, and clarifies the definition for 'change application'.

Part 58 Amendment of Statutory Instruments Act 1992

Clause 548 provides that the amends the *Statutory Instruments Act 1992*.

Clause 549 amends schedule 2A (Subordinate legislation to which part 7 does not apply) to replace a legislative reference for the proposed Planning and Environment Court Act.

Part 59 Amendment of Supreme Court of Queensland Act 1991

Clause 550 provides that the part of the Bill amends the *Supreme Court of Queensland Act 1991*.

Clause 551 amends the long title of the Act to include reference to the power to prescribe fees and costs for the Planning and Environment Court.

Clause 552 amends section 92 (Regulation-making power) to allow the Governor in Council to make regulations which prescribe fees and costs for the Planning and Environment Court in addition to the Supreme Court, District Court and Magistrates Courts.

Part 60 Amendment of Surat Basin Rail (Infrastructure Development and Management) Act 2012

Clause 553 provides that the part amends the *Surat Basin Rail (Infrastructure Development and Management) Act 2012*.

Clause 554 amends section 34 (Impact of change of management of local government road on the railway) to update a legislative reference.

Clause 555 amends section 48 (Power to require information from local governments) to update a legislative reference.

Part 61 Amendment of Torres Strait Islander Cultural Heritage Act 2003

Clause 556 provides that the part amends the *Torres Strait Islander Cultural Heritage Act 2003.*

Clause 557 omits section 89 (Cultural heritage management plan needed under Planning Act), which applies when the chief executive administering the Torres Strait Islander Cultural Heritage Act is a concurrence agency for a development application. Following the establishment of SARA, the chief executive administering the Sustainable Planning Act performs referral agency functions on behalf of the State. This provision is redundant as a consequence of these new arrangements, and also because the chief executive administering the Torres Strait Islander Cultural Heritage Act has not been prescribed as a concurrence agency for a development application.

Part 62 Amendment of Torres Strait Islander Land Act 1991

Clause 558 provides that the part amends the *Torres Strait Islander Land Act 1991*.

Clause 559 amends section 28B (Definitions for part 2A) to update legislative references.

Part 63 Amendment of Transport Infrastructure Act 1994

Clause 560 provides that the part amends the *Transport Infrastructure Act 1994*.

Clause 561 amends section 42 (Impact of certain local government decisions on State-controlled roads) to include reference to the planning chief executive, and to reflect the change application process under the Planning Bill.

Clause 562 amends section 49 (Assessment of impacts on State-controlled roads from certain activities) to update legislative references and terms.

Clause 563 amends section 49A (Impact of particular development and State-controlled roads) to update legislative terms and references, and to reflect the change application process under the Planning Bill.

Clause 564 amends section 74 (Cases where compensation not payable) to update legislative terms and references.

Clause 565 amends section 75 (Conditions in development approval) to update legislative terms and references.

Clause 566 amends section 85B (Application of Queensland Heritage Act 1992 for development for a franchised road) to update legislative references.

Clause 567 amends section 93A (Application of Queensland Heritage Act 1992 for development for a toll road) to update legislative references.

Clause 568 amends section 247 (Chief executive taken to be owner of rail corridor land and on-rail corridor land for particular circumstances under Planning Act) to update legislative terms.

Clause 569 amends section 258 (Impact of particular development and railways) to update legislative references and to reflect the change application process under the Planning Bill.

Clause 570 amends section 258A (Impact of change of management of local government road on railways) to update legislative terms and references and to reflect the change application process under the Planning Bill.

Clause 571 amends section 258B (Guidelines for ss 258—258A) to clarify when a person must have regard to the guidelines.

Clause 572 amends section 283I (Definitions for pt 3C) to update legislative terms and references to reflect the Planning Bill. A definition for 'valuable features' is omitted from this section because it is more appropriately located in schedule 6 (Dictionary).

Clause 573 omits section 283M (Application of Planning Act) as these provisions are more appropriately located in the proposed Planning Regulation.

Clause 574 amends section 283S (Content of plan--mandatory requirements) to update legislative terms and references to reflect the changed categories of development under the Planning Bill, and clarify that a land use plan must state assessment benchmarks that apply to the assessment of assessable development under the proposed Planning Act.

Clause 575 amends section 283T (Content of plan--matters about development) to update legislative terms and references.

Clause 576 amends section 283X (When plan must include priority infrastructure interface plan) to update legislative terms and references.

Clause 577 amends section 283ZI (Recording matters about Brisbane port LUP) to provide that a record made under the section in relation to the Brisbane port Land Use Plan is not an amendment of the planning scheme.

Clause 578 amends section 283ZL (Effect of land ceasing to be Brisbane core port land) to update legislative terms and references.

Clause 579 amends section 283ZM (Reconfiguring a lot) to update legislative terms as a result of changed categories of development in the Planning Bill.

Clause 580 replaces section 283ZN (Port prohibited development) and section 283ZO (Code assessment under Brisbane port LUP) to update legislative terms and references. Section 283ZN also clarifies that a development application or a change application under the Planning Bill can not be made for port prohibited development.

*Clause 581*replaces chapter 8, part 3C, division 5, subdivision 2, heading (Provisions about assessment manager and referral agencies) to replace it with the heading 'Provisions about local heritage places and infrastructure contributions'.

Clause 582 omits sections 283ZP to 283ZU as these provisions are more appropriately located in the proposed Planning Regulation.

Clause 583 amends section 283ZV (Assessment and referrals for heritage places) and heading to update legislative terms and references.

Clause 584 omits sections 283ZW to 283ZY as these provisions are more appropriately located in the proposed Planning Regulation.

Clause 585 amends section 283ZZA (Particular provisions of Planning Act do not apply in relation to Brisbane core port land) to update legislative references.

Clause 586 replaces section 283ZZB (Modified application of Planning Act, ch 9, pt 6, div 4) and section 283ZZC (Restriction on designation for community infrastructure) and headings to update legislative terms and references. New section 283ZZC clarifies that only the Planning Minister may make a designation of premises that includes Brisbane core port land, and that development carried out under a designation is accepted development, other than for building work that is assessable development under a regulation.

Clause 587 omits section 283ZZD (Restriction on application of master plan) as a redundant provision.

Clause 588 amends chapter 8, part 3C, division 5, subdivision 7 heading (Dealing with development applications affected by change) to 'Dealing with particular applications affected by change'. The change reflects the inclusion of change applications (other than a change application for a minor change) under the Planning Bill in the meaning of 'particular' applications.

Clause 589 amends section 283ZZJ (Particular development applications--Brisbane core port land) to update legislative terms and to reflect the change application process under the Planning Bill.

Clause 590 amends section 283ZZK (Particular development applications--balance port land or former Brisbane core port land) to update legislative terms and to reflect the change application process under the Planning Bill.

Clause 591 amends section 284 (Definitions for div 1) to omit a definition for 'valuable features' from this section because it is more appropriately located in schedule 6 (Dictionary).

Clause 592 amends section 287 (Strategic port land not subject to local planning instrument) to update legislative references.

Clause 593 amends section 287A (Impact of particular development and port operations) to update legislative references and to reflect the change application process under the Planning Bill.

Clause 594 amends section 287B (Guidelines for s287A) to update legislative references.

Clause 595 amends section 476 (Amounts payable are debts owing to the State) to include reference to the 'repealed' Sustainable Planning Act as well as the proposed Planning Act.

Clause 596 amends section 477A (Power to deal with particular land) to update legislative terms and references.

Clause 597 amends section 477AA (Chief executive taken to be owner of particular transport land for particular circumstances under Planning Act) to update legislative terms and provides for when owner's consent must be provided for particular proposals or applications.

Clause 598 amends section 513 (Continuing application of previous provisions to non-IDAS applications) to update legislative terms and include reference to the 'repealed' Sustainable Planning Act and the proposed Planning Act.

Clause 599 inserts a new chapter 21, part 5 (Transitional provisions for Planning (Consequential) and Other Legislation Amendment Act 2015) to provide for transitional arrangements upon commencement.

- New section 583 (Definitions for part) provides a definition for 'amending Act' and 'former' for the interpretation of part 5.

- New section 584 (Existing particular development applications) provides that particular unamended Transport Infrastructure Act provisions continue to apply to particular development application made under the Sustainable Planning Act but not decided before commencement, as if the amending Act had not commenced.

- New section 585 (References to Brisbane port railway land) provides that if a document in force before the commencement defines the term 'Brisbane port railway land' as having the meaning given in the Transport Infrastructure Act, the term in the

document continues to have the meaning given in section 283I as in force immediately before the amending Act commenced.

Clause 600 amends schedule 6 (Dictionary) to update legislative terms and references, remove redundant definitions and insert the Sustainable Planning Act definition for 'valuable features'.

Part 64 Amendment of Transport Planning and Coordination Act 1994

Clause 601 provides that the part amends the *Transport Planning and Coordination Act 1994*.

Clause 602 amends section 8B (Impact of particular development on public passenger transport or active transport) to update legislative terms and references, and to reflect the change application process under the Planning Bill.

Clause 603 amends section 8C (Impact of road works on local government road) to update legislative terms.

Clause 604 amends section 8D (Impact of change of management of local government road on public passenger transport) to include reference to the planning chief executive as a result of the establishment of SARA, and to reflect the change application process under the Planning Bill.

Clause 605 amends section 8E (Guidelines for pt 2A) to update legislative references.

Clause 606 amends section 38 (Regulation-making power) to remove redundant terminology.

Clause 607 amends Schedule 1 (Dictionary) to update legislative references.

Part 65 Amendment of Transport (South Bank Corporation Area Land) Act 1999

Clause 608 provides that the part amends the *Transport (South Bank Corporation Area Land) Act 1999*.

Clause 609 amends section 12 (State may sign plans and other documents) to remove redundant provisions.

Part 66 Amendment of Vegetation Management Act 1999

Clause 610 provides that the part amends the *Vegetation Management Act 1999*.

Clause 611 amends section 3 (Purpose of Act) to update legislative terms to reflect the Planning Bill and remove a redundant provision relating to the phasing out of broadscale clearing.

Clause 612 amends section 7 (Application of Act) to omit subsections that are no longer required.

Clause 613 omits part 2, divisions 2A (Other policies for vegetation management) and 3 (Regional vegetation management codes) as redundant provisions.

Clause 614 amends section 16 (Preparing declaration) to provide that the proposed declaration must include proposed assessment benchmarks for the assessment of development that is the clearing of vegetation in the stated area and proposed matters a referral agency must or may assess a development application against, or having regard to.

Clause 615 amends section 17 (Making declaration) to omit a requirement for the declaration to include a code for the clearing of vegetation in the declared area and replace it with clarification that a declaration must not include the matters proposed under section 16(3)(a) and (b). This is because it is anticipated that the proposed assessment benchmarks and referral matters under section 16 will inform the relevant assessment benchmarks and referral matters under the proposed Planning Act.

Clause 616 omits sections 19A to 19C as redundant provisions.

Clause 617 amends section 19F (Making declaration) to remove a redundant provision. Amended section 19F will still provide that the chief executive need not make a declaration for the stated area if the chief executive considers the making of the declaration is not in the interests of the State, having regard to the public interest.

Clause 618 omits section 19H (Code for clearing of vegetation) as a redundant provision.

Clause 619 amends part 2, division 4A, heading (Code for clearing vegetation for special indigenous purpose) to replace the heading with the word ‘clearing’ to remove a redundant reference to ‘code’.

Clause 620 replaces section 19N (Code for clearing vegetation for special indigenous purpose). The proposed new section 19N provides that the Minister may prepare a document stating draft assessment matters for development that involves, or relates to, the clearing of vegetation and the that the Minister is satisfied is for a special indigenous purpose under Cape York Peninsular Heritage Act. In preparing the document, the Minister must consult with the relevant landholders and the Cape York Peninsula Regional Advisory Committee. The Minister may consider any matters stated in the Cape York Peninsular Heritage Act, section 18 or 19, the Minister considers relevant to the clearing of vegetation for the

development. It is anticipated that the proposed assessment matters will inform the relevant assessment benchmarks and referral matters under the proposed Planning Act.

Clause 621 amends part 2, division 4B, heading (Self-assessable codes) with 'Accepted development'.

Clause 622 amends section 19O (Self-assessable vegetation clearing code) to update terms by changing references from 'self-assessable' to 'accepted development'.

Clause 623 amends section 19P (When self-assessable vegetation clearing code takes effect) to update legislative terms, to change references from 'self-assessable' to 'accepted development'.

Clause 624 amends section 19Q (Code compliant clearing and native forest practices self-assessable) to update legislative terms and provide for when an activity under this section is accepted development, assessable development and prohibited development for the Planning Bill.

Clause 625 amends section 19R (Register of self-assessable notices given under code) to update legislative terms, to replace 'self-assessable' with 'accepted development'.

Clause 626 omits part 2, division 5 (Declarations about codes) as a redundant part.

Clause 627 amends section 20AH (Deciding to show particular areas as category B areas) to update legislative terms.

Clause 628 amends section 20AI (Deciding to show particular areas as category C areas) to update legislative terms, to replace 'self-assessable' with 'accepted development'.

Clause 629 amends section 20CA (Process before making PMAV), to update legislative terms.

Clause 630 amends section 20D (When PMAV may be replaced) to update legislative terms, to replace 'self-assessable' with 'accepted development'.

Clause 631 amends section 20P (Criteria for approving draft plan or accrediting planning document) to update references by referring to assessment benchmarks the chief executive administering the proposed Planning Act must assess a development application for clearing vegetation against, and matters that a referral agency may or must assess a development application for clearing vegetation against, or having regard to. The clause labels these matters as 'the clearing assessment benchmarks' and 'a referral matter'.

Clause 632 amends section 20R (Imposing additional condition on approval of draft plan) to update references by referring to 'the clearing assessment benchmarks' and 'a referral matter'.

Clause 633 amends section 20UA (Chief executive may make area management plans) to update references by referring to 'the clearing assessment benchmarks' and 'a referral matter'.

Clause 634 amends section 20ZB (Amendment by chief executive) to update legislative terms and references.

Clause 635 replaces part 2, division 6, subdivision 1 heading (Modifying effect of Planning Act) with 'Relevant purposes'.

Clause 636 omits sections 21 (Modifying effect on vegetation clearing applications) and 22 (Declarations for the Planning Act) as redundant provisions.

Clause 637 amends section 22A (Particular vegetation clearing applications may be assessed) to update legislative references and remove a duplicative subsection.

Clause 638 omits sections 22B to 22D as redundant provisions.

Clause 639 amends part 2, division 6, subdivision 1A, heading (Particular vegetation clearing applications) to insert the heading 'High value agriculture clearing and irrigated high value agriculture clearing'.

Clause 640 omits section 22DAA (Application of subdivision) as it is no longer required.

Clause 641 amends section 22DAB (Requirements for making application) to replace the heading with 'Restrictions on clearing' and remove provisions relating to making a development application.

Clause 642 amends section 22DAC (Matters for deciding application) to replace the section heading with 'When chief executive may be satisfied vegetation clearing application is for irrigated or high value agriculture clearing' and update the provision to reflect the amendments to section 22DAB.

Clause 643 omits part 2, division 6, subdivision 2 (Referral agency assessment and responses) as redundant.

Clause 644 omits part 2, division 7 (Broadscale applications and ballots) as redundant.

Clause 645 omits part 2, division 8 (Miscellaneous) as redundant.

Clause 646 amends section 61 (Ability to prosecute under other Acts) to update references.

Clause 647 amends section 70AB (Copies of documents to be available for inspection and purchase) to update legislative references and remove redundant parts of the provision.

Clause 648 amends section 70A (Application of development approvals and exemptions for Forestry Act) to update legislative terms.

Clause 649 amends section 70B (Record of particular matters in land registry) to update legislative references and remove redundant parts of provisions.

Clause 650 amends section 72 (Regulation-making power) to remove a redundant part of the provision.

Clause 651 amends section 74 (Existing development control plans and special facilities zones) to update legislative references.

Clause 652 omits sections 75-78 as they are no longer required.

Clause 653 omits section 80 (Modifying effect of repealed Integrated Planning Act 1997 for owner's consent) as it is no longer required.

Clause 654 amends section 81 (Effect on existing riverine protection permits) to update legislative terms and references.

Clause 655 omits section 83 (Validation of regional vegetation management codes) as it is no longer required.

Clause 656 omits part 6, division 6 (Transitional provision for Sustainable Planning Act 2009) as it is no longer required.

Clause 657 omits sections 90 to 95 as they are no longer required.

Clause 658 amends section 100 (Clearing of regulated regrowth vegetation in retrospective period not an offence) to update legislative references.

Clause 659 omits sections 105 (Existing applications for moratorium exemption) and 106 (Existing PMAV applications) as they are no longer required.

Clause 660 omits section 108 (Appeals) as it is no longer required.

Clause 661 inserts a new part 6, division 12 (Transitional provisions for Planning (Consequential) and Other Legislation Amendment Act 2015) to provide for transitional arrangements for commencement of the Planning Bill.

- New section 125 (Existing self-assessable vegetation clearing code continues in force) to provide that a self-assessable vegetation clearing code in force immediately before the commencement continues in force and is taken to be an accepted development vegetation clearing code.

- New section 126 (Existing vegetation clearing application or existing concurrence agency application) applies to an existing vegetation clearing application or an existing concurrence agency application, as defined in this new section.

  The new section provides that the Vegetation Management Act, as in force immediately before the commencement, continues to apply to the application as if the Planning (Consequential) and Other Legislation Amendment Act had not been enacted.

- New section 127 (Declarations prepared under former s 16 or made under former s 17) provides transitional arrangements for declarations prepared under former section 16, or made under former section 17, before commencement of the Planning (Consequential) and Other Legislation Amendment Bill.

Clause 662 amends schedule (Dictionary) to update legislative terms and references.

Part 67 Amendment of Water Act 2000

Clause 663 provides that the part amends the *Water Act 2000*.

Clause 664 amends chapter 2, part 2, division 1A, heading (Authorised taking of, or interference with, water without water entitlement) to update the note.

Clause 665 amends section 46 (Content of draft water resource plans) to update legislative references.

Clause 666 amends section 47 (Matters the Minister must consider when preparing draft water resource plan) to update references.

Clause 667 amends section 363 (Water bores to which ch 3 applies) to include reference to the 'repealed' Sustainable Planning Act and the proposed Planning Act.

Clause 668 amends section 740 (Functions and powers of authorised officers) to remove a redundant provision and renumber provisions.

Clause 669 amends section 746 (Power to enter land to monitor compliance) to update legislative terms and references.

Clause 670 amends section 814 (Excavating or placing fill without permit) to update legislative terms.

Clause 671 amends chapter 8, part 2, division 1, heading (Development applications) by inserting the new heading 'Particular development applications and change applications'.

Clause 672 amends chapter 8, part 2, division 1, subdivision 1, heading (Additional provisions for making development applications) by inserting a new heading 'Requirements for particular development applications and change applications'.

Clause 673 replaces section 966 (Applications for the removal of quarry material) with a new section 966 that deals with development applications and change applications, under the proposed Planning Act, for the removal of quarry material.

Clause 674 amends section 967 (Applications for levees) to update legislative terms and references.

Clause 675 omits chapter 8, part 2, division 1, subdivision 2 (Additional assessment criteria) as redundant provisions.

Clause 676 replaces section 972B (When an applicant may appeal to Land Court) to update a legislative reference and reflect the change application process for development approvals under the proposed Planning Act.

Clause 677 omits section 972C (Offence to take or interfere with water if development permit required) as this provision is not required, given that it duplicates a Planning Bill offence.

Clause 678 amends section 972D (Additional rights for permits for operational work) to update legislative terms.

Clause 679 omits sections 972E and 972F as these provisions are not required, given the existence of relevant offences in the Water Act and Planning Bill.

Clause 680 amends sections 972H (Modification of removal of works) to update legislative terms.

Clause 681 amends section 972J (Modification or removal of levees) to update legislative terms.

Clause 682 replaces section 972N (Effect on development permit) so that the section will no longer state that a development permit to which directions relate is changed to include the direction. The replacement of section 972N will continue to state that if the direction is inconsistent with a development permit, the direction prevails to the extent of the inconsistency.

Clause 683 amends section 1014 (Regulation-making power) to omit redundant and duplicative provisions, update legislative terms and provide that a regulation may state the requirements that certain operational work must comply with to be categorised as accepted development under the proposed Planning Act.

Clause 684 amends section 1046 (Declared underground water areas) to update legislative terms and references.

Clause 685 amends section 1048A (Existing licences, permits and approvals) to update legislative references.

Clause 686 inserts a new chapter 9, part 10 (Transitional provisions for Planning (Consequential) and Other Legislation Amendment Act 2015) to provide for transitional arrangements upon the commencement of the Bill.

- New section 1283 (Existing development applications) provides that the section applies to an existing development application as defined in this section. The clause provides that former chapter 8, part 2, division 1, as in force immediately before the commencement, continues to apply in relation to the application as if the proposed Planning (Consequential) and Other Legislation Amendment Act had not been enacted.

Clause 687 amends schedule 4 (Dictionary) to remove redundant terms and definitions, and provide for updated legislative terms and references.

Part 69 Amendment of Water Supply (Safety and Reliability) Act 2008

Clause 688 provides that the part amends the *Water Supply (Safety and Reliability) Act 2008*.

Clause 689 amends section 356A (Compliance with safety or development condition) to update the number of penalty units for consistency with similar provisions in the Planning Bill.

Clause 690 amends section 559 (Definition for pt 2) to remove a redundant section cross-reference.

Clause 691 omits section 560 (Codes for Planning Act) to remove a redundant provision.

Clause 692 replaces section 561 (Development applications for relevant operational work) and section 562 (When applicant may appeal to Land Court).

- New section 561 (Particular applications for relevant operational work) updates legislative terminology and references, and reflects the change application process under the Planning Bill.

- New section 562 (When appeal may be made to Land Court) updates legislative terminology and references.

Clause 693 amends section 636 (Application of s 562) to update legislative references.

Clause 694 inserts a new chapter 10, part 9 (Transitional Provision for Planning (Consequential) and Other Legislation Amendment Act 2015 to provide for transitional arrangements for commencement of the Planning Act.

- New section 673 (Existing development applications) provides that the section applies to a development application made under the repealed Sustainable Planning Act but not decided before the commencement. The section also provides that former chapter 8, part 2, as in force immediately before the commencement, continues to apply to the development application as if the amending Act had not commenced.

Clause 695 amends schedule 3 (Dictionary) to omit redundant terms and update legislative terms and references.

Part 69 Amendment of Wet Tropics World Heritage Protection and Management Act 1993

Clause 696 provides that the part amends the *Wet Tropics World Heritage Protection and Management Act 1993*.

Clause 697 amends schedule 3 (Dictionary) to update legislative references and terms.