

Planning (Consequential) and Other Legislation Amendment Bill 2015

Amendments during consideration in detail to be moved by

The Honourable the Deputy Premier, Minister for Infrastructure, Local Government and Planning and Minister for Trade and Investment

1 Clause 19 (Amendment of s 53 (Modified application of Planning Act, ch 9, pt 6, div 4))

Page 42, lines 27 to 33—

omit, insert—

(iv) as if the regulation provides that a planning and development certificate must also be accompanied by—

(A) any statement of proposal for the airport land notified under section 38(2), if a draft plan in relation to the statement of proposal has not yet been approved under section 41; or

(B) any draft plan for the airport land notified under section 38(2) but not yet approved under section 41; and

2 Clause 21 (Replacement of s 55 (Restriction on designation for community infrastructure))

Page 44, line 4, ‘subject to’—

omit, insert—

the subject of

3 Clause 27 (Insertion of new ch 7)

Page 47, lines 23 to 25—

omit, insert—

109 Existing priority infrastructure interface plans

A priority infrastructure interface plan for a land use

4 Clause 27 (Insertion of new ch 7)

Page 48, line 18, after ‘by’—

insert—

former

5 Clause 42 (Amendment of s 16 (Reference in Act to applicants, development, assessment managers, referral agencies, building work or building certifiers))

Page 55, line 13, ‘work’—

omit.

6 Clause 75 (Amendment of s 83 (General restrictions on granting building development approval))

Page 69, line 20, ‘, unless—’

omit, insert—

—until—

7 Clause 75 (Amendment of s 83 (General restrictions on granting building development approval))

Page 70, line 19, after ‘last’—

insert—

or only

8 Clause 113 (Amendment of sch 2 (Dictionary))

Page 83, line 11—

omit, insert—

Planning Act, section 79(2)(c) or (d); and

Editor’s note—

Subparagraph (ii) refers to a provision proposed to be inserted by an amendment in consideration in detail of the Planning Bill 2015.

9 Clause 131 (Insertion of new ch 8, pt 7)

Page 93, line 22—

omit, insert—

former section 173A—

10 Clause 131 (Insertion of new ch 8, pt 7)

Page 94, lines 7 and 8—

omit, insert—

- (2) Former section 173A continues to apply in relation to the existing inside information as if the

11 Clause 145 (Replacement of ch 2, pt 6, div 3, sdiv 2 (Land surrender conditions))

Page 100, line 8, ‘to the owner’—

omit.

12 After clause 169

Page 116, after line 6—

insert—

169A Amendment of s 40C (Declaration of PDA-associated development)

- (1) Section 40C(2)(a), ‘Sustainable’—

omit.

- (2) Section 40C(5), definition *development infrastructure*—

omit, insert—

development infrastructure see the
Planning Act, schedule 2.

13 Clause 173 (Amendment of s 44 (Existing SPA development applications))

Page 117, line 5, after ‘development applications’—
insert—

and change applications

14 Clause 173 (Amendment of s 44 (Existing SPA development applications))

Page 117, lines 17 to 20—
omit, insert—

- (a) a change application had been made under the Planning Act to change a development approval under that Act—
 - (i) that already approves development in the priority development area; or
 - (ii) to approve development in the priority development area, if the approval does not already approve development in the priority development area; and

15 Clause 178 (Amendment of s 50 (Provisions for converted SPA development approval))

Page 120, line 12—
omit, insert—

- (b) for an approval for PDA-associated development for the priority development area—the development had never been PDA-associated development for the priority development area; and
- (c) a development application under the

16 After clause 179

Page 120, after line 28—

insert—

179A Amendment of s 51A (Lawful uses relating to PDA-associated development)

Section 51A(2), ‘Sustainable’—

omit.

17 Clause 182 (Amendment of s 77 (Exemption for particular SPA development approvals and community infrastructure designations))

Page 121, lines 27 and 28, ‘Planning Act, chapter 2, part 5’—

omit, insert—

Planning Act

18 Clause 186 (Amendment of s 87 (Matters to be considered in making decision))

Page 123, lines 6 to 9—

omit, insert—

- (1) Section 87(1)(f), ‘any SPA preliminary approval’—

omit, insert—

any preliminary approval under the
Planning Act

- (2) Section 87(2A)—

omit, insert—

- (2A) In deciding an application for PDA-associated development for a priority development area, MEDQ may, subject to section 86, give the weight it considers appropriate to any of the following instruments that would, under the Planning Act, have regulated the development if it

were not PDA-associated development for the area—

- (a) a planning instrument that applies to the relevant land;
- (b) assessment benchmarks for the development prescribed by regulation under the Planning Act;
- (c) assessment benchmarks for the development made under another Act for the Planning Act.

19 Clause 189 (Amendment of s 100 (When approval lapses generally))

Page 125, lines 3 to 19—

omit, insert—

- (3) Section 100(6) to (8)—

omit.

20 Clause 190 (Replacement of s 104 (Plans of subdivision))

Page 126, lines 9 to 34 and page 127, lines 1 to 5—

omit, insert—

constructing authority see the *Acquisition of Land Act 1967*, schedule 2.

plan of subdivision means a plan or agreement (however described) for reconfiguring a lot—

- (a) unless the reconfiguration relates to—
 - (i) the acquisition of land, including by agreement, under the *Acquisition of Land Act 1967*, by a constructing authority or an authorised electricity entity, for a purpose for which land may be taken under that Act; or

- (ii) the acquisition of land by agreement, other than under the *Acquisition of Land Act 1967*, by a constructing authority or an authorised electricity entity, for a purpose for which land may be taken under that Act; or
 - (iii) land held by the State, or a statutory body representing the State, that is being reconfigured for a purpose for which land may be taken under the *Acquisition of Land Act 1967*, whether or not the land relates to an acquisition of land; or
 - (iv) the acquisition of land for water infrastructure; or
 - (v) a lot that is, or includes, airport land under the *Airport Assets (Restructuring and Disposal) Act 2008*; or
 - (vi) a lot that is, or includes, strategic port land or Brisbane core port land under the *Transport Infrastructure Act 1994*; or
- (b) other than a plan of survey lodged under the *Acquisition of Land Act 1967*, section 12A as a result of a reconfiguration relating to an acquisition of land mentioned in paragraph (a)(i).

21 Clause 195 (Amendment of ch 6, hdg (Transitional provisions and repeals))

Page 128, lines 6 to 10—

omit.

22 Clause 200 (Insertion of new ch 7)

Page 129, line 17 to page 131, line 23—

omit, insert—

200 Insertion of new ch 7, pt 2

After section 219—

insert—

Part 2

**Transitional
provisions for
Planning
(Consequential) and
Other Legislation
Amendment Act
2015**

220 Definitions for part

In this part—

amending Act means the *Planning (Consequential) and Other Legislation Amendment Act 2015*.

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

221 Existing SPA development application made before priority development area declared

- (1) This section applies if, immediately before the declaration of an area as a priority development area—
 - (a) an existing SPA development application had been made for land in the area; and
 - (b) the application was a properly made application under the repealed

Planning Act and had not lapsed under that repealed Act; and

- (c) the application had not been decided.
- (2) Former section 44(2) continues to apply in relation to the application as if the amending Act had not been enacted.
- (3) If a development approval is given under the repealed Planning Act for the application, the carrying out of development, or use of land, under the approval is not a PDA development offence.
- (4) In this section—

existing SPA development application means a development application made under the repealed Planning Act, to which the Planning Act, section 287 applies.

repealed Planning Act means the repealed *Sustainable Planning Act 2009*.

222 Existing PDA development application for PDA-associated development

- (1) This section applies to a PDA development application for PDA-associated development for a priority development area made, but not decided, before the commencement.
- (2) Former section 87(2A) continues to apply in relation to the application as if the amending Act had not been enacted.

223 Unfinished compliance assessment for plan of subdivision

- (1) This section applies if—
 - (a) before the commencement, SPA compliance assessment under former

section 104 had started for a plan of subdivision; and

- (b) the assessment had not finished before the commencement.
- (2) Former section 104 continues to apply in relation to the plan as if the amending Act had not been enacted.

224 Existing PDA development approval

- (1) This section applies to a PDA development approval given before the commencement.
- (2) Former section 100 continues to apply in relation to the approval as if the amending Act had not been enacted.

23 Clause 203 (Replacement of s 112A (Clearing native vegetation for operating works on freehold land))

Page 133, lines 22 and 23, ‘designated under the Planning Act, chapter 2, part 5’—

omit, insert—

the subject of a designation under the Planning Act

24 After clause 265

Page 159, after line 14—

insert—

Part 25A Amendment of Housing Act 2003

265A Amendment of s 94F (Definitions for div 2B)

- (1) Section 94F, definitions *development, Planning Act* and *relevant public housing*—

omit.

(2) Section 94F—

insert—

development means—

- (a) in relation to anything done before the commencement of this definition—development as defined in the repealed *Sustainable Planning Act 2009* immediately before the commencement; or
- (b) in relation to anything done on or after the commencement of this definition—development as defined in the Planning Act from time to time.

Planning Act means the *Planning Act 2015*.

relevant public housing—

- (a) means housing—
 - (i) provided by or for the State or a statutory body representing the State; and
 - (ii) for short or long term residential use; and
 - (iii) that is totally or partly subsidised by the State or a statutory body representing the State; and
- (b) includes services provided for residents of the housing, if the services are totally or partly subsidised by the State or a statutory body representing the State.

(3) Section 94F, definition *applicable laws*—

insert—

- (f) the repealed *Sustainable Planning Act 2009*.

25 Clause 314 (Insertion of new ch 9, pt 9)

Page 175, line 12, ‘section 171A’—

omit, insert—

former section 171A

26 Clause 314 (Insertion of new ch 9, pt 9)

Page 175, lines 30 and 31—

omit, insert—

- (2) Former section 171A continues to apply in relation to the existing inside information as if the

27 Clause 374 (Insertion of new sch 1, pt 12)

Page 198, lines 7 to 29 and page 199, lines 1 to 13—

omit, insert—

374 Insertion of new sch 1, pt 13

Schedule 1—

insert—

Part 13

**Transitional
provision for
Planning
(Consequential) and
Other Legislation
Amendment Act
2015**

70 Existing development applications and requests for compliance assessment

- (1) Former section 68E continues to apply in relation to the following as if the amending Act had not been enacted—

- (a) the giving of a development approval mentioned in former section 68E(1) for an existing development application;
 - (b) the giving of a compliance permit mentioned in former section 68E(1) for an existing request for compliance assessment.
- (2) In this section—

amending Act means the *Planning (Consequential) and Other Legislation Amendment Act 2015*.

existing development application means a development application made under the repealed Planning Act, to which the Planning Act, section 287 applies.

existing request for compliance assessment means a request for compliance assessment for development made under the repealed Planning Act, to which the Planning Act, section 287 applies.

former section 68E means section 68E as in force immediately before the commencement.

repealed Planning Act means the repealed *Sustainable Planning Act 2009*.

28 After clause 377

Page 200, after line 4—

insert—

377A Amendment of s 8 (Functions of council)

Section 8(1)(e)—

omit, insert—

- (e) to give advice to the planning chief executive about the effect that

development proposed under a development application or change application may have on the cultural heritage significance of a State heritage place;

Note—

See also the Planning Act, section 276A.

Editor's note—

The note refers to a provision proposed to be inserted by an amendment in consideration in detail of the Planning Bill 2015.

- (f) to perform other functions given to the council under this Act or by the Minister.

29 Clause 386 (Replacement of pt 11, div 4 (Code for IDAS for local heritage places on local heritage registers))

Page 203, lines 23 to 26—

omit.

30 Clause 396 (Amendment of schedule (Dictionary))

Page 209, after line 26—

insert—

development application means a development application under the Planning Act.

31 Clause 396 (Amendment of schedule (Dictionary))

Page 209, after line 27—

insert—

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

32 Clause 411 (Amendment of s 79 (Application of sdivs 2 and 3))

Page 216, line 7, after ‘that’—

insert—

already

33 Clause 411 (Amendment of s 79 (Application of sdivs 2 and 3))

Page 216, line 11, after ‘approve’—

insert—

particular

34 Clause 417 (Replacement of pt 6, div 4, sdiv 6 (Community infrastructure designations))

Page 220, line 25, ‘subject to’—

omit, insert—

the subject of

35 Clause 423 (Amendment of schedule (Dictionary))

Page 225, line 7, ‘and’—

omit, insert—

or

36 Clause 466 (Amendment of s 99BRBF (Appeals about applications for connections—particular charges))

Page 242, lines 16 to 18—

omit, insert—

- (1) Section 99BRBF(2), ‘building and development committee’—

omit, insert—

development tribunal

(2) Section 99BRBF(3), before paragraph (a)—

insert—

(aa) the amount of the charge is so unreasonable that no reasonable distributor-retailer could have imposed the amount;

(3) Section 99BRBF(3)(aa) to (b)—

renumber as section 99BRBF(3)(a) to (c).

37 After clause 472

Page 244, after line 30—

insert—

472A Amendment of s 99BRBO (Appeals about applications for connections—particular charges)

Section 99BRBO(3)(a)—

omit, insert—

(a) the amount of the charge is so unreasonable that no reasonable distributor-retailer could have imposed the amount;

38 Clause 480 (Amendment of s 99BRCG (Matters for board decision))

Page 248, lines 25 to 29 and page 249, line 1—

omit, insert—

(1) An adopted charge may be made for providing trunk infrastructure for a land use if—

(a) the land use is prescribed by regulation under the Planning Act, section 111(3)(b); and

(b) the charge is no more than the proportion of the

39 Clause 480 (Amendment of s 99BRCG (Matters for board decision))

Page 250, line 1, after ‘for’—

insert—

a financial year, for

40 Clause 480 (Amendment of s 99BRCG (Matters for board decision))

Page 250, line 8, ‘in which the charge is levied’—

omit.

41 Clause 499 (Insertion of new ch 6, pt 11)

Page 257, line 3, ‘section 295(3)’—

omit, insert—

section 295(3)(b)

42 Clause 499 (Insertion of new ch 6, pt 11)

Page 259, line 1, ‘part 3’—

omit, insert—

part 4

43 Clause 499 (Insertion of new ch 6, pt 11)

Page 260, line 27 and page 261, line 1, ‘local government’—

omit, insert—

distributor-retailer

44 Clause 499 (Insertion of new ch 6, pt 11)

Page 261, line 8, after ‘commencement’—

insert—

of Planning Act

45 Clause 499 (Insertion of new ch 6, pt 11)

Page 261, line 20, after ‘commencement’—

insert—

of the Planning Act

46 Clause 540 (Amendment of s 85 (Carrying out particular development, use or works not an offence))

Page 286, lines 28 and 29, ‘made under the Planning Act, chapter 2, part 5’—

omit, insert—

under the Planning Act

47 After clause 555

Page 293, after line 11—

insert—

**Part 60A Amendment of
Sustainable Ports
Development Act 2015**

555A Act amended

This part amends the *Sustainable Ports Development Act 2015*.

555B Amendment of s 21 (Content of port overlay)

Section 21(2)(a)(ii) and (iii)—

omit, insert—

- (ii) state that development in the master planned area is, under that Act, accepted development, assessable development requiring

code or impact assessment, or prohibited development; or

- (iii) state assessment benchmarks that assessable development under the port overlay must be assessed against; or
- (iv) state the matters an assessment manager must have regard to in assessing assessable development under the port overlay; or

555C Amendment of s 30 (Application of Planning Act)

Section 30(4) to (7)—

omit, insert—

- (4) Subsections (5) and (6) apply to a development application or change application to the extent the application is in relation to development—
 - (a) in a priority port's master planned area; and
 - (b) stated in the port overlay for the master planned area to be assessable development.
- (5) The decision-maker must, in assessing the application under the Planning Act—
 - (a) if the port overlay states assessment benchmarks for the assessable development—assess the development against the assessment benchmarks; and
 - (b) if the port overlay states matters an assessment manager must have regard to in assessing the assessable

development—have regard to the stated matters.

- (6) The decision-maker's decision under the Planning Act about the application must not be inconsistent with the port overlay.
- (7) Subsection (5) does not limit the Planning Act, section 60, 61, 81 or 82.
- (8) In this section—
decision-maker means—
 - (a) for a development application—the assessment manager for the application; or
 - (b) for a change application—the responsible entity for the application.

555D Amendment of s 34 (Particular applications for port facilities must be refused)

- (1) Section 34(5), definition *assessment manager*—
insert—
 - (c) for a change application—the responsible entity for the application.
- (2) Section 34(5), definition *development application*—
insert—
 - (c) a change application, other than a minor change application.

555E Amendment of s 42 (Existing development applications)

- (1) Section 42, heading—
omit, insert—

42 Existing development application or change application

- (2) Section 42(1), ‘Subsection (2)’—

omit, insert—

This section

- (3) Section 42—

insert—

- (1A) This section also applies if, immediately before a port overlay for a priority port’s master planned area has effect—

- (a) a change application had been made under the Planning Act to change a development approval—

- (i) that already approves development in the master planned area; or

- (ii) to approve development in the master planned area, if the approval does not already approve development in the master planned area; and

- (b) the application had not lapsed under the Planning Act; and

- (c) the application had not been decided.

- (4) Section 42(1A) and (2)—

renumber as section 42(2) and (3).

555F Amendment of pt 5, hdg (Transitional provision)

Part 5, heading—

omit, insert—

Part 5

Transitional provisions

Division 1

Transitional provision for Act No. 28 of 2015

555G Insertion of new pt 5, div 2

After section 49—

insert—

Division 2

Transitional provision for Planning (Consequential) and Other Legislation Amendment Act 2015

50 Existing development application

- (1) Subsection (2) applies to an existing development application mentioned in former section 30(4).
- (2) Former section 30(5) to (7) continues to apply in relation to the application, as if the amending Act had not been enacted and the repealed Planning Act had not been repealed.
- (3) Subsection (4) applies to an existing development application—
 - (a) mentioned in former section 34(1); or
 - (b) for an approval mentioned in former section 35(1).
- (4) This Act as in force immediately before the commencement continues to apply in

relation to the application, as if the amending Act had not been enacted.

(5) Subsection (6) applies if, immediately before a port overlay for a priority port's master planned area had effect—

(a) an existing development application had been made for premises in the master planned area; and

(b) the application was a properly made application under the repealed Planning Act and had not lapsed under that repealed Act; and

(c) the application had not been decided.

(6) Former section 42(2) continues to apply in relation to the application, as if the amending Act had not been enacted.

(7) In this section—

amending Act means the *Planning (Consequential) and Other Legislation Amendment Act 2015*.

existing development application means a development application made under the repealed Planning Act, to which the Planning Act, section 287 applies.

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

repealed Planning Act means the repealed *Sustainable Planning Act 2009*.

555H Amendment of sch 1 (Dictionary)

(1) Schedule 1, definitions *assessment manager* and *Planning Act*—

omit.

(2) Schedule 1—

insert—

assessable development see the Planning Act, section 44(3).

assessment benchmarks see the Planning Act, section 43(1)(c).

assessment manager, for a development application, means the assessment manager under the Planning Act for the application.

change application means a change application under the Planning Act.

minor change application means a change application for a minor change to a development approval, as defined in the Planning Act.

Planning Act means the *Planning Act 2015*.

responsible entity, for a change application, means the responsible entity under the Planning Act for the application.

(3) Schedule 1, definition *approval*—

insert—

(aa) an approval under the Planning Act of a change application, other than a minor change application; or

(4) Schedule 1, definition *approval*, paragraphs (aa) to (f)—

renumber as paragraphs (b) to (g).

(5) Schedule 1, definition *approving authority*—

insert—

(aa) for an approval under the Planning Act of a change application—the

responsible entity for the change application; or

- (6) Schedule 1, definition *approving authority*, paragraphs (aa) to (f)—

renumber as paragraphs (b) to (g).

- (7) Schedule 1, definition *development*, ‘section 7’—

omit, insert—

schedule 2

- (8) Schedule 1, definition *EIS process*, paragraph (a), ‘Planning Act’—

omit, insert—

repealed *Sustainable Planning Act 2009*

48 After clause 563

Page 295, after line 23—

insert—

563A Insertion of new s 62A

After section 62—

insert—

62A Particular applications taken to be application for decision under s 62(1)

- (1) This section applies if—

- (a) a development application or a change application (each a *planning application*) is made under the Planning Act; and

- (b) the planning chief executive is—

- (i) if the planning application is a development application—the assessment manager or a referral agency for the application; or

- (ii) if the planning application is a change application—the responsible entity for the application; and
- (c) the proposed development involves constructing or changing a vehicular access between the land the subject of the application (the *subject land*) and a State-controlled road; and
- (d) either—
 - (i) the chief executive has not made a decision under section 62(1) in relation to the subject land; or
 - (ii) the chief executive has made a decision under section 62(1) in relation to the subject land, but the chief executive did not take the proposed development into account in making the decision.
- (2) The planning application is taken to also be an application for a decision under section 62(1).
- (3) If the planning application lapses, or is changed or withdrawn, under the Planning Act, the application for a decision under section 62(1) also lapses, or is taken to have been changed or withdrawn.
- (4) To remove any doubt, it is declared that this section applies even if the applicant for the planning application does not have an interest in the subject land.
- (5) In this section—

proposed development means—

 - (a) for a development application—the development the subject of the application; or

- (b) for a change application—the development the subject of the development approval to which the change application relates, as the development is proposed to be changed under the change application.

563B Replacement of s 63 (Chief executive may require additional information from applicant)

Section 63—

omit, insert—

63 Request for information

- (1) The chief executive may, by written notice, ask an applicant for a decision under section 62(1) for further information needed to decide the application.
- (2) The applicant must give the requested information to the chief executive by—
 - (a) the day stated in the notice; or
 - (b) a later day agreed between the applicant and the chief executive.
- (3) If the chief executive asks, under this section, for further information about an application, the chief executive may refuse to decide the application until the applicant gives the required information.
- (4) However, subsection (3) does not apply to a planning application that, under section 62A(2), is taken to also be an application for a decision under section 62(1).

563C Amendment of s 64 (Decision under s 62(1) may impose construction or financial obligation)

- (1) Section 64, from ‘A decision’ to ‘conditions—’

omit, insert—

A decision under section 62(1) made on an application may include either or both of the following conditions—

(2) Section 64—

insert—

(2) However, this section does not apply if the application is made in compliance with a direction given under section 69.

563D Amendment of s 67 (Notice of decision under s 62(1))

(1) Section 67(1) and (1A)—

omit, insert—

(1) If the chief executive makes a decision under section 62(1), the chief executive must give written notice of the decision to—

(a) if the decision is on a planning application that, under section 62A(2), is taken to also be an application for a decision under section 62(1)—the planning chief executive; or

(b) otherwise, each of the following persons—

(i) the owner of the land to which the decision relates;

(ii) the occupier of the land to which the decision relates;

(iii) any person who may have applied for the decision.

(2) Section 67(2)(c)—

omit, insert—

- (c) if the notice is given to the planning chief executive—that the applicant for the planning application is bound by the decision because of section 70;
 - (ca) if the notice is given to a person mentioned in subsection (1)(b)—that the person is bound by the decision because of section 70;
- (3) Section 67(2)(ca) to (e)—
renumber as section 67(2)(d) to (f).
- (4) Section 67(2A) to (4)—
omit, insert—
 - (3) Subsection (4) applies if the decision is not a decision sought by—
 - (a) for a decision on a planning application mentioned in subsection (1)(a)—the applicant; or
 - (b) for any other decision—the person to whom the notice is given.
 - (4) The notice must be accompanied by an information notice for the decision.
 - (5) Subsections (6) to (8) apply if the decision is on a planning application mentioned in subsection (1)(a).
 - (6) The notice—
 - (a) must be given to the planning chief executive at least 1 business day before the end of the response period for the planning application; and
 - (b) must then be given by the planning chief executive to the applicant when the planning chief executive gives the applicant—

- (i) a referral agency's response under the Planning Act for the planning application; or
 - (ii) a decision notice, under the Planning Act, section 63 or 83, for the planning application; and
- (c) is taken to have been given to the applicant by the chief executive on the day the notice is given to the applicant by the planning chief executive.
- (7) If a development approval, or changed development approval, is given for the planning application, the decision under section 62(1)—
 - (a) starts to have effect when the approval has effect; and
 - (b) stops having effect if the approval lapses or is cancelled; and
 - (c) replaces any earlier decision made under section 62(1) in relation to the land.
- (8) If the planning application is refused, the decision under section 62(1) does not take effect.
- (9) In this section—
decision-making period means—
 - (a) for a development application—the period allowed under the development assessment rules under the Planning Act for the assessment manager to decide the application, including any extension of that period under the rules; or
 - (b) for a change application—the period allowed under the development assessment rules under the Planning

Act for the responsible entity to decide the application, including any extension of that period under the rules.

minor change application means a change application for a minor change to a development approval, as defined in the Planning Act.

referral agency's response period, for a development application, means the period stated in the development assessment rules under the Planning Act for complying with section 56(4) of that Act for the application, including any extension of that period under the rules.

response period, for a planning application, means—

- (a) if the planning application is a development application for which the planning chief executive is a referral agency—the referral agency's response period for the application; or
- (b) if the planning application is a development application for which the planning chief executive is the assessment manager or a change application other than a minor change application—the decision-making period for the application; or
- (c) if the planning application is a minor change application—the period allowed under the Planning Act, section 81(5) or (6) for deciding the application, including any extension of that period under section 81(7) of that Act.

563E Insertion of new s 67A

After section 67—

insert—

67A Request for copy of decision made under s 62(1)

- (1) A person who has an interest in land may, in writing, ask the chief executive to give the person a copy of a decision in force under section 62(1) for the land.
- (2) If a person asks the chief executive, under subsection (1), for a copy of a decision, the chief executive must give the person the copy.

49 Clause 564 (Amendment of s 74 (Cases where compensation not payable))

Page 295, lines 26 to 28 and page 296, line 1—

omit, insert—

- (1) Section 74—

insert—

- (5A) The chief executive is not liable to pay compensation for the effect of a decision under section 62(1) made in relation to a planning application—

- (a) if—

- (i) the planning application relates to a material change of use or reconfiguring a lot; and
- (ii) the decision has the effect mentioned in section 73(1)(a) or (b); or

- (b) if—

- (i) the planning application relates to development that has had, or is

likely to have, a significant impact on traffic safety or efficiency on the State-controlled road to which the decision relates; and

(ii) the decision has the effect mentioned in section 73(1)(b); or

(c) if the decision has the effect mentioned in section 73(2).

(2) Section 74(6), definition *development*—
omit.

(3) Section 74(6), definition *premises*, ‘schedule 3’—

50 **Clause 565 (Amendment of s 75 (Conditions in development approval))**

Page 296, lines 5 to 10—

omit, insert—

(1) Section 75, heading—
omit, insert—

75 Conditions in particular development approvals

(2) Section 75(a), after ‘approval’—
insert—

given under the repealed *Sustainable Planning Act 2009* or the repealed *Integrated Planning Act 1997*

(3) Section 75(b)—
omit, insert—

(b) the conditions were included because of a referral agency’s response given by the chief executive; and

51 Clause 572 (Amendment of s 283I (Definitions for pt 3C))

Page 299, after line 9—

insert—

designation means a designation of premises under the Planning Act.

52 Clause 572 (Amendment of s 283I (Definitions for pt 3C))

Page 299, lines 12 to 14—

omit.

53 Clause 572 (Amendment of s 283I (Definitions for pt 3C))

Page 299, lines 22 to 29—

omit, insert—

- (4) Section 283I, definition *minor amendment (LUP)*, paragraph (c)(ii), ‘community infrastructure’—

omit.

- (5) Section 283I, definition *planned transport infrastructure*, paragraph (b), ‘community infrastructure’—

omit.

54 Clause 575 (Section 283T (Content of plan—matters about development))

Page 301, line 7, ‘Section 283T’—

omit, insert—

Amendment of s 283T

55 Clause 586 (Replacement of ss 283ZZB and 283ZZC)

Page 306, lines 20 to 25—

omit, insert—

also be accompanied by—

- (A) any statement of proposal for Brisbane core port land notified under section 283ZB(2), if a draft plan in relation to the statement of proposal has not yet been approved under section 283ZE; or
- (B) any draft plan for Brisbane core port land notified under section 283ZB(2) but not yet approved under section 283ZE; and

56 Clause 586 (Replacement of ss 283ZZB and 283ZZC)

Page 307, line 2—

omit, insert—

the subject of a designation is

57 Clause 597 (Amendment of s 477AA (Chief executive taken to be owner of particular transport land for particular circumstances under Planning Act))

Page 313, line 21, after ‘extend’—

insert—

the duration of

58 After clause 597

Page 314, after line 14—

insert—

597A Amendment of s 485B (Appeals against decisions)

- (1) Section 485B—

insert—

- (3A) Subsection (5) applies if—

- (a) a person appeals to the Planning and Environment Court against a decision under section 62(1) on a planning application that is taken, under section 62A(2), to also be an application for a decision under section 62(1); and
 - (b) a person appeals to the Planning and Environment Court against a decision under the Planning Act on the planning application.
- (3B) The court may order—
 - (a) the appeals to be heard together or 1 immediately after the other; or
 - (b) 1 appeal to be stayed until the other is decided.
- (3C) Subsection (5) applies even if all or any of the parties to the appeals are not the same.
- (2) Section 485B(3A) to (4)—
renumber as section 485B(4) to (7).

59 Clause 599 (Insertion of new ch 21, pt 5)

Page 315, line 16, after ‘applies’—

insert—

to

60 Clause 600 (Amendment of sch 6 (Dictionary))

Page 316, line 24, after ‘concurrence agency,’—

insert—

development,

61 Clause 600 (Amendment of sch 6 (Dictionary))

Page 316, line 25, after ‘priority infrastructure plan’—

insert—

, referral agency

62 Clause 600 (Amendment of sch 6 (Dictionary))

Page 317, after line 2—

insert—

designation, for chapter 8, part 3C, see section 283I.

development—

- (a) for chapter 6, part 5, division 2, subdivision 2 and chapter 8, part 3C, see the Planning Act, schedule 2; or
- (b) for chapter 11, see section 401.

63 Clause 600 (Amendment of sch 6 (Dictionary))

Page 317, lines 7 and 8—

omit.

64 Clause 600 (Amendment of sch 6 (Dictionary))

Page 317, after line 11—

insert—

planning application see section 62A(1).

65 Clause 600 (Amendment of sch 6 (Dictionary))

Page 317, after line 13—

insert—

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

referral agency's response see the Planning Act, section 56(4).

66 Clause 637 (Amendment of s 22A (Particular vegetation clearing applications may be assessed))

Page 330, lines 27 to 30 and page 331, lines 1 to 6—

omit, insert—

637 Amendment of s 22A (When development is for a relevant purpose)

- (1) Section 22A(1), ‘for the Planning Act, schedule 1, item 3 or 4’—

omit.

- (2) Section 22A(2C)—

omit.

67 Clause 639 (Replacement of pt 2, div 6, sdiv 1A, hdg (Particular vegetation clearing applications))

Page 331, lines 10 to 16—

omit.

68 Clause 640 (Omission of s 22DAA (Application of subdivision))

Page 331, lines 17 to 19—

omit.

69 Clause 641 (Amendment of s 22DAB (Requirements for making application))

Page 331, lines 20 to 26 and page 332, lines 1 to 3—

omit.

70 Clause 642 (Amendment of s 22DAC (Matters for deciding application))

Page 332, lines 4 to 16—

omit.

71 Clause 661 (Insertion of new pt 6, div 12)

Page 337, line 7 to page 339, line 8—

omit, insert—

661 Insertion of new pt 6, div 13

Part 6—

insert—

**Division 13 Transitional provisions
for Planning
(Consequential) and
Other Legislation
Amendment Act 2015**

**133 Existing self-assessable vegetation
clearing code continues in force**

A self-assessable vegetation clearing code in force immediately before the commencement—

- (a) continues in force; and
- (b) is taken to be an accepted development vegetation clearing code.

**134 Existing vegetation clearing application or
existing concurrence agency application**

- (1) This section applies to an existing vegetation clearing application or an existing concurrence agency application.
- (2) This Act, as in force immediately before the commencement, continues to apply in relation to the application as if the *Planning (Consequential) and Other Legislation Amendment Act 2015* had not been enacted.
- (3) In this section—

existing concurrence agency application
means a concurrence agency application as defined in the schedule immediately before

the commencement, to which the Planning Act, section 287 applies.

existing vegetation clearing application means a vegetation clearing application as defined in the schedule immediately before the commencement, to which the Planning Act, section 287 applies.

135 Declarations prepared under former s 16 or made under former s 17

- (1) A declaration made under former section 17 and in force immediately before the commencement—
 - (a) continues in force; and
 - (b) is taken to be a declaration made under section 17.
- (2) Subsection (3) applies if—
 - (a) before the commencement, the Minister prepared, or started to prepare, a declaration under former section 16; but
 - (b) the declaration had not been made before the commencement.
- (3) Former sections 16 and 17(1) and (3) continue to apply in relation to the preparation and making of the declaration.
- (4) However, the declaration must not include a code for the clearing of vegetation in the area to which the declaration relates.
- (5) A declaration made under subsection (3) is taken to be a declaration made under section 17.
- (6) In this section—

former, in relation to a provision, means the provision as in force immediately before the provision was amended or repealed under the *Planning (Consequential) and Other Legislation Amendment Act 2015*.

72 Clause 670 (Amendment of s 814 (Excavating or placing fill without permit))

Page 343, line 12, ‘Excavating’—

omit, insert—

Destroying vegetation, excavating

73 Clause 673 (Replacement of s 966 (Applications for the removal of quarry material))

Page 344, line 18, after ‘that’—

insert—

already

74 Clause 692 (Replacement of ss 561 and 562)

Page 352, line 14, after ‘that’—

insert—

already

75 Clause 692 (Replacement of ss 561 and 562)

Page 352, line 26, after ‘the’—

insert—

relevant