

Economic Development and Other Legislation Amendment Bill 2024

Amendments during consideration in detail to be moved by
The Honourable the Minister for State Development and Infrastructure,
Minister for Industrial Relations and Minister for Racing

1 After clause 25

Page 54, after line 24—

insert—

25A Replacement of s 44 (Existing development applications and change applications under Planning Act)

Section 44—

omit, insert—

44 Pre-existing applications under Planning Act

- (1) This section applies if—
 - (a) an area is declared as a priority development area; and
 - (b) before the area is declared, any of the following applications were properly made under the Planning Act in relation to premises in the area—
 - (i) a development application;
 - (ii) a change application;
 - (iii) an extension application;
 - (iv) a cancellation application; and
 - (c) immediately before the area is declared, the application had not lapsed or been decided under that Act.
- (2) Despite the declaration of the priority development area, the Planning Act continues to apply in relation to the application as if the area had not been declared.

2 After clause 25

Page 54, after line 24—

insert—

25B Replacement of s 45 (Existing development approvals under Planning Act)

Section 45—

omit, insert—

45 Particular development approvals under Planning Act

- (1) This section applies if—
 - (a) an area is declared as a priority development area; and
 - (b) a development approval under the Planning Act for development on premises in the area—
 - (i) was in effect immediately before the declaration; or
 - (ii) is given for an application mentioned in section 44 after the declaration.
- (2) Despite the declaration of the priority development area, the development approval continues in effect for carrying out the development.
- (3) However, only the following applications under the Planning Act may be made to the development approval—
 - (a) a change application to make a minor change under that Act;
 - (b) a cancellation application.
- (4) To remove any doubt, it is declared that, for applying subsection (3), the Planning Act continues to apply in relation to the application as if the priority development

area had not been declared.

3 Clause 32 (Amendment of s 77 (Exemption for particular development approvals and designations under Planning Act))

Page 59, lines 4 to 6—

omit, insert—

Section 77(1)(a)—

omit, insert—

(a) a development approval under the Planning Act for development on premises in a priority development area—

(i) given for an application mentioned in section 44; or

(ii) continued in effect under section 45; and

4 Clause 39 (Insertion of new ch 3, pt 6, div 4)

Page 72, after line 29—

insert—

Note—

See sections 44, 45, 247 and 248 for when a development approval under the Planning Act may or may not be changed after a priority development area is declared.

5 Clause 61 (Insertion of new ch 7, pt 4)

Page 95, line 4, after ‘Transitional’—

insert—

and validation

6 Clause 61 (Insertion of new ch 7, pt 4)

Page 99, after line 4—

insert—

246 Validation of particular extension and cancellation applications under Planning Act

- (1) This section applies if, before the commencement—
 - (a) an extension application or a cancellation application was made or purportedly made under the Planning Act in relation to premises in an area; and
 - (b) the area was subsequently declared as a priority development area.
- (2) The application, and anything done in relation to the application, is taken to be, and always to have been, as valid and lawful as it would have been if new section 44 had applied to the application at the time it was made.

7 Clause 61 (Insertion of new ch 7, pt 4)

Page 99, after line 4—

insert—

247 Validation of particular applications and decisions under Planning Act

- (1) This section applies if, before the commencement—
 - (a) an area was declared as a priority development area; and
 - (b) a change application, an extension application or a cancellation application was subsequently made or purportedly made under the Planning Act in relation to premises in the area; and

- (c) the application was decided or purportedly decided under that Act.
- (2) The application, and anything done in relation to the application, is taken to be, and always to have been, as valid and lawful as it would have been if the priority development area had not been declared.

8 Clause 61 (Insertion of new ch 7, pt 4)

Page 99, after line 4—

insert—

248 Continued consideration of particular applications under Planning Act

- (1) This section applies if—
 - (a) before the commencement, an area was declared as a priority development area; and
 - (b) before the commencement, a change application, an extension application or a cancellation application was subsequently made or purportedly made under the Planning Act in relation to premises in the area; and
 - (c) immediately before the commencement, the application had not lapsed or been decided under that Act.
- (2) Despite new section 45, the Planning Act continues to apply in relation to the application as if the priority development area had not been declared.

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