

Waste Reduction and Recycling Amendment Bill 2017

Amendments during consideration in detail to be moved by
The Honourable the Minister for Environment and Heritage Protection and
Minister for National Parks and the Great Barrier Reef

1 Before clause 1

Page 10, after line 1—

insert—

Part 1 Preliminary

2 After clause 2

Page 10, after line 16—

insert—

Part 2 Amendment of Waste Reduction and Recycling Act 2011

3 Clause 3 (Act amended)

Page 10, line 18, ‘This Act’—

omit, insert—

This part

4 Clause 4 (Insertion of new ch 4, pts 3A and 3B)

Page 20, lines 11 to 22—

omit, insert—

- (1) A person is a *manufacturer* of a beverage product if the person—
 - (a) makes the beverage product, including, for example—
 - (i) by filling containers with a beverage;
or

- (ii) engaging another person under a contract to make the beverage product or fill containers with a beverage for the person; or
 - (b) imports the beverage product from a foreign country; or
 - (c) arranges for the distribution of the beverage product in Queensland.
- (2) For subsection (1)(a) and (b), it does not matter whether the beverage product is made in, or imported into, Queensland or another State.

5 Clause 4 (Insertion of new ch 4, pts 3A and 3B)

Page 20, lines 27 to 30—

omit, insert—

- (1) A manufacturer of a beverage product must not sell the beverage

6 Clause 4 (Insertion of new ch 4, pts 3A and 3B)

Page 21, lines 12 to 18—

omit, insert—

- (2) For this section, it does not matter whether the beverage manufacturer sells the beverage product in Queensland, in another State or somewhere else.

7 Clause 4 (Insertion of new ch 4, pts 3A and 3B)

Page 21, lines 21 and 22, ‘the manufacturer’—

omit, insert—

a manufacturer

8 Clause 4 (Insertion of new ch 4, pts 3A and 3B)

Page 23, lines 10 and 11, ‘the manufacturer’—

omit, insert—

a manufacturer

9 Clause 4 (Insertion of new ch 4, pts 3A and 3B)

Page 42, line 13, after ‘beverage product’—

insert—

who holds the approval

10 Clause 4 (Insertion of new ch 4, pts 3A and 3B)

Page 43, line 2, ‘The manufacturer’—

omit, insert—

A manufacturer

11 Clause 4 (Insertion of new ch 4, pts 3A and 3B)

Page 44, line 32, ‘the manufacturer’—

omit, insert—

a manufacturer

12 Clause 5 (Insertion of new ch 4, pt 5)

Page 51, line 21, after ‘manufacturer’—

insert—

or an association that represents small beverage
manufacturers

13 Clause 5 (Insertion of new ch 4, pt 5)

Page 52, lines 6, 7, 8 and 9, ‘the manufacturer’—

omit, insert—

a manufacturer

14 Clause 34 (Insertion of new ch 16, pt 2)

Page 104, line 27, ‘The manufacturer’—

omit, insert—

A manufacturer

15 After clause 35

Page 110, after line 8—

insert—

**Part 3 Amendment of
Planning Act 2016**

36 Act amended

This part amends the *Planning Act 2016*.

37 Amendment of s 78 (Making change application)

Section 78(3)(bb), ‘under part 6, division 3’—

omit, insert—

for an application that was called in under a
call in provision

38 Amendment of s 79 (Requirements for change applications)

(1) Section 79(1)(b)(iii)—

omit.

(2) Section 79—

insert—

(1A) Also, a change application must be

accompanied by the written consent of the owner of the premises the subject of the application to the extent—

- (a) the applicant is not the owner; and
- (b) the application is in relation to—
 - (i) a material change of use of premises or reconfiguring a lot; or
 - (ii) works on premises that are below high-water mark and outside a canal; and
- (c) the premises are not excluded premises.

(3) Section 79(2)(a), ‘subsection (1)’—

omit, insert—

subsections (1) and (1A)

(4) Section 79(2)(b), ‘subsection (1)(b)(iii)’—

omit, insert—

subsection (1A)

39 Amendment of s 83 (Notice of decision)

Section 83(1)(f), ‘called in—the Minister that’—

omit, insert—

called in under a call in provision—the Minister who

40 Amendment of s 86 (Extension applications)

(1) Section 86(2)(b)—

omit, insert—

(b) accompanied by the required fee.

(2) Section 86—

insert—

- (2A) Also, the extension application must be accompanied by the written consent of the owner of the premises the subject of the development approval to the extent—
 - (a) the applicant is not the owner; and
 - (b) the development approval is for—
 - (i) a material change of use of premises or reconfiguring a lot; or
 - (ii) works on premises that are below high-water mark and outside a canal; and
 - (c) the premises are not excluded premises.
- (3) Section 86(3)(a), ‘subsection (2)’—
omit, insert—
subsections (2) and (2A)
- (4) Section 86(3)(b), ‘subsection (2)(b)(ii)’—
omit, insert—
subsection (2A)
- (5) Section 86(3)(d), ‘subsection (2)(b)(i)’—
omit, insert—
subsection (2)(b)

41 Insertion of new ch 8, pt 1A

Chapter 8—

insert—

Part 1A Transitional and saving provisions for Waste Reduction and Recycling Amendment Act 2017

324 Definitions for part

In this part—

amending Act means the *Waste Reduction and Recycling Amendment Act 2017*.

existing change application means a change application made before the commencement.

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

324A Responsible entity for particular existing change applications

- (1) This section applies to an existing change application made to the Minister to change a development approval given for an application that was called in under—
 - (a) the old Act, chapter 6, part 11, division 2; or
 - (b) the repealed *Integrated Planning Act 1997*, chapter 3, part 6, division 2.
- (2) Despite former section 78(3), the Minister is taken to be, and is taken to always have been, the responsible entity for the change application.

324B Requirement for owner's consent for particular existing change applications

- (1) This section applies to an existing change application to which former section 79(1)(b)(iii) applied if, under section 79(1A), the application would not be required to be accompanied by the written consent of the owner of the premises the subject of the application.
- (2) The existing change application is not invalid merely because it did not comply with former section 79(1)(b)(iii).
- (3) A decision of the responsible entity for the existing change application to accept the application under former section 79(2) is not invalid merely because the application did not comply with former section 79(1)(b)(iii).
- (4) Subsection (5) applies if, on the commencement, the responsible entity for the existing change application had not decided to accept the application under former section 79(2).
- (5) Section 79(2), as in force on the commencement, applies for making a decision about accepting the existing change application.

324C Requirement for owner's consent for particular existing extension applications

- (1) This section applies to an existing extension application to which former section 86(2)(b)(ii) applied if, under section 86(2A), the application would not be required to be accompanied by the written consent of the owner of the premises the subject of the development approval.
- (2) The existing extension application is not

invalid merely because it did not comply with former section 86(2)(b)(ii).

- (3) A decision of the assessment manager for the existing extension application to accept the application under former section 86(3) is not invalid merely because the application did not comply with former section 86(2)(b)(ii).
- (4) Subsection (5) applies if, on the commencement, the assessment manager for the existing extension application had not decided to accept the application under former section 86(3).
- (5) Section 86(3), as in force on the commencement, applies for making a decision about accepting the existing extension application.
- (6) In this section—
existing extension application means an extension application made before the commencement.

324D Existing appeals—excluded applications

- (1) This section applies if—
 - (a) a person appealed to the P&E Court or a tribunal before the commencement; and
 - (b) the appeal is in relation to an excluded application and is about a matter mentioned in—
 - (i) former schedule 1, section 1, table 1, item 1 or 2; or
 - (ii) former schedule 1, section 1, table 2, item 2 or 3; and
 - (c) the appeal had not been decided before the commencement.

- (2) On and from the commencement, the appeal is of no further effect.

42 Amendment of sch 1 (Appeals)

- (1) Schedule 1, section 1, table 1, item 1, from ‘other than’ to ‘Minister’—

omit, insert—

other than an excluded application

- (2) Schedule 1, section 1, table 1, item 2, from ‘other than’ to ‘Minister’—

omit, insert—

other than an excluded application

- (3) Schedule 1, section 1, table 2, items 2 and 3, from ‘other than’ to ‘Minister’—

omit, insert—

other than an excluded application

43 Amendment of sch 2 (Dictionary)

Schedule 2—

insert—

call in provision means—

- (a) chapter 3, part 6, division 3; or
- (b) the old Act, chapter 6, part 11, division 2; or
- (c) the repealed *Integrated Planning Act 1997*, chapter 3, part 6, division 2.

excluded application means—

- (a) a change application, or development application, called in under a call in provision; or

- (b) a change application, or development application, decided by the P&E Court; or
- (c) a change application made to the Minister as the responsible entity under section 78(3)(bb).

Part 4 Amendment of Planning and Environment Court Act 2016

44 Act amended

This part amends the *Planning and Environment Court Act 2016*.

45 Amendment of s 39 (Planning Minister)

Section 39(4), definition *planning Minister*, ‘part 2’—

omit, insert—

part 1

46 Amendment of s 79 (Existing rules migrate to this Act)

- (1) Section 79(4)(a), ‘6 months’—

omit, insert—

1 year

- (2) Section 79(4)(b), ‘6 months’—

omit, insert—

year

47 Amendment of s 80 (Migration of particular repealed SPA provisions about the P&E Court to the rules)

Section 80(4)(a), ‘6 months’—

omit, insert—

1 year

16 Long title

Long title—

omit, insert—

An Act to amend the *Planning Act 2016*, the *Planning and Environment Court Act 2016* and the *Waste Reduction and Recycling Act 2011* for particular purposes

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