



Queensland

# **State Development, Infrastructure and Planning (Red Tape Reduction) and Other Legislation Amendment Bill 2014**

**Includes amendments agreed during Consideration**





Queensland

# State Development, Infrastructure and Planning (Red Tape Reduction) and Other Legislation Amendment Bill 2014

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# 2014

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## A Bill

for

***An Act to amend the *Economic Development Act 2012*, the *Environmental Protection Act 1994*, the *Fisheries Act 1994*, the *Gasfields Commission Act 2013*, the *Mineral Resources Act 1989*, the *Queensland Industry Participation Policy Act 2011*, the *Regional Planning Interests Act 2014*, the *State Development and Public Works Organisation Act 1971*, the *Sustainable Planning Act 2009* and the *Water Act 2000* for particular purposes, to repeal the *Clean Coal Technology Special Agreement Act 2007*, the *Eagle Farm Racecourse Act 1998*, the *Gurulmundi Secure Landfill Agreement Act 1992*, the *Racing Venues Development Act 1982* and the *Wild Rivers Act 2005*, and to make minor, consequential and other amendments to the legislation mentioned in schedule 1***

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**The Parliament of Queensland enacts—**

## **Chapter 1 Preliminary**

### **1 Short title**

This Act may be cited as the *State Development, Infrastructure and Planning (Red Tape Reduction) and Other Legislation Amendment Act 2014*.

### **2 Commencement**

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

## **Chapter 2 Amendment of Acts administered by Department of State Development, Infrastructure and Planning generally**

### **Part 1 Amendment of Economic Development Act 2012**

#### **3 Act amended**

This part amends the *Economic Development Act 2012*.



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#### **4 Amendment of s 26 (Payments of amounts into the Fund)**

(1) Section 26(f) to (h)—

*renumber* as section 26(g) to (i).

(2) Section 26—

*insert*—

(f) infrastructure expenses recoupment charges received by MEDQ;

(3) Section 26—

*insert*—

(2) Subsection (3) applies if—

(a) MEDQ delegates a function or power under section 169; and

(b) for performing the function or exercising the power, the delegate receives an amount that, other than for subsection (3), would be payable into the Fund under subsection (1)(d), (e), (f) or (g); and

(c) the delegation provides that the delegate may retain all or part of the received amount.

(3) Despite subsection (1), the amount that, under the delegation, may be retained is not payable into the Fund.

#### **5 Amendment of s 34 (Declaration)**

(1) Section 34(3)(a) and (b)—

*omit, insert*—

(a) the type, scale, intensity and location of proposed development for land in the area does not compromise the implementation of

[s 6]

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any planning instrument applying to the area; and

(2) Section 34(3)(c)—

*renumber* as section 34(3)(b).

**6 Amendment of s 35 (Provisional land use plan required for provisional priority development area)**

Section 35(2)(b)—

*omit, insert*—

(b) must not compromise the implementation of any planning instrument applying to the area; and

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

After chapter 3, part 2, division 3, heading—

*insert*—

**Subdivision 1 Provisional priority development areas**

**8 Replacement of s 42 (Revocation or reduction of priority development area)**

Section 42—

*omit, insert*—

**Subdivision 2 Priority development areas**

**42 Revocation or reduction of priority development area**

(1) This section applies if the Minister proposes to recommend to the Governor in Council the

making of a regulation to amend or repeal a provision of a declaration regulation (the *PDA change*) so land in a priority development area will no longer be in a priority development area.

- (2) The recommendation for the PDA change may be made only if an instrument amending the relevant local government's planning instruments to provide for the land (the *planning instrument change*) is—
  - (a) proposed and dealt with under sections 42A to 42I, as applicable; and
  - (b) approved under section 42J(2).

#### **42A Preparation of proposed planning instrument change**

- (1) MEDQ may decide to prepare the proposed instrument for the planning instrument change or ask the relevant local government to prepare it.
- (2) The entity that prepares the proposed instrument for the planning instrument change is the *proposer* of the planning instrument change.

#### **42B Consultation about proposed planning instrument change**

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

- (a) for a proposed instrument prepared by MEDQ—consult, in the way it considers appropriate, with the relevant local government; and
- (b) for a proposed instrument prepared by the relevant local government—consult with MEDQ; and

- (c) make reasonable endeavours to consult, in the way the proposer considers appropriate, with any of the following it considers will be likely to be affected by the proposed planning instrument change—
  - (i) a government entity or GOC;
  - (ii) another person or entity.

#### **42C Approval of proposed planning instrument change by MEDQ**

- (1) This section applies if the proposed instrument for a planning instrument change is prepared by the relevant local government.
- (2) The local government must give the proposed instrument to MEDQ for approval.
- (3) MEDQ must decide to—
  - (a) approve the proposed instrument for the planning instrument change; or
  - (b) approve the instrument change subject to conditions decided by MEDQ; or
  - (c) refuse to approve the instrument.
- (4) If MEDQ approves the proposed instrument for the planning instrument change under subsection (3)(b), the relevant local government must amend the instrument to include the conditions.

#### **42D When notification requirements do not apply**

The notification requirements do not apply to the proposed instrument for the planning instrument change if MEDQ is satisfied—

- (a) the consultation about the instrument under section 42B has been adequate; and
- (b) the public interest would not be served by further consultation about the instrument.

#### **42E Public notification**

- (1) This section applies if—
  - (a) the proposed instrument for the planning instrument change is prepared; and
  - (b) for a proposed instrument prepared by the relevant local government—MEDQ has approved the instrument under section 42C(3).
- (2) The proposer must—
  - (a) publish the proposed instrument for the planning instrument change on the proposer's website; and
  - (b) in a gazette notice—
    - (i) state that the proposed instrument may be inspected on the proposer's website; and
    - (ii) invite anyone to make submissions on the proposed instrument change within the period stated in the notice (the *submission period*); and
  - (c) publish a notice to the same effect as the gazette notice at least once in a newspaper circulating in the area of the relevant local government.
- (3) The submission period must end at least 30 business days after the date of the gazette notice.

#### **42F Submissions on proposed planning instrument change**

Anyone may make submissions to the proposer about the proposed instrument for the planning instrument change within the submission period.

#### **42G Consideration of submissions**

- (1) The proposer must consider the submissions received within the submission period.
- (2) Subsection (1) does not prevent the proposer from considering a submission made to it after the submission period ends.

#### **42H Amendment of proposed planning instrument change**

- (1) After complying with section 42G, the proposer may amend the proposed instrument for the planning instrument change in a way it considers appropriate.
- (2) If the proposer considers the amendment significantly changes the proposed planning instrument change, it must re-comply with sections 42E(2) and (3) and 42G for the amended proposed instrument for the planning instrument change.

#### **42I Public response report**

- (1) This section applies if the proposer has complied with section 42G and, if relevant, section 42H.
- (2) The proposer must—
  - (a) prepare a report (the *public response report*) that—

- (i) summarises the submissions considered by proposer; and
  - (ii) contains information about the merits of the submissions and the extent to which the proposed instrument for the planning instrument change was amended to reflect the submissions; and
  - (iii) contains details about any changes to the proposed instrument published under section 42E(2); and
- (b) publish the report on the proposer's website.

#### **42J Approval of planning instrument change**

- (1) This section applies if, for a proposed instrument for a planning instrument change, the notification requirements—
  - (a) have been complied with; or
  - (b) do not apply under section 42D.
- (2) MEDQ must decide to—
  - (a) approve the proposed instrument for the planning instrument change; or
  - (b) approve the proposed instrument subject to conditions decided by MEDQ; or
  - (c) refuse to approve the proposed instrument.
- (3) In making the decision under subsection (2), MEDQ must consider—
  - (a) the main purpose of this Act; and
  - (b) for a proposed instrument for a planning instrument change prepared by the relevant local government to which the notification

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requirements apply—the public response report.

- (4) If MEDQ decides to approve the proposed instrument for the planning instrument change under subsection (2), it must, by notice to the relevant local government—
  - (a) for a proposed instrument prepared by MEDQ—make the instrument for the planning instrument change, including any conditions decided under subsection (2)(b); or
  - (b) for a proposed instrument prepared by the relevant local government—approve the instrument for the planning instrument change.
- (5) If MEDQ approves an instrument for a planning instrument change prepared by the relevant local government subject to any conditions decided under subsection (2)(b), the local government must amend the instrument to include the conditions.

#### **42K Effect of planning instrument change**

- (1) On giving a notice under section 42J(4), the planning instrument change is, for the Sustainable Planning Act, taken to have been made by the relevant local government.
- (2) The Sustainable Planning Act, section 117 does not apply for making the planning instrument change.
- (3) The planning instrument change takes effect at the same time as the PDA change.



## **42L Notice of planning instrument change**

- (1) As soon as practicable after the planning instrument change takes effect—
  - (a) MEDQ must publish the instrument for the planning instrument change on the department’s website; and
  - (b) the relevant local government must publish the instrument on its website; and
  - (c) the proposer must publish, at least once in a newspaper circulating in the priority development area to which the instrument relates, a notice stating the instrument—
    - (i) has been approved; and
    - (ii) may be inspected on the proposer’s website; and
  - (d) the proposer must give each person who made a submission about the proposed instrument for the planning instrument change, received within the submission period, a notice stating that—
    - (i) the instrument has been approved; and
    - (ii) the public response report about the proposed instrument may be inspected on the proposer’s website.

## **Subdivision 3 Other matters**

### **42M Implied and uncommenced rights to use premises protected**

- (1) This section applies if—

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- (a) a PDA development approval comes into effect; and
  - (b) immediately before the approval comes into effect, a material change of use, for a use implied by the approval, was PDA self-assessable development or PDA exempt development; and
  - (c) a planning instrument change is made before the use starts.
- (2) The use is taken to be a lawful use in existence immediately before the planning instrument change is made or taken to have been made.

## **9 Replacement of s 47 (Community infrastructure designations)**

Section 47—

*omit, insert—*

### **47 Community infrastructure designations**

- (1) A community infrastructure designation may be made for land in a priority development area.
- (2) The Sustainable Planning Act, chapter 5 applies for making the community infrastructure designation.
- (3) A community infrastructure designation for land that is in force immediately before the land is in a priority development area continues in force.

## **10 Replacement of s 66 (Power to amend)**

Section 66—

*omit, insert—*

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## **66 General power to amend**

MEDQ may amend a development scheme if—

- (a) the amendment does not change the land use plan for the relevant priority development area in the scheme; or
- (b) the amendment is a minor administrative amendment.

## **11 Amendment of s 67 (Division 1 process applies to particular amendments)**

- (1) Section 67, heading—

*omit, insert—*

### **67 Power to amend to change land use plan**

- (2) Section 67(1), ‘under section 66(2)’—

*omit, insert—*

to change the land use plan for the relevant priority development area in the scheme

- (3) Section 67—

*insert—*

- (3) To remove any doubt, it is declared that an amendment mentioned in subsection (1) may be made even if it is materially detrimental to someone’s interests.

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

Section 88(b), ‘contributions’—

*omit, insert—*

charges

[s 13]

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**13 Amendment of s 104 (Plans of subdivision)**

Section 104(3)(g), from ‘rates’ to ‘or charge’—

*insert—*

rates or charges levied for land included a reference to a special rate or charge or an infrastructure expenses recoupment charge

**14 Amendment of s 114 (Planning and Environment Court may make declarations)**

Section 114—

*insert—*

(3) Subsection (4) applies to a proceeding mentioned in subsection (1) if the land to which the proceeding relates ceases to be in a priority development area.

(4) To remove any doubt, it is declared that the proceeding is not affected only because the land has ceased to be in a priority development area.

**15 Replacement of ch 3, pt 6, hdg (Special rates and charges)**

Chapter 3, part 6, heading—

*omit, insert—*

**Part 6**

**Particular charges**

**Division 1**

**Special rates or charges**

**16 Amendment of s 115 (Levying special rates or charges)**

Section 115(9)—

*omit.*

**17 Insertion of new ch 3, pt 6, div 2, new ch 6, pt 6, div 3, hdg  
and new ss 116F and 116G**

After section 116—

*insert—*

**Division 2            Infrastructure expenses  
recoupment charges**

**116A Definitions for div 2**

In this division—

*charge area* means 1 of the following identified  
in an authorising instrument—

- (a) a single priority development area;
- (b) a part of a single priority development area;
- (c) an area consisting of 2 or more priority  
development areas, or parts of 2 or more  
priority development areas, in the same  
local government area.

*provision*, of infrastructure, includes  
coordination of the provision of the  
infrastructure.

**116B Making and levying charge**

- (1) Subsection (2) applies if MEDQ incurs, or  
reasonably expects to incur, an expense for the  
provision of infrastructure in relation to land in a  
charge area.
- (2) MEDQ may, by instrument (the *authorising  
instrument*), make and levy on owners of  
rateable land in the charge area a charge (an  
*infrastructure expenses recoupment charge*) on

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the rateable land to recoup, or provide for payment of, the expense.

- (3) However, subsection (2) does not apply if—
  - (a) the infrastructure is a facility or service for which a special rate or charge has been made and levied; or
  - (b) the expense is recouped or provision is made for payment of the expense, other than by levying the charge.
- (4) Subsection (2) is taken to have been complied with if the charge is made and levied on—
  - (a) all rateable land that, at the time of making and levying the charge, could reasonably be identified as land on which the charge may be made and levied; or
  - (b) all rateable land on which the charge may be made and levied, other than land accidentally omitted.
- (5) To remove any doubt, it is declared that subsection (2) applies even if MEDQ incurred, or reasonably expected to incur, the expense for the provision of infrastructure in relation to the land before the land was in a charge area.

### **116C Requirements for authorising instrument**

- (1) The authorising instrument for an infrastructure expenses recoupment charge must—
  - (a) identify—
    - (i) the charge area to which the charge relates; and
    - (ii) the rateable land to which the charge applies; and

- (iii) the overall plan for the provision of the infrastructure to which the charge relates; and
- (b) state—
  - (i) the amount of the charge for the residential land in the charge area; and
  - (ii) the way the amount of the charge for the non-residential land in the charge area is worked out; and
  - (iii) the rate, by reference to a stated index that is relevant to the estimated cost of the provision of infrastructure, by which the amount of the charge can be increased; and
  - (iv) the intervals at which the amount of the charge can be increased.
- (2) The overall plan must—
  - (a) describe the infrastructure to which the charge relates; and
  - (b) state the estimated expenses and time for the provision of the infrastructure.
- (3) MEDQ may identify parcels of rateable land to which the charge applies in any way MEDQ considers appropriate.
- (4) In this section—
  - non-residential land*** means rateable land other than residential land.
  - residential land*** means rateable land for which a residential use under a development scheme is provided.

### **116D Basis and amount of charge**

- (1) An infrastructure expenses recoupment charge may be made and levied on the bases MEDQ considers appropriate.

*Note—*

See also section 117 in relation to the recovery of the charge.

- (2) Without limiting subsection (1), MEDQ may—
  - (a) fix a minimum amount of the charge; or
  - (b) decide whether a discount for payment of the charge applies and the amount and terms of any discount.
- (3) However, an infrastructure expenses recoupment charge may be increased by no more than the rate, and only at the intervals, stated in the authorising instrument for the charge.

### **116E Making and levying of charge by superseding public sector entity**

- (1) This section applies if—
  - (a) MEDQ has made and levied an infrastructure expenses recoupment charge to recoup an incurred expense, or provide for the payment of an expected expense, for the provision of infrastructure (the *planned infrastructure*) in relation to land (the *relevant land*) in a charge area consisting of the whole or part of a priority development area; and
  - (b) the declaration regulation under which the priority development area was declared is revoked so the relevant land ceases to be in a priority development area.



- (2) However, this section does not apply for an expense that MEDQ has recouped.
- (3) On and after the revocation of the declaration regulation—
  - (a) the infrastructure expenses recoupment charge is taken to have been made and levied by the superseding public sector entity for the relevant land; and
  - (b) the superseding public sector entity may continue to make and levy the infrastructure expenses recoupment charge.
- (4) For subsection (3)(b), this division, other than section 116B(1) and (5) and this section, applies as if a reference in the division to MEDQ were a reference to the superseding public sector entity.
- (5) However, to remove any doubt, it is declared that subsections (3)(b) and (4) do not authorise the superseding public sector entity to make and levy an infrastructure expenses recoupment charge to recoup or provide for an expense, other than for the provision of the planned infrastructure.

## **Division 3      Recovery of relevant charges**

### **116F Definitions for div 3**

In this division—

*charge notice* see section 116G(1).

*charging entity* means—

- (a) for an infrastructure expenses recoupment charge made and levied, or taken to have been made and levied, by a superseding

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public sector entity—the public sector entity; or

(b) otherwise—MEDQ.

*relevant charge* means—

(a) a special rate or charge; or

(b) an infrastructure expenses recoupment charge.

### **116G Charge notice**

(1) The charging entity must give the owner of each parcel of rateable land on which a relevant charge is levied notice of the charge (a *charge notice*).

(2) The charge notice must state—

(a) the rateable land and the relevant charge; and

(b) the amount of the charge payable; and

(c) the due date for payment of the charge; and

(d) if a discount for the charge applies—

(i) the terms of the discount; and

(ii) the last day of the discount period; and

(e) the ways in which the charge may be paid.

(3) The charge notice may form part of another notice given by the charging entity to the owner of the land.

*Example of another notice given by a charging entity—*

a rate notice given by a local government

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**18 Replacement of s 117 (Recovery of special rate or charge)**

Section 117—

*omit, insert—*

**117 Recovery of relevant charge**

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

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the council were a reference to the following—

- (i) if the charging entity is MEDQ—MEDQ;
  - (ii) if the charging entity is a superseding public sector entity—the chief executive or chief executive officer of the entity.
- (6) For land on which a special rate or charge is levied, a reference in subsection (1), (2) or (3) to the owner of the land includes a reference to the occupier of the land.
- (7) In this section—
- local government overdue rates or charges provisions*** means—
- (a) for land outside the City of Brisbane—the following provisions—
    - (i) the *Local Government Act 2009*, section 95;
    - (ii) each provision of a regulation made under the *Local Government Act 2009*, section 96; or
  - (b) for land in the City of Brisbane—the following provisions—
    - (i) the *City of Brisbane Act 2010*, section 97;
    - (ii) each provision of a regulation made under the *City of Brisbane Act 2010*, section 98.

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

Section 121(1)—

*insert—*

- (c) MEDQ has elected not to continue to be a party to the agreement.

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

Section 127(5), ‘section 659’—

*omit, insert—*

section 678

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

(1) Section 172(1)(j)—

*renumber* as section 172(1)(k).

(2) Section 172(1)—

*insert—*

- (j) infrastructure expenses recoupment charges;

**22 Amendment of sch 1 (Dictionary)**

(1) Schedule 1, definition *public sector entity*—

*omit.*

(2) Schedule 1—

*insert—*

*authorising instrument*, for an infrastructure expenses recoupment charge, see section 116B(2).

***business day*** does not include a day between 26 December of a year and 1 January of the following year.

***charge area***, for chapter 3, part 6, division 2, see section 116A.

***charge notice***, for chapter 3, part 6, division 3, see section 116G(1).

***charging entity***, for chapter 3, part 6, division 3, see section 116F.

***infrastructure expenses recoupment charge*** see section 116B(2).

***notification requirements***, for chapter 3, part 2, division 3, subdivision 2, means sections 42E, 42G, 42H and 42I.

***PDA change*** see section 42(1).

***planning instrument change*** see section 42(2).

***proposer***, of a proposed instrument for a planning instrument change, for chapter 3, part 2, division 3, subdivision 2, section 42A(2).

***proposer's website*** means—

- (a) for a proposed instrument for a planning instrument change prepared by MEDQ—the department's website; or
- (b) for a proposed instrument for a planning instrument change prepared by a relevant local government—the local government's website.

***provision***, of infrastructure, for chapter 3, part 6, division 2, see section 116A.

***public response report***, for chapter 3, part 2, division 3, subdivision 2, section 42I(2)(a).

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**public sector entity** means any of the following—

- (a) a department or part of a department;
- (b) a local government;
- (c) a government owned corporation;
- (d) a rail government entity under the *Transport Infrastructure Act 1994*;
- (e) another agency, authority, commission, corporation, instrumentality, office, or other entity, established under an Act for a public or State purpose;
- (f) a distributor-retailer under the *South-East Queensland Water (Distribution and Retail Restructuring) Act 2009*.

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

**relevant charge**, for chapter 3, part 6, division 3, see section 116F.

- (3) Schedule 1, definition *submission period*, paragraphs (a) and (b)—  
*renumber* as paragraphs (b) and (c).
- (4) Schedule 1, definition *submission period*—  
*insert*—
  - (a) for a proposed instrument for a planning instrument change under chapter 3, part 2, division 3, subdivision 2—see section 42E(2)(b)(ii); or

## **Part 2**                      **Amendment of Queensland Industry Participation Policy Act 2011**

### **23 Act amended**

This part amends the *Queensland Industry Participation Policy Act 2011*.

### **24 Replacement of s 13 (Minister to report on implementation of local industry policy)**

Section 13—

*omit, insert—*

#### **13 Annual report to include report on implementation of local industry policy**

- (1) The department's annual report for a financial year must include a report on the implementation of the local industry policy for that financial year.
- (2) In this section—  
*annual report* see the *Financial Accountability Act 2009*, schedule 3.

### **25 Amendment of ss 14 and 15**

Sections 14(1) and 15(1), from 'the Minister requires' to 'report'—  
*omit, insert—*

required for the purposes of reporting on the  
implementation of the local industry policy

### **25A Amendment of s 16 (Saving of existing local industry policy)**

- (1) Section 16, from 'published' to 'Act'—



*omit, insert—*

in force immediately before the commencement of  
this section was taken to be the local industry policy  
for this Act from 1 July 2011 to 3 April 2014

- (2) Section 16, editor's note—

*omit.*

## Part 3 **Amendment of State Development and Public Works Organisation Act 1971**

### 26 **Act amended**

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

### 27 **Amendment of s 24 (Definitions for pt 4)**

- (1) Section 24, definition *Coordinator-General's report*—

*omit.*

- (2) Section 24—

*insert—*

***Coordinator-General's report*** means—

- (a) for an EIS—the report the  
Coordinator-General must prepare under  
section 34D(2); or
- (b) for an IAR—the report the  
Coordinator-General must prepare under  
section 34L(2).

## **28 Replacement of s 25A (Fees for pt 4)**

Section 25A—

*omit, insert—*

### **25A Fees for pt 4**

- (1) An application under this part must be accompanied by the application fee prescribed by regulation for the application.
- (2) The Coordinator-General must refuse to receive the application unless the fee has been paid.
- (3) The proponent of a coordinated project must pay the Coordinator-General the fees prescribed by regulation at the times provided for under the regulation.
- (4) If a fee becomes payable under subsection (3), the Coordinator-General's obligations under this part for the coordinated project are suspended until the fee has been paid.
- (5) Subsection (4) applies despite divisions 2 to 3A.

### **25AA Coordinator-General may waive or reduce fee**

- (1) Despite section 25A, if a fee is prescribed as mentioned in that section for an application or coordinated project, the Coordinator-General may waive or reduce the fee.
- (2) Subsection (3) applies if a fee is prescribed as mentioned in section 25A for an application under section 35C for a proposed change to a coordinated project or a condition of the project.
- (3) In deciding whether to waive or reduce the fee for the application, the Coordinator-General may have regard to—

- (a) the complexity of the proposed change; and
- (b) the extent of public consultation required in relation to the proposed change.

## **29 Amendment of s 26 (Declaration of coordinated project)**

- (1) Section 26(1)(b)—

*omit, insert—*

- (b) declare a project to be a coordinated project for which an IAR is required.

- (2) Section 26(2)—

*omit, insert—*

- (2) However, the Coordinator-General may make a declaration under subsection (1)(b) only if satisfied the environmental effects of the project do not, having regard to their scale and extent, require assessment through the EIS process under division 3, subdivision 1.

- (3) Section 26(3)—

*omit.*

- (4) Section 26(4) to (10)—

*renumber* as section 26(3) to (9).

## **30 Amendment of s 27AB (Requirements for application)**

- (1) Section 27AB(c)(i), after 'EIS'—

*insert—*

or IAR

- (2) Section 27AB(c)(ii)—

*omit, insert—*

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- (ii) give any additional information that may be requested by the Coordinator-General under section 34B(2)(b) or 34J(2)(b); and

## **31 Replacement of s 27A (Lapsing of declaration)**

Section 27A—

*omit, insert—*

### **27A Lapsing of declaration if EIS required**

- (1) This section applies to a coordinated project if an EIS is required for the project.
- (2) The declaration for the project lapses if, within 18 months of the terms of reference being finalised, the Coordinator-General has not, under section 34A(1)(b), accepted a draft EIS for the project as the final EIS.
- (3) Despite subsection (2), if before the declaration lapses, the Coordinator-General gives written notice to the proponent stating a later time for the declaration to lapse, the declaration does not lapse until the later time.

### **27B Lapsing of declaration if IAR required**

- (1) This section applies to a coordinated project if an IAR is required for the project.
- (2) The declaration for the project lapses if, within 18 months of the declaration being made, the Coordinator-General has not, under section 34I(1)(b), accepted a draft IAR as the final IAR for the project.
- (3) However, if before the lapsing of the declaration under subsection (2), the Coordinator-General

gives written notice to the proponent stating a later time for the declaration to lapse, the declaration does not lapse until the later time.

**32 Amendment of s 28 (Application of divs 3–8)**

Section 28, ‘for which an EIS is required’—

*omit.*

**33 Replacement of pt 4, div 3, hdg**

Part 4, division 3, heading—

*omit, insert—*

**Division 3 Assessment process**

**Subdivision 1 EIS process**

**29A Application of sdiv 1**

This subdivision applies to a coordinated project for which an EIS is required.

**34 Replacement of s 32 (Preparation of EIS)**

Section 32—

*omit, insert—*

**32 Preparation of draft EIS**

- (1) The proponent of the project must prepare a draft EIS for the project.
- (2) The draft EIS prepared by the proponent must address, for the whole project, the terms of reference to the satisfaction of the Coordinator-General.

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**35 Amendment of s 33 (Public notification of EIS)**

- (1) Section 33, heading, before ‘EIS’—

*insert—*

**draft**

- (2) Section 33(1), ‘an EIS’—

*omit, insert—*

a draft EIS

- (3) Section 33(1)(a) to (c), before ‘EIS’—

*insert—*

draft

**36 Amendment of s 34 (Making submissions on EIS)**

- (1) Section 34, heading, before ‘EIS’—

*insert—*

**draft**

- (2) Section 34(1)—

*omit, insert—*

- (1) During the submission period for a draft EIS, any person may make a submission to the Coordinator-General about the draft EIS.

- (3) Section 34(4)(b), before ‘EIS’—

*insert—*

draft

**37 Insertion of new ss 34A–34D and new pt 4, div 3, sdiv 2**

After section 34—

*insert—*

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### **34A Coordinator-General decides whether to accept draft EIS as final EIS**

- (1) After the end of the submission period for a draft EIS, the Coordinator-General must—
  - (a) consider the following—
    - (i) the draft EIS;
    - (ii) any properly made submissions for the draft EIS;
    - (iii) any other material the Coordinator-General considers is relevant to the project; and
  - (b) decide whether or not to accept the draft EIS as the final EIS for the project.
- (2) The Coordinator-General may decide not to accept the draft EIS as the final EIS if satisfied additional information is needed about—
  - (a) an environmental effect of the project; or
  - (b) any other matter the Coordinator-General considers is relevant to the project.

### **34B Giving notice of decision**

- (1) The Coordinator-General must give the proponent written notice of the Coordinator-General's decision under section 34A.
- (2) If the decision is not to accept the draft EIS as the final EIS, the notice must state the following—
  - (a) the decision;
  - (b) the additional information required by the Coordinator-General;

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- (c) whether or not public notification of the additional information is required;
- (d) the period within which a draft EIS that includes or attaches the additional information (a *revised draft EIS*) must be given to the Coordinator-General.

### **34C Requirement to give additional information**

- (1) This section applies if the Coordinator-General decides under section 34A(1)(b) not to accept the draft EIS as the final EIS.
- (2) If the notice given under section 34B states that public notification of the additional information is not required, the proponent must, within the period stated in the notice, give the Coordinator-General a revised draft EIS.
- (3) If the notice given under section 34B states that public notification of the additional information is required, the proponent must, within the period stated in the notice—
  - (a) comply with section 33 as if a reference in that section to a draft EIS were a reference to the additional information stated in the notice; and
  - (b) give the Coordinator-General a revised draft EIS.
- (4) Submissions about the additional information may be made under section 34 as if the information were a draft EIS.
- (5) If the Coordinator-General receives a revised draft EIS under subsection (2) or (3), sections 34A and 34B apply to the revised draft EIS—



- (a) as if a reference in section 34A(1) to the end of the submission period for the draft EIS were a reference to the day the Coordinator-General receives the revised draft EIS; and
- (b) as if a reference in section 34A(1)(a)(ii) to a properly made submission for the draft EIS were a reference to a properly made submission for the additional information; and
- (c) with any other necessary changes.

### **34D Report evaluating EIS**

- (1) This section applies if the Coordinator-General decides under section 34A(1)(b) to accept the draft EIS as the final EIS.
- (2) The Coordinator-General must prepare a report evaluating the EIS.
- (3) In evaluating the EIS, the Coordinator-General may—
  - (a) evaluate the environmental effects of the project and any other related matters; and
  - (b) state conditions under section 39, 45, 47C, 49B, 49E or 49G; and
  - (c) make recommendations under section 43 or 52; and
  - (d) if division 8 applies to the project—impose, under that division, conditions for the undertaking of the project.
- (4) After completing the report, the Coordinator-General must—

- (a) give a copy of the report to the proponent;  
and
- (b) publicly notify the report.

## **Subdivision 2 IAR process**

### **34E Application of sdiv 2**

This subdivision applies to a coordinated project for which an IAR is required.

### **34F Notice of requirement for IAR**

The Coordinator-General must, as soon as practicable after making a declaration under section 26(1)(b), give the proponent written notice that an IAR is required for the project.

### **34G Preparation of draft IAR**

- (1) The proponent of the project must prepare a draft IAR for the project.
- (2) The draft IAR must include—
  - (a) details of the project; and
  - (b) information about the likely environmental effects of the project; and
  - (c) a statement about whether or not any of the following approvals (each of which is a *notifiable approval*) is required for the project—
    - (i) a development approval if the development application for the approval would, under the Sustainable

- 
- Planning Act, require impact assessment;
- (ii) an environmental authority if the application for the authority would, under the Environmental Protection Act, chapter 5, part 4, require public notification;
  - (iii) another approval under an Act if—
    - (A) the application for the approval requires, other than under the Sustainable Planning Act or the Environmental Protection Act, chapter 5, an EIS or a similar statement to address the environmental effects of the approval; and
    - (B) the application for, or the granting of, the approval requires public notification under the relevant Act.

### **34H Public notification of draft IAR**

- (1) This section applies if—
  - (a) a notifiable approval is required for the project; or
  - (b) the Coordinator-General gives the proponent a written notice stating that the draft IAR for the project must be publicly notified under this section.
- (2) After the proponent prepares a draft IAR to the satisfaction of the Coordinator-General, the proponent must comply with section 33 as if a

reference in that section to a draft EIS were a reference to the draft IAR.

- (3) Submissions about the draft IAR may be made under section 34 as if the draft IAR were a draft EIS.
- (4) In deciding whether the draft IAR may be publicly notified, the Coordinator-General may ask any person for information, advice or comment about the draft IAR.

### **34I Coordinator-General decides whether to accept draft IAR as final IAR**

- (1) The Coordinator-General must—
  - (a) consider the following—
    - (i) the draft IAR;
    - (ii) any properly made submissions for the draft IAR;
    - (iii) any other material the Coordinator-General considers is relevant to the project; and
  - (b) decide whether or not to accept the draft IAR as the final IAR.
- (2) However, subsection (1) does not apply until after—
  - (a) if the draft IAR required public notification under section 34H—the submission period for the draft IAR ends; or
  - (b) otherwise—the Coordinator-General receives the draft IAR.
- (3) The Coordinator-General may decide not to accept the draft IAR as the final IAR if satisfied additional information is needed about—

- (a) an environmental effect of the project; or
  - (b) any other matter the Coordinator-General considers relevant to the project.
- (4) In making a decision under subsection (1)(b), the Coordinator-General may ask any person for information, advice or comment about the draft IAR.

### **34J Giving notice of decision**

- (1) The Coordinator-General must give the proponent written notice of the Coordinator-General's decision under section 34I.
- (2) If the Coordinator-General decides not to accept the draft IAR as the final IAR, the notice must state the following—
  - (a) the decision;
  - (b) the additional information required;
  - (c) whether or not public notification of the draft IAR as amended to include or attach the additional information (the *revised draft IAR*) is required;
  - (d) the period within which the revised draft IAR must be given to the Coordinator-General.

### **34K Requirement to provide additional information**

- (1) This section applies if the Coordinator-General decides under section 34I(1)(b) not to accept the draft IAR as the final IAR.
- (2) If the notice given under section 34J states that public notification of the revised draft IAR is not

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required, the proponent must, within the period stated in the notice, give the Coordinator-General the revised draft IAR.

- (3) If the notice given under section 34J states that public notification of the revised draft IAR is required, the proponent must, within the period stated in the notice—
  - (a) comply with section 33 as if a reference in that section to a draft EIS were a reference to the revised draft IAR; and
  - (b) give the Coordinator-General the revised draft IAR.
- (4) Submissions about the revised draft IAR may be made under section 34 as if the revised draft IAR were a draft EIS.
- (5) If the Coordinator-General receives a revised draft IAR under subsection (2) or (3), sections 34I and 34J apply to the revised draft IAR.

### **34L Report evaluating IAR**

- (1) This section applies if the Coordinator-General decides under section 34I(1)(b) to accept the draft IAR as the final IAR.
- (2) The Coordinator-General must prepare a report evaluating the IAR.
- (3) In evaluating the IAR, the Coordinator-General may—
  - (a) evaluate the environmental effects of the project and any other related matters; and
  - (b) state conditions under section 39, 45, 47C, 49B, 49E or 49G; and

- (c) make recommendations under section 43 or 52; and
  - (d) if division 8 applies to the project—impose, under that division, conditions for the undertaking of the project.
- (4) After completing the report, the Coordinator-General must—
- (a) give a copy of the report to the proponent; and
  - (b) publicly notify the report.

**38 Omission of s 35 (Coordinator-General evaluates EIS, submissions, other material and prepares report)**

Section 35—

*omit.*

**39 Insertion of new pt 4, div 3, sdiv 3, hdg**

Before section 35AA—

*insert—*

**Subdivision 3 Amendment and lapsing of  
Coordinator-General's  
report**

**40 Amendment of s 35AA (Amendment of Coordinator-General's report)**

Section 35AA(1), after 'EIS'—

*insert—*

or IAR

[s 41]

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## **41 Replacement of s 35A (Lapsing of Coordinator-General's report)**

Section 35A—

*omit, insert—*

### **35A Lapsing of Coordinator-General's report**

- (1) The Coordinator-General's report for the EIS or IAR for a project lapses—
  - (a) if the report for the EIS or IAR states or implies a time for the report to lapse—at the stated or implied time; or
  - (b) otherwise—3 years after the day the report is publicly notified under section 34D(4)(b) or 34L(4)(b).
- (2) Subsection (3) applies if—
  - (a) the project the subject of the Coordinator-General's report requires 1 or more relevant approvals; and
  - (b) the proponent applies for each relevant approval before the Coordinator-General's report would otherwise lapse under subsection (1).
- (3) Despite subsection (1), the Coordinator-General's report does not lapse, to the extent it relates to the relevant approval applied for, until—
  - (a) if the application for the relevant approval is refused—the application is decided and any appeal against the decision is finalised or withdrawn; or
  - (b) if the application for the relevant approval is approved—the approval takes effect.



- (4) Subsection (5) applies if, before the report would otherwise lapse under subsection (1) or (3), the Coordinator-General gives the proponent written notice stating a later time for the report to lapse.
- (5) Despite subsections (1) and (3), the Coordinator-General's report does not lapse until the later time stated in the notice.
- (6) Subsection (7) applies if—
  - (a) division 8 applies to the project; and
  - (b) the undertaking of the project substantially starts before the Coordinator-General's report would otherwise lapse under subsection (1), (3) or (5).
- (7) Despite subsections (1), (3) and (5), the Coordinator-General's report does not lapse and continues to have effect to the extent it imposes conditions for the undertaking of the project.
- (8) In this section—

***relevant approval*** means—

  - (a) a development approval; or
  - (b) a mining lease under the Mineral Resources Act; or
  - (c) an environmental authority; or
  - (d) a petroleum lease, pipeline licence or petroleum facility licence under the *Petroleum and Gas (Production and Safety) Act 2004*; or
  - (e) a GHG injection and storage lease under the *Greenhouse Gas Storage Act 2009*; or
  - (f) a geothermal production lease under the *Geothermal Energy Act 2010*; or

- (g) another approval under an Act if the application for the approval requires, other than under the Sustainable Planning Act or the Environmental Protection Act, chapter 5, an EIS or a similar statement to address the environmental effects of the approval.

#### **42 Amendment of s 35H (Criteria for evaluating)**

- (1) Section 35H, heading, after ‘evaluating’—

*insert—*

##### **proposed change**

- (2) Section 35H(b), after ‘EIS’—

*insert—*

or IAR

- (3) Section 35H(e)—

*omit, insert—*

- (e) if the change relates to a project for which an EIS was required—the material mentioned in section 34A(1)(a) to the extent the Coordinator-General considers it is relevant to the proposed change and its effects on the project;
- (f) if the change relates to a project for which an IAR was required—the material mentioned in section 34I(1)(a) to the extent the Coordinator-General considers it is relevant to the proposed change and its effects on the project.

#### **43 Replacement of s 35L (Lapsing of Coordinator-General’s change report)**

Section 35L—

*omit, insert—*

### **35L Lapsing of Coordinator-General's change report**

- (1) The Coordinator-General's change report for a project lapses—
  - (a) generally—at the same time as the Coordinator-General's report for the EIS or IAR for the project lapses under section 35A; or
  - (b) if the change report states a different day—on the day stated in the change report.
- (2) Subsection (3) applies if—
  - (a) division 8 applies to the project; and
  - (b) the Coordinator-General's report for the EIS or IAR for the project continues to have effect but only to the extent it imposes conditions for the undertaking of the project.
- (3) Despite subsection (1), the Coordinator-General's change report for the project does not lapse until the day stated in the change report.

#### **44 Amendment of s 36 (Application of sdiv 1)**

Section 36(b), after 'EIS'—

*insert—*

or IAR

#### **45 Amendment of s 37 (Applications for material change of use or requiring impact assessment)**

- (1) Section 37(1)(c)—

*omit, insert—*

(c) a properly made submission about the following is taken to be a properly made submission about the application under IDAS—

- (i) a draft EIS or draft IAR for the project;
- (ii) any additional information required for the project that was publicly notified under section 34C(3); and

(2) Section 37(1)(d)(i), after ‘report’—

*insert—*

for the EIS or IAR for the project

(3) Section 37—

*insert—*

(3) In this section—

*material change of use* see the Sustainable Planning Act, section 10(1).

#### **46 Amendment of s 38 (When the decision stage for the project starts under IDAS)**

(1) Section 38(a), ‘Coordinator-General’s report’—

*omit, insert—*

relevant Coordinator-General’s report for the project

(2) Section 38(b), ‘report’—

*omit, insert—*

relevant Coordinator-General’s report for the project

(3) Section 38—

*insert—*

(2) In this section—

*relevant Coordinator-General's report*, for a project, means—

- (a) if the project requires an EIS—the Coordinator-General's report for the EIS; or
- (b) if the project requires an IAR—the Coordinator-General's report for the IAR.

**47 Amendment of s 54A (Application of div 8)**

Section 54A(a)—

*omit, insert—*

- (a) the project does not involve a material change of use under the Sustainable Planning Act requiring impact assessment under that Act; and

**48 Amendment of s 54D (Effect of imposed conditions)**

- (1) Section 54D(3), '435,'—

*omit.*

- (2) Section 54D(5)(b), 'section 435,'—

*omit, insert—*

sections

**49 Amendment of s 76K (Step in notice)**

Section 76K(2)(b), after 'the'—

*insert—*

prescribed

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

- (1) Section 76L(1), 'Subject to subsection (3), the'—

[s 51]

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*omit, insert—*

The

(2) Section 76L(3)—

*omit, insert—*

(3) If the step in notice is given for a prescribed decision that has been made, the notice must be given before the day that is 10 business days after the later of the following—

- (a) the day any appeal against the decision is started under the relevant law;
- (b) the day the period, under the relevant law, for starting an appeal against the prescribed decision expires.

(3) Section 76L(4), ‘For subsection (2)(b)’—

*omit, insert—*

If the Coordinator-General receives a request under subsection (2)(b) for a prescribed process

## **51 Amendment of s 79 (Development scheme)**

Section 79, heading—

*omit, insert—*

### **79 Preparation of development scheme**

## **52 Insertion of new s 79A**

After section 79—

*insert—*

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## **79A Content of approved development scheme**

- (1) The approved development scheme for a State development area may regulate development in all or part of the State development area.
- (2) The approved development scheme must—
  - (a) if the scheme regulates development in part only of the State development area—state the area in which development is regulated; and
  - (b) identify any SDA assessable development or SDA self-assessable development; and
  - (c) if the scheme identifies development as SDA assessable development—state the matters or things an SDA application for the development will be assessed against; and
  - (d) if the scheme identifies development as SDA self-assessable development—include requirements the development must comply with.
- (3) Without limiting subsection (2), the approved development scheme may do any or all of the following—
  - (a) state that regulated development is consistent or inconsistent with the scheme;
  - (b) prescribe a process for any of the following—
    - (i) assessing and deciding an SDA application;
    - (ii) making, assessing and deciding a request to change an SDA application;
    - (iii) assessing and deciding a change application for an SDA approval;

- (iv) making, assessing and deciding a request to state a later currency period for an SDA approval under section 84H(2)(c);
  - (v) making, assessing and deciding a request (a *prior affected development request*) to the Coordinator-General to carry out a prior affected development for land;
- (c) state requirements for an application or request mentioned in paragraph (b).

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

Section 82(3)(a), ‘that relates to the land’—

*omit, insert*—

for the State development area

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

(1) Section 83(1), from ‘For’ to ‘State development area’—

*omit, insert*—

If land is within a State development area and there is an approved development scheme in effect for the area

(2) Section 83(2), (5) and (6), before ‘development area’—

*insert*—

State

(3) Section 83(2)(a), ‘a development scheme’—

*omit, insert*—

an approved development scheme



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**55 Replacement of ss 84, 84AA, 84AB, 84A and 85**

Sections 84, 84AA, 84AB, 84A and 85—

*omit, insert—*

**84 Development under approved development scheme**

- (1) This section applies to the extent an approved development scheme for a State development area identifies regulated development in the area.
- (2) If another Act or law would, apart from this section, regulate the regulated development, the other Act or law does not apply to the regulated development to the extent the other Act or law regulates that development.

**84A Carrying out SDA assessable development without SDA approval**

A person must not carry out SDA assessable development in a State development area without an SDA approval for the development.

Maximum penalty—1665 penalty units.

**84B SDA self-assessable development must comply with approved development scheme**

If a person carries out SDA self-assessable development in a State development area, the person must comply with the requirements under the approved development scheme for the area about carrying out SDA self-assessable development.

Maximum penalty—1665 penalty units.

**84C Compliance with SDA approval**

A person must not contravene an SDA approval.

Maximum penalty—1665 penalty units.

### **84D How to make SDA application**

- (1) Each SDA application must—
  - (a) be made to the Coordinator-General in the approved form; and
  - (b) address the requirements for the application stated in the approved development scheme for the State development area to which the application relates; and
  - (c) be accompanied by the application fee prescribed by regulation.
- (2) The Coordinator-General must not accept an application that does not comply with subsection (1).

### **84E Deciding SDA application**

- (1) The Coordinator-General must—
  - (a) decide to—
    - (i) approve all or part of the SDA application, with or without conditions; or
    - (ii) refuse the SDA application; and
  - (b) give the applicant written notice of the decision (the *decision notice*).
- (2) If the SDA application is refused, the decision notice must state the reasons for the decision.
- (3) A condition imposed under subsection (1)(a)(i) must—

- (a) be relevant to, but not an unreasonable imposition on, the development or use of the land as a consequence of the development; or
- (b) be reasonably required in relation to the development or use of the land as a consequence of the development.

#### **84F Application to change SDA approval**

- (1) A person may apply to the Coordinator-General to change an SDA approval (a *change application*).
- (2) Sections 84D and 84E apply to the change application as if a reference in the provisions to an SDA application were a reference to the change application.

#### **84G Duration of SDA approval**

- (1) An SDA approval has effect on and after the date stated in the decision notice for the relevant SDA application.
- (2) The development the subject of the SDA approval may, subject to any conditions imposed on the approval, start when the approval has effect.
- (3) However, the SDA approval ceases to have effect if it lapses under section 84H.

#### **84H When SDA approval lapses**

- (1) An SDA approval lapses at the end of its currency period unless—

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- (a) for development that is reconfiguring a lot—the plan for the reconfiguration of the lot is given to the Coordinator-General for approval before the currency period ends; or
  - (b) for all other development—the development substantially starts before the currency period ends.
- (2) The *currency period*, for an SDA approval, is—
- (a) if paragraphs (b) and (c) do not apply—4 years after the day the approval has effect under section 84G; or
  - (b) if the approval states a different period—the period stated in the approval; or
  - (c) if, within the period mentioned in paragraph (a) or (b), the Coordinator-General gives the applicant for the SDA approval written notice stating a later period—the period stated in the notice.
- (3) In this section—
- applicant*, for an SDA approval, means the person in whom the benefit of the approval vests from time to time.

## **85 Carrying out particular development, use or works not an offence**

- (1) Subsection (2) applies if—
- (a) immediately before an approved development scheme applies to land, a use or works is lawfully being carried out on the land by a person; and
  - (b) after the approved development scheme applies to the land, the person continues the use or works.

- 
- (2) Sections 84A and 84B do not apply to the use or works by the person or the person's successors in title to the land.
  - (3) Subsection (4) applies if—
    - (a) immediately before an approved development scheme applies to land, there was a prior affected development for the land; and
    - (b) the owner of the land has, under the approved development scheme, made a prior affected development request to the Coordinator-General to approve the development of the land for the prior affected development; and
    - (c) the Coordinator-General has approved the prior affected development request.
  - (4) Sections 84A and 84B do not apply to the development of the land for the prior affected development by the owner or the owner's successors in title to the land.

## **56 Replacement of s 87 (Compensation)**

Section 87—

*omit, insert—*

### **87 Compensation**

An owner of an interest in land is entitled to be paid reasonable compensation by the Coordinator-General if—

- (a) immediately before an approved development scheme started applying to the land, there was a prior affected development for the land; and

[s 57]

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- (b) after the approved development scheme started applying to the land, the development of the land for the prior affected development would be an offence under section 84A or 84B; and
- (c) the application of the approved development scheme to the land reduces the value of the interest; and
- (d) the owner of the land has, under the approved development scheme, made a prior affected development request to the Coordinator-General to approve the development of the land for the prior affected development; and
- (e) the Coordinator-General has refused the prior affected development request.

**57 Amendment of s 92 (Calculating reasonable compensation involving changes)**

(1) Section 92(1)(a), ‘use’—

*omit, insert—*

development

(2) Section 92(1)(e)—

*omit, insert—*

- (e) if any SDA approval for the land is subject to conditions, the effect of the conditions on the development.

**58 Omission of pt 6, div 5 (Project boards)**

Part 6, division 5—

*omit.*

**59 Amendment of s 153AA (Application for approval of project as a private infrastructure facility and for Coordinator-General to take land)**

- (4) Section 153AA(2)(a), from ‘and any’ to ‘guidelines’—  
*omit.*
- (5) Section 153AA(2)(b), from ‘section’ to ‘negotiations’—  
*omit, insert—*  
section
- (6) Section 153AA(2)(c), after ‘land’—  
*insert—*  
(the *subject land*)
- (7) Section 153AA(2)—  
*insert—*  
(ca) include evidence that the proponent has given written notice of the application to the registered owner of the subject land; and
- (8) Section 153AA—  
*insert—*
- (3) A private infrastructure facility application is a properly made application only if the Coordinator-General is satisfied it complies with subsection (2).
- (4) Sections 153AB to 153AD apply to a private infrastructure facility application only if it is a properly made application.

**60 Amendment of s 153AB (Coordinator-General to seek submissions and undertake consultation)**

- Section 153AB(b), ‘land identified under section 153AA(2)(c)’—  
*omit, insert—*

subject land

**61 Amendment of s 153AC (Criteria for approval of project)**

- (1) Section 153AC(2)(g), ‘land identified under section 153AA(2)(c)’—

*omit, insert—*

the subject land

- (2) Section 153AC(2)(g)(i), from ‘negotiated’ to ‘guidelines,’—

*omit, insert—*

negotiated

**62 Amendment of s 153AE (Final negotiations with owner of land)**

- (1) Section 153AE(1)(a)—

*omit, insert—*

- (a) negotiate 1 final time with the registered owner of the subject land and make the registered owner a final unconditional offer to purchase the land; and

- (2) Section 153AE—

*insert—*

- (1A) The final unconditional offer under subsection (1)(a) must—

- (a) be in writing; and
- (b) offer to purchase the subject land subject only to any statutory requirements that apply to the purchase of the land; and
- (c) state the amount the proponent is offering to pay for the subject land; and



- 
- (d) if the land required for the project is an easement—include the terms of the easement; and
  - (e) include an offer to pay any reasonable costs incurred by the registered owner in seeking a land valuation or legal advice in respect of the offer; and
  - (f) state the period (the *offer period*) for which the offer has effect.
- (1B) The offer period must be for at least 10 business days after the day the final unconditional offer is given to the registered owner.
- (3) Section 153AE(1A), (1B) and (2)—  
*renumber* as section 153AE(2), (3) and (4).

**63 Amendment of s 157A (What is an *enforceable condition*)**

- (1) Section 157A(1)(a), ‘35(4)(b) or (d)’—  
*omit, insert—*  
34D(3)(b) or (d), 34L(3)(b) or (d)
- (2) Section 157A(1)(d), ‘or 84’—  
*omit.*
- (3) Section 157A(1)—  
*insert—*
- (f) a condition of an SDA approval;
  - (g) a requirement stated in an approved development scheme for carrying out SDA self-assessable development.

[s 64]

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**64 Amendment of s 157P (Executive officer must ensure corporation does not commit particular offences)**

(1) Section 157P(1), (2) and (3), ‘84’—

*omit, insert—*

84A, 84B, 84C

(2) Section 157P(1), Editor’s note—

*omit.*

**65 Replacement of s 161 (Power as to roads)**

Section 161—

*omit, insert—*

**160A Powers for watercourse crossings**

- (1) The Coordinator-General, or a person authorised in writing by the Coordinator-General, may—
  - (a) survey and resurvey a watercourse crossing; and
  - (b) construct, augment, improve, maintain, operate and replace a watercourse crossing; and
  - (c) enter and occupy the relevant land for the purpose of carrying out an activity mentioned in paragraph (a) or (b).
- (2) The Coordinator-General may also name and number a watercourse crossing.
- (3) The Coordinator-General may authorise a person to carry out an activity or exercise a power under subsection (1) even if the activity or exercise benefits a person other than the State or a local body.

- (3A) An authorisation under subsection (1) may be subject to conditions imposed by the Coordinator-General.
- (3B) Despite subsection (1)(c), the relevant land may be entered and occupied only if—
- (a) the owner or occupier of the relevant land has been given written notice of the proposed entry and occupation, including the day the proposed entry and occupation will commence (the *proposed entry day*); and
  - (b) the entry and occupation of the relevant land does not commence until the proposed entry day or a later day agreed with the owner or occupier of the land.
- (3C) The proposed entry day stated in a notice given under subsection (3B)(a) must be a day that is at least 7 days after the day the notice is given.
- (4) If the Coordinator-General gives a copy of the prescribed details for an authorisation under subsection (1)(b) or (c) to the registrar of titles, the registrar of titles must note the prescribed details against the relevant land in the appropriate register.
- (5) In this section—
- prescribed details*, for an authorisation under subsection (1)(b) or (c) means the following—
- (a) the name and other identifying details of the watercourse crossing;
  - (b) the name of the person to whom the authorisation is given;
  - (c) the term of the authorisation.

[s 65]

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*relevant land* means the land adjoining the watercourse crossing.

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

*watercourse* means land that is the property of the State under the *Land Act 1994*, section 9 or 13A(1) or (2).

*watercourse crossing*—

- (a) means transport infrastructure that is, or is proposed to be, situated over, under, on or in a watercourse; but
- (b) does not include river crossings under the *City of Brisbane Act 2010*, section 77.

## **160B Compensation for exercise of power under s 160A**

- (1) This section applies if the Coordinator-General, or a person authorised by the Coordinator-General, enters and occupies land under section 160A(1)(c).
- (2) The owner or occupier of the land may give the Coordinator-General a written notice that claims compensation for damage caused by the entry or occupation of the land, or the carrying out of an activity on the land.
- (3) A claim under subsection (2) must be made—
  - (a) within 1 year after the occupation or activity has ended; or
  - (b) by the later time allowed by the Coordinator-General.
- (4) The amount of compensation, if any, payable under the claim is—

- (a) the amount agreed between the Coordinator-General and the person that gave the notice under subsection (2); or
  - (b) if the Coordinator-General and the person can not agree, the amount decided by the Land Court.
- (5) However, the amount of compensation must not be more than the compensation that would have been awarded if the land had been acquired under the *Acquisition of Land Act 1967*.

### **161 Power as to roads**

- (1) This section applies if a rearrangement of roads is required to be made for the undertaking of works by the Coordinator-General or for the implementation of an approved development scheme.
- (2) The Coordinator-General may, by gazette notice, do 1 or more of the following—
  - (a) permanently or temporarily close all or part of an existing road;
  - (b) open and construct new roads;
  - (c) increase the width of a road;
  - (d) divert a road.
- (3) The Coordinator-General may also—
  - (a) make surveys for new roads; and
  - (b) raise or lower the soil of a road.
- (4) Before the closure of all or part of a road takes effect, the Coordinator-General must publish, in a newspaper circulating in the relevant local government area, a notice about the closure.

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- (5) Failure to comply with subsection (4) does not invalidate the closure.
- (6) The Coordinator-General may do everything necessary to stop traffic using a road or part of a road closed under subsection (2)(a).
- (7) If all or part of a road is permanently closed, the land comprising the road or part of the road may be—
  - (a) used for the works being undertaken by the Coordinator-General or for the implementation of the approved development scheme; or
  - (b) otherwise disposed of.
- (8) To remove any doubt, it is declared that this section applies—
  - (a) whether or not a road is a State-controlled road under the *Transport Infrastructure Act 1994*; and
  - (b) whether or not the *Land Act 1994* applies to a road.

### **161A Vesting land comprised in permanently closed road or unallocated State land**

- (1) Without limiting section 163, the Coordinator-General may, by gazette notice, declare that unallocated State land in a State development area is vested in the Coordinator-General, in fee simple.
- (2) Subsections (3) and (4) apply if the Coordinator-General, by gazette notice, permanently closes all or part of a road under section 161(2)(a).

- 
- (3) If the gazette notice states that the land comprised in the road or part vests in the Coordinator-General in fee simple, the land so vests.
  - (4) If the gazette notice states that the land comprised in the road or part vests in the State, the land becomes unallocated State land.
  - (5) Subsections (6) to (9) apply if land vests in the Coordinator-General under subsection (1) or (3).
  - (6) The vesting of the land takes effect—
    - (a) on the day the gazette notice is published; or
    - (b) if the gazette notice states a later day—on the later day.
  - (7) The chief executive of the department in which the *Land Act 1994* is administered must, under that Act, register the vesting if the Coordinator-General lodges in the land registry under that Act—
    - (a) a request under that Act to register the vesting; and
    - (b) if that chief executive so requires—a plan of subdivision under that Act for the land the subject of the vesting; and
    - (c) a copy of the gazette notice.
  - (8) On the registration of the request to vest, the Governor in Council may issue to the Coordinator-General a deed of grant under the *Land Act 1994* for the land the subject of the vesting.
  - (9) Despite the *Land Act 1994* and the *Land Title Act 1994*, no fee is payable by the Coordinator-General in relation to the registration of the vesting or to give effect to it.

### **161B Giving information about roads to relevant local government**

- (1) This section applies if, under section 161, the Coordinator-General performs a function or exercises a power relating to a road or former road.
- (2) The Coordinator-General must give the relevant local government the information the Coordinator-General has to allow the local government to comply with its obligation for its map and register of roads under—
  - (a) if the local government is the Brisbane City Council—the *City of Brisbane Act 2010*, section 81; or
  - (b) for another local government—the *Local Government Act 2009*, section 74.

## **66 Insertion of new pt 9, div 7**

Part 9—

*insert—*

<b>Division 7</b>	<b>Transitional provisions for State Development, Infrastructure and Planning (Red Tape Reduction) and Other Legislation Amendment Act 2014</b>
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### **196 Definitions for div 7**

In this division—

*amending Act* means the *State Development, Infrastructure and Planning (Red Tape*



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*Reduction) and Other Legislation Amendment Act 2014.*

**commencement** means the commencement of this section.

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

### **197 Particular existing coordinated projects**

- (1) This section applies to a coordinated project if—
  - (a) the declaration for the project was—
    - (i) made under section 26(1) before the commencement; and
    - (ii) in effect immediately before the commencement; and
  - (b) before the commencement, the proponent of the project complied with section 33(1).
- (2) Former part 4 continues to apply to the coordinated project as if the amending Act had not been enacted.
- (3) However, on and after 1 July 2015, the fees stated in the *State Development and Public Works Organisation Regulation 2010*, schedule 1B, as in force at 1 July 2015, apply to the coordinated project as if a reference in the provisions to—
  - (a) section 34D were a reference to former section 35; and
  - (b) the giving to the proponent of a notice under section 34B were a reference to when the submission period for the EIS ends under section 33(1)(d).

- (4) If a condition mentioned in former section 35(4)(b) or (d) is imposed by the Coordinator-General for the project, the condition is taken to be an enforceable condition under section 157A.

### **198 Existing approved development schemes**

- (1) This section applies to an approved development scheme in effect immediately before the commencement.
- (2) If the approved development scheme states a particular use of land or material change of use of premises can not be carried out without the approval of the Coordinator-General, the use or material change of use is taken to be—
  - (a) SDA assessable development; and
  - (b) regulated development.
- (3) Subsection (4) applies if the approved development scheme states matters or things the Coordinator-General may consider in assessing a proposed use.
- (4) The matters or things are taken to be the matters or things an SDA application for the development may be assessed against.
- (5) A reference in the approved development scheme to—
  - (a) an application to the Coordinator-General for approval to carry out a use of land, or a material change of use of premises, is a reference to an SDA application for approval to carry out a material change of use of premises; and

- 
- (b) an approval given by the Coordinator-General for a use of land, or a material change of use of premises, is a reference to an SDA approval for a material change of use of premises; and
  - (c) a request to change an approval is a reference to a change application for an SDA approval; and
  - (d) an alternative lawful use is a reference to an alternative lawful development; and
  - (e) an approved use is a reference to an approved development; and
  - (f) an authorised use is a reference to an authorised development.

### **199 Existing applications for approval for use of land in a State development area**

- (1) This section applies to an application made under former section 84AA, but not decided, before the commencement.
- (2) For deciding the application, former section 84AB continues to apply as if the amending Act had not been enacted.
- (3) If an approval is given under former section 84AB for the application, the approval is taken to be an SDA approval.

### **200 Existing approvals for use of land in a State development area**

- (1) This section applies to an approval given by the Coordinator-General under former section 84AB and in force immediately before the commencement.

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- (2) The approval is taken to be an SDA approval.
- (3) However—
  - (a) section 84H does not apply to the approval; and
  - (b) former section 84A continues to apply to the approval as if the amending Act had not been enacted.
- (4) An approval continued in force under subsection (2) is taken to have had effect on the day it had effect under the unamended Act.
- (5) In this section—

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

### **201 Existing private infrastructure facility application**

- (1) This section applies to a private infrastructure facility application made, but not decided, before the commencement.
- (2) Former part 6, division 7 continues to apply to the application as if the amending Act had not been enacted.

### **67 Amendment of sch 1B (Subject matter for guidelines)**

- (1) Schedule 1B, sections 1 to 6—

*omit.*
- (2) Schedule 1B, sections 7 and 8—

*renumber* as schedule 1B, sections 1 and 2.

## 68 Amendment of sch 2 (Dictionary)

(1) Schedule 2, definitions *amending Act*, *commencement*, *development*, *former* and *material change of use*—  
*omit.*

(2) Schedule 2—  
*insert—*

***alternative lawful development***, for land, means a lawful, as of right development the owner can carry out on the land.

***approved development***, for land, means development approved under an SDA approval for the land.

***authorised development***, for land, means development of the land authorised under—

- (a) a development approval, or an instrument taken to be a development approval, under the Sustainable Planning Act; or
- (b) a compliance permit under the Sustainable Planning Act.

***building work*** see the Sustainable Planning Act, section 10(1).

***change application***, for an SDA approval, see section 84F(1).

***decision notice***, for an SDA application, see section 84E(1)(b).

***development***—

- 1 Generally, *development* means the use of land or water within the State or over which the State claims jurisdiction and includes the construction, undertaking, carrying out, establishment, maintenance, operation, management, control and decommissioning

of any activity, use, works or private works on or in land or water.

- 2 For part 6, the term also includes the following—
- (i) carrying out building work;
  - (ii) carrying out plumbing or drainage work;
  - (iii) carrying out operational work;
  - (iv) reconfiguring a lot;
  - (v) making a material change of use of premises.

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

***IAR*** means an impact assessment report.

***material change of use***, of premises, for part 6, means—

- (a) the start of a new use of the premises; or
- (b) the re-establishment on the premises of a use that has been abandoned; or
- (c) a material increase in the intensity or scale of the use of the premises.

***notifiable approval*** see section 34G(2)(c).

***operational work*** see the Sustainable Planning Act, section 10(1).

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

***premises***, for part 6, means—

- (a) a building or other structure; or
- (b) land or water within the State or over which the State claims jurisdiction.

***prior affected development***, for land, means an alternative lawful development, an approved development or an authorised development for the land.

***prior affected development request*** see section 79A(3)(b)(v).

***reconfiguring a lot*** see the Sustainable Planning Act, section 10(1).

***regulated development*** means development identified in an approved development scheme for a State development area as SDA assessable development or SDA self-assessable development.

***revised draft EIS*** see section 34B(2)(d).

***revised draft IAR*** see section 34J(2)(c).

***road*** means—

- (a) an area of land dedicated to public use as a road; or
- (b) an area that is open to or used by the public and is developed for, or has as 1 of its main uses, the driving or riding of motor vehicles; or
- (c) a bridge, culvert, ferry, ford, tunnel or viaduct; or
- (d) a pedestrian or bicycle path; or
- (e) a part of an area, bridge, culvert, ferry, ford, tunnel, viaduct or path mentioned in any of paragraphs (a) to (d); or
- (f) a road under the *Land Act 1994*.

***SDA application*** means an application for an SDA approval.

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***SDA approval*** means a decision notice that approves, wholly or partly, development applied for in an SDA application (whether or not the approval has conditions attached to it).

***SDA assessable development*** means development that a relevant approved development scheme provides is SDA assessable development.

***SDA self-assessable development*** means development that a relevant approved development scheme provides is SDA self-assessable development.

***subject land***, for part 6, division 7, see section 153AA(2)(c).

- (3) Schedule 2, definition *coordinated project* or *project*, paragraph (a), from ‘report’ to ‘35’—

*omit, insert—*

report for an EIS or IAR for the project is publicly notified under section 34D(4) or 34L(4)

- (4) Schedule 2, definition *coordinated project* or *project*, paragraph (b)(i), ‘that report’—

*omit, insert—*

the Coordinator-General’s report for the EIS or IAR for the project

- (5) Schedule 2, definition *properly made submission*, ‘an EIS, a proposed change to a project’—

*omit, insert—*

a draft EIS, a draft IAR, a proposed change to a coordinated project

- (6) Schedule 2, definition *works*, after ‘means’—

*insert—*





*Note—*

See also section 249(2).

**71 Amendment of s 319 (Decision-making period—changed circumstances)**

Section 319(c)(i), ‘or environmental authorities’—

*omit.*

**72 Amendment of s 321 (Applicant may stop decision-making period to request chief executive’s assistance)**

(1) Section 321(1)(a)—

*omit, insert—*

(a) by written notice (the *request*) given to the chief executive, ask the chief executive to resolve conflict between 2 or more concurrence agency’s responses containing conditions the applicant is satisfied are inconsistent; and

(2) Section 321(4)—

*omit, insert—*

(4) In responding to the request, the chief executive may, after consulting the concurrence agencies, exercise all the powers of the concurrence agencies necessary to reissue 1 or more concurrence agency’s responses to address any inconsistency.

**73 Amendment of s 330 (Application of sdiv 4)**

Section 330(g)—

*omit.*

**74 Amendment of s 335 (Content of decision notice)**

Section 335(4) and (5)—

*omit.*

**75 Amendment of s 350 (Meaning of *minor change*)**

Section 350(1)(d)(v)—

*omit.*

**76 Amendment of s 420 (Ministerial directions to concurrence agencies)**

(1) Section 420(2) and (3)—

*omit.*

(2) Section 420(4), ‘or (3)’—

*omit.*

**77 Insertion of new ch 9, pt 7A**

Chapter 9—

*insert—*

**Part 7A Party houses**

**Division 1 Preliminary**

**755A Definitions for pt 7A**

In this part—

*party house* means premises containing a dwelling that is used to provide accommodation or facilities for guests if—

- (a) the premises, or any part of the premises, is regularly used by guests for parties, including, for example, bucks nights, hens

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nights, raves, wedding receptions or similar parties; and

- (b) the accommodation or facilities are provided for a period of less than 10 days; and
- (c) the accommodation or facilities are provided for a fee; and
- (d) the premises is not occupied by the owner of the premises during the period mentioned in paragraph (b).

***residential dwelling*** means premises used for a self-contained residence that is—

- (a) a dual occupancy; or
- (b) a dwelling house; or
- (c) a dwelling unit; or
- (d) a multiple dwelling.

***residential dwelling development*** means a material change of use for a residential dwelling.

## **Division 2            Regulating party houses in                                  local planning instruments**

### **755B Planning scheme or temporary local                                  planning instrument may regulate material                                  change of use for party house**

- (1) A planning scheme or temporary local planning instrument may—
  - (a) state that a material change of use for a party house is assessable development in all or part of the planning scheme area; and

- (b) include a code for assessing development applications for a material change of use for a party house.
- (2) This section applies despite sections 53, 88(1)(a) and 105(d).

**755C Planning scheme or temporary local planning instrument may identify party house restriction area**

- (1) A local government may, in a planning scheme or temporary local planning instrument, identify all or part of the planning scheme area as a party house restriction area.
- (2) This section applies despite sections 53, 88(1)(a) and 105(d).

**755D Effect of identification of party house restriction area**

- (1) This section applies if a planning scheme or temporary local planning instrument identifies an area as a party house restriction area under section 755C.
- (2) A development permit or compliance permit for a residential dwelling development in the area does not authorise, and has never authorised, a material change of use for a party house to take place as part of the residential dwelling development.
- (3) The use of a residential dwelling in the area as a party house is not, and has never been, a natural and ordinary consequence of a residential dwelling development.

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- (4) Subsection (5) applies if, at any time, whether before or after the commencement of this section, a planning scheme or temporary local planning instrument provides or provided that a residential dwelling development is self-assessable development or exempt development.
- (5) The planning scheme or temporary local planning instrument does not authorise, and has never authorised, a material change of use for a party house to be carried out as part of the residential dwelling development.

**78 Omission of ch 9, pt 7B (Advisory panels for iconic places)**

Chapter 9, part 7B—

*omit.*

**79 Amendment of s 763 (Regulation-making power)**

Section 763(2)—

*insert—*

- (d) prescribe requirements to allow—
  - (i) processes under the Act to be accredited under the Commonwealth Environment Act; or
  - (ii) the making of a bilateral agreement under that Act to which the State is proposed as a party; or
  - (iii) the State to meet its obligations under a bilateral agreement under that Act to which the State is a party.

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**80 Amendment of s 893 (Definitions for pt 6)**

Section 893—

*insert—*

- (2) Despite subsection (1), it is declared that—
  - (a) a reference in this part to a master planned area is, and always has been, a reference to an area identified under former section 132 as a master planned area; and
  - (b) a reference in this part to a structure plan for a master planned area is, and always has been, a reference to a structure plan for a declared master planned area.
- (3) It is also declared that a reference in sections 899(1), 913(2), 916, 917(3), 926(1)(b) and 937 to a master planned area is, and always has been, a reference to a declared master planned area.

**81 Amendment of s 899 (Changes to restrictions on, and notification requirements for, particular development applications in master planned areas)**

Section 899—

*insert—*

- (4) Despite subsection (3)(b) and section 295(1), it is declared that the notification stage does not apply, and has never applied, to a development application mentioned in subsection (1) if—
  - (a) before the commencement of this subsection, the development application had not been decided; and
  - (b) the development for which the application is or was made is substantially consistent with—

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- (i) the structure plan area code identified or included in the structure plan for the area; and
- (ii) any master plan area code included in a master plan that applies to land or part of the land in the area.

## 82 Insertion of new ch 10, pt 12

Chapter 10—

*insert—*

### **Part 12 Savings and transitional provisions for State Development, Infrastructure and Planning (Red Tape Reduction) and Other Legislation Amendment Act 2014**

#### **Division 1 Preliminary**

##### **991 Definitions for pt 12**

In this part—

*amending Act* means the *State Development, Infrastructure and Planning (Red Tape Reduction) and Other Legislation Amendment Act 2014*.

*commencement* means the day this part commences.

*former*, in relation to a provision, means the provision as in force immediately before the repeal or amendment of the provision under the amending Act.



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## **Division 2            Provisions for advisory panels for iconic places**

### **992 Definitions for div 2**

In this division—

*advisory panel* means an advisory panel established under former chapter 9, part 7B.

*chairperson*, of an advisory panel, means the person who, under former chapter 9, part 7B, was the chairperson of the panel immediately before the commencement.

### **993 Dissolution of advisory panels**

- (1) On the commencement—
  - (a) each advisory panel is dissolved; and
  - (b) the members of each panel go out of office.
- (2) No compensation is payable to a member because of subsection (1).

### **994 Advisory panel's report**

- (1) This section applies despite section 993 and the repeal of former chapter 9, part 7B.
- (2) The chairperson of each advisory panel must, as soon as practicable after the commencement, give the Minister a written report about the performance of the panel's function during—
  - (a) if a report has been given to the Minister for the 2013–14 financial year—the part of the financial year in which the panel was dissolved; or

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- (b) otherwise—the 2013–14 financial year and the part of the financial year in which the panel was dissolved.
- (3) In this section—  
*2013–2014 financial year* means the financial year ending 30 June 2014.

### **83 Amendment of sch 3 (Dictionary)**

- (1) Schedule 3, definitions *advisory panel*, *chairperson*, *commencement*, *former*, *iconic place*, *iconic values*, *impact report*, *local government*, *panel report*, *proposed TLPI*, *protected planning provision*, *scheme guideline*, *scheme proposal* and *TLPI guideline*—

*omit.*

- (2) Schedule 3—

*insert—*

*party house* see section 755A.

*residential dwelling*, for chapter 9, part 7A, see section 755A.

*residential dwelling development*, for chapter 9, part 7A, see section 755A.

## **Part 5**

## **Amendment of Gasfields Commission Act 2013**

### **84 Act amended**

This part amends the *Gasfields Commission Act 2013*.

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**85 Amendment of s 44 (Protection from liability)**

(1) Section 44(1), from ‘, the general manager’ to ‘commission’—

*omit, insert—*

and the general manager

(2) Section 44(2), ‘, general manager or staff’—

*omit, insert—*

or general manager

## **Chapter 3 Amendment of Environmental Protection Act 1994**

**86 Act amended**

This chapter amends the *Environmental Protection Act 1994*.

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

Section 115(1)(b) and (c)—

*omit, insert—*

(b) the material change of use of premises—

(i) is for a prescribed ERA; and

(ii) is assessable development under the Planning Act, section 232(1)(c).

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

Section 166(2)(a) and (b), after ‘administering authority’—

*insert—*

or the planning chief executive

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

Section 169(2) and (3), after ‘administering authority’—

*insert—*

or the planning chief executive

**90 Omission of ss 196 and 214**

Sections 196 and 214—

*omit.*

**91 Amendment of s 216 (Application of div 2)**

Section 216(a), ‘212, 213 or 214’—

*omit, insert—*

212 or 213

**92 Amendment of s 221 (Steps for amendment)**

(1) Section 221(3)—

*omit.*

(2) Section 221(4), definition *relevant period*, paragraph (b)—

*omit.*

**93 Amendment of sch 2 (Original decisions)**

Schedule 2, part 2, entry for section 214(2)—

*omit.*

**94 Amendment of sch 4 (Dictionary)**

Schedule 4—

*insert—*

*planning chief executive* means the chief executive of the department in which the Planning Act is administered.

## **Chapter 4 Repeal of Wild Rivers Act 2005 and amendments for the repeal**

### **Part 1 Repeal of Wild Rivers Act 2005**

**95 Repeal**

The Wild Rivers Act 2005, No. 42 is repealed.



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*renumber* as section 143(1)(a) and (b).

**101 Amendment of s 146 (Applicant responds to any information request)**

Section 146(2), ‘142(2) or’—

*omit.*

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

Section 173(4), ‘, 172 and 174’—

*omit, insert—*

and 172

**103 Insertion of new ch 13, pt 21**

Chapter 13—

*insert—*

**Part 21**

**Saving and transitional provisions for State Development, Infrastructure and Planning (Red Tape Reduction) and Other Legislation Amendment Act 2014**

**715A Definition for pt 21**

In this part—

*repealed Wild Rivers Act 2005* means the *Wild Rivers Act 2005* as in force immediately before its repeal.

### **715B Wild river references in existing environmental authorities**

- (1) This section applies if an environmental authority (an *existing environmental authority*) given before the commencement refers to any of the following terms (a *former term*) under the repealed *Wild Rivers Act 2005*—
  - (a) a nominated waterway;
  - (b) a wild river area;
  - (c) a wild river declaration;
  - (d) a wild river high preservation area;
  - (e) a wild river preservation area;
  - (f) a wild river floodplain management area;
  - (g) a wild river special floodplain management area;
  - (h) a wild river subartesian management area;
  - (i) the wild rivers code.
- (2) For the existing environmental authority, the former term continues to have the meaning given under the repealed *Wild Rivers Act 2005* as if—
  - (a) that Act had not been repealed; and
  - (b) the following documents in force under the repealed *Wild Rivers Act 2005* were still in force—
    - (i) the wild river declaration for the land to which the environmental authority relates;
    - (ii) the wild rivers code.
- (3) Subsection (2) applies despite the *Regional Planning Interests Act 2014*, section 107A.



- (4) Despite chapter 5, part 6, the administering authority may amend the existing environmental authority to replace a condition that relates to a former term if the new condition imposes requirements that are equivalent to the replaced condition.
- (5) As soon as practicable after amending an existing environmental authority under subsection (4), the administering authority must give written notice of the amendment to the environmental authority holder.
- (6) This section expires 1 year after the commencement.

#### **715C Wild river references in existing eligibility criteria and standard conditions**

- (1) This section applies if any of the following in force immediately before the commencement refer to a former term mentioned in section 715B(1)—
  - (a) eligibility criteria for an environmentally relevant activity (the *existing eligibility criteria*);
  - (b) standard conditions for an environmental authority or environmentally relevant activity (the *existing standard conditions*).
- (2) For the existing eligibility criteria or existing standard conditions, the former term continues to have the meaning given under the repealed *Wild Rivers Act 2005* as if—
  - (a) that Act had not been repealed; and
  - (b) the following documents in force under the repealed *Wild Rivers Act 2005* were still in force—

- (i) a wild river declaration;
  - (ii) the wild rivers code.
- (3) Subsection (2) applies despite the *Regional Planning Interests Act 2014*, section 107A.
- (4) Section 317 does not apply to an amendment to the existing eligibility criteria to replace a criterion that relates to a former term mentioned in section 715B(1) if the new criterion imposes requirements that are equivalent to the replaced criterion.
- (5) Section 318C does not apply to an amendment to the existing standard conditions to replace a condition that relates to a former term mentioned in section 715B(1) if the new condition imposes requirements that are equivalent to the replaced condition.
- (6) This section expires 1 year after the commencement.

#### **715D Applications for environmental authorities and amendment applications for particular resource activities**

- (1) This section applies to an application for an environmental authority and an amendment application for an environmental authority (each an *existing application*) if the existing application—
  - (a) was made, but not decided, before the commencement; and
  - (b) relates to a resource activity that is, or is proposed to be, carried out on land that—
    - (i) is in a strategic environmental area under the *Regional Planning Interests Act 2014*; and

- 
- (ii) was in a wild river area under the repealed *Wild Rivers Act 2005* immediately before the repeal of that Act.
- (2) For assessing and deciding the existing application, the standard criteria is taken to include any relevant former wild river declaration as if the repealed *Wild Rivers Act 2005* and the former wild river declaration were still in force.
- (3) In this section—  
*former wild river declaration* means a wild river declaration in force under the repealed *Wild Rivers Act 2005* immediately before its repeal.

### **716 Transitional regulation-making power**

- (1) A regulation (a *transitional regulation*) may make provision of a savings or transitional nature to allow or facilitate the change from the operation of the repealed Wild Rivers Act 2005 to the operation of *Regional Planning Interests Act 2014* for the purposes of this Act.
- (2) A transitional regulation may have retrospective operation to a day not earlier than the day this section commences.
- (3) A transitional regulation must declare it is a transitional regulation.
- (4) This section and any transitional regulation expire 1 year after the commencement.

### **104 Amendment of sch 4 (Dictionary)**

- (1) Schedule 4, definitions *nominated waterway*, *specified works*, *wild river area*, *wild river declaration*, *wild river high preservation area*, *wild river preservation area*, and *wild river special floodplain management area*—

*omit.*

- (2) Schedule 4—

*insert—*

***designated precinct***, in a strategic environmental area, see the *Regional Planning Interests Regulation 2014*, schedule 2, section 16(3).

***strategic environmental area*** means a strategic environmental area under the *Regional Planning Interests Act 2014*.

- (3) Schedule 4, definition *small scale mining activity*, paragraph (a)(ii)—

*omit, insert—*

- (ii) is not, or will not be, carried out in a designated precinct in a strategic environmental area; and

- (4) Schedule 4, definition *small scale mining activity*, paragraph (b)(i)—

*omit, insert—*

- (i) is not, or will not be, carried out in a designated precinct in a strategic environmental area; and

- (5) Schedule 4, definition *standard criteria*, paragraph (c)—

*omit.*

## **Division 2**

## **Amendment of Fisheries Act 1994**

### **105 Act amended**

This division amends the *Fisheries Act 1994*.

---

**106 Amendment of s 55 (Consideration of application for issue of authority)**

Section 55(2)—

*omit, insert—*

- (2) In considering the application, the chief executive must comply with any relevant regulation or management plan.

**107 Omission of ss 76DA–76DC**

Sections 76DA to 76DC—

*omit.*

**108 Amendment of s 90 (Non-indigenous fisheries resources not to be possessed, released etc.)**

Section 90(1)(d)—

*omit.*

**109 Insertion of new pt 12, div 9**

Part 12—

*insert—*

**Division 9**

**Transitional provision for  
State Development,  
Infrastructure and  
Planning (Red Tape  
Reduction) and Other  
Legislation Amendment  
Act 2014**

**261 Existing development applications**

- (1) This section applies to a development application mentioned in previous section 76DA, 76DB or

76DC made, but not decided, before the commencement of the amending Act, section 107.

(2) Previous sections 76DA, 76DB and 76DC continue to apply to the development application as if the amending Act, section 107, had not commenced.

(3) In this section—

*amending Act* means the *State Development, Infrastructure and Planning (Red Tape Reduction) and Other Legislation Amendment Act 2014*.

*previous*, for a provision of this Act, means the provision as in force immediately before the repeal of the provision under the amending Act.

## 110 Amendment of schedule (Dictionary)

Schedule, definitions *specified works*, *wild river area*, *wild river high preservation area* and *wild river preservation area*—  
*omit*.

## Division 3 Amendment of Mineral Resources Act 1989

### 111 Act amended

This division amends the *Mineral Resources Act 1989*.

### 112 Amendment of s 25 (Conditions of prospecting permit)

(1) Section 25(1A)—

*omit*.

(2) Section 25(5), '(1A)'—

*omit, insert—*

(2)

**113 Amendment of s 81 (Conditions of mining claim)**

Section 81(1A)—

*omit.*

**114 Amendment of s 141 (Conditions of exploration permit)**

(1) Section 141(1A)—

*omit.*

(2) Section 141(6), ‘, (1A)’—

*omit.*

**115 Amendment of s 194 (Conditions of mineral development licence)**

(1) Section 194(3)—

*omit.*

(2) Section 194(6), ‘(3) and (5)’—

*omit, insert—*

and (4)

(3) Section 194(4) to (7)—

*renumber* as section 194(3) to (6).

**116 Amendment of s 276 (General conditions of mining lease)**

Section 276(2A)—

*omit.*

**117 Omission of ch 12, pt 3 (Wild river areas)**

Chapter 12, part 3—

*omit.*

**118 Insertion of new ch 15, pt 8**

Chapter 15—

*insert—*

**Part 8**                      **Transitional provisions  
for State Development,  
Infrastructure and  
Planning (Red Tape  
Reduction) and Other  
Legislation  
Amendment Act 2014**

**818 Application of repealed ss 334Z and 334ZA**

- (1) This section applies to—
  - (a) a person who, immediately before the commencement, may have made an application under previous section 334Z or 334ZA to include land in a mining tenement; or
  - (b) an application made, but not decided, before the commencement, under previous section 334Z or 334ZA to include land in a mining tenement.
- (2) Despite the repeal of previous sections 334Z and 334ZA, each previous section continues to apply—
  - (a) to a person mentioned in subsection (1)(a); and



(b) for deciding an application under the previous section to include land in a mining tenement.

(3) In this section—

***amending Act*** means *the State Development, Infrastructure and Planning (Red Tape Reduction) and Other Legislation Amendment Act 2014*.

***commencement*** means the commencement of this section.

***previous***, for a provision of this Act, means the provision as in force immediately before the repeal of the provision under the amending Act.

### **819 Transitional regulation-making power**

- (1) A regulation (a ***transitional regulation***) may make provision of a savings or transitional nature to allow or facilitate the change from the operation of the repealed Wild Rivers Act 2005 to the operation of *Regional Planning Interests Act 2014* for the purposes of this Act.
- (2) A transitional regulation may have retrospective operation to a day not earlier than the day this section commences.
- (3) A transitional regulation must declare it is a transitional regulation.
- (4) This section and any transitional regulation expire 1 year after the commencement.

### **119 Amendment of sch 2 (Dictionary)**

- (1) Schedule 2, definitions *lake*, *limited hand sampling techniques*, *low impact activity*, *nominated waterway*, *person*, *proposed wild river area*, *watercourse*, *wild river area*, *wild*

*river declaration, wild river high preservation area, wild river preservation area, and wild river special floodplain management area—*

*omit.*

(2) Schedule 2—

*insert—*

***low impact activity—***

- (a) for schedule 1A, part 4—see schedule 1A, section 482; or
- (b) for schedule 1A, part 5—see schedule 1A, section 538.

## **Division 4                      Amendment of Regional Planning Interests Act 2014**

### **120      Act amended**

This division amends the *Regional Planning Interests Act 2014*.

### **120A    Insertion of new s 24A**

After section 24—

*insert—*

#### **24A Exemption—wild river area under the repealed Wild Rivers Act 2005**

- (1) This section applies to a resource activity if the activity—
  - (a) is carried out on land that—
    - (i) is in a strategic environmental area; and
    - (ii) was in a wild river area under the repealed *Wild Rivers Act 2005* (a

- 
- former wild river area*) immediately before the repeal of that Act; and
- (b) is carried out under an environmental authority given, or applied for, before the repeal of the *Wild Rivers Act 2005*.
- (2) To the extent the resource activity is carried out in the former wild river area, it is an *exempt resource activity* for the strategic environmental area.
- (3) However, subsection (2) ceases to apply to the resource activity if—
- (a) after the repeal of the *Wild Rivers Act 2005*, the authority holder makes an amendment application under the Environmental Protection Act, section 224 to amend the environmental authority; and
- (b) the amendment application is approved; and
- (c) the amendment involves either of the following—
- (i) an increase in the area of land subject to expected surface impacts from the activity;
- (ii) a change to the location of the land subject to expected surface impacts from the activity.

## 121 Insertion of new pt 8A

After section 107—

*insert—*

## Part 8A

# Transitional provision for State Development, Infrastructure and Planning (Red Tape Reduction) and Other Legislation Amendment Act 2014

### 107A References to former terms

A reference in an Act or a document to a term of the repealed Wild Rivers Act 2005 (the *former term*) stated in column 1 of the following table may, if the context permits, be taken to be a reference to the term stated opposite the former term in column 2 of the table—

**Table**

	<b>Column 1</b>	<b>Column 2</b>
1	wild river area	strategic environmental area
2	wild river preservation area	strategic environmental area
3	wild river high preservation area	designated precinct in a strategic environmental area as defined in the <i>Regional Planning Interests Regulation 2014</i>
4	wild river special floodplain management area	designated precinct in a strategic environmental area as defined in the <i>Regional Planning Interests Regulation 2014</i>

---

**122 Amendment of pt 9 hdg (Transitional regulation-making power)**

Part 9, heading, ‘power’—

*omit, insert—*

**powers**

**123 Amendment of s 108 (Transitional regulation-making power)**

(1) Section 108, heading, after ‘power’—

*insert—*

**for commencement of Act and repeal of Strategic  
Cropping Land Act 2011**

(2) Section 108(4), ‘part’—

*omit, insert—*

**section**

**124 Insertion of new s 108A**

Part 9—

*insert—*

**108A Transitional regulation-making power for  
repeal of Wild Rivers Act 2005**

- (1) A regulation (a *transitional regulation*) may make provision of a savings or transitional nature to allow or facilitate the change from the operation of the repealed Wild Rivers Act 2005 to the operation of this Act.
- (2) A transitional regulation may have retrospective operation to a day not earlier than the day this section commences.
- (3) A transitional regulation must declare it is a transitional regulation.

- (4) This section and any transitional regulation expire 1 year after the commencement.

#### **124A Amendment of sch 1 (Dictionary)**

Schedule 1, definition *exempt resource activity*, after ‘24(2)’—  
*insert—*

, 24A(2)

### **Division 5 Amendment of Sustainable Planning Act 2009**

#### **125 Act amended**

This division amends the *Sustainable Planning Act 2009*.

#### **126 Amendment of s 330 (Application of sdiv 4)**

Section 330(c)(ii), ‘wild river area’—

*omit, insert—*

strategic environmental area under the *Regional  
Planning Interests Act 2014*

#### **127 Insertion of new ch 10, pt 12, div 3**

Chapter 10, part 12 as inserted—

*insert—*

### **Division 3 Provisions for repeal of Wild Rivers Act 2005**

#### **994A Definition for div 3**

In this division—

*repealed Wild Rivers Act 2005* means the *Wild Rivers Act 2005* as in force immediately before its repeal.

### **994B Wild river references in existing development approvals**

- (1) This section applies if a development approval (an *existing development approval*) given before the commencement refers to any of the following terms (a *former term*) under the repealed *Wild Rivers Act 2005*—
  - (a) a nominated waterway;
  - (b) a wild river area;
  - (c) a wild river declaration;
  - (d) a wild river high preservation area;
  - (e) a wild river preservation area;
  - (f) a wild river floodplain management area;
  - (g) a wild river special floodplain management area;
  - (h) a wild river subartesian management area;
  - (i) the wild rivers code.
- (2) For the existing development approval, the former term continues to have the meaning given under the repealed *Wild Rivers Act 2005* as if—
  - (a) that Act had not been repealed; and
  - (b) the following documents in force under the repealed *Wild Rivers Act 2005* were still in force—
    - (i) the wild river declaration for the land the subject of the development approval;

- (ii) the wild river code.
- (3) Subsection (2) applies despite the *Regional Planning Interests Act 2014*, section 107A.
- (4) Despite chapter 6, part 8, the assessment manager for the development application to which the existing development approval relates may amend the approval to replace a condition that relates to a former term if the new condition imposes requirements that are equivalent to the replaced condition.
- (5) As soon as practicable after amending an existing development approval under subsection (4), the assessment manager must give written notice of the amendment to the holder of the approval.

*Note—*

See section 995A for expiry of this section.

### **995 Transitional regulation-making power**

- (1) A regulation (a *transitional regulation*) may make provision of a savings or transitional nature to allow or facilitate the change from the operation of the repealed Wild Rivers Act 2005 to the operation of *Regional Planning Interests Act 2014* for the purposes of this Act.
- (2) A transitional regulation may have retrospective operation to a day not earlier than the day this section commences.
- (3) A transitional regulation must declare it is a transitional regulation.

### **995A Expiry of div 3**

This division and any transitional regulation made under section 995 expire 1 year after the commencement.



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**128 Amendment of sch 1 (Prohibited development)**

Schedule 1, table, items 1, 2, 4 and 6 to 12 and headings—  
*omit.*

**129 Amendment of sch 3 (Dictionary)**

Schedule 3, definitions *agricultural activities, animal husbandry activities, authorised wild river operational work, designated urban area, high risk species, Lake Eyre Basin, residential complex, specified works, wild river area, wild river declaration, wild river floodplain management area, wild river high preservation area, wild river preservation area* and *wild river special floodplain management area*—  
*omit.*

**Division 6 Amendment of Water Act 2000**

**130 Act amended**

This division amends the *Water Act 2000*.

**131 Amendment of s 20 (General authorisations)**

(1) Section 20(2), ‘, water resource plan or wild river declaration’—

*omit, insert*—

or water resource plan

(2) Section 20(3)(b), ‘or wild river declaration’—

*omit.*

**132 Amendment of ss 25C and 25F**

Sections 25C(4) and 25F(6), ‘a wild river declaration or’—

[s 133]

---

*omit.*

**133 Amendment of s 25ZA (Application for approval to restrict use of subartesian water)**

(1) Section 25ZA(1)(b)(ii)—

*omit.*

(2) Section 25ZA(1)(b)(iii)—

*renumber* as section 25ZA(1)(b)(ii).

(3) Section 25ZA(2)(b)(ii) —

*omit.*

(4) Section 25ZA(2)(b)(iii)—

*renumber* as section 25ZA(2)(b)(ii).

**134 Amendment of ss 46, 55, 57, 98, 99, 266, 268, and 280**

Sections 46(5), 55(2A), 57(c), 98(6), 99(ca), 266(4), 268(h), and 280(3)—

*omit.*

**135 Amendment of s 47 (Matters the Minister must consider when preparing draft water resource plan)**

Section 47(ba)—

*omit, insert—*

(ba) to the extent the draft plan applies to an area to which a regional plan applies—the regional plan for the area;

**136 Amendment of s 105 (General provision for amending resource operations plan)**

Section 105(6), '(ba), (ca)'—

---

*omit, insert—*

(ba)

**137 Amendment of s 106 (Minor or stated amendments of resource operations plan)**

(1) Section 106(c)—

*omit.*

(2) Section 106(d)—

*renumber* as section 106(c).

**138 Amendment of s 205 (Decisions to be in accordance with plans and declaration)**

(1) Section 205, heading, ‘and declaration’—

*omit.*

(2) Section 205(1)—

*omit, insert—*

(1) If a water resource plan or a resource operations plan has been approved for an area, the chief executive must make decisions under this part in accordance with the plan.

(3) Section 205(2), ‘, a resource operations plan or a wild river declaration’—

*omit, insert—*

or a resource operations plan

**139 Amendment of s 209 (Applications that may be decided without public notice)**

Section 209(1), ‘, a resource operations plan or a wild river declaration’—

[s 140]

---

*omit, insert—*

or a resource operations plan

**140 Amendment of s 210 (Criteria for deciding application for water licence)**

Section 210(1)(c), ‘, resource operations plan and wild river declaration’—

*omit, insert—*

and resource operations plan

**141 Amendment of s 212 (Granting a water licence under a plan or declaration process)**

(1) Section 212, heading, ‘or declaration’—

*omit.*

(2) Section 212(1), ‘, a resource operations plan or a wild river declaration’—

*omit, insert—*

or a resource operations plan

**142 Amendment of s 213A (Term of water licence)**

(1) Section 213A(2) and (3), ‘, a resource operations plan or a wild river declaration’—

*omit, insert—*

or a resource operations plan

(2) Section 213A(2)(c)—

*omit.*

---

**143 Amendment of s 282 (Criteria for deciding application for allocation of quarry material)**

(1) Section 282(1A)—

*omit.*

(2) Section 282(2), ‘Subsections (1) and (1A) do’—

*omit, insert—*

Subsection (1) does

(3) Section 282(3)—

*omit.*

**144 Amendment of s 851 (Who is an *interested person*)**

Section 851(2)—

*omit, insert—*

- (2) However, if the decision for which the notice was given is in relation to a water resource plan or a resource operations plan, the interested person may appeal only to the extent a different decision, consistent with the plan, could have been made.

**145 Amendment of s 968 (Chief executive as assessing authority or advice agency)**

Section 968(1)(c), from ‘or a’ to ‘special floodplain management area’—

*omit.*

**146 Omission of ch 8, pt 2, div 1, sdiv 3 (Additional provisions for wild river areas)**

Chapter 8, part 2, division 1, subdivision 3—

*omit.*

[s 147]

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**147 Amendment of s 1014 (Regulation-making power)**

Section 1014(2)(gb), ‘or a wild river area’—

*omit.*

**148 Insertion of new ch 9, pt 7**

Chapter 9—

*insert—*

**Part 7**

**Transitional provision  
for State Development,  
Infrastructure and  
Planning (Red Tape  
Reduction) and Other  
Legislation  
Amendment Act 2014**

**1249 Transitional regulation-making power**

- (1) A regulation (a *transitional regulation*) may make provision of a savings or transitional nature to allow or facilitate the change from the operation of the repealed Wild Rivers Act 2005 to the operation of *Regional Planning Interests Act 2014* for the purposes of this Act.
- (2) A transitional regulation may have retrospective operation to a day not earlier than the day this section commences.
- (3) A transitional regulation must declare it is a transitional regulation.
- (4) This part and any transitional regulation expire 1 year after the commencement.

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**149 Amendment of sch 4 (Dictionary)**

- (1) Schedule 4, definitions *nominated waterway*, *specified works*, *subartesian area*, *vegetation*, *wild river area*, *wild river declaration*, *wild river floodplain management area*, *wild river high preservation area*, *wild river preservation area*, *wild river special floodplain management area* and *wild river subartesian management area*—

*omit.*

- (2) Schedule 4—

*insert—*

***regional plan*** see the *Sustainable Planning Act 2009*, section 33.

***vegetation*** means native plants including trees, shrubs, bushes, seedlings, saplings and reshoots.

## Chapter 5 Repeal of other Acts

**150 Repeal of Clean Coal Technology Special Agreement Act 2007**

The Clean Coal Technology Special Agreement Act 2007, No. 30 is repealed.

**151 Repeal of Eagle Farm Racecourse Act 1998**

The Eagle Farm Racecourse Act 1998, No. 7 is repealed.

**152 Repeal of Gurulmundi Secure Landfill Agreement Act 1992**

The Gurulmundi Secure Landfill Agreement Act 1992, No. 4 is repealed.

**153 Repeal of Racing Venues Development Act 1982**

The Racing Venues Development Act 1982, No. 16 is repealed.

**Chapter 6            Minor, consequential and  
                                 other amendments**

**154 Legislation amended in sch 1**

Schedule 1 amends the legislation it mentions.



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## **Schedule 1      Minor, consequential and other amendments**

Section 154

### **Part 1                      Amendments for ch 2**

#### **Environmental Protection Act 1994**

**1      Section 37(1)(c)(ii), note—**

*omit, insert—*

*Note—*

See the State Development Act, part 4, division 2 and  
division 3, subdivision 1.

**2      Section 60(2), ‘for the project has’—**

*omit, insert—*

for the EIS or IAR for the project has

**3      Section 120(3)(b) and (c)—**

*omit, insert—*

- (b) the approved development scheme under the State Development Act for the State development area states that the development of the parcel of land for the prescribed ERA is SDA assessable development under that Act; and

- (c) either of the following apply—

- (i) the applicant has not applied for an SDA approval for the development under the State Development Act, section 84D;
- (ii) the SDA approval for the development under the State Development Act has lapsed under section 84H of that Act.

**4 Section 125(1)(i), ‘an approval of the Coordinator-General under section 84(4)(b) of’—**

*omit, insert—*

an SDA approval under

**5 Section 167(1), after ‘EIS’—**

*insert—*

or IAR

**6 Section 167(2)(a)—**

*omit, insert—*

- (a) the day the Coordinator-General, under the State Development Act, gives the proponent a copy of—
  - (i) if an EIS was prepared for the project—the Coordinator-General’s report for the EIS; or
  - (ii) if an IAR was prepared for the project—the Coordinator-General’s report for the IAR;

**7 Section 200(2)(c), ‘an approval of the Coordinator-General under section 84(4)(b) of’—**

*omit, insert—*

an SDA approval under

---

**8 Section 205(2), after ‘report for’—**

*insert—*

| the EIS or IAR for the project as conditions for

**9 Section 278(2)(g), from ‘an approval’ to ‘84(4)(b)’—**

*omit, insert—*

an SDA approval under the State Development Act

**10 Schedule 4, definition *application documents*, paragraph (c), after ‘EIS’—**

*insert—*

or IAR

**11 Schedule 4, definition *Coordinator-General’s report*, ‘section 35, evaluating the EIS’—**

*omit, insert—*

| section 34D or 34L evaluating the EIS or IAR

**12 Schedule 4—**

*insert—*

***IAR*** means an IAR under the State Development Act.

## **Geothermal Energy Act 2010**

**1 Section 83, ‘coordinator-general’s’—**

*omit, insert—*

Coordinator-General’s

**2 Section 83(6)—**

*omit, insert—*

(6) In this section—

***Coordinator-General’s conditions***, for the proposed geothermal lease, means the conditions for the lease stated in the Coordinator-General’s report for the coordinated project.

***Coordinator-General’s report***, for a coordinated project, means—

(a) if an EIS was prepared for the project—the Coordinator-General’s report for the EIS prepared under the State Development Act, section 34D; or

(b) if an IAR was prepared for the project—the Coordinator-General’s report for the IAR prepared under the State Development Act, section 34L.

***EIS*** means an EIS under the State Development Act.

***IAR*** means an IAR under the State Development Act.

**3 Section 234(2), from ‘coordinator-general’ to ‘1971’—**

*omit, insert—*

Coordinator-General may, under the State Development Act

**4 Schedule 2, definitions *coordinated project* and *resumption law*, paragraph (a)(v), ‘State Development and Public Works Organisation Act 1971’—**

*omit, insert—*

State Development Act

**5 Schedule 2—**

*insert—*

*State Development Act* means the *State Development and Public Works Organisation Act 1971*.

**Greenhouse Gas Storage Act 2009**

**1 Section 121(6), definition *Coordinator-General's report*—**

*omit, insert—*

*Coordinator-General's report*, for a coordinated project, means—

- (a) if an EIS was prepared for the project—the Coordinator-General's report for the EIS prepared under the State Development Act, section 34D; or
- (b) if an IAR was prepared for the project—the Coordinator-General's report for the IAR prepared under the State Development Act, section 34L.

*EIS* means an EIS under the State Development Act.

*IAR* means an IAR under the State Development Act.

**2 Section 300(2) and schedule 2, definitions *coordinated project* and *resumption law*, paragraph (a)(v), '*State Development and Public Works Organisation Act 1971*'—**

*omit, insert—*

State Development Act

**3 Schedule 2—**

*insert—*

*State Development Act* means the *State Development and Public Works Organisation Act 1971*.

## **Land Title Act 1994**

**1 Section 50(6), definition *relevant planning body*—**

*insert—*

(aa) if the proposed lots are in a State development area and the subdivision is regulated by an approved development scheme—the Coordinator-General; or

**2 Section 54(6), definition *relevant planning body*—**

*insert—*

(aa) if the lot is in a State development area—the Coordinator-General; or

**3 Sections 65(3A) and 83(2)—**

*insert—*

(aa) if the lot is in a State development area and the reconfiguration is regulated by an approved development scheme—the Coordinator-General; or

**4 Schedule 2—**

*insert—*

*approved development scheme* see the *State Development and Public Works Organisation Act 1971*, schedule 2.

*State development area* see the *State Development and Public Works Organisation Act 1971*, schedule 2.

## **Petroleum and Gas (Production and Safety) Act 2004**

- 1 Sections 399(4), definition *acquires*, 514(2) and schedule 2, definitions *coordinated project*, *Coordinator-General* and *resumption law*, paragraph (a)(v), ‘*State Development and Public Works Organisation Act 1971*’—**

*omit, insert—*

State Development Act

- 2 Schedule 2, definition *Coordinator-General’s report*—**

*omit, insert—*

*Coordinator-General’s report*, for a coordinated project, means—

- (a) if an EIS was prepared under the State Development Act for the project—the Coordinator-General’s report for the EIS prepared under the State Development Act, section 34D; or
- (b) if an IAR was prepared under the State Development Act for the project—the Coordinator-General’s report for the IAR prepared under the State Development Act, section 34L.

**3 Schedule 2—**

*insert—*

*State Development Act* means the *State Development and Public Works Organisation Act 1971*.

**State Development and Public Works Organisation  
Act 1971**

**1 Sections 27(1)(e), 27AF(1)(b), 35K(1), 47C(1), 49B(1),  
49E(1), 49G(1), 54B(1) and 54G(5)(b) and (c), ‘the EIS’—**

*omit, insert—*

the EIS or IAR

**2 Section 27AC(2), ‘and (3)’—**

*omit.*

**3 Sections 35B and 35M, ‘35(5)’—**

*omit, insert—*

34D(4) or 34L(4)

**4 Section 35G(4), ‘an EIS was’—**

*omit, insert—*

a draft EIS were

**5 Section 35I(2)(a), ‘49,’—**

*omit.*



**6 Section 35I(2)(c), '35(4)'—**

*omit, insert—*

34D(3) or 34L(3)

**7 Sections 39(1), 43(2), 45(1) and 52(1), after 'report'—**

*insert—*

for the EIS or IAR for the project

**8 Section 40, 'the report'—**

*omit, insert—*

the Coordinator-General's report for the EIS or IAR  
for the project

**9 Sections 41(1) and 42(1), 'the report,'—**

*omit, insert—*

the Coordinator-General's report for the EIS or IAR  
for the project,

**10 Section 42A(7)(a), 'the EIS for the project was'—**

*omit, insert—*

the EIS or IAR for the project were

**11 Section 42A(7)(b), 'the EIS was'—**

*omit, insert—*

the draft EIS or draft IAR were

**13 Section 53, 'report to'—**

*omit, insert—*

report for the EIS or IAR for the project to

**14 Section 54, ‘The Coordinator-General’s report’—**

*omit, insert—*

The Coordinator-General’s report for the EIS or IAR  
for the project

**15 Section 54N, note, ‘section 27A’—**

*omit, insert—*

sections 27A and 27B

**16 Sections 54Q and 54ZB, ‘an EIS’—**

*omit, insert—*

a draft EIS

**17 Section 104(1) and (6), ‘or a project board appointed  
under this Act’—**

*omit.*

**18 Section 105, from ‘and,’ to ‘the board’—**

*omit.*

**19 Section 106(1), ‘or a project board’—**

*omit.*

**21 Section 154(1), ‘or a project board’—**

*omit.*

**22 Section 154(1), ‘or project board’—**

*omit.*

---

**23 Section 173(1)(e), ‘or of a project board’—**

*omit.*

**24 Section 173(1)(f), ‘or a project board’—**

*omit.*

**25 Section 173(1)(g), after ‘division 3,’—**

*insert—*

subdivision 1

## **Sustainable Planning Act 2009**

**1 Section 204(2)—**

*omit, insert—*

- (2) Despite part 6, division 1 of that Act, development of the land in accordance with the designation—
  - (a) is taken to be development of the land in accordance with the approved development scheme for the land under that Act; and
  - (b) does not contravene section 84A or 84B of that Act.

**2 Section 207(3)(e)—**

*omit, insert—*

- (e) the Coordinator-General has, under the *State Development and Public Works Organisation Act 1971*—
  - (i) prepared a report under section 34D of that Act evaluating an EIS for, or

including, development for the  
community infrastructure; or

- (ii) prepared a report under section 34L of  
that Act evaluating an IAR for, or  
including, development for the  
community infrastructure and a draft of  
the IAR was publicly notified under  
section 34H or 34K(3) of that Act; or

## **Part 2                      Amendments to Acts for ch 4, pt 1**

### **Cape York Peninsula Heritage Act 2007**

**1            Section 19(1)(b)(ix) and (e) and (2)—**

*omit.*

**2            Section 27(1), ‘a wild river declaration or’—**

*omit.*

**3            Section 27(2), ‘wild river declaration or water resource  
plan must provide for a reserve of water in the area to  
which the declaration or’—**

*omit, insert—*

water resource plan must provide for a reserve of  
water in the area to which the

**4            Section 27(3)—**

*omit.*

**5 Sections 27(4) and (5)—**

*renumber* as sections 27(3) and (4).

**6 Schedule, definition *high risk species*—**

*omit, insert—*

*high risk species* means a declared pest plant under the *Land Protection (Pest and Stock Route Management) Act 2002* or another plant listed in the special clearing code under the *Vegetation Management Act 1999* as a high risk species for that code.

**7 Schedule, definitions *wild river area, wild river declaration* and *wild river high preservation area*—**

*omit.*

## **Coastal Protection and Management Act 1995**

**1 Section 73(3)—**

*omit.*

**2 Section 104A—**

*omit.*

**3 Schedule, definitions *specified works* and *wild river area*—**

*omit.*

## Forestry Act 1959

**1 Section 33A—**

*omit.*

**2 Sections 44A and 44B—**

*omit.*

**3 Schedule 3, definitions *wild river, wild river area and wild river declaration*—**

*omit.*

## Fossicking Act 1994

**1 Section 3, definitions *nominated waterway, protected area, wild river area, wild river high preservation area and wild river preservation area*—**

*omit.*

**2 Section 3—**

*insert—*

*protected area* means—

- (a) any of the following under the *Nature Conservation Act 1992*—
  - (i) a national park;
  - (ii) a national park (Aboriginal land);
  - (iii) a national park (Torres Strait Islander land);
  - (iv) a national park (Cape York Peninsula Aboriginal land);
  - (v) a regional park (general); or

- (b) an area of regional interest under the  
*Regional Planning Interests Act 2014*.

## **Land Protection (Pest and Stock Route Management) Act 2002**

- 1 **Section 78(7), definition *environmentally significant area*,  
paragraph (h)—**  
*omit.*
- 2 **Schedule 3, definition *wild river area*—**  
*omit.*

## **Nature Conservation Act 1992**

- 1 **Section 113(2)—**  
*omit.*
- 2 **Section 117(1A)—**  
*omit.*
- 3 **Schedule, definition *wild river declaration*—**  
*omit.*

## **State Development and Public Works Organisation Act 1971**

- 1 **Section 37A—**  
*omit.*

**2 Sections 39(3A) to (3C)—**

*omit.*

**3 Section 138(3A)—**

*omit.*

**4 Schedule 2, definitions *wild river area* and *wild river declaration*—**

*omit.*

## **Vegetation Management Act 1999**

**1 Section 22DAC(2), definition *eligible owner*, paragraph (d)—**

*omit, insert—*

- (d) was, when the application was made, eligible to participate in a process for a water entitlement; or

*Note—*

A process under the *Water Act 2000* can be a public auction, public ballot or public tender that may have eligibility requirements.

## **Part 3 Amendments to subordinate legislation for ch 4, pt 1**

### **Environmental Protection Regulation 2008**

**1 Chapter 3, part 1, division 3—**

*omit.*



**2 Section 19C—**

*insert—*

- (c) if the activity is to be carried out in a strategic environmental area—the impacts of the activity on the environmental attributes for the area under the *Regional Planning Interests Act 2014*.

**3 Section 51(1)—**

*insert—*

- (ba) if the activity is to be carried out in a strategic environmental area—consider the impacts of the activity on the environmental attributes for the area under the *Regional Planning Interests Act 2014*.

**4 Section 51(2)(b), ‘(1)(b) and (c)’—**

*omit, insert—*

- (1)(b), (ba) and (c)

**5 Schedule 2, part 4, section 16(2)(b), ‘, other than in a wild river area,’—**

*omit.*

**6 Schedule 3A, section 1(1)(d), ‘wild river area’—**

*omit, insert—*

strategic environmental area

**7 Schedule 3A, section 1(1)(d)(ii) and (iii)—**

*omit, insert—*

- (ii) the mining activity involves alluvial mining and is, or will be, carried out at

a place that is not in a designated precinct in a strategic environmental area; or

- (iii) the mining activity involves clay pit mining, dimension stone mining, hard rock mining, opal mining or shallow pit mining and is, or will be, carried out at a place that is not in a designated precinct in a strategic environmental area.

**8 Schedule 3A, section 1(2)—**

*omit.*

## **Sustainable Planning Regulation 2009**

**1 Schedule 3, part 1, table 2, item 11 and heading—**

*omit.*

**2 Schedule 3, part 1, table 4, item 2, column 3, first and second paragraphs—**

*omit, insert—*

Code assessment

**3 Schedule 3, part 1, table 4, item 3, column 2, paragraph (c)—**

*omit, insert—*

(c) taking or interfering with subartesian water—

- (i) if the operations are mentioned as assessable development in a water resource plan or prescribed as

assessable development under a  
regulation under the *Water Act 2000*; or

(ii) other than through an exempt bore; or

**4 Schedule 3, part 1, table 4, item 3, column 2, paragraph  
(e)—**

*omit.*

**5 Schedule 3, part 1, table 4, item 9 and heading—**

*omit.*

**6 Schedule 3, part 2, table 4, item 1, column 2, paragraph  
(a), 'or a wild river declaration'—**

*omit.*

**7 Schedule 3, part 2, table 4, item 1, column 2, paragraph  
(b)—**

*omit, insert—*

(b) taking or interfering with subartesian  
water—

(i) if the operations are mentioned as  
self-assessable development in a water  
resource plan; or

(ii) other than through an exempt bore; or

**8 Schedule 3, part 2, table 4, item 1, column 2, paragraph  
(d)—**

*omit.*

**9 Schedule 3, part 2, table 4, item 2, column 2, 'in a wild  
river area or'—**

*omit.*

**10 Schedule 3, part 2, table 4, item 2A—**

*omit.*

**11 Schedule 3, part 2, table 4, item 4, column 2, paragraph  
(a), ‘land, other than in a wild river area, for’—**

*omit, insert—*

land for

**12 Schedule 5, part 1, table 1, item 2, column 2, paragraphs  
(a) and (b)—**

*omit, insert—*

If the chief executive is the assessment manager or a  
referral agency—the relevant provisions of the State  
development assessment provisions

**13 Schedule 5, part 1, table 2, item 1, column 2, paragraph  
(b)—**

*omit, insert—*

(b) if an entity other than the chief executive is  
the assessment manager or a concurrence  
agency—the provisions of the  
*Environmental Protection Regulation 2008*,  
chapter 3, part 1, division 3A.

**14 Schedule 5, part 1, table 2, item 8, column 2, paragraphs  
(a) and (b)—**

*omit, insert—*

If the chief executive is the assessment manager or a  
referral agency—the relevant provisions of the State  
development assessment provisions

**15 Schedule 5, part 1, table 2, item 9 and heading—**

*omit.*

- 
- 16**    **Schedule 5, part 1, table 4, item 3, column 1, ‘or (e)’—**  
*omit.*
- 17**    **Schedule 5, part 1, table 4, item 3, column 2, paragraph (b)—**  
*omit, insert—*
- (b) if an entity other than the chief executive is the assessment manager or a referral agency—the relevant provisions of the *Water Act 2000*
- 18**    **Schedule 5, part 1, table 4, item 4, heading, ‘or wild river floodplain management area’—**  
*omit.*
- 19**    **Schedule 5, part 1, table 4, item 4, column 1, ‘or (e)’—**  
*omit.*
- 20**    **Schedule 5, part 1, table 4, item 4, column 2, paragraph (b)—**  
*omit, insert—*
- (b) if an entity other than the chief executive is the assessment manager or a referral agency—the relevant provisions of the *Water Act 2000*
- 21**    **Schedule 5, part 1, table 4, item 6, column 2, paragraphs (a) and (b)—**  
*omit, insert—*
- The relevant provisions of the following—
- (a) the IDAS code in the *Coastal Protection and Management Regulation 2003*, schedule 4A;
-

- (b) any applicable planning scheme, temporary local planning instrument, master plan or preliminary approval to which section 242 of the Act applies.

**22 Schedule 5, part 1, table 4, item 7, column 2, paragraphs (a) and (b)—**

*omit, insert—*

If the chief executive is the assessment manager or a referral agency—the relevant provisions of the State development assessment provisions

**23 Schedule 5, part 1, table 4, item 8, column 2, paragraph (b)—**

*omit, insert—*

- (b) if an entity other than the chief executive is the assessment manager or a concurrence agency—the relevant provisions of the Fisheries Act

**24 Schedule 5, part 1, table 4, item 9, column 2, paragraph (b)—**

*omit, insert—*

- (b) if an entity other than the chief executive is the assessment manager or a concurrence agency—the relevant provisions of the Fisheries Act

**25 Schedule 5, part 1, table 4, item 10, column 2, paragraph (b)—**

*omit, insert—*

- (b) if an entity other than the chief executive is the assessment manager or a concurrence agency—the relevant provisions of the Fisheries Act

- 
- 26**    **Schedule 5, part 1, table 4, item 11 and heading—**  
*omit.*
- 27**    **Schedule 5, part 1, table 5, item 3, column 2, paragraph (b)—**  
*omit, insert—*
- (b) if an entity other than the chief executive is the assessment manager or a referral agency—the relevant provisions of the *Water Act 2000*
- 28**    **Schedule 5, part 2, table 1, item 3, column 2, paragraphs (a) and (b)—**  
*omit, insert—*
- The IDAS codes mentioned in the *Fisheries Regulation 2008*, section 702
- 29**    **Schedule 5, part 2, table 2, item 1, column 2, paragraphs (a) and (b)—**  
*omit, insert—*
- The IDAS code mentioned in the *Fisheries Regulation 2008*, section 703
- 30**    **Schedule 5, part 2, table 4, item 1, column 2, paragraphs (a) and (b)—**  
*omit, insert—*
- The codes mentioned in the *Water Regulation 2002*, section 62
- 31**    **Schedule 5, part 2, table 4, item 3, column 2, paragraphs (a) and (b)—**  
*omit, insert—*
-

The IDAS codes mentioned in the *Fisheries Regulation 2008*, section 705

**32 Schedule 5, part 2, table 4, item 4, column 2, paragraphs (a) and (b)—**

*omit, insert—*

The IDAS codes mentioned in the *Fisheries Regulation 2008*, section 706

**33 Schedule 6, table 3, item 12 and heading—**

*omit.*

**34 Schedule 7, table 2, item 9, column 1, ‘paragraphs (d) or (e)’—**

*omit, insert—*

paragraph (d)

**35 Schedule 7, table 2, item 10, heading, ‘or wild river floodplain management areas’—**

*omit.*

**36 Schedule 7, table 2, item 10, column 1, paragraph (a), ‘or (e)’—**

*omit.*

**37 Schedule 7, table 2, item 10, column 1, paragraph (b)—**

*omit, insert—*

- (b) in a drainage and embankment area under that Act controlling the flow of water into or out of a watercourse, lake or spring



- 
- 38**    **Schedule 7, table 2, items 41 and 42 and heading—**  
*omit.*
- 39**    **Schedule 18, table 1, item 1, column 2, paragraph (o)—**  
*omit.*
- 40**    **Schedule 26, definition *high impact earthworks*,  
paragraph 2(g), ‘or a wild river area’—**  
*omit.*

## **Water Regulation 2002**

- 1**    **Section 5A(1)—**  
*omit, insert—*
- (1) This division applies if a water resource plan for a plan area, or a resource operations plan that implements the water resource plan, states the process for granting unallocated water in the plan area is a process stated under this division.
- 2**    **Section 5A(2), ‘or the wild river area under the declaration’—**  
*omit.*
- 3**    **Section 5A(3)(b)—**  
*omit, insert—*
- (b) the water resource plan or resource operations plan.
- 4**    **Section 5C(1), ‘or wild river area’—**  
*omit.*

**5 Section 5D(1)(a)(i)—**

*omit, insert—*

- (i) the water resource plan or resource operations plan under which the water is available;

**6 Section 5D(1)(f)(iii)—**

*omit, insert—*

- (iii) the criteria, if any, for evaluating tenders or, if criteria for evaluating tenders are stated in the water resource plan or resource operations plan, a reference to the criteria in the plan;

**7 Section 5D(2), ‘or wild river area’—**

*omit.*

**8 Section 5E(2)(a)(i)—**

*omit, insert—*

- (i) the water resource plan or resource operations plan under which the water is available; and

**9 Section 5E(5)(a), ‘plan, wild river declaration’—**

*omit, insert—*

plan

**10 Section 5I(2), ‘plan, resource operations plan or wild river declaration’—**

*omit, insert—*

plan or resource operations plan

---

**11 Section 5I(3), definition *State purpose*, paragraph (d)—**  
*omit.*

**12 Section 5J(1), ‘or wild river area’—**  
*omit.*

**13 Section 5J(2)(a)(i)—**  
*omit, insert—*

- (i) the water resource plan or resource operations plan under which the water is available;

**14 Section 5J(2)(d), ‘or wild river area’—**  
*omit.*

**15 Section 15E(1)(b)(iv)—**  
*omit.*

## **Water Resource (Gulf) Plan 2007**

**1 Section 13(e)—**  
*omit.*

**2 Section 13(f) to (p)—**  
*renumber* as section 13(e) to (o).

**3 Section 13(i), as renumbered, ‘area or the Gulf wild river areas’—**  
*omit, insert—*

area, Mornington Inlet catchment area, Settlement  
Creek catchment area, Staaten River catchment area or  
the Gregory river subcatchment area

**4 Section 32, ‘area or the Gulf wild river areas’—**

*omit, insert—*

area, Mornington Inlet catchment area, Settlement  
Creek catchment area, Staaten River catchment area or  
the Gregory river subcatchment area

**5 Schedule 13, definition *Gulf wild river area*—**

*omit.*

**6 Schedule 13, definition *State purpose*, paragraph (d)—**

*omit, insert—*

- (d) ecotourism in the Cape York Peninsula  
Region area, Mornington Inlet catchment  
area, Settlement Creek catchment area,  
Staaten River catchment area or the Gregory  
river subcatchment area.

## **Water Resource (Mitchell) Plan 2007**

**1 Schedule 7, definition *State purpose*, paragraph (d)—**

*omit.*

## **Part 4                      Amendments for ch 5**

### **Coal Mining Safety and Health Act 1999**

- 1        Section 282(5)—**  
*omit.*

### **Explosives Act 1999**

- 1        Section 135(5)—**  
*omit.*
- 2        Section 135(6)—**  
*renumber* as section 135(5).

### **Mineral Resources Regulation 2013**

- 1        Schedule 3, part 2, section 5(1), note—**  
*omit.*

### **Mining and Quarrying Safety and Health Act 1999**

- 1        Section 262(7)—**  
*omit.*

- 2 Section 262(8)—**  
*renumber* as section 262(7).

## **Statutory Bodies Financial Arrangements Regulation 2007**

- 1 Schedule 2, entry for Racing Venues Development Act 1982—**  
*omit.*
- 2 Schedule 3, entry for Racing Venues Development Act 1982—**  
*omit.*

## **Part 5 Other amendments**

### **Water Resource (Great Artesian Basin) Plan 2006**

- 1 After section 25—**  
*insert—*

#### **25A Projects of regional significance**

The chief executive may consider a particular project to be a project of regional significance for the plan area only if the chief executive considers the project is significant for a region in the plan area having regard to the following—

- (a) the outcomes stated in part 3;

- (b) the economic or social impact the project will have on the region;
- (c) the public interest and the welfare of people in the region;
- (d) any other relevant consideration.

**2 Schedule 6, definition *project of regional significance*—**

*omit, insert—*

*project of regional significance* means a project the chief executive considers to be a project of regional significance under section 25A.

**3 Schedule 6, definition *project of State significance, 'significant'*—**

*omit, insert—*

coordinated