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

Explanatory Notes

Short title

The short title of the Bill is the State Development, Infrastructure and Planning (Red Tape Reduction) and Other Legislation Amendment Bill 2014 (the Bill).

Policy objectives and the reasons for them

The Bill:

- repeals legislation to support and contribute to the Government's election commitment to reduce red tape; and
- amends legislation to drive economic development in Queensland.

Supporting economic development by amending legislation

Amendments to the *Economic Development Act 2012*

The Bill amends the *Economic Development Act 2012* (ED Act). The objectives of the amendments to the ED Act are to:

- clarify the role of the Economic Development Fund;
- improve the ability to declare a Provisional Priority Development Areas (PPDA);
- clarify and improve procedures for revocation of a Priority Development Area (PDA);
- provide provisions for Community Infrastructure Designations (CID) to be made within a PDA;
- provide for land use plans to be amended; and
- impose a mechanism to fund the infrastructure costs required to support a PDA.

Clarification of Economic Development Fund
There has been some confusion about the role of the Economic Development Fund in terms of whether local governments, or people, which have been delegated functions and powers under the ED Act, are required to pay certain monies into the fund. The Bill clarifies the role of the Economic Development Fund.

Improve ability to declare a PPDA
Experience with consideration of PPDAs has revealed issues with the requirement for a PPDA to be consistent with a local planning instrument. The Bill removes this impediment and recognises other planning instruments, such as the Regional Plan. This will allow PPDAs to foster economic development and development for community purposes.

Clarify and improve procedures for revocation of PDAs
The Bill will amend section 42 of the ED Act to provide a more robust process for the revocation of a PDA.

The inclusion of provisions for public notification will provide developers, land owners and other interested parties with an opportunity to make submissions to the change of planning instruments and therefore promote natural justice. Other provisions are included to clarify that revocation does not adversely affect approvals and procedures including protecting implied and uncommenced rights to use premises.

Community Infrastructure Designations
The Bill includes provisions that allow a CID to be made in a PDA. The purpose of the ED Act is to provide development for community purposes. Currently a CID may not be made in a PDA. The amendment will provide a mechanism for delivering community infrastructure efficiently and effectively.

Amend land use plans
Since the commencement of the ED Act a number of PDAs have been declared at the request of local governments with plan preparation and development assessment powers delegated to local governments. The ED Act provides very limited opportunity to amend the land use plans. Concerns have been raised that local governments (via delegation) cannot amend land use plans, yet they are easily able to amend their own local planning instruments.

The Bill includes provisions for amending land use plans including the requirement for public notification and the consideration of submissions. This provides a more flexible approach while still allowing for community consultation.

Mechanism to fund infrastructure costs
The Bill seeks to ensure that infrastructure costs are funded in an equitable manner and ensure economic development in the PDAs. The Bill includes provisions to enable the Minister for Economic Development Queensland (MEDQ) to create charge areas where it may make and levy an infrastructure expenses recoupment charge on owners of the rateable land. The infrastructure expenses recoupment charge will recoup the expenses incurred, or reasonably expected to be incurred, by the MEDQ in exercising its functions to facilitate economic development and development for community purposes.

Amendments to the *Environmental Protection Act 1994* in conjunction with the *Sustainable Planning Act 2009*

As part of the Greentape Reduction reforms, the *Environmental Protection Act 1994* (EP Act) and the *Sustainable Planning Act 2009* (SPA) were amended to reduce the regulatory burden by ensuring that, where an activity required approvals under both Acts, a single application could be made with seamless integrated assessment.

Prior to the State Assessment and Referral Agency project (SARA) commencing on 1 July 2013, assessment was done by one agency - the Department of Environment and Heritage Protection - under both Acts which allowed for seamless integrated assessment. However, SARA broke the statutory links between the Acts because the administering authority under the EP Act (which is generally the Department of Environment and Heritage

Protection) is no longer the assessing agency under the SPA (which is now SARA - part of the Department of State Development, Infrastructure and Planning (DSDIP) - for all State referral triggers).

The objective of the amendments to the EP Act and the SPA is to correct the broken statutory links between the Acts and make other consequential amendments to both Acts to maintain seamless integrated assessment.

These amendments achieve the intention of the Greentape Reduction project to preserve the existing functionality of integrated applications without compromising the intention of the SARA project to deliver a coordinated, whole-of-government approach to the State's assessment of development applications. Preserving integrated application functionality will avoid an unnecessary additional burden on applicants by requiring only a single application for these developments.

Amendments to the *Gasfields Commission Act 2013*

The *Public Service and Other Legislation (Civil Liability) Amendment Act 2014* (the PSOL Act) was passed by the Legislative Assembly on 12 February 2014.

The PSOL Act was introduced following a review of the State's indemnity arrangements, and will provide broad legislative immunities from civil liability in the *Public Service Act 2008* (PS Act) and the *Police Service Administration Act 1990* (PSA Act) for public service employees and police officers. The PSOL Act commenced on 31 March 2014.

The amendments to the PS Act apply to those state employees currently defined in the existing guideline for the grant of indemnities and legal assistance to state employees. This includes public servants employed under the PS Act, ministerial staff, employees of hospital and health services, ambulance and fire service officers, and members or employees of Government entities that represent the State, such as board members. However, the provisions do not apply to persons employed by government-owned corporations or government companies.

The legislative protection will ensure that civil liability does not attach to public service employees when they are acting in an official capacity, instead transferring liability to the State. The protection is intended to cover the full spectrum of functions that a public service employee engages in on a daily basis.

Section 44 of the *Gasfields Commission Act 2013* (Gasfields Act) provides for the protection from liability of commissioners, the general manager and other staff of the Gasfields Commission. The section states they do not incur civil liability for an act done, or omission made, honestly and without negligence under the Act. Liability instead attaches to the State.

The section is still relevant as it provides indemnity for the commissioners and the general manager who are employed under the Gasfields Act, not the PS Act. Therefore, the indemnity amendments made recently to the PS Act do not apply.

However, the section makes reference to other staff - staff that are employed under the PS Act and therefore covered by the recent amendments. Consequently, amendments are made

to the Gasfields Act to remove references to 'other staff' and 'staff' that are no longer required.

Amendments to the *Land Title Act 1994*

The Bill amends the *Land Title Act 1994* (Land Title Act) as a result of amendments to the *State Development and Public Works Organisation Act 1971* (SDPWO Act), which allow the Coordinator-General to regulate development for reconfiguring a lot. The amendments to the Land Title Act ensure that the Coordinator-General, as a relevant planning body, has the equivalent power to a local government (or the MEDQ where the proposed lots are in a PDA) with respect to:

- registering a plan of title with the Department of Natural Resources and Mines;
- approving an instrument of lease; and
- creating an easement.

Amendments to the *Queensland Industry Participation Policy Act 2011*

Queensland's existing Local Industry Policy was introduced in December 1999. It is designed to increase the participation of local suppliers in procuring government contracts and was introduced to ensure that Queensland complied with the Australian and New Zealand Government Procurement Agreement (ANZGPA).

The objective of the ANZGPA is to create and maintain a single ANZ Government procurement market in order to maximise opportunities for competitive ANZ suppliers and reduce costs of doing business for both Government and industry.

As a result of the Queensland Commission of Audit, DSDIP undertook a review of the policy and, in consultation with agencies and industry, has developed an improved Charter of Local Content. The new Charter meets the requirements of the ANZGPA for a local industry policy, reduces costs for Government, is simpler to administer and reflects a best practice framework that complements the Queensland Procurement Policy. It provides a framework for encouraging Government agencies to apply best practice in local content procurement while minimising the compliance burden on Government agencies and contractors and ensuring full, fair and reasonable opportunity for local suppliers.

A fundamental change in approach with the new Charter is to build local content requirements into the procurement policies and procedures of Government agencies. This will be reinforced through the category procurement approach to be adopted as part of the new Queensland Procurement Policy.

The new Charter includes a simplified reporting system. Consequently, the *Queensland Industry Participation Policy Act* 2011 (QIPP Act) is to be amended to roll reporting on the implementation of the Charter, as Queensland's new policy, into the DSDIP Annual Report instead of preparing a separate report to Parliament.

Amendments to the *State Development and Public Works Organisation Act 1971*

The Bill amends the SDPWO Act to streamline the approvals process by creating an alternative assessment process for well-defined and low-medium risk coordinated projects. This will remove impediments to timely decision making, clarify the responsibilities of the

Coordinator-General and proponents, provide the Coordinator-General with powers with respect to watercourse crossings and clearer powers with respect roads allowing the Coordinator-General to more efficiently control the environmental impact statement (EIS) process and development in State development areas (SDAs).

To achieve its objectives, the Bill will amend the SDPWO Act to:

- create a new streamlined alternative assessment process, an impact assessment report (IAR) for projects the Coordinator-General is satisfied do not need to be assessed through the EIS process having regard to the environmental effects of the project;
- set clearer more defined points within the EIS process where the Coordinator-General decides on the adequacy of EIS information;
- correct inconsistencies in EIS lapsing provisions;
- provide the Coordinator-General with the flexibility to decide when a staged EIS is appropriate;
- increase the power and flexibility of SDA development schemes;
- confirm the time for which the Coordinator-General can, with the Minister's approval, issue a step in notice for a prescribed decision or process after a project is declared to be a prescribed project;
- provide the Coordinator-General with power with respect to watercourse crossings and make the powers with respect to roads clearer;
- delete redundant provisions and reduce statutory guidelines to reduce red tape; and
- improve cost recovery processes to provide a more accurate fee for service system.

Amendments to the *Sustainable Planning Act 2009*

Party house provisions

Party houses refer to a residential dwelling regularly leased, hired or rented on a short-term basis for hosting parties, for example, bucks nights and weddings, with unwanted behavioural and noise impacts on neighbouring communities.

The impacts of party houses may include unacceptable noise and light emissions, offensive and alcohol-fuelled behaviour and violence. Common concerns include the neighbouring residents' inability to sleep at night, stress, psychological impacts and the lack of ability to enjoy their own place of residence, all contributing to stress, anxiety, health and safety concerns.

In recent years, the State has introduced measures to enable local governments to enforce excessive noise penalties through local laws and also enable police to deal with out-of-control events and behaviour. However, continued community concern has prompted further state action to consider another aspect – the lawfulness of a party house, in terms of the lawful use of a residential dwelling.

From a land use planning perspective, it was never envisaged that a residential dwelling would be used in such a way that the primary use of the premises is more consistent with an event venue rather than residential accommodation. Consequently, the policy objective is to enable local government to regulate party houses as a specific land use in planning schemes.

The provisions only apply if a local government opts in by amending or making a planning scheme or a temporary local planning instrument to regulate party houses and if appropriate identify a party house restriction area. The reason for this flexibility is explained in the 'Alternative ways of achieving policy objectives' section below.
The provisions enable local governments to regulate party houses in planning schemes by:

- providing a definition of party house in the SPA;
- providing that a party house may be assessable development (that is, code or impact assessable) in a planning scheme, requiring development approval in order to operate; and
- providing that a party house restriction area may be identified. The effect of the restriction is that a residential dwelling in a party house restriction area does not and never did have the right to operate as a party house. If there is a situation where a residential dwelling through a land use definition had a right to operate as a party house, it is the decision of the local government to remove this right. It is not the intention of the State that any development rights are removed, but to clarify the intent that the lawful development or use of residential dwelling does not include the development right to operate a party house as defined in the SPA unless otherwise approved by local government.

If it is found that a party house is an unlawful use of premises, this constitutes a development offence under the SPA. Existing mechanisms under the SPA are available to investigate and enforce a development offence.

Master planning provisions
The master planning amendments resolve an anomaly resulting from the *Sustainable Planning and Other Legislation Amendment Act (No. 2) 2012* which introduced new third party appeal rights that did not exist under the previous provisions for a declared master planned area. This was not the intended outcome as it is inconsistent with the former provisions under the SPA and appears to have been an inadvertent consequence of the way various parts of the SPA (as amended by *Sustainable Planning and Other Legislation Act (No. 2) 2012*) interrelate. The Bill also corrects a definitional issue.

The proposed amendments also remove the requirement for notification for development consistent with a structure plan for a declared master plan area. These amendments are in recognition of the extensive consultation undertaken as part of the structure planning process. It is noted that development will still be required to be in accordance with the structure plan codes and any master plan codes. If development is not consistent with the structure plan area codes or master plan codes, public notification and third party appeal rights will apply.

Iconic places provisions
Iconic places provisions in the SPA were in place to assist councils that were being amalgamated to give some protections to certain matters in their schemes at that time. De-amalgamation and scheme amendments made post-amalgamations makes the need for this special arrangement redundant.

Reducing the statute book by repealing redundant Acts

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

The purpose of the *Clean Coal Technology Special Agreement Act 2007* (Clean Coal Act) was to give effect to the Queensland Clean Coal Agreement (Clean Coal Agreement) between the Queensland Government and the Australian Coal Association Low Emissions Technologies Limited (ACALET). Under the Clean Coal Agreement, both parties worked together to accelerate the development, demonstration and widespread implementation and use of clean coal technology by encouraging collaborative investment (by the State and the coal industry) in research, development and demonstration projects.

Clean coal technologies such as carbon capture and storage (CCS) are still a precompetitive technology. The costs of CCS projects are currently prohibitive and as such carry significant commercial risks. In light of the high investment risks accompanying funding of CCS projects, the Queensland Government has determined that its primary role is to set the regulatory and policy frameworks that will allow the deployment of CCS and access to environmentally safe carbon storage sites in Queensland.

The establishment of frameworks for the deployment of CCS and access to storage sites is already achieved through the *Greenhouse Gas Storage Act 2009* (GHG Act), which provides for exploration for underground storage reservoirs for permanent storage of greenhouse gases and for storage of greenhouse gasses to take place.

While the Clean Coal Act and the Clean Coal Agreement may have previously facilitated the development and deployment of CCS technology within Queensland, they are no longer in line with Government priorities and the Clean Coal Act is no longer considered to be the right vehicle to progress CCS technologies in Queensland.

Therefore, the Queensland Government and ACALET have agreed to terminate the Clean Coal Agreement and the repeal of the Clean Coal Act is required. The policy objectives for the clean coal technology portfolio are already met, and will continue to be met, through the GHG Act. Information on the policy objectives has been communicated to industry and the public through the release of a policy statement on CCS.

Repeal of the *Eagle Farm Racecourse Act 1998*

The *Eagle Farm Racecourse Act 1998* (Eagle Farm Racecourse Act) was established to provide for the transfer of the Eagle Farm racecourse lands to the Queensland Turf Club Ltd (now called the Brisbane Racing Club). This transfer was effected in 1998.

The only section that is still relevant, is section 7, which provides that the trust land must not be sold without the written consent of the Minister administering that Act and that the land must be used for the purposes of a racecourse or another purpose only by Ministerial approval. A provision for the same purpose already exists in the *Racing Act 2002*. Since the transfer has occurred and the required provision is in force elsewhere, the Eagle Farm Racecourse Act can be repealed.

Repeal of the *Gurulmundi Secure Landfill Agreement Act 1992*

The policy objective is to make available for use a parcel of land located near Miles in the Western Downs Regional Council (formerly the Murilla Shire Council) local government area that is subject to the *Gurulmundi Secure Landfill Agreement Act 1992* (Gurulmundi Act).

The Gurulmundi Act is a special agreement Act covering the Gurulmundi Secure Landfill site. The site operated as a secure landfill between 1993 and 1997 for material leaving the Willawong Hazardous Waste Disposal facility in Brisbane City Council (BCC) local government area.

The Gurulmundi Act was established primarily to house a three-way Agreement between the BCC, the Queensland Government and the former Murilla Shire Council. The Agreement determines the use and operation of the site, restricting use specifically to the disposal of specified hazardous wastes.

The land is owned by the Queensland Government however, clause 5.2 of the Agreement states that BCC shall be the sole operator. Clause 5.8 states that BCC shall not engage a contractor to carry out the overall management and operation of the site.

The effect of these provisions is that it is not permissible for a private sector, or other, entity to operate the site, either by way of agreement or otherwise. Clause 5 of the Agreement makes it clear that BCC must be the sole operator of the site and a private entity cannot be engaged to carry out management or operation type activities or services at the site.

Clause 6 of the Agreement also only permits waste disposal type activities, not waste treatment or recycling type activities, even if it is BCC operating the site. This has the effect of limiting the use of the site to disposal activities. As the site is suitable for a broader range of uses, the limitation imposed by the Agreement and Act places unnecessary restrictions on the future development of the site.

A Deed of Termination was signed by BCC and the Queensland Government to terminate the agreement in 1998. However, as the Act has not been repealed it is current and valid as enforceable law and section 3 of the Act binds the Crown. Section 4 states that the Agreement is approved, and the Agreement is defined in section 2 as being the Deed of Agreement which is set out in the schedule. As the Agreement is codified in the Act it is therefore approved and is binding on the State, notwithstanding that the contractual agreement has been terminated.

The Gurulmundi Act applies to prevent these types of activities from occurring at the site and as it currently stands, the site cannot be used by the private sector for activities such as composting, recycling, and/or waste treatment. The repeal of the Gurulmundi Act supports the Deed of Termination and allows the site to be used by local governments other than BCC, or private sector entities, for activities other than the disposal of treated hazardous wastes.

Repeal of the *Racing Venues Development Act 1982*

The *Racing Venues Development Act 1982* (Racing Venues Act) was established to provide racing venues (land held by the State) to be placed under the control of trustees (and for other purposes).

On 1 July 2003, the former Government approved the transfer of responsibility for the Parklands Gold Coast venue to trustees appointed under the Racing Venues Act. Since then, Economic Development Queensland has taken over responsibility of the site for the purpose of constructing the Commonwealth Games Athletes Village (commenced in October 2013) and the Parklands Trust established under the Racing Venues Act has been wound up.

As Parklands Gold Coast was the only remaining racing venue on lands held by the State, the Racing Venues Act is no longer required and may be repealed.

Repeal of the *Wild Rivers Act 2005*

The *Wild Rivers Act 2005* (Wild Rivers Act) can be repealed because its policy objectives can be more effectively implemented through Queensland's existing land use planning and development assessment framework and the new *Regional Planning Interests Act 2014* (RPI Act).

Under the existing framework the wild river declaration areas can be identified in the State Planning Policy as areas of 'state interest' which must then be reflected in local government planning schemes. This allows for appropriate planning controls to be applied to these areas in an integrated way.

The commencement of the RPI Act will apply the policies of the Wild Rivers Act to development that is either outside the jurisdiction of the SPA (i.e. most resource activities), or where development potentially has an impact at a regional scale. The RPI Act identifies strategic environmental areas in which those activities that are either outside the jurisdiction of SPA, or that have the potential to have an impact at a regional scale, will be subject to a regional interests development approval. Amendments to the RPI Act are proposed to provide transitional provisions to assist with carrying forward the land use policy outcomes of the Wild Rivers Act.

Consequential amendments are also proposed to the SPA, the EP Act, the *Fisheries Act 1994*, the *Mineral Resources Act 1989*, the *Water Act 2000*, the *Cape York Peninsula Heritage Act 2007*, the *Coastal Protection and Management Act 1995*, the *Forestry Act 1959*, the *Fossicking Act 1994*, the *Land Protection (Pest and Stock Route Management) Act 2002*, the *Nature Conservation Act 1992*, the SDPWO Act, and the *Vegetation Management Act 1999*.

Achievement of policy objectives

To achieve the policy objectives to drive economic growth in Queensland, amendments are made to the:

- ED Act;
- EP Act in conjunction with the SPA;

- Gasfields Act;
- Land Title Act;
- SDPWO Act;
- SPA; and
- QIPP Act.

To achieve the policy objectives to reduce red tape and legislative duplication across the statute book, the following legislation will be repealed:

- Clean Coal Act;
- Eagle Farm Racecourse Act;
- Gurulmundi Act;
- Racing Venues Act; and
- Wild Rivers Act.

Alternative ways of achieving policy objectives

Amending existing legislation

There are no other ways of achieving the policy objectives other than legislative amendments. More specifically:

Amendments to the *Economic Development Act 2012*

The Bill provides a number of amendments that are required for the Government to drive economic development in Queensland and enable economic development and development for community purpose to be addressed efficiently and effectively, thereby reducing red tape. These amendments can only be implemented through changes to legislation; alternative policy options do not have the statutory force to achieve the Government's policy objectives.

Amendments to the *Environmental Protection Act 1994* in conjunction with the *Sustainable Planning Act 2009*

The amendments are to correct statutory links between the EP Act and the SPA. Consequently, there are no alternative ways of achieving the policy objectives.

Amendments to the *Gasfields Commission Act 2013*
The amendments are of a consequential nature to remove redundant references in existing legislation. This cannot be achieved other than through legislative amendment.

Amendments to the *Land Title Act 1994*

The amendments are of a consequential nature as a result of SDPWO Act amendments to ensure the Coordinator-General can carry out necessary requirements with respect to development that is reconfiguring a lot. This cannot be achieved other than through amendment of the Land Title Act.

Amendments to the *State Development and Public Works Organisation Act 1971*

The Bill provides the necessary frameworks to achieve the objectives in relation to the amendments to the SDPWO Act. There are no other viable alternatives that would achieve the Government's policy objectives.

Amendments to the *Sustainable Planning Act 2009*

Party house provisions
An alternative approach is to amend the Standard Planning Scheme Provisions, currently known as the Queensland Planning Provisions version 3.0 (QPP 3.0) which provides standardised provisions for Queensland local government planning schemes, including land use and administrative definitions, zones, structure and format etc.

The proposed amendments allow greater flexibility to local governments, as the provisions will only take effect if a local government amends its planning scheme or makes a temporary local planning instrument to recognise a party house as a new land use and subsequently regulate it in the area.

A local government may choose not to exercise these provisions. In this way, the State is not imposing planning scheme requirements on local governments for an issue that may not be locally relevant.

Repealing redundant Acts

The achievement of the policy objectives to reduce red tape and legislative duplication across the statute book can only be achieved through legislative repeal provisions.

Repeal of the *Gurulmundi Secure Landfill Agreement Act 1992*

Specifically, for the repeal of the Gurulmundi Act, despite the Deed of Termination between the Queensland Government and BCC, the Act is valid and enforceable law, and binding on the Crown.

One alternative to achieve the policy objective is to amend the Special Agreement Act to permit entities other than BCC, including private sector use and operation of the Site, for activities other than waste disposal.

In accordance with clause 2 of the schedule to the Gurulmundi Act the Agreement continues for 25 years from the date of its execution or until 97,500 tonnes of treated waste has been disposed of at the site, whichever occurs first. The Agreement was executed on 18 December 1991 and so will remain in place until 18 December 2016. However, if 97,500 tonnes of treated waste had already been disposed of at the site, then the Agreement would have ended and the restrictions in clauses 5 and 6 would not apply. As the site stopped receiving waste in 1997 having not reached 97,500 tonnes, the Agreement will expire in 2016.

As the Agreement will expire in December 2016, amending the Gurulmundi Act and Agreement would appear unnecessary when the better position is to repeal the Act in its entirety, as the Act is no longer relevant in its application. The site has not been used as a waste disposal site since 1997 and repealing the Act through this Bill provides certainty and removes any doubt as to the valid use and operation of the site.

Repeal of the *Wild Rivers Act 2005*

For the repeal of the Wild Rivers Act, the wild river policy outcomes are now achieved through Queensland's existing land use planning and development assessment framework and the RPI Act. Consequently, the Wild Rivers Act is no longer required.

Estimated cost for government implementation

There are no significant implementation costs for Government associated with the proposed amendments. Where costs do arise they will be met from within existing budget allocations.

Amendments to the *State Development and Public Works Organisation Act 1971*

The Office of the Coordinator-General intends to manage any need for increased resources resulting from the:

- improvements to the EIS process;
- streamlining regulation in SDAs; and
- other minor amendments.

Amendments to the *Sustainable Planning Act 2009*

Party house provisions
Should a local government wish to 'opt in' to regulate party houses, the cost for local government will include:

- making/amending the planning scheme or making temporary local planning instrument;
- developing an assessment framework for party houses;
- assessing any development applications for a party house; and
- ensuring compliance with any development approval.

The provisions do not create a 'role' for State Government in addressing party houses, except the existing role of reviewing and approving local government planning schemes for adoption and approving any draft temporary local planning instruments.

Consistency with fundamental legislative principles

The Bill has been drafted with regard to the Fundamental Legislative Principles (FLPs) as defined in section 4 of the *Legislative Standards Act 1992*. Particular clauses in the Bill raise concerns in relation to FLPs as discussed below:

Amendments to the *State Development and Public Works Organisation Act 1971*

The following amendments raise the FLP that legislation should make rights and liberties, or obligations, dependant on administrative powers only if subject to appropriate review. Specifically, there is no right of appeal or review against the following decisions:

- declaring a project to be a coordinated project for which an IAR is required (proposed section 26(1)(b));
- deciding a staged EIS request (proposed section 32B);
- deciding whether to accept a draft EIS as a final EIS (proposed section 34A);
- deciding whether a draft IAR is satisfactory for public notification (proposed section 34H);
- deciding whether to accept a draft IAR as a final IAR (proposed section 34I); and
- deciding whether to approve an SDA application (proposed section 84E) or a change to an SDA approval (proposed section 84F).

While review processes are preferable for administrative decision-making in, an absence of a provision for such a right of review is justified to achieve consistency with other similar provisions of the SDPWO Act and by the overriding significance of the objectives of that legislation. Such a justification applies in this case and the absence of an appeal right is deliberate.

This is consistent with other parts of Part 4 of the SDPWO Act where parts of the Judicial Review are excluded under an ouster provision.

The exclusion of appeal and merits review rights for deciding SDA applications and changes to SDA approvals is consistent with the current provisions of Part 6, which does not currently provide appeal and merit review rights for deciding applications for material change of use (MCU) and change of use of land. The JR Act has not been excluded for decisions made under Part 6 and remains a potential avenue to appeal the decision making process of the Coordinator-General where applicable.

There are also potential FLP issues relating to provisions for entering and occupying land adjoining a watercourse crossing in order to survey a watercourse or carry out work in relation to a watercourse crossing. These powers are necessary to facilitate infrastructure projects and are consistent with those of the Minister for Transport.

Amendments to the *Sustainable Planning Act 2009*

Party house provisions

An FLP issue considered in relation to party houses is that the amendments do not adversely affect rights and liberties, or impose obligations retrospectively, and do not confer immunity from proceeding or prosecution without adequate justification.

In relation to the definition of party house in the SPA, the definition may potentially capture more activities than intended, or may be inconsistently applied across local government areas. However the purpose of the provisions is to empower local government to regulate the use in a way that is relevant to the issues within its local area.

In relation to the party house restriction area, the Bill provides that the use of a residential dwelling in the area is taken not to include, and to never have included, the use of the premises as a party house.

The purpose of the party house restriction area is to clarify that, from a land use planning perspective, it was never intended that a residential dwelling includes, or is an equivalent land use as, a premises used as a venue function. These are two separate land uses and serve different purposes. The purpose of the party house restriction area is not to remove development rights.

The effect of the party house restriction area is that the carrying out of a party house use becomes an unlawful use and therefore an offence, even though the use may have been lawful at the time it was carried out. There may be some rare instances in which a residential dwelling as part of a planning scheme definition has an existing lawful right to operate as a party house. Should such circumstances exist, these will be made unlawful if that residential dwelling falls within a party house restriction area.

Local governments are better positioned to identify if any residential dwelling includes an existing lawful right to operate as a party house.

Where an existing residential dwelling has an approval to operate other activities, for example, a restaurant, this approval would remain in place.

Repeal of the *Wild Rivers Act 2005*

The FLP issue considered in relation to the Wild Rivers Act repeal is whether the proposed provisions have sufficient regard to the institution of Parliament in that the legislation authorises the amendment of an Act only by another Act.

The Bill inserts transitional regulation-making powers into the RPI Act, the EP Act, *Mineral Resources Act 1989*, the SPA and the *Water Act 2000*. These provisions empower the Governor in Council to make regulations to deal with savings and transitional matters arising from the repeal of the Wild Rivers Act for the purposes of those Acts. These transitional regulation-making powers have regard to the institution of Parliament as any regulations made are subject to disallowance by the Parliament. Transitional regulations also automatically expire one year after commencement.

Consultation

Amending existing legislation

Amendments to the *Economic Development Act 2012*

Economic Development Queensland worked with the DSDIP regarding the amendments to the Economic Development Fund, provisional priority development areas and the community infrastructure designations. Discussions were held with Ipswich City Council with regards to the revocation of a priority development area. Discussions were held with Gold Coast City Council about amending a land use plan. A discussion was held with the Local Government Association of Queensland regarding their submission outlining their concerns with Chapter

3, Part 6 (Special Rates and Charges) of the ED Act. Government departments were consulted as part of the Cabinet process.

Amendments to the *Environmental Protection Act 1994* in conjunction with the *Sustainable Planning Act 2009*

The amendments are to correct statutory links between the EP Act and the SPA. The amendments are machinery in nature and therefore, consultation with external stakeholders was not required. All Government departments were consulted as part of the Cabinet process.

Amendments to the *Gasfields Commission Act 2013*

The Premier wrote to all Ministers on 5 March 2014 requesting all departments conduct a review of indemnity arrangements within their portfolio legislation and repeal any unnecessary provisions. This follows recent amendments to the PS Act and the PSA Act to provide broad legislative immunities from civil liability. The Premier has stated that the repeal of any redundant legislative amendments from other statutes must be progressed in 2014.

Amendments to the *Queensland Industry Participation Policy Act 2011*

No specific consultation has been undertaken in regard to the amendments to the *Queensland Industry Participation Policy Act 2011* as the Act is only binding on State Government agencies.

Amendments to the *State Development and Public Works Organisation Act 1971*

Government departments were consulted as part of the Cabinet process. The Office of the Coordinator-General consulted with a range of stakeholders on the amendments, including:

- industry groups and project proponents currently undertaking an EIS process;
- the Local Government Association of Queensland and local governments affected or likely to be affected by an SDA; and
- key conservation groups.

A small number of industry and coordinated project proponents responded and responses were generally supportive of the proposed amendments. There were no objections raised to the measures to streamline assessment processes for coordinated projects. Some matters raised in consultation include the increase in fees for coordinated projects and changes to timeframes. Local governments were generally supportive while wanting to ensure their interests were preserved, particularly in relation to the ability to review and provide comment on proposed new developments and the impacts to local councils on requirements for infrastructure to new projects. No responses were received from the key conservation groups.

Amendments to the *Sustainable Planning Act 2009*

In relation to party houses, discussions have been held with the Local Government Association of Queensland, Queensland Tourism Industry Council, affected local governments and relevant state agencies.

Repealing redundant Acts

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

There will be no impact on the community from the repeal of the Clean Coal Act and release of the CCS policy statement therefore no community consultation was undertaken. All Government agencies supported the repeal of the Clean Coal Act and release of the CCS policy statement.

Repeal of the *Eagle Farm Racecourse Act 1998* and the *Racing Venues Development Act 1982*

Consultation has been undertaken with the Department of National, Parks, Recreation, Sport and Racing in relation to the repeal of the Eagle Farm Racecourse Act and Racing Venues Act.

Repeal of the *Gurulmundi Secure Landfill Agreement Act 1992*

Consultation has been undertaken with BCC and Western Downs Regional Council regarding repeal of the Gurulmundi Act. A new Deed of Termination has been drafted to finalise the Agreement prior to repeal of the Gurulmundi Act (which commences on proclamation).

Repeal of the *Wild Rivers Act 2005*

The Wild Rivers Act is proposed for repeal as its policy objectives can be more effectively implemented through Queensland's existing land use planning and development assessment framework and the new RPI Act.

The revocation of declared wild river basins and creation of a strategic environmental area on the Cape York Peninsula have been the subject of extensive consultation through the development of the Cape York Regional Plan. The Channel Country Strategic Environmental Area is the outcome of extensive consultation undertaken in 2012-13 on alternative strategies to protect Queensland's western rivers within the Cooper Creek, and Georgia and Diamantina basins wild river declarations. The designation of this strategic environmental area was subject to consultation through the exposure draft of the Regional Planning Interests Regulation from March – May 2014.

Consistency with legislation of other jurisdictions

Amending existing legislation

Amendments to the *Economic Development Act 2012*

The amendments are to legislation which is unique to Queensland and are complementary to other Queensland legislation, such as the SPA. While not uniform, other jurisdictions have provisions to fast track planning and development.

Amendments to the *Environmental Protection Act 1994* in conjunction with the *Sustainable Planning Act 2009*

The amendments are to correct statutory links between the EP Act and the SPA. These Acts are unique to Queensland therefore there is no need to consider the legislation of other jurisdictions.

Amendments to the *Gasfields Commission Act 2013*

Not applicable as the amendments are of a consequential and technical nature.

Amendments to the *Land Title Act 1994*

The amendments are consistent with similar powers in the Land Title Act which provide for the MEDQ to regulate subdivisions in priority PDAs declared under the ED Act, and similarly, for local governments to regulate subdivisions in their local government areas under the SPA.

Amendments to the *Queensland Industry Participation Policy Act 2011*

No other Australian jurisdictions administer equivalent Acts to the *Queensland Industry Participation Policy Act 2011* with the exception of Victoria which has the *Victorian Industry Participation Policy Act 2003*. This Act is very similar to the Queensland Act in its scope and operation, but it is administered by the Industry Capability Network (Victoria), rather than a Government agency as in Queensland.

Amendments to the *State Development and Public Works Organisation Act 1971*

The SDPWO Act is specific to the State of Queensland and many powers under the Act are unique to the Coordinator-General. Nonetheless, the amendments contained in the Bill relate to the establishment of a decision point for the Coordinator-General to determine when the proponent EIS documentation is finalised and the evaluation report may be prepared to align the SDPWO Act more closely with a very similar decision point in the EP Act. The proposed alternative to streamline IAR assessment process contains some elements that are similar to both the MCU assessment process under the SPA and the assessment on preliminary documentation process in the EPBC Act.

Amendments relating to the ability of the Coordinator-General to regulate all or part of an SDA, regulate more than the use of land and set levels of assessment for regulated development are similar to processes under the ED Act. Amendments concerning water courses and roads are necessary to facilitate infrastructure projects and are consistent with other Queensland legislation.

Amendments to the *Sustainable Planning Act 2009*

In relation to party houses, other jurisdictions provide for dealing with noise complaints, police enforcement for certain behaviours and supporting industry self-regulation by introducing holiday rental codes. However, these measures are generally related to managing noise emissions, as intended.

Similar to other jurisdictions, the State Government has already introduced measures to assist with the behavioural impacts of party houses. The measures include:

- the *Police Powers and Other Responsibilities Amendment Act 2014* now provides additional police powers to deal with 'out-of-control events' and 'out-of-control behaviour' (these sort of events and this type of behaviour may occur at party houses); and
- the *Local Government Act 2009* now provides powers for local governments to introduce local laws that may make the owner of a residential property liable to a penalty because of excessive noise regularly emitted from the property.

Repealing redundant Acts

Not applicable for the Acts proposed for repeal.

Notes on provisions

Chapter 1 Preliminary

1 Short title

Clause 1 establishes the short title of the Act as the *State Development, Infrastructure and Planning (Red Tape Reduction) and Other Legislation Amendment Act 2014* (the Act).

2 Commencement

Clause 2 provides that the Act will commence 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

Clause 3 provides that this division amends the *Economic Development Act 2012* (ED Act).

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

Clause 4 includes the infrastructure expenses recoupment charges in the list of amounts payable into the Economic Development Fund.

Clause 4 clarifies that where the MEDQ has delegated functions and powers (to a local government or person) relating to fees for applications under chapter 3 (Special rates and charges), infrastructure expenses recoupment charges and any other amounts in performing the function or exercising the power that these amounts do not have to be paid into the Economic Development Fund where the delegation provides the delegate may retain these amounts.

5 Amendment of s 34 (Declaration)

Clause 5 improves the ability to declare a PPDA. Previous experience with consideration of declaring a PPDA has revealed issues with the current requirements for a PPDA to be limited to an area which is a discrete site, proposed to be used for a discrete purpose and for the proposed development to be consistent with a local planning instrument. This section removes these impediments and requires proposed development to not compromise the implementation of any planning instrument, such as a regional plan, consistent with the approach taken in the SPA. This will allow PPDAs to foster economic development and development for community purposes.

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

Clause 6 ensures the provisional land use plan required for a PPDA must not compromise the implementation of any planning instrument applying to the area, such as a regional plan, consistent with the approach taken in the SPA. This will allow PPDAs to facilitate economic development and development for community purposes.

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

Clause 7 inserts a new subdivision heading.

Subdivision 1 Provisional priority development areas

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

Clause 8 replaces section 42 of the ED Act with sections 42, 42A, 42B, 42C, 42D, 42E, 42F, 42G, 42H, 42I, 42J, 42K, 42L and 42M.

Section 42 of the ED Act applies if it is proposed to amend or revoke a declaration regulation (the PDA change) so that land in a PDA will no longer be in a PDA. This section outlines the actions before a PDA is revoked and is transitioned to the local government area. These provisions effectively mirror the process for making a development scheme.

This section is amended to insert new sections to provide more robust procedures for revocation, providing an opportunity to consult with land owners and other affected parties before revocation occurs.

Subdivision 2 Priority development areas

New section 42 (Revocation or reduction of priority development area)

New section 42 applies if the Minister proposes to recommend to the Governor in Council the making of a regulation (the PDA change) to amend or to repeal a provision of a declaration regulation so that land in a PDA will no longer be in a PDA.

New section 42 states the recommendation for the PDA change may be made only if the planning instrument change is proposed, and dealt with and approved under the applicable sections.

New section 42A (Preparation of proposed planning instrument change)

New section 42A states that the MEDQ may decide to prepare the proposed instrument for the planning instrument change or the MEDQ may request the local government to prepare the proposed planning instrument change.

New section 42A states the entity that prepares the proposed instrument for the planning instrument change is the proposer of the proposed planning instrument change.

New section 42B (Consultation about proposed planning instrument change)

New section 42B outlines the initial consultation required prior to preparing the proposed instrument for the planning instrument change. Where the MEDQ is the proposer, the MEDQ must consult with the relevant local government. Where local government is the proposer, the local government must consult with the MEDQ. The proposer must also make reasonable endeavours to consult with any of the following it considers will be likely to be affected by the proposed planning instrument change:

- a government entity or government owned corporation;
- another person or entity.

The purpose of this section is to ensure that parties likely to be affected by the proposed instrument for the planning instrument change are consulted during its development.

New section 42C (Approval of proposed planning instrument change by MEDQ)
New section 42C provides that where the proposer is the local government, the MEDQ must decide to approve the proposed instrument for a planning instrument change, with or without conditions or refuse to approve the instrument. If the MEDQ approves the instrument subject to conditions, the local government must amend the instrument to include the conditions. This is similar to the approach taken with the SPA planning schemes and amendments.

New section 42D (When notification requirements do not apply)
New section 42D provides for a shortened process if the MEDQ considers the consultation under section 42B has been adequate and the public interest would not be served by further consultation (for example, if the development contemplated by the development scheme has been completed).

New section 42E (Public notification)
New section 42E sets out the public notification provisions, where required, for a planning instrument change.

New section 42E requires the proposer to publicly notify the proposed instrument for the planning instrument change and invite anyone to make submissions about the instrument. The proposed instrument must be published on the proposer's website and notified in the gazette and in a newspaper circulating in the area, advising that interested persons may inspect the proposed instrument on the proposer's website and that submissions may be made. A submission period of at least 30 business days must be given. This is consistent with the public notification period required for the preparation of a development scheme.

New section 42F (Submissions on proposed planning instrument change)
New section 42F enables anyone to make a submission to the proposer about the proposed instrument for the planning instrument change within the submission period.

New section 42G (Consideration of submissions)
New section 42G requires the proposer to consider any submissions received within the submission period however, the proposer is not prevented from considering submissions received after the submission period ends.

New section 42H (Amendment of proposed planning instrument change)
New section 42H allows the proposer to amend the proposed instrument for the planning instrument change after consideration of the submissions received. However, if the proposer considers the amendment significantly changes the proposed instrument, the proposed instrument must be re-notified, inviting submissions for consideration by the proposer, in accordance with new sections 42E(2) and (3), and 42G.

New section 42I (Public response report)
New section 42I requires the proposer to prepare and publish a report on the relevant website that summarises the submissions considered, contains information about the merits of the submissions and details the changes made to the proposed instrument for the planning instrument change, including changes to address submissions. The purpose of this provision is to provide submitters with feedback about how their submissions were addressed in the making of the proposed instrument for the planning instrument change.

New section 42J (Approval of planning instrument change)
New section 42J provides for the MEDQ to decide to approve the proposed instrument for the planning instrument change with or without conditions, or refuse to approve the proposed instrument. In making this decision the MEDQ must consider the main purpose of the Act and the public response report. If the MEDQ decides to approve the proposed instrument, for a proposed instrument prepared by the MEDQ, the MEDQ must make the instrument and must notify the local government. For a proposed instrument for a planning instrument change made by the local government, the MEDQ must, by notice to the local government, approve the instrument. If the MEDQ approves the instrument with conditions, the local government must amend the instrument to include the conditions.

New section 42K (Effect of planning instrument change)
New section 42K states that on the giving of a notice under section 42J(4) the planning instrument change is taken to have been made by the local government and clarifies that section 117 (Making or amending local planning instruments) of the SPA does not apply for the making of the planning instrument change. The planning instrument change takes effect at the same time as the PDA change.

New section 42L (Notice of planning instrument change)
New section 42L requires the proposer, as soon as practicable after the planning instrument change has taken effect, to publish the instrument for the planning instrument change on the proposer's website and publish a notice in a newspaper circulating in the area stating that the instrument has been approved and that it may be inspected on the proposer's website.

The proposer must also give each submitter a notice advising that the instrument has been approved and that the public response report for the proposed instrument is available for inspection on the website. The purpose of this provision is to ensure that a relevant local government, submitters and other interested parties are made aware that the planning instrument change has been approved.

Subdivision 3 Other matters

New section 42M (Implied and uncommenced rights to use premises protected)
New section 42M provides that if a PDA development approval comes into effect and immediately before the approval came into effect an MCU implied by the PDA development approval was PDA self-assessable or PDA exempt development, the use is taken to be a lawful use in existence immediately before the planning instrument change is made. This section protects development entitlements where, for example, there is an approved Plan of Development and the level of assessment tables in a PDA development scheme provided that an MCU if in accordance with an approved Plan of Development, is exempt development.

9 Replacement of s 47 (Community infrastructure designations)
Clause 9 replaces section 47 to allow for a community infrastructure designation to be made for land in a PDA which is consistent with the purpose of the ED Act (to facilitate development for community purposes). The process for community infrastructure designations under the SPA is to be followed. A community infrastructure designation in force immediately before the land is in a PDA continues in force.

10 Replacement of s 66 (Power to amend)

Clause 10 replaces section 66 (General power to amend) and carries forward the existing provision that the MEDQ may amend a development scheme if the amendment does not change the land use plan for the relevant PDA in the scheme or the amendment is a minor administrative amendment.

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

Clause 11 omits the heading of section 67 and replaces it with 'Power to amend to change land use plan'. This clause also amends section 67(1) to allow the MEDQ to amend a development scheme to change the land use plan for the relevant PDA even if it is materially detrimental to someone's interests.

12 Amendment of s 88 (PDA development conditions)

Clause 12 amends section 88(b) to insert the word 'charges'. The purpose of the amendment is to make the terminology in section 88(b) consistent with section 10 of the ED Act which is the power for the MEDQ to impose charges which includes infrastructure charges.

13 Amendment of s 104 (Plans of subdivision)

Clause 13 amends section 104 to insert the reference to an infrastructure expenses recoupment charge. This is a consequence of the amendments to chapter 3, part 6 (Special rates and charges).

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

Clause 14 amends section 114 to put beyond reasonable doubt that any originating proceedings in the Planning and Environment Court are not affected because the land, the subject of the proceedings, has ceased to be in a PDA.

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

Clause 15 inserts a new chapter 3, part 6 heading.

Part 6 Particular charges

Division 1 Special rates or charges

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

Clause 16 omits the definition of rateable land. The definition now appears in schedule 1 (Dictionary).

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

Clause 17 inserts new sections 116A – 116G.

Division 2 Infrastructure expenses recoupment charges

New section 116A (Definitions for div 2)

New section 116A includes definitions for *charge area, charge notice* and *provision of infrastructure.*

New section 116B (Making and levying charge)
New section 116B enables the MEDQ, by the authorising instrument, to make and levy on owners of rateable land in the charge area an infrastructure expenses recoupment charge to recoup, or provide for payment of, the expense.

The charge does not apply if the infrastructure is a facility or service for which a special rate or charge has been made and levied, or the expense is recouped or provision is made for payment of the expense, other than levying the charge. This is to prevent any 'double dipping'.

The MEDQ may also make and levy the charge even if the MEDQ incurred, or reasonably expected to incur, the expense on the land before the land was in a charge area.

New section 116C (Requirements for authorising instrument)
New section 116C sets out the requirements for the authorising instrument and is the means for the MEDQ to exercise the power under new section 116B.

New section 116D (Basis and amount of charge)
New section 116D provides that the MEDQ may make and levy the infrastructure expenses recoupment charge on the bases the MEDQ considers appropriate.

Also the MEDQ may fix a minimum amount for the charge or decide whether a discount applies. For example, if owners pay the infrastructure expenses recoupment charge upfront they may be entitled to a discount. The MEDQ can only increase the infrastructure expenses recoupment charge by no more than the rate, and only at the intervals, stated in the authorising instrument for the charge.

New section 116E (Making and levying of charge by superseding public sector entity)
New section 116E provides that if the MEDQ has made and levied an infrastructure expenses recoupment charge for the provision of the planned infrastructure and the PDA is revoked, the infrastructure expenses recoupment charge is taken to have been made and levied by the superseding public sector entity. The superseding public sector entity may continue to make and levy the infrastructure expenses recoupment charge. However the superseding public sector entity is not authorised 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

New section 116F (Definitions for div 3)
New section 116F includes definitions for charge notices, charging entity and relevant charge.

New section 116G (Charge notice)
New section 116G provides that the MEDQ or the superseding public sector entity can give the owner of each parcel of rateable land a charge notice. This section is mirrored on provisions in the *Local Government Regulation 2009.*

18 Replacement of s 117 (Recovery of special rate or charge)
Clause 18 replaces section 117 to recognise the infrastructure expenses recoupment charge to be recoverable as well as a special rate or charge.

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

Clause 19 amends section 121(1) to enable the MEDQ to elect not to continue to be a party to an agreement. Upon the revocation of a PDA, there are instances where the MEDQ may have an interest in an infrastructure agreement, for example, catalyst infrastructure agreements which concerns the funding of infrastructure by the MEDQ.

This new provision means the MEDQ can now continue to be a party beyond cessation of a PDA unless the MEDQ elects not to be.

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

Clause 20 amends section 127(5) to update a cross reference.

21 Amendment of s 172 (Registers)

Clause 21 amends section 172 to provide that the MEDQ must register any infrastructure expenses recoupment charges.

22 Amendment of sch 1 (Dictionary)

Clause 22 amends schedule 1 (Dictionary).

The term 'business day' is amended to be consistent with the SPA.

The terms *authorising instrument*, *business day*, *charge area*, *charge notice*, *charging entity*, *infrastructure expenses recoupment charge*, *notification requirements*, *PDA change*, *planning instrument change*, *proposer*, *proposer's website*, *provision* (of infrastructure), *public response report*, *relevant charge* are defined.

A definition of *public sector entity* is included. Previously the definition of public sector entity had the same meaning under the SPA, however, under the ED Act, a local government may be the superseding public sector entity.

The definition of *rateable land* has been relocated from section 115.

The definition of *submission period* has been amended to recognise the submission period for a planning instrument change.

Part 2 Amendment of Queensland Industry Participation Policy Act 2011

23 Act amended

Clause 23 states that this part amends the *Queensland Industry Participation Policy Act 2011*.

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

Clause 24 replaces section 13 to streamline reporting processes by removing the requirement for the Minister to have to table a separate report on the implementation of the local industry policy and replacing it with a requirement that that report be included in the department's annual report.

25 Amendment of ss 14 and 15

Clause 25 amends sections 14 and 15 to make minor changes to wording to support the amendment made in clause 24 which changes the reporting requirement for the implementation of the local industry policy.

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

26 Act amended

Clause 26 states that this part amends the *State Development and Public Works Organisation Act 1971* (SDPWO Act).

27 Amendment of s 24 (Definitions for pt 4)

Clause 27 provides for the amendment of section 24. This amendment adds two new definitions, *staged EIS* and *staged EIS request*. These two new definitions help identify different process requirements in the relatively rare circumstances where approval is given for an EIS for a project to be presented in stages for different parts of a project rather than for the full project.

This clause also expands the definition of *Coordinator-General's report* to take into account the new IAR.

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

Clause 28 splits the existing section 25A into two sections being section 25A, which describes the fee requirements for the whole of part 4 of the Act, and section 25AA, which establishes that the Coordinator-General may waive or reduce any fees that apply for services under part 4. Previously, the Coordinator-General could only waive or reduce fees under some circumstances for change reports. The amendments bring the fee regime for coordinated projects under Part 4 into line with the fees regime for approval applications for projects in SDAs (part 6, division 1).

29 Amendment of s 26 (Declaration of coordinated project)

Clause 29 provides for:

- the amendment of subsection (1)(b) to omit the option of a coordinated project being declared where an EIS is not required;
- the replacement of subsection (1)(b) with an alternative IAR process;
- the omission of now redundant subsection (2), which described the circumstances that must exist for the previous subsection (1)(b) declaration to be made;
- the replacement of subsection (2) to describe that a project can only be declared a coordinated project requiring an IAR if the Coordinator-General is 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; and
- the removal of now redundant subsection (3).

The policy intent of the new IAR process is that it should apply where a comprehensive environmental impact assessment process is not required for the project.

The key difference between the EIS and IAR processes is that an IAR does not require a terms of reference (TOR). Consequently, the scope of information requirements needed to

undertake an adequate impact assessment of the project may be more focused and risk-based than an EIS – which is ordinarily considered to be broad ranging in the scope of matters considered. Nonetheless, the IAR process allows the Coordinator-General to seek public comment, and/or agency or expert advice on the scope of the IAR document itself during the assessment process.

In general terms, the IAR process is considered to be more appropriate than the EIS process if more than one of the following circumstances apply:

- the risk of environmental harm arising from potential impacts of the project is not considered to be high due to the nature or extent of those impacts;
- there are likely to be only limited concerns about the effects of the proposed project on the environment; or
- the measures to avoid or mitigate potential negative impacts of the project are well understood and widely practiced.

While the IAR process permits the Coordinator-General to prepare an assessment report without public notification under limited circumstances, the Bill specifies that public notification of the IAR must occur if a subsequent approval for the project (for example, under the SPA or the EP Act) requires public notification to have occurred.

30 Amendment of s 27AB (Requirements for application)

Clause 30 amends section 27AB(c)(i) by inserting 'or IAR' after EIS, to include the two processes (EIS or IAR) that now apply to the application for declaration of a coordinated project. The application requirements are the same for both processes.

Previous references to the term 'supplementary' are completely omitted and replaced with 'additional'.

31 Replacement of s 27A (Lapsing of declaration)

Clause 31 replaces section 27A with two new sections 27A (Lapsing of declaration if EIS required) and section 27B (Lapsing of declaration if IAR required). This replacement responds to the new IAR requirement.

The principle change in these provisions is that a final EIS or final IAR is now required for the project within 18 months - otherwise the declaration lapses.

Section 27A(2) applies to coordinated projects if an EIS is required for the project and provides that the declaration lapses if, within 18 months of the declaration being made, the Coordinator-General has not accepted a draft EIS as the final EIS for the project under section 34A(1)(b).

While section 27B(2) applies to coordinated projects if an IAR is required for the project and provides that the declaration lapses if, within 18 months of declaration, the Coordinator-General has not accepted a draft IAR for the project as a final IAR under section 34I(1)(b).

The Coordinator-General may give written notice to the proponent stating a later time for the declaration to lapse for both an IAR or EIS under section 27A(4) and 27B(3).

Clause 31 inserts new sections 27A(3) and 27A(4) which provide for new provisions relating to staged EISs and the relevant lapsing times.

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

Clause 32 provides for a minor amendment to section 28 to omit the wording 'for which an EIS is required' to ensure that divisions 3 to 8 apply to a coordinated project regardless of whether it is declared under an EIS or IAR process.

33 Replacement of pt 4, div 3, hdg

Clause 33 changes the heading of division 3 from 'EIS process' to 'Assessment process'. Part 4 as a whole provides for the assessment processes for the EIS and IAR processes.

Division 3 Assessment process

Subdivision 1 EIS process

New section 29A (Application of sdiv 1)

New section 29A states that the subdivision applies for a coordinated project for which an EIS is required.

34 Replacement of s 32 (Preparation of EIS)

Clause 34 provides new section 32 (Preparation of draft EIS) to take into account the new requirement that a proponent must obtain the Coordinator-General's approval to submit a staged EIS for a project and to remove the lapsing requirements, which are now in sections 27A and 27B.

This clause also includes new sections 32A (Request to prepare EIS for stages of project) and 32B (Deciding staged EIS request) which provide the requirements of a proponent for requesting the Coordinator-General to approve the preparation of a staged EIS (that is, an EIS for each stage of the project) and the Coordinator-General's decision on that request. Currently, the Act permits a proponent to provide an EIS for one stage of the project without the prior consent of the Coordinator-General. This is rarely preferable to the provision of a full EIS, and adds time, cost and complexity to the assessment process.

35 Amendment of s 33 (Public notification of EIS)

Clause 35 amends the heading of section 33 from 'Public notification of EIS' to 'Public notification of draft EIS'.

This clause also makes minor amendments to sections 33(1) and 33(1)(a) and 33(1)(b) to capture the new terminology of 'draft EIS'.

36 Amendment of s 34 (Making submissions on EIS)

Clause 36 amends the heading of section 34 from 'Making submissions on EIS' to 'Making submissions on draft EIS'.

This section replaces section 34(1) to provide a minor amendment to state that during the submission period, for the draft EIS, any person may make a submission to the Coordinator-General about the draft EIS. Section 34(4)(b) is also amended to add the word 'draft' before 'EIS'.

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

Clause 37 inserts new sections 34A to 34D for the EIS process. Section 34A is added to provide for the Coordinator-General to decide whether to accept draft EIS as final EIS or

not. This section enables the Coordinator-General to decide when sufficient information has been provided by the proponent to enable the preparation of the EIS evaluation report.

The Coordinator-General may decide not to accept the draft EIS as final EIS if additional information is needed about the environmental effects of the project or any other matter the Coordinator-General considers is relevant to the project.

The Coordinator-General is required to give the proponent written notice of the decision made under section 34B. Where the decision is not to accept the draft EIS as the final EIS the notice would include the additional information required, any further public notification requirements and the period for re-submitting the draft EIS. Where the draft EIS is accepted as the final EIS the Coordinator-General then proceeds to preparing a report evaluating the EIS.

Clause 37 also inserts a new subdivision 2 (IAR process) which includes new sections 34E to 34L.

New section 34E (Application of sdiv 2) provides that this subdivision applies for a coordinated project for which an IAR is required and section 34F (Notice of requirement for IAR) provides that as soon as practicable after making a declaration under section 26(1)(b), the Coordinator-General is to advise the proponent that an IAR is required for the project.

New section 34G (Preparation of draft IAR) provides that the proponent must prepare a draft IAR for the project that includes details of the project, information on the likely environmental effects of the project and a statement about approvals required for the project. Potential future applications for a community infrastructure designation (CID) for part or the entire project under the SPA is not included amongst those circumstances listed under the definition of approvals requiring public notification. A broad array of project elements can be delivered through a CID but this option is only rarely used for coordinated projects. Consequently, it will be more efficient to determine IAR public notification requirements on a case by case basis in consultation with the proponent for projects that are highly likely to use a subsequent CID process than mandate public notification of the IAR for all projects where CID is under consideration.

New section 34H (Public notification of draft IAR) provides for public notification of the draft IAR once the Coordinator-General is satisfied the draft IAR is suitable for public notification. A draft IAR must be publically notified if subsequent approvals for the project such as an environmental authority under the EP Act or a development approval under SPA would require public notification.

New section 34I (Coordinator-General decides whether to accept draft IAR as final IAR) enables the Coordinator-General to decide whether or not to accept the draft IAR as the final IAR before giving written notice of his decision under new section 34J (Giving notice of decision).

Section 34K (Requirement to publicly notify draft IAR or provide additional information) enables the Coordinator-General to consider public notification of the draft IAR or if additional information is required before proceeding to a report evaluating the IAR under section 34L. New section 34L (Report evaluating IAR) enables the Coordinator-General to

state conditions in the report evaluating the IAR under sections 39, 45, 47C, 49B, 49E or 49G of the Act.

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

Clause 38 omits section 35 as it is replaced with new section 34D (Report evaluating EIS) and section 34L containing new provisions relating to Coordinator-General report evaluating IAR.

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

Clause 39 provides for the insertion of a new part 4, division 3, subdivision 3, heading 'Amendment and lapsing of Coordinator-General's report'.

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

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

Clause 40 provides for the amendment of section 35AA to allow the amendment provision for both an EIS and IAR.

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

Clause 41 provides for the lapsing provisions of the Coordinator-General's report to apply for an IAR or EIS and clarifies the lapsing provisions for one or more relevant approvals.

Where a project requires one or more one subsequent approvals for which the Coordinator-General's report has stated conditions or made recommendations, a properly made application must be accepted for all relevant approvals before the lapsing date.

42 Amendment of s 35H (Criteria for evaluating)

Clause 42 amends section 35H to provide for the evaluation of a proposed change to an EIS or IAR.

43 Replacement of s 35L (Lapsing of Coordinator-General's change report)

Clause 43 replaces section 35L so that the Coordinator-General's change report for a project lapses generally at the same time as the Coordinator-General's report for an EIS or IAR lapses, or if the change report states a different day – on the day stated in the change report.

44 Amendment of s 36 (Application of sdiv 1)

Clause 44 provides for the amendment of section 36 (Application of sdiv 1) to include the IAR process.

45 Amendment of s 37 (Application for material change of use or requiring impact assessment)

Clause 45 amends section 37 (Application for material change of use or requiring impact assessment) by omitting reference to 'the EIS' and amending wording to 'an EIS or IAR for the project. This is a consequential amendment to the new requirement of IARs. A definition for *material change of use* is also inserted.

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

Clause 46 amends section 38 by amending the wording to 'the relevant Coordinator-General's report for the project' in order to recognise the IAR process and a staged EIS.

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

Clause 47 amends section 54A by amending the wording to improve language.

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

Clause 48 removes redundant provisions as there is no longer any corresponding reference to section 435 of the EP Act.

49 Amendment of s 76K (Step in notice)

Clause 49 amends section 76K(2)(b) by inserting 'prescribed'.

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

Clause 50 makes minor amendments to the section confirming when the Coordinator-General can, with the Minister's approval, issue a step in notice for a prescribed decision or process where a project has been declared to be a prescribed project.

51 Amendment of s 79 (Development scheme)

Clause 51 amends the heading of section 79 from 'Development scheme' to 'Preparation of development scheme'.

52 Insertion of new s 79A

Clause 52 inserts new section 79A (Content of approved development scheme). This section has been introduced to provide the content of an approved development scheme.

New section 79A (Content of approved development scheme)

New section 79A provides the Coordinator-General with the power to determine:

- whether a development scheme will apply to all or part of an SDA;
- what type of development will be regulated by an approved development scheme;
- levels of assessment for the development regulated by an approved development scheme.

This section introduces new terminology such as *SDA assessable development*, *SDA self-assessable development*, *SDA application*, *SDA approval*, *regulated development*, *prior affected development* and *prior affected development request* all of which are defined in the dictionary in schedule 2.

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

Clause 53 amends section 82(3)(a). This is a consequential amendment and confirms that section 82(3) still applies to the taking or disposal of land within an SDA if the taking or disposal of the land is for the purpose of securing the implantation of an approved development scheme regardless of whether the development scheme regulates development of that part of the SDA.

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

Clause 54 replaces section 83(1) as a result of other amendments, to be consistent with the remainder of part 6. This clause also makes minor amendments to sections 83(2), (5) and (6) to insert 'State' before 'development area' to confirm that the section is referring to an

SDA. It also makes minor amendments to section 83(2)(a) by replacing 'a development scheme' with 'an approved development scheme'.

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

Clause 55 provides for the removal of sections 84, 84AA, 84AB, 84A and 85. These sections are no longer required as they are to be replaced with new sections 84-84H. Sections 84-84H contain new provisions relating to development under an approved development scheme.

New section 84 (Development under approved development scheme)

New section 84 is in response to new section 79A, and provides that another Act or law does not apply to the regulated development identified in an approved development scheme for an SDA to the extent that the other Act or law regulates that development identified in the approved development scheme.

New section 84A (Carrying out SDA assessable development without SDA approval)

New section 84A states that SDA assessable development must not occur in an SDA without an SDA approval for that development, and states the penalties for non-compliance. This is consistent with the existing penalty provisions of the SDPWO Act.

New section 84B (SDA self-assessable development must comply with approved development scheme)

New section 84B states that SDA self-assessable development must comply with the requirements under the approved development scheme and states the penalties for non-compliance.

New section 84C (Compliance with SDA approval)

New section 84C states a person must not contravene an SDA approval and states the penalties for non-compliance.

New section 84D (How to make SDA application)

New section 84D states the requirements for making an SDA application and states that the Coordinator-General must not accept an application that does not meet these requirements.

New section 84E (Deciding SDA application)

New section 84E states that the Coordinator-General can approve all or part of an SDA application with or without conditions or refuse an SDA application and must give the applicant a written notice for the decision. Where an application is refused the written notice must state the reasons for the decision.

Subsection 3 replaces section 84(6) and requires a condition attached to an SDA approval to be reasonable and relevant.

Section 84F (Application to change SDA approval)

New section 84F provides a process for a proponent to be able to apply to the Coordinator-General to change an SDA approval. This section introduces new terminology (*change application*) and confirms that sections 84D and 84E apply for the making of a change application.

New section 84G (Duration of SDA approval)
New section 84G states the duration of an SDA approval, including when an SDA approval takes effect and when an SDA approval ceases to have effect.

New section 84H (When SDA approval lapses)
New section 84H introduces lapsing provisions for an SDA approval. The lapsing provisions require development to 'substantially start' before the end of the currency period. This applies to all development other than reconfiguring a lot. The lapsing provisions for reconfiguring a lot require the plan for the reconfiguration to be given to the Coordinator-General for approval before the currency period ends.

Subsection 2 states that the currency period for an SDA approval is four years from the day the approval takes effect unless the approval states a different period. This subsection also provides that the Coordinator-General can fix a later period by issuing a written notice to the applicant.

Subsection 3 provides a definition of *applicant* for section 84H.

New section 85 (Carrying out particular development, use or works not an offence)
New section 85 states that the offences set out in sections 84A and 84B do not apply to a use or works lawfully being carried out on the land by a person before an approved development scheme applied to the land where the person continues that use or works after the approved development scheme applied to the land.

This section also states that it is not an offence to carry out development if a person has obtained from the Coordinator-General, an approval from a prior affected development request.

56 Replacement of s 87 (Compensation)
Clause 56 replaces section 87 to make consequential amendments to reflect the new definitions *prior affected development* and *prior affected development request*.

57 Amendment of s 92 (Calculating reasonable compensation involving changes)
Clause 57, for section 92(1)(a) omits the word 'use' and replaces it with the word 'development' in response to the new definition for development.

This clause also replaces section 92(1)(e) to capture the new terminology of an SDA approval and the new definition for development.

58 Omission of pt 6, div 5 (Project boards)
Clause 58 omits part 6, division 5 which provides for the Governor in Council, by regulation, to establish project boards for the purposes of planning and delivering works under the Act. While these provisions were used in the past, there are currently no project boards in existence. The repeal of part 6, division 5, furthers the Government's commitment to reduce unnecessary red tape.

59 Amendment of s 153AA (Application for approval of project as a private infrastructure facility and for Coordinator-General to take land)
Clause 59 makes consequential amendments to section 153AA as a result of the amendment to schedule 1B (subject matter of guidelines) and changes to part 4. The guidelines have been reduced to cut red tape.

The concept of a properly made application for a PIF is introduced in new subsections 153AA(3) and (4) to ensure that an application only progresses to the consultation and approval stages if the Coordinator-General is satisfied that the application complies with the requirements in section 153AA(2).

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

Clause 60 makes a minor amendment to section 153AB(b) to refer to the new definition in section 153AA(2) (c) of *subject land*.

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

Clause 61 amends section 153AC to remove references to the statutory guidelines and to reflect the new definition of *subject land*.

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

Clause 62 amends section 153AE to remove references to the statutory guidelines and prescribe the requirements for a final unconditional offer to purchase the land. These amendments were necessary as a result of the changes to Schedule 1B (subject matter of guidelines).

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

Clause 63 amends section 157A(1) to update references and insert new paragraphs (f) and (g). These amendments clarify that a condition of an SDA approval is an enforceable condition. In addition, a requirement in an approved development scheme for self-assessable development is also an enforceable condition.

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

Clause 64 amends section 157P(1), (2) and (3) by omitting reference to section 84 and inserting reference to new sections 84A, 84B and 84C.

65 Replacement of s 161 (Power as to roads)

Clause 65 inserts a new section 160A which provides the Coordinator-General with powers with respect to watercourse crossings and replaces section 161 of the SDPWO Act with new sections 161, 161A and 161B dealing with roads and unallocated state land (USL). A definition of *road* has been included in the dictionary.

New section 160A (Powers for watercourse crossings)

New section 160A provides that the Coordinator-General, or a person who is authorised by the Coordinator-General, may survey and resurvey a watercourse crossing; construct, augment, improve, maintain, operate and replace a watercourse crossing; and enter and occupy adjoining land for carrying out these activities. The Coordinator-General may also name and number the watercourse crossing to facilitate the identification of the crossing.

The new section increases certainty for the development of transport infrastructure which crosses a watercourse by providing for prescribed details of to be noted against the title of the land adjoining the watercourse crossing.

The Coordinator-General may authorise a person to carry out an activity or exercise a power under section 160A(1) even if the activity or exercise benefits a person other than the State or a local body.

New section 161 (Power as to roads)
Clause 61 provides for the Coordinator-General to undertake the actions set out in section 161(2) by way of notice published in the government gazette, 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. This streamlines the processes under the previous section 161 which required a regulation. Prior to the closure of all or part of a road taking effect, the Coordinator-General must publish a notice about the road closure in a newspaper circulating within the local government area where the closure will take place.

New section 161 applies whether or not the road is a State-controlled road under the *Transport Infrastructure Act 1994* or whether or not the *Land Act 1994* applies to the road.

New section 161A (Vesting land comprised in permanently closed road or unallocated State land)
Clause 65 includes a new section 161A which provides a process for freehold title to be granted to the Coordinator-General for land where the land comprises a road that has been permanently closed by the Coordinator-General or where the land is USL within an SDA.

New section 161A also provides that the Coordinator-General may, by gazette notice, declare that USL in an SDA is vested in the Coordinator-General in fee simple.

The new section 161A does not limit the powers of the Coordinator-General to obtain title to reserves and other lands, including USL, under section 163 of the Act.

New section 161B (Giving information about roads to relevant local government)
Clause 65 includes a new section 161B which applies where the Coordinator-General performs a function or exercises a power with respect to a road or a former road under the new section 161. The Coordinator-General must give the local government the information the Coordinator-General has to assist the local government to comply with its obligation for its roads map and register under the *Local Government Act 2009* or the *City of Brisbane Act 2010*.

66 Insertion of new pt 9, div 7
Clause 66 introduces part 9, division 7 (Transitional provisions for State Development, Infrastructure and Planning (Red Tape Reduction) and Other Legislation Amendment Act 2014. This new division provides for transitional provisions for existing coordinated projects and existing approved development schemes.

Division 7 Transitional provisions for State Development, Infrastructure and Planning (Red Tape Reduction) and Other Legislation Amendment Act 2014

New section 196 (Definitions for div 7)
New section 196 provides the definitions for the terms *amending Act*, *commencement* and *former* used in this division.

New section 197 (Particular existing coordinated projects)
New section 197 provides that the former part 4 would continue to apply to existing coordinated project declarations made prior to the commencement of this Bill that have already been publicly notified under section 33. The changes would effectively restrict the new provisions in the Bill for part 4 of the Act to newly declared coordinated projects and

existing coordinated projects where the public submission period for the EIS (now draft EIS) has not yet occurred.

New section 198 (Existing approved development schemes)
New section 198 provides transitional provisions for existing approved development schemes.

New section 199 (Existing applications for approval for use of land in a State development area)
New section 199 provides transitional provisions for applications made under the former section 84AA that have not yet been decided.

New section 200 (Existing approvals for use of land in a State development area)
New section 200 states that approvals given under former section 84AB and in force immediately before the commencement of section 196 are taken to be an SDA approval. The section confirms however that the new lapsing provisions do not apply to an approval given under former section 84AB and that the former lapsing provision section 84A applies to the approval.

New section 201 (Existing private infrastructure facility application)
New section 201 provides transitional provisions for private infrastructure facility made but not decided before the commencement of section 196.

67 Amendment of sch 1B (Subject matter for guidelines)
Clause 67 omits section 1 to 6 of schedule 1B (Subject matter for guidelines).

68 Amendment of sch 2 (Dictionary)
Clause 68 amends schedule 2, by providing a range of new definitions for *building work, change application, decision notice, drainage work, IAR, notifiable approval, operational work, plumbing work, premises, prior affected development, prior affected development request, reconfiguring a lot, regulated development, road, SDA application, SDA approval, SDA assessable development, SDA self-assessable development, staged EIS, staged EIS request* and *subject land*.

The definition of *material change of use* has been expanded wherein the previous definition used the definition contained in the SPA. The definition applies to part 6 only.

Amendments have also been made to the definitions for *coordinated project* or *project*, *EIS*, *properly made submission*, and *works*.

The dictionary has also been expanded to include the definitions for *alternative lawful development, approved development* and *authorised development*. These definitions replace the definitions of *alternative lawful use*, *approved use* and *authorised use* previously in former section 87.

The term *development* has been amended for part 6 to confirm the term includes the carrying out of building work, plumbing or drainage work, operational work, the reconfiguring of a lot and material change of use.

Part 4 Amendment of Sustainable Planning Act 2009

69 Act amended

Clause 69 provides that this part amends the *Sustainable Planning Act 2009* (SPA).

70 Omission of ch 3, pt 5, div 2 (Modifications to process for making or amending local planning instruments having effect in iconic places)

Clause 70 removes the specific process step that accommodated iconic considerations and modified the process for making or amending a local planning instrument in iconic places.

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

Clause 71 amends section 319 of the SPA to omit 'or environmental authorities'.

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

Clause 72 amends section 321 of the SPA to delete subsections (1)(a)(ii) and (4)(b) from the section.

Section 321 allows the planning chief executive to step in where an environmental authority is inconsistent with a concurrence agency response. The circumstances where this applies are essentially the same as where section 115 of the EP Act applies.

Under SARA, the administering authority will no longer be a concurrence agency, unless the application relates to an environmentally relevant activity (ERA) which is devolved to local government. Where the ERA is devolved to local government, then the local government is the assessment manager, so this section does not apply. The SARA process has mechanisms to resolve any inconsistencies in the State's response to the development application and with any inconsistencies between the development permit and the environmental authority.

Consequently, this section is no longer required in relation to environmental authorities. Deleting subsections (1)(a)(ii) and (4)(b) achieves this and the omission and re-insertion of subsections (1)(a) and (4) effectively deletes these subsections without further changes.

73 Amendment of s 330 (Application of sdiv 4)

Clause 73 removes section 330(g) which had specifically provided for an exemption from the operation of deemed approvals for an application relating to an iconic place under the repealed *Iconic Queensland Places Act 2008*.

74 Amendment of s 335 (Content of decision notice)

Clause 74 amends section 335 of the SPA to delete subsections (4) and (5) from the section.

Section 335 states what the decision notice for the development application must state. This effectively becomes the development permit which the proponent must comply with.

Subsections (4) and (5) specify that where the development application is taken to be an application for an environmental authority under section 115 of the EP Act, then the decision notice must also state the details of the environmental authority. This section was included on the advice of the department administering the SPA to ensure that the applicant was made aware of the contents of the environmental authority when they received their development permit.

Due to the commencement of SARA, it is preferable to not have these subsections in legislation, but to ensure that the two documents are given to the applicant at the same time via inter-departmental protocols. Consequently, these subsections are removed from the legislation.

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

Clause 75 amends section 350 of the SPA (Meaning of *minor change*) to delete subsection (1)(d)(v) from the section.

Section 350 specifies where changing a development application is considered to be a minor change. A minor change means that the assessment process continues, while a major change means that some aspects of the assessment process must recommence. For example, a minor change is a change that does not result in a substantially different development, or does not trigger additional referrals.

Subsection (1)(d)(v) states that, where section 115 of the EP Act applies, a change which results in a change to the type of application made under the EP Act is not a minor change. This section required review due to the changed operation of section 115 as a result of SARA. This subsection is no longer required because, due to the finalisation of amendments to the *Environmental Protection Regulation 2008* in March 2013, all concurrence ERAs are always of the site-specific application type. Therefore a change to an application for an MCU will not change the type of application made under the EP Act as is provided for in this subsection.

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

Clause 76 amends section 420 of the SPA to delete subsections (2) and (3) from the section.

Section 420 allows the Minister to direct the reissue of a concurrence agency response if the Minister is satisfied (for example) that there are inconsistencies in the response.

Subsections (2) and (3) also permit the Minister to require the reissue of the environmental authority or the concurrence response where there are inconsistencies between the environmental authority and the concurrence response. However, this only applies where circumstances similar to section 115 of the EP Act apply.

Under SARA, the administering authority will no longer be a concurrence agency, unless the application relates to an ERA which is devolved to local government. Where the ERA is devolved to local government, then the local government is the assessment manager, so this section does not apply. The SARA process has mechanisms to resolve any inconsistencies in the State's response to the development application and with any inconsistencies between the development permit and the environmental authority.

Consequently, these provisions are no longer required in relation to environmental authorities and deleting subsections (2) and (3) of the section achieves this.

77 Insertion of new ch 9, pt 7A

Clause 77 inserts new part 7A (Party houses). This includes division 1 (Preliminary) and division 2 (Regulating party houses in local planning instruments).

Part 7A Party houses

Division 1 Preliminary

New section 755A (Definitions for pt 7A)

New section 755A defines *party house* as a land use. A *party house* is defined as premises containing a dwelling that is used to provide accommodation or facilities for guests if certain criteria are met. The criteria include that the premises, or any part of the premises, is regularly used for parties where the accommodation or facilities are provided for a period of less than 10 days. Examples of the types of parties are provided in the definition. In addition, the definition provides that the accommodation or facilities are provided for a fee and the owner is not present for the duration of that use. The intent of the definition is not to capture lawful ancillary uses of residential dwellings.

Section 755A also introduces the term *residential dwelling*, which is an umbrella term that captures premises used for a self-contained residence that is a dual occupancy, dwelling house, dwelling unit or multiple dwelling.

Section 755A also defines *residential dwelling development* as a material change of use (MCU) for the *residential dwelling*. Under the SPA, making a MCU of premises is a form of development.

Division 2 Regulating party houses in local planning instruments

New section 755B (Planning scheme or temporary local planning instrument may regulate material change of use for party house)

New section 755B enables a local government planning scheme or temporary local planning instrument to regulate a MCU for a *party house*.

Subsection 755B(1)(a) provides that a planning scheme or temporary local planning instrument may state that an MCU for a *party house* is assessable development (that is, subject to code or impact assessment) in all or part of the planning scheme area.

Subsection 755B(1)(b) provides that the planning scheme or temporary local planning instrument may identify a code for assessing an MCU development application for a *party house*. It is envisaged that since the *party house* use may be similar to other land uses for the provision of accommodation, entertainment, functions and receptions, a *party house* development assessment code may be informed by those development assessment frameworks. However, this is a matter for local government consideration and determination.

Subsection 755B(2) clarifies that despite the requirements under section 53, 88(1)(a) and 105(d) to comply with the Standard Planning Scheme Provisions (currently also referred to as the Queensland Planning Provisions version 3.0 in force), a local government may opt in to the legislative provisions.

New section 755C (Planning scheme or temporary local planning instrument may identify party house restriction area)

New subsection 755C(1) provides that a *party house restriction area* for all or part of the planning scheme area can be identified in a planning scheme or temporary local planning instrument.

Subsection 755C(2) clarifies that despite the requirements under sections 53, 88(1)(a) and 105(d) to comply with the Standard Planning Scheme Provisions (currently also referred to as the Queensland Planning Provisions 3.0 in force), a local government may exercise the legislative provisions.

New section 755D (Effect of identification of party house restriction area)

Subsection 755D(1) states that section 755D applies if a local government planning scheme or temporary local planning instrument identifies a *party house restriction area* under section 755C.

Subsection 755D(2) provides that if a development permit or compliance permit has been granted for the *residential dwelling development* (defined in section 755A), at any point in time, the development permit or compliance permit did not authorise a MCU for a *party house* as part of the *residential dwelling development*. Consequently, a *party house* is not a lawful use of that premises under that development permit or compliance permit.

Subsection 755D(3) clarifies that 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 an MCU for a *residential dwelling* as part of the *residential dwelling development*.

Subsection 755D(4) provides that subsection (5) applies at any time, including before the commencement of this section, if a planning scheme or temporary local planning instrument provides or provided that a *residential dwelling development* is self-assessable or exempt development.

Subsection 755D(5) provides that the planning scheme or temporary local planning instrument does not authorise and has never authorised an MCU for a *party house* to be carried out as part of the *residential dwelling development*.

Existing residential dwellings may have been constructed with approval under a development permit or compliance permit. An existing *residential dwelling* may also be permitted development by complying with a self-assessable code, or exempt development enabling construction without approval at that time.

Regardless of the approval or exemption to which a *residential dwelling* is constructed or approved, section 755D has the effect that the lawful development of the residential dwelling did not authorise the use of the *residential dwelling* as a *party house*. However, if the *residential dwelling* had development approval to undertake activities consistent with the new *party house* definition, it is intended that those development rights are not removed.

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

Clause 78 removes chapter 9, part 7B which had established advisory panels for iconic places in Queensland.

79 Amendment of s 763 (Regulation-making power)

Clause 79 amends section 763 to expand the regulation-making power to provide that regulations can be made for the SPA for the approvals bilateral agreement.

80 Amendment of s 893 (Definitions for pt 6)

Definitions relating to this part are provided in section 893(1).

Subsection 893(2)(a) provides that despite subsection 893(1), 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.

This is consistent with the former section 132 (Identification of master planned area) which provided that a master planned area may be identified in a number of ways, including in a local government planning scheme.

Subsection 893(2)(b) provides that a reference 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. This is consistent with the former chapter 4, part 2 (Structure plans for master planned areas declared by the Minister or regional planning Minister) whereby the requirements for a structure plan only applied to a structure plan for 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)

Clause 81 amends section 899 to include a new subsection 899(4). Subsection 899(4) applies to a development application for a preliminary approval to which section 242 applies in a declared master planned area:

- if the application has not been decided at the time this subsection commences; and
- the development for which the application is or was made is substantially consistent with the structure plan area code and any master plan area code applying to all or part of the land in the area.

The effect of section 899(4)(a) is that for these particular development applications, the notification stage does not apply and has never applied despite the notification requirements in section 899(3)(b) and section 295(1) – if the criteria at section 899(4)(b) are met.

The criteria at section 899(4)(b) provide that notification requirements at sections 899(3)(b) and 295(1) are not required if the development for which the application is, or was made, is substantially consistent with the structure plan area code. It must also be substantially consistent with any master plan area code that applies to the land or part of the land in the area.

The effect of section 899(4) is that if an application is at the decision stage and notification has already been undertaken, the assessment manager does not need to consider the submissions and there are no submitter appeal rights.

Section 899(3) has not been amended. For the purposes of clarity, existing section 899(3) applies if the application has been decided at the time subsection 899(4) commences.

The intent of section 899(4) is to remove notification and submitter appeal rights where development is consistent with the structure plan. In other words, if a proponent has been through the structure plan process then a development application (pursuant to section 242) that is consistent with the structure plan should not require further notification, regardless of whether it is changing levels of assessment or not. This is on the basis that the structure plan has already been notified with sufficient detail in relation to the likely land use and development intended to occur within the structure plan. Consequently there are no appeal rights. Notification and potential third party appeals would only occur where development is inconsistent with the structure plan.

82 Insertion of new ch 10, pt 12

Clause 82 inserts a new part 12 in chapter 10 providing for savings and transitional provisions required as a result of the *State Development, Infrastructure and planning (Red Tape Reduction) and Other Legislation Amendment Act 2014*.

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

Division 1 Preliminary

New section 991 (Definitions for pt 12)

Division 1 and new section 991 is inserted to provide for relevant definitions for saving and transitional arrangements including the *amending Act*, *commencement* and *former* in relation to a provision.

Division 2 Provisions for advisory panels for iconic places

Division 2 and new sections 992, 993 and 994 are inserted to provide for arrangements upon the removal of iconic places provisions.

New section 992 (Definitions for div 2)

The new section 992 makes provision for the terms *advisory panel* and *chairperson* to enable the operation of the new section 993 and 994.

New section 993 (Dissolution of advisory panels)

The new section 993 provides for the dissolving of iconic advisory panels upon commencement of the amending Act, and provides that members of each panel go out of office. The clause provides that no compensation is payable to a member as a result.

New section 994 (Advisory panel's report)

The new section 994 provides that despite that dissolution and the members going out of office, the chairperson of each advisory panel needs to, as soon as practicable after the commencement of the amending Act, give the Minister a written report about the performance of the panel's function during the financial year in which it was dissolved.

83 Amendment of sch 3 (Dictionary)

Clause 83 amends schedule 3 in the SPA to remove definitions that were specifically required for the functioning of the iconic places provisions.

This clause also provides that the terms *party house*, *residential dwelling*, and *residential dwelling development* all for chapter 9, part 7A, are at section 755A.

Part 5 Amendment of Gasfields Commission Act 2013

84 Act amended

Clause 84 provides that this part amends the *Gasfields Commission Act 2013* (Gasfields Act).

85 Amendment of s 44 (Protection from liability)

Clause 85 amends section 44 of the Gasfields Act to remove redundant references to 'staff' in subsections (1) and (2). This follows recent amendments to the *Public Service Act 2008* and the *Police Service Administration Act 1990* to provide broad legislative immunities from civil liability.

Chapter 3 Amendment of Environmental Protection Act 1994

86 Act amended

Clause 86 provides that this chapter amends the *Environmental Protection Act 1994* (EP Act).

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

Clause 87 amends section 115 of the EP Act to fix statutory links between the EP Act and the SPA which ensure that integrated assessment can occur for prescribed ERAs. Section 115 provides for when a development application is taken to be an application for an environmental authority. Where this section applies, the application is assessed via the Integrated Development Assessment System (IDAS) under the SPA and not through the EP Act process.

Prior to amendment, subsection (1) stated that this section applies if:

(a) a development application is made for a development permit for an MCU of premises under the Planning Act; and
(b) the development application relates to a prescribed ERA; and
(c) the administering authority is the assessment manager or a concurrence agency for the development application.

Under SARA, the administering authority is no longer the assessment manager or a concurrence agency, unless the application relates to a prescribed ERA which is devolved to local government.

Consequently, subsection (1) is amended to reflect that the subsection (1) is triggered where a development application is for an MCU for a prescribed ERA and that development is made assessable under section 232(1)(c) of the SPA. This means that the only development which is captured, is development which triggers the assessment trigger in schedule 3, part 1, table 2, item 1 of the *Sustainable Planning Regulation 2009* (i.e. not development which might inadvertently be triggered via a planning scheme).

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

Clause 88 amends section 166 of the EP Act to ensure that it applies both when the local government (i.e. as the administering authority) is the assessment manager or concurrence agency, and when SARA (the planning chief executive) is the assessment manager or concurrence agency for the development application.

Section 166 states when the decision stage under the EP Act (i.e. for the environmental authority part of the assessment) starts.

The decision stage needs to start when the assessment period (for a concurrence agency) or the decision stage (for an assessment manager) starts. This is the case when section 115 applies – regardless of whether local government (i.e. the administering authority for a devolved activity) or SARA (i.e. the planning chief executive) is the concurrence agency or assessment manager for the development application to which section 115 applies.

Note that this section only applies to a section 115 application – i.e. where the development application is taken to be an environmental authority application because it is for an MCU for a prescribed ERA. Consequently, it is only when the planning chief executive is the assessment manager for the MCU for a prescribed ERA that subsection (2) applies, and equally, it is only when the planning chief executive is the concurrence agency for the MCU for a prescribed ERA that subsection (3) applies.

The relevant departments have issued a practice note which ensures that the administering authority is kept informed of when the decision stages starts under the SPA as this will ensure that the administering authority's decision is made within the appropriate timeframe.

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

Clause 89 amends section 169 of the EP Act to ensure that it applies both when the local government (i.e. as the administering authority) is the assessment manager or concurrence agency, and when SARA (the planning chief executive) is the assessment manager or concurrence agency for the development application.

Section 169 states when the decision under the EP Act (i.e. for the environmental authority part of the assessment) must be made.

Where the State (i.e. SARA) is the assessment manager or concurrence agency for the development application for the MCU for an ERA, then the EP Act decision must be made by the administering authority before the SPA decision is made by SARA. This is to ensure that the assessment is aligned and the two decisions are issued to the applicant at the same time.

Consequently, the decision under the EP Act should be made before the assessment manager decision period ends or the referral agency assessment period ends.

Note that this section only applies to a section 115 application – i.e. where the development application is taken to be an environmental authority application because it is for an MCU for a prescribed ERA. Consequently, it is only when the planning chief executive is the assessment manager for the MCU for a prescribed ERA that subsection (2) applies, and

equally, it is only when the planning chief executive is the concurrence agency for the MCU for a prescribed ERA that subsection (3) applies.

The relevant departments have issued an inter-departmental practice note which ensures that the administering authority is kept informed of the decision timeframes under the SPA (including any extensions) as this will ensure that the administering authority's decision is made within the appropriate timeframe. In addition, procedural guidelines are in place to ensure that the administering authority's decision under the EP Act is made before SARA's decision under the SPA. This will ensure that the environmental authority decision is made and communicated to SARA before the IDAS decision stage ends and there is no potential for the end of the IDAS decision stage to be delayed.

90 Omission of ss 196 and 214

Clause 90 omits section 196 of the EP Act (Copy of environmental authority to be given to assessment manager in particular circumstances). Section 196 requires that a copy of the environmental authority must be given to the assessment manager where the administering authority is not the assessment manager. With the commencement of SARA, the administering authority will no longer be the assessment manager.

However, departmental practice notes and procedural guidelines will ensure that the environmental authority is provided to SARA and the local government (if the local government is the assessment manager). Consequently, this section is no longer required.

This clause also omits section 214 of the EP Act (Amendment of particular environmental authorities relating to development applications). This section permitted amendment of the environmental authority to reflect a direction of the Planning Minister under sections 321(4)(b) and 420(3) of the SPA. Since sections 321(4)(b) and 420(3) have been deleted, this section is no longer required.

91 Amendment of s 216 (Application of div 2)

Clause 91 amends section 216 of the EP Act to correct a cross reference.

92 Amendment of s 221 (Steps for amendment)

Clause 92 amends section 221 of the EP Act to delete subsection (3) and part of the definition of 'relevant period' as a consequence of the deletion of section 214.

93 Amendment of sch 2 (Original decisions)

Clause 93 amends schedule 2 of the EP Act to delete a reference to section 214 as this section is omitted by clause 90 above.

94 Amendment of sch 4 (Dictionary)

Clause 94 amends schedule 4 of the EP Act to insert the definition of 'planning chief executive' which was removed from section 214 of the Act. The planning chief executive is the chief executive of the department in which the SPA is administered, but is effectively SARA for the purposes of the EP Act.

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

Part 1 Repeal of Wild Rivers Act 2005

95 Repeal

Clause 95 repeals the *Wild Rivers Act 2005*, No. 42.

Part 2 Amendments relating to repeal of Wild Rivers Act 2005

Division 1 Amendment of Environmental Protection Act 1994

96 Act amended

Clause 96 provides that division 1 amends the *Environmental Protection Act 1994* (EP Act).

97 Amendment of s 41 (Submission)

Clause 97 amends section 41 of the EP Act (Submission) to remove references which are now obsolete as a result of the repeal of the Wild Rivers Act.

98 Amendment of s 141 (Content of information request)

Clause 98 amends section 141 to correct a cross-reference.

99 Omission of ss 142 and 174

Clause 99 omits sections 142 (EIS must be required for particular applications) and 174 (Applications relating to wild river areas) of the EP Act as these sections are obsolete as a result of the repeal of the Wild Rivers Act.

100 Amendment of s 143 (EIS may be required)

Clause 100 amends section 143 to correct a cross-reference.

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

Clause 101 amends section 146 to correct a cross-reference.

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

Clause 102 amends section 173 to correct a cross-reference.

103 Insertion of new ch 13, pt 21

Clause 103 inserts a new transitional provision (Transitional regulation-making power) which provides for the making of transitional provisions in the *Environmental Protection Regulation 2008* to facilitate the transition from the repealed Wild Rivers Act to strategic environmental areas under the RPI Act. These transitional arrangements are likely to include the ability to amend an environmental authority, or the eligibility criteria and standard conditions for an ERA, to remove obsolete references to the Wild Rivers Act and instead refer to strategic environmental areas under the RPI Act.

Part 21 Transitional provision for State Development, Infrastructure and Planning (Red Tape Reduction) and Other Legislation Amendment Act 2014

New section 716 (Transitional regulation-making power)
New section 716 provides a transitional regulation-making power under the EP Act with reference to the repeal of the Wild Rivers Act.

104 Amendment of sch 4 (Dictionary)
Clause 104 amends schedule 4 of the EP Act to delete definitions that are obsolete as a result of the repeal of the Wild Rivers Act and to amend the definitions of *small scale mining activity* and *standard criteria* to remove references to the Wild Rivers Act. Definitions of "designated precinct" and "strategic environmental area" are also inserted, which refer back to the RPI Act.

Division 2 Amendment of Fisheries Act 1994

105 Act amended
Clause 105 provides that this division amends the *Fisheries Act 1994*.

106 Amendment of s 55 (Consideration of application for issue of authority)
Clause 106 removes an obsolete reference to the Wild Rivers Act.

107 Omission of ss 76DA to 76DC
Clause 107 omits sections 76DA (Applications in relation to wild river areas—aquaculture and waterway barrier works), 76DB (Applications in relation to particular operational work in wild river areas) and 76DC (Applications in relation to particular works in declared fish habitat areas in wild river areas) of the Fisheries Act as these sections are obsolete as a result of the repeal of the Wild Rivers Act.

108 Amendment of s 90 (Non-indigenous fisheries resources not to be possessed, released etc.)
Clause 108 removes section 90(1)(d) of the Fisheries Act - an obsolete offence as a result of the repeal of the Wild Rivers Act.

109 Insertion of new pt 12, div 9
Clause 109 provides a new transitional provision.

Division 9 Transitional provision for State Development, Infrastructure and Planning (Red Tape Reduction) and Other Legislation Amendment Act 2014

New section 261 (Transitional regulation-making power)
New section 261 provides for the assessment of development applications for fisheries development works in a wild river area made prior to the repeal of the Wild Rivers Act.

110 Amendment of schedule (Dictionary)
Clause 110 amends the schedule of the Fisheries Act to delete definitions that are obsolete as a result of the repeal of the Wild Rivers Act.

Division 3 Amendment of Mineral Resources Act 1989

111 Act amended

Clause 111 provides that this division amends the *Mineral Resources Act 1989*.

112 Amendment of s 25 (Conditions of prospecting permit)

Clause 112 omits section 25(1A) which imposes a condition on a prospecting permit that is granted over land that includes a wild river area. The condition makes the prospecting permit subject to, and requires the holder to comply with, any conditions stated in a wild river declaration. There will be no impact to wild river areas as prospecting permits will be subject to a replacement regime with respect to wild rivers under the RPI Act.

113 Amendment of s 81 (Conditions of mining claim)

Clause 113 omits section 81(1A) which imposes a condition on a mining claim that is granted over land that includes a wild river area. The condition makes the mining claim subject to, and requires the holder to comply with, any conditions stated in a wild river declaration. There will be no impact to wild river areas as mining claims will be subject to a replacement regime with respect to wild rivers under the RPI Act.

114 Amendment of s 141 (Conditions of exploration permit)

Clause 114 omits section 141(1A) which imposes a condition on an exploration permit that is granted over land that includes a wild river area. The condition makes the exploration permit subject to, and requires the holder to comply with, any conditions stated in a wild river declaration. There will be no impact to wild river areas as exploration permits will be subject to a replacement regime with respect to wild rivers under the RPI Act

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

Clause 115 omits section 194(3) which imposes a condition on a mineral development licence that is granted over land that includes a wild river area. The condition makes the mineral development licence subject to, and requires the holder to comply with, any conditions stated in a wild river declaration. There will be no impact to wild river areas as minerals development licences will be subject to a replacement regime with respect to wild rivers under the RPI Act.

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

Clause 116 removes section 276(2A) which imposes a condition on a mining lease that is granted over land that includes a wild river area. The condition makes the mining lease subject to, and requires the holder to comply with, any conditions stated in a wild river declaration. There will be no impact to wild river areas as mining leases will be subject to a replacement regime with respect to wild rivers under the RPI Act.

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

Clause 117 omits chapter 12, part 3 of the MR Act. Chapter 12, part 3 provided the grant and renewal requirements for mining tenement applications over wild river areas. These provisions also provided restrictions with respect to the type of mining tenement activities carried out in a wild river area. This chapter will be replaced by a wild river regime under the RPI Act and a transitional provision in the Bill, which will continue to allow granted and renewed mining tenement holders to make applications to include wild river areas that cease to be excluded.

118 Insertion of new ch 15, pt 8

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

New section 818 (Application of repealed ss 334Z and 334ZA)

New section 818 is a transitional provision for the repealed sections 334Z and 334ZA of the MR Act. This provision maintains the operation of section 334Z which allows holders of a granted or renewed mining tenement (other than a prospecting permit) to make an application, within 12 months after the mining tenement was granted or renewed, to include land that adjoins the mining tenement area that was previously excluded from the area because it was a wild river area. This provision also states that the requirements for making an application and making a decision to include a previously excluded area under the repealed sections 334Z and 334ZA will continue to apply to applications made under this provision.

New section 819 (Transitional regulation-making power)

New section 819 is a transitional regulation-making power. This section states that a transitional regulation may be made to allow or facilitate the change from the operation of the repealed Wild Rivers Act to the operation of the RPI Act.

119 Amendment of sch 2 (Dictionary)

Clause 119 removes the definitions regarding a proposed wild river area, wild river area, wild river declaration, wild river high preservation area, wild river preservation area, and wild river special floodplain management area which referred to wild river areas or the Wild Rivers Act provisions repealed by this Bill.

Division 4 Amendment of Regional Planning Interests Act 2014

120 Act amended

Clause 120 provides that division 4 amends the *Regional Planning Interests Act 2014* (RPI Act).

121 Insertion of new pt 8A

Clause 121 inserts a new part 8A.

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

New section 107A (References to former terms)

New section 107A provides that a reference to a term in column 1 of section 107A may be taken to be a term in column 2 of section 107A. For example, a reference to 'wild rivers area' may be taken to be a reference to 'strategic environmental area'. This amendment is required to provide for the timely update of operational documents which make reference to terminology in the Wild Rivers Act.

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

Clause 122 replaces the word 'power' with 'powers' in the heading of part 9 of the RPI Act.

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

Clause 123 omits the word 'part' from section 108 of the RPI Act and replaces it with the word 'section'.

124 Insertion of new s 108A

New section 108A (Transitional regulation-making power for repeal of Wild Rivers Act 2005)

New section 108A provides a power to make a transitional regulation to allow or facilitate the change from the operation of the repealed Wild Rivers Act to the operation of the RPI Act.

Division 5 Amendment of Sustainable Planning Act 2009

125 Act amended

Clause 125 provides that this division amends the *Sustainable Planning Act 2009* (SPA).

126 Amendment of s 330 (Application of sdiv 4)

Clause 126 amends section 330 of the SPA to omit reference to 'wild river area' in 330(c)(ii) and insert 'strategic environmental area under the *Regional Planning Interests Act 2014*'.

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

Division 3 Provision for repeal of Wild Rivers Act 2005

New section 995 (Transitional regulation-making power)

New section 995 provides a power to make a transitional regulation to allow or facilitate the change from the operation of the repealed Wild Rivers Act to the operation of the SPA.

128 Amendment of sch 1 (Prohibited development)

Clause 128 amends schedule 1 of the SPA as a consequential amendment to the repeal of the Wild Rivers Act.

129 Amendment of sch 3 (Dictionary)

Clause 129 amends schedule 3 (Dictionary) of the SPA as a consequential amendment to the repeal of the Wild Rivers Act.

Division 6 Amendment of Water Act 2000

130 Act amended

Clause 130 provides that this division amends the *Water Act 2000* (Water Act).

131 Amendment of s 20 (General authorisations)

Clause 131 removes references in section 20 to a 'wild river declaration' as these references are obsolete as a result of the repeal of the Wild Rivers Act.

132 Amendment of ss 25C and 25F

Clause 132 removes the references in sections 25C and 25F to a 'wild river declaration' as these references are obsolete as a result of the repeal of the Wild Rivers Act.

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

Clause 133 removes references in section 25ZA to a 'wild river declaration' as these references are obsolete as a result of the repeal of the Wild Rivers Act.

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

Clause 134 amends the sections to remove provisions made redundant as a result of the repeal of the Wild Rivers Act.

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

Clause 135 amends section 47(ba) to replace reference to a 'wild river declaration' with reference to a regional plan. This recognises that regional plans provide the strategic direction to achieve regional outcomes that align with the state's interest in planning and development. It is appropriate that these are a consideration for the Minister when developing water resource plans.

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

Clause 136 amends section 105 to remove reference to a provision made redundant as a result of the repeal of the Wild Rivers Act.

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

Clause 137 amends section 106 to remove a provision made redundant by the repeal of the Wild Rivers Act and renumber the subsequent subsection.

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

Clause 138 amends section 205 to remove references to 'and declaration' from the heading, remove the reference to a 'wild river declaration' which is obsolete as a result of the repeal of the Wild Rivers Act and insert new subsections 205(1) and 205(2).

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

Clause 139 amends section 209(1) to remove a reference to a 'wild river declaration' which is obsolete as a result of the repeal of the Wild Rivers Act.

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

Clause 140 amends section 210(1)(c) to remove a reference to a 'wild river declaration' which is obsolete as a result of the repeal of the Wild Rivers Act.

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

Clause 141 amends section 212 to a 'wild river declaration' to remove the reference to 'or declaration' from the heading and remove the reference to a 'wild river declaration' which are obsolete as a result of the repeal of the Wild Rivers Act.

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

Clause 142 amends sections 213A(2) and (3) to remove references to a 'wild river declaration' which are obsolete as a result of the repeal of the Wild Rivers Act.

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

Clause 143 amends section 282 of the Water Act to remove the reference to subsection (1A) which is made redundant as a result of the repeal of the Wild Rivers Act.

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

Clause 144 amends section 851 to remove the reference to 'wild river declaration' which is obsolete as a result of the repeal of the Wild Rivers Act.

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

Clause 145 amends section 968 to remove the references to 'wild river floodplain management area' and 'wild river special floodplain management area' which are obsolete as a result of the repeal of the Wild Rivers Act.

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

Clause 146 amends chapter 8, part 2, division 1 to remove subdivision 3 and associated provisions made redundant as a result of the repeal of the Wild Rivers Act.

147 Amendment of s 1014 (Regulation-making power)

Clause 147 omits section 1014(2)(gb) as this provision is made redundant as a result of the repeal of the Wild Rivers Act.

148 Insertion of new ch 9, pt 7

Part 7 Transitional provision for State Development, Infrastructure and Planning (Red Tape Reduction) and Other Legislation Amendment Act 2014

New section 1249 (Transitional regulation-making power)

New section 1249 provides a power to make a transitional regulation to allow or facilitate the change from the operation of the repealed Wild Rivers Act to the operation of the RPI Act for the purposes of the Water Act.

149 Amendment of sch 4 (Dictionary)

Clause 149 amends schedule 4 (Dictionary) of the Water Act to remove definitions made redundant as a result of the repeal of the Wild Rivers Act.

Chapter 5 Repeal of other Acts

150 Repeal of Clean Coal Technology Special Agreement Act 2007

Clause 150 repeals the *Clean Coal Technology Special Agreement Act 2007*, No. 30.

151 Repeal of Eagle Farm Racecourse Act 1998

Clause 151 repeals the *Eagle Farm Racecourse Act 1998*, No. 7.

152 Gurulmundi Secure Landfill Agreement Act 1992

Clause 152 repeals the *Gurulmundi Secure Landfill Agreement Act 1992*, No 4.

153 Repeal of Racing Venues Development Act 1982

Clause 153 repeals the *Racing Venues Development Act 1982*, No. 16.

Chapter 6 Minor, consequential and other amendments

154 Legislation amended in sch 1

Clause 154 is the authorising section for schedule 1 which amends the legislation it mentions.

Schedule 1 Minor, consequential and other amendments

Part 1 Amendments for ch 2

Environmental Protection Act 1994

Paragraphs 1 – 12

The schedule amends the EP Act to update terminology and to include the new IAR assessment process introduced by the amendments to the SDPWO Act.

Geothermal Energy Act 2010

Paragraphs 1 – 5

The schedule amends the *Geothermal Energy Act 2010* to update references to the Coordinator-General; include the new IAR assessment process in addition to the EIS process for the purposes of the Coordinator-General's report and conditions; and to update references to the SDPWO Act as a result of the amendments contained in the Bill.

Greenhouse Gas Storage Act 2009

Paragraphs 1 – 3

The schedule amends the *Greenhouse Gas Storage Act 2009* to include the new IAR assessment process in addition to the EIS process for the purposes of the Coordinator-General's report and conditions and to update references to the SDPWO Act as a result of the amendments contained in the Bill.

Land Title Act 1994

1 Amendment of section 50(6)

Paragraph 1 amends section 50(6) with the addition of the Coordinator-General to the definition of *relevant planning body* with respect to registering a plan of subdivision. This is a consequential amendment in line with the changes to the SDPWO Act which provides the Coordinator-General with the ability to regulate reconfiguration of a lot in State development areas (SDAs) through an approved development scheme. The amendment is consistent with similar powers in the Land Title Act which provide for the MEDQ to be a relevant planning body for the purposes of subdivisions in PDAs declared under the ED Act.

2 Amendment of section 54(6)

Paragraph 2 amends section 54(6) with the addition of the Coordinator-General to the definition of *relevant planning body* with respect to dedication of land as a road within an SDA.

The amendment is consistent with similar powers in the Land Title Act which provide for the MEDQ to regulate subdivisions in PDAs declared under the ED Act.

3 Amendment of sections 65(3A) and 83(2)

Paragraph 3 amends section 65(3A) with respect to instruments of lease and section 83(2) with respect to creation of easements as a result of amendments to the SDPWO Act which provides the Coordinator-General with the ability to regulate reconfiguration of lots in an SDA area through an approved development scheme.

The amendment is consistent with similar powers in the Land Title Act which provide for the MEDQ to regulate subdivisions in PDAs declared under the ED Act.

4 Amendment of schedule 2

Paragraph 4 is a consequential amendment which amends the dictionary by including definitions of *approved development scheme* and *State development area*. This responds to amendments to the SDPWO Act which provides the Coordinator-General with the ability to regulate reconfiguration of lots in an SDA through an approved development scheme.

Petroleum and Gas (Production and Safety) Act 2004

Paragraphs 1 – 3

The schedule amends the *Petroleum and Gas (Production and Safety) Act 2004* to update references to include the new IAR assessment process in addition to the EIS process for the purposes of the Coordinator-General's report and conditions and to update references to the SDPWO Act as a result of the amendments contained in the Bill.

State Development and Public Works Organisation Act 1971

Paragraphs 1 – 25

The schedule amends the SDPWO Act to insert new terminology; remove redundant provisions; update section references; and to include the new IAR assessment process in addition to the EIS process for the purposes of the Coordinator-General's report and conditions as a result of the amendments contained in the Bill.

The amendments also remove redundant references to 'project board' as a consequence of omission of part 6, division 5 (see clause 58).

Sustainable Planning Act 2009

Paragraphs 1 – 2

The amendments are consequential to amendments made under chapter 2.

Part 2 Amendments to Acts for ch 4, pt 1

Cape York Peninsula Heritage Act 2007

Paragraphs 1 – 7

These amendments are consequential amendments for the transition from the repealed Wild Rivers Act to strategic environmental areas under the RPI Act.

Coastal Protection and Management Act 1995

Paragraphs 1 – 3

These amendments are consequential amendments for the transition from the repealed Wild Rivers Act to strategic environmental areas under the RPI Act.

Forestry Act 1959

Paragraphs 1 – 3

These amendments are consequential amendments for the transition from the repealed Wild Rivers Act to strategic environmental areas under the RPI Act.

Fossicking Act 1994

1 Amendment of section 3

Paragraph 1 removes the definitions from section 3 regarding a nominated waterway, protected area, wild river area, wild river high preservation area and wild river preservation area which referred to wild river areas or the Wild River Act provisions repealed by this Bill.

2 Amendment of section 3

Paragraph 2 amends section 3 (Definitions) to include in the definition of a protected area a national park (Cape York Peninsula Aboriginal Land) and an area of regional interest under the RPI Act.

Land Protection (Pest and Stock Route Management) Act 2002

Paragraphs 1 – 2

These amendments are consequential amendments for the transition from the repealed Wild Rivers Act to strategic environmental areas under the RPI Act.

Nature Conservation Act 1992

Paragraphs 1 – 3

These amendments are consequential amendments for the transition from the repealed Wild Rivers Act to strategic environmental areas under the RPI Act.

State Development and Public Works Organisation Act 1971

Paragraphs 1 – 4

These amendments are consequential amendments for the transition from the repealed Wild Rivers Act to strategic environmental areas under the RPI Act.

Vegetation Management Act 1999

1 Amendment of section 22DAC(2)

This amendment is a consequential amendment for the transition from the repealed Wild Rivers Act to strategic environmental areas under the RPI Act.

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

Environmental Protection Regulation 2008

Paragraphs 1 – 8

These amendments are consequential amendments for the transition from the repealed Wild Rivers Act to strategic environmental areas under the RPI Act.

Sustainable Planning Regulation 2009

Paragraphs 1 – 40

Omits references to the Wild Rivers Act which is consequential to the Acts repeal.

Water Regulation 2002

Paragraphs 1 – 15

These amendments are consequential amendments to remove provisions and references made redundant by the repeal of the Wild Rivers Act.

Water Resource (Gulf) Plan 2007

Paragraphs 1 – 6

These amendments remove some references made redundant by the repeal of the Wild Rivers Act and maintain Indigenous reserves of unallocated water by replacing references to wild river areas with titles of the relevant catchment or subcatchment areas in which these reserves continue to be available.

Water Resource (Mitchell) Plan 2007

1 Amendment of schedule 7

This amendment corrects an error in the definition of State purpose.

Part 4 Amendments for ch 5

Coal Mining Safety and Health Act 1999

1 Amendment of section 282(5)

The amendment is consequential to amendments made under chapter 5.

Explosives Act 1999

Paragraphs 1 – 2

The amendments are consequential to amendments made under chapter 5.

Mineral Resources Regulation 2013

1 Amendment of schedule 3, part 2, section 5(1)

The amendment is consequential to amendments made under chapter 5.

Mining and Quarrying Safety and Health Act 1999

Paragraphs 1 – 2

The amendments are consequential to amendments made under chapter 5.

Statutory Bodies Financial Arrangements Regulation 2007

Paragraphs 1 – 2

The amendments are consequential to amendments made under chapter 5.

Part 5 Other amendments

Water Resource (Great Artesian Basin) Plan 2006

1 Insertion of new s 25A

New section 25A (Projects of regional significance)

New section 25A provides the matters the chief executive may have regard to when considering projects that may be of regional significance.

2 – 3 Amendment of schedule 6

Paragraphs 1 and 2 amend Schedule 6 (Dictionary) of the *Water Resource (Great Artesian Basin) Plan 2006*.