



# Practice Note

# 14

State Interests in development assessment in Priority Development Areas





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## 1.0 Purpose

This practice note provides guidance about the consideration of State interests for proposed development in a Priority Development Area (PDA) or Provisional Priority Development Area (PPDA) declared under the *Economic Development Act 2012* (ED Act).

The purpose of this practice note is to:

1. Set out the **process** for a delegate of the Minister for Economic Development Queensland (MEDQ) under the ED Act for **considering State interests** in the assessment of a PDA development application; and
2. Identify when development in a PDA or a PPDA may require assessment by a State entity other than the MEDQ or the MEDQ delegate under:
  - The *Planning Act 2016* (Planning Act) and the *Planning Regulation 2017* (Planning Regulation),
  - or Other Acts.

## 2.0 Delegation of MEDQ powers and functions

Under s.169 of the ED Act, the MEDQ may delegate its powers or functions, including for development assessment, to various persons or entities, including:

- an Economic Development Queensland officer or employee<sup>1</sup> (the EDQ delegate),
- a Local government (local government delegate), and
- a Local representative committee (LRC delegate).

For ease of reference, in this practice note the term **MEDQ delegate** refers collectively to the EDQ delegate, local government delegate and LRC delegate.

The **MEDQ delegate** must exercise the power and perform the functions of the MEDQ subject to:

- the general direction and control of the MEDQ, and
- any specific written direction given to it by the MEDQ (ED Act, s.170).

The MEDQ may give written direction to a **MEDQ delegate** to comply with this practice note or a guideline published by Economic Development Queensland (EDQ) with respect to identifying and considering **State interests** for development in a PDA or PPDA.

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<sup>1</sup> For example, an appropriately qualified employee of the EDQ employing office who performs work for or within, or duties in, EDQ.





## 3.0 Development Assessment

Under the ED Act, a PDA development application is required if a development instrument for a PDA or PPDA identifies the development as PDA assessable development<sup>2</sup>.

The development assessment processes under the ED Act and Planning Act differ in several ways. For example, under the Planning Act, the State Assessment and Referral Agency (SARA) is generally responsible for undertaking the State's assessment of proposed development. However, in many circumstances, development in a PDA and PPDA is excluded from being assessable development under the Planning Regulation<sup>3</sup> (refer to the list of development shown shaded in the table at **Appendix 1**) and therefore a development approval under the Planning Act is not required. In these circumstances, the MEDQ is responsible for the consideration of relevant State interests when deciding a PDA development application (ED Act, s 87(1)(b)).

### 3.1 Development assessment by another State entity

There are two circumstances when development proposed in a PDA or PPDA may require assessment by an entity other than the **MEDQ delegate**:

1. the proposal involves assessable development under the Planning Act and Planning Regulation that is not excluded from assessment under that Act or regulation (refer to the list of development unshaded in the table at **Appendix 1**),
2. the proposal involves development that requires approval, or the proponent to take an action, under an Act other than the Planning Act (refer to **Appendix 2** for examples<sup>4</sup>).

To lawfully undertake development, a development proponent is required to take any required action or obtain any required approval, independently of the development assessment process under the ED Act. The appropriate sequencing of required actions or approvals will depend on the nature of the proposal and is determined by the proponent.

### 3.2 Development prohibited by the State under the Planning Act and Planning Regulation

Certain development is prohibited under the Planning Act and Planning Regulation and no development application for it can be made. **Appendix 3** identifies prohibited development under the Planning Act and Planning Regulation, including in a PDA.

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<sup>2</sup> S.33(3) & 73 of the ED Act. An approval is also needed if a regulation makes the development PDA assessable development or if PDA-associated development declared for a PDA under s.40C(1) is identified by the MEDQ as PDA assessable development: s.33 of the ED Act

<sup>3</sup> The *Planning Regulation 2017*, schedule 10 identifies assessable development. In many, but not all circumstances, PDA-related development is excluded from being assessable. 'PDA-related development' is defined as development in a priority development area, or PDA-associated development for a priority development area.

<sup>4</sup> Appendix 2 provides some examples of Acts that may be applicable to proposed development in a PDA. Any proposal requires the applicant to undertake a comprehensive appraisal to identify any approvals that may be required under an Act in addition to any approval under the Planning Act or ED Act.





## 4.0 Considering State interests in PDAs

### 4.1 What is a State interest?

State interests are defined in Schedule 1 of the ED Act to include:

- An interest relating to the main purpose of the ED Act, and
- An interest, that in MEDQ's opinion, affects an economic, community or environmental interest of the state or region.

### 4.2 Preparation of development schemes

A development scheme is a type of PDA development instrument that regulates development in a PDA. When a development scheme is being prepared, the MEDQ must consider State interests. The MEDQ's consideration of State interests is informed by any relevant State planning instruments, including any relevant regional plan, the State Planning Policy and State Development Assessment Provisions.

Through collaboration with State agencies during development scheme preparation, relevant State interests are sought to be reconciled to the extent practicable for the circumstances of each PDA. This facilitates streamlined development assessment. The extent that each relevant State interest has been addressed in a development scheme, and the nature of the matters considered, provide the context and starting point for consideration of State interests when assessing PDA development applications.

### 4.3 Assessment of PDA development applications.

As per s 87 of the ED Act, when deciding a PDA Development Application, the **MEDQ delegate** must consider numerous items, including "any relevant State interest".

In identifying the State interests to be addressed in an application, relevant considerations are:

- the development instrument,
- assessment benchmarks included in the State Planning Policy prepared under the Planning Act,
- the State Planning Policy mapping system,
- the State Development Assessment Provisions,
- the Development Assessment Mapping System,
- any advice available from EDQ regarding consideration of State interests at the time the development instrument was prepared, and
- any other relevant considerations identified by EDQ resulting from a prelodgement meeting.

An Instrument of Delegation and Direction from the MEDQ to a MEDQ delegate may require the **MEDQ delegate** to consult in accordance with the process described in any practice note or guideline published by EDQ, or have regard to any guidance given by EDQ, with respect to identifying and considering State interests.

Section 5 of this practice note outlines the procedures the **MEDQ delegate** is to follow to obtain and consider EDQ's advice when having regard to relevant state interests in making a decision on a PDA development application.





## 5.0 State interest advice for PDA development applications

### 5.1 Pre-application

When a development proponent enquires about proposed development in a PDA or PPDA, the MEDQ delegate must advise the proponent that relevant State interests need to be considered when preparing a PDA development application. The MEDQ delegate may seek advice from EDQ about the relevant State interests and, depending on the complexity or sensitivity of relevant State interests, EDQ may provide written advice or attend pre-application discussions with the MEDQ delegate.

### 5.2 PDA development applications requiring request for EDQ advice

A PDA development application made to the MEDQ delegate may require a request to EDQ for state interest advice if:

1. the development is of a scale and/or nature that in the MEDQ delegate's opinion, warrants review by EDQ, or
2. the development would have required referral to the State Assessment Referral Agency had a PDA not been declared<sup>5</sup>, or
3. EDQ has not previously given advice (during the pre-application stage) that a further request for advice from EDQ is not needed for the proposed development application.

### 5.3 The process for requesting State interest advice from EDQ

#### 5.3.1 Requesting advice from EDQ for a PDA development application

For an application requiring EDQ advice, the **MEDQ delegate** will, within 5 business days of the properly made date for an application under s.82A of the ED Act, provide a copy of the application to **EDQ** for assessment of the identified State interests. The Checklist used to identify state interests is to be included in the request made to EDQ.

#### 5.3.2 EDQ response to MEDQ delegate

**EDQ** will advise the **MEDQ delegate** within 10 business days of receiving the application of the following:

- Relevant State interests have been satisfactorily addressed by the application; or
- PDA development conditions are appropriate to adequately address State interest; or
- a PDA development approval is not appropriate because:
  - a State interest has not been adequately addressed by the application; or
  - a State interest cannot be satisfactorily addressed through one or more conditions of approval;
- Further Information is required from the applicant for relevant State interests to be adequately considered; or
- An extension of time for the state interest review is required to fully consider the impacts of development to state interests. EDQ will send the request to the MEDQ Delegate 2 days prior to the end of the 10 business day period.

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<sup>5</sup> For guidance on development requiring referral to the State Assessment Referral Agency, refer to the *Planning Regulation 2017, schedule 10* and Appendix 1 of the State Development Assessment Provisions.





### 5.3.3 Response to further information

If EDQ advises the **MEDQ delegate** that information should be requested for relevant State interests to be adequately considered in deciding the application, the **MEDQ delegate** is to provide EDQ with a copy of the applicant's response to the information request within 5 business days of receiving the response.

EDQ will advise the MEDQ delegate within 10 business days of receiving the applicant's response to an information request whether EDQ:

- considers the applicant has complied with the information request in relation to State interests; or
- the MEDQ delegate can progress the assessment of the application; or
- that conditions are appropriate to adequately address the state interests if the MEDQ Delegate decides to approve the application; or
- EDQ considers a PDA development approval is not appropriate because:
  - a State interest has not been adequately addressed by the application; or
  - a State interest cannot be satisfactorily addressed through one or more conditions .OR
- An extension of time for the state interest review is required to fully consider the impacts of development to state interests

## 5.4 Decision Making

Section 85 of the ED Act provides for the MEDQ Delegate to decide the application. The application may be approved in whole or in part, with or without conditions or refused.

During the decision-making process the MEDQ Delegate is to:

- have regard to the advice given by EDQ in relation to State interests;
- at least 10 business days before deciding the application, advise EDQ if it is considering deciding the application differently from the way EDQ considers it should be decided including conditions, and
- provide a copy of the final decision notice to EDQ within 5 business days of giving the notice.

## 6.0 Considering State interests for a s92 or s99 Change

For either a s92 Change to Application or a s99 Change to Approval the **MEDQ delegate** is to:

1. Review any previous advice from EDQ for the subject application; and
2. **Request advice from EDQ**, if the change would result in amendments which are likely to impact on a relevant State Interest or previous relevant State interest advice / conditions from EDQ. Where a request for EDQ advice is required, the process described in section 5.0 of this practice notes applies; or
3. Where the MEDQ Delegate has doubt as to whether or not the proposed changes are likely to impact on a relevant State Interest, the MEDQ delegate is to request advice from EDQ. .

## 7.0 Extension to Currency Period

An application for an extension to a currency period does not require advice from EDQ.



# Appendix 1: Development in priority development areas assessable under the *Planning Act 2016 – August 2021*

- The information in this table is a **guide only** and should not be relied upon as a complete guide to development in a priority development area (PDA). Only the *Planning Regulation 2017* has been reviewed in the preparation of this table. **Blue shaded items** are exempt under the *Planning Regulation 2017*.
- Specialist legal and planning advice should be obtained for each development, to ensure that all necessary approvals are obtained. The specific legislative provision should be consulted to obtain a full understanding of the provision, and also to check whether any part of the legislation has changed since the creation of this document.
- A local categorising instrument under the *Planning Act 2016* (planning scheme, temporary local planning instrument or variation approval) cannot make PDA-related development assessable (see Schedule 6, part 5, section 28 of the *Planning Regulation 2017*).

| No.                 | Development type  | Legislation and relevant section  | Exemption / Trigger / Approval required  | Authority that administers relevant legislation  |
|---------------------|---|---|--|--|
| <b>Airport land</b> |   |   |  |  |
| 1.                  | Development on airport land                                 | <i>Planning Regulation 2017</i><br>Schedule 10, Part 1, Division 1,<br>section 1(a)<br><br><i>Airport Assets (Restructuring and Disposal) Act 2008.</i> | Development on airport land is assessable development, if the land use plan for the airport land states the development is assessable development.   | Department of State<br>Development, Infrastructure, Local<br>Government and Planning<br><br>Queensland Treasury                              |
| 2.                  | A material change of use on airport land                    | <i>Planning Regulation 2017</i><br>Schedule 10, Part 1, Division 1,<br>section 1(b)<br><br><i>Airport Assets (Restructuring and Disposal) Act 2008</i>  | Development on airport land is assessable development, if the development is a material change of use that is inconsistent with the land use plan for the airport land.  | Department of State<br>Development, Infrastructure, Local<br>Government and Planning<br><br>Queensland Treasury                              |
| <b>Aquaculture</b>  |   |   |  |  |
| 3.                  | Making a material change of use of premises for aquaculture | <i>Planning Regulation 2017</i><br>Schedule 10, Part 6, Division 1,<br>Subdivision 1, section 9<br><br><i>Fisheries Act 1994.</i>                       | A material change of use of premises for aquaculture is assessable development, unless the material change of use is accepted development under schedule 7, part 2, section 3 of the <i>Planning Regulation 2017</i> . This item makes the following accepted development: “A material change of use for prescribed aquaculture, if requirements for the material change of use are prescribed under the <i>Fisheries Act</i> , section 32 and the material change of use complies with the requirements.” | Department of State<br>Development,<br>Infrastructure, Local<br>Government and Planning<br><br>Department of<br>Agriculture and<br>Fisheries |



| No.                                 | Development type   | Legislation and relevant section  | Exemption / Trigger / Approval required   | Authority that administers relevant legislation  |
|-------------------------------------|--|---|---|--|
| <b>Brothel</b>                      |  |   |   |  |
| 4.                                  | A material change of use for a brothel   | <i>Planning Regulation 2017</i><br>Schedule 10, Part 2, Division 2, section 3<br><br><i>Prostitution Act 1999</i>                   | A material change of use of premises for a brothel.   | Department of State Development, Infrastructure, Local Government and Planning<br><br>Department of Justice and Attorney-General |
| <b>Building work</b>                |  |   |   |  |
| 5.                                  | Carrying out building work (assessable under the <i>Building Act 1975</i> )  | <i>Planning Regulation 2017</i><br>Schedule 9, Part 1, section 1<br><br><i>Building Act 1975</i>                                    | Building work under the Building Act is assessable development, unless the building work is accepted development under schedule 7 of the <i>Planning Regulation 2017</i> .  | Department of State Development, Infrastructure, Local Government and Planning   |
| <b>Contaminated land</b>            |  |   |   |  |
| 6.                                  | A material change of use (with certain credentials) if all or part of the premises are on the contaminated land register or the environmental management register. | <i>Planning Regulation 2017</i><br>Schedule 10, Part 4, Division 1, section 6<br><br><i>Environmental Protection Act 1994</i>       | A material change of use of premises, where: <ul style="list-style-type: none"> <li>• all or part of the premises are on the contaminated land register or the environmental management register under the <i>Environmental Protection Act 1994</i>; and</li> <li>• the premises are not being used for a sensitive land use; and</li> <li>• the material change of use involves:               <ul style="list-style-type: none"> <li>○ a sensitive land use; or</li> <li>○ a commercial use involving an accessible underground facility, including, for example, a basement car park, workshop or office; and</li> </ul> </li> <li>• neither the contaminated land register nor the environmental management register state that the premises are suitable for the proposed use in accordance with a site suitability statement for the premises.</li> </ul> | Department of State Development, Infrastructure, Local Government and Planning<br><br>Department of Environment and Science      |
| <b>COVID-19 vaccination service</b> |  |   |   |  |
| 7.                                  | Making a material change of use of premises for a COVID-19 vaccination service   | <i>Planning Regulation 2017</i> Part 4, Division 1, section 20A, and Schedule 7, Part 2, section 4A<br><br><i>Planning Act 2016</i> | A material change of use for a COVID-19 vaccination service is assessable development unless the material change of use is accepted development under schedule 7, part 2, section 4A of the <i>Planning Regulation 2017</i> .   | Department of State Development, Infrastructure, Local Government and Planning   |

| No.  | Development type  | Legislation and relevant section  | Exemption / Trigger / Approval required   | Authority that administers relevant legislation   |
|--|---|---|---|---|
|  |   |   | Note: Provisions making a material change of use for a COVID-19 vaccination service in the <i>Planning Regulation 2017</i> accepted development expire on 31 December 2021.   |   |
| <b>Declared fish habitat area</b>          |   |   |   |   |
| 8.   | Operational work that is completely or partly in a declared fish habitat area   | <i>Planning Regulation 2017</i><br>Schedule 10, Part 6, division 2, subdivision 1, section 10<br><br><i>Fisheries Act 1994.</i>       | Operational work completely or partly in a declared fish habitat area is assessable development, unless the work is accepted development under schedule 7, part 3, section 7 of the <i>Planning Regulation 2017</i> . This item makes the following accepted development: “Operational work completely or partly within a declared fish habitat area, if requirements for the work are prescribed under the <i>Fisheries Act</i> , section 32 and the work complies with the requirements.”   | Department of State Development, Infrastructure, Local Government and Planning<br><br>Department of Agriculture and Fisheries |
| <b>Environmentally relevant activities</b> |   |   |   |   |
| 9.   | Making a material change of use of premises for an environmentally relevant activity (ERA)  | <i>Planning Regulation 2017</i><br>Schedule 10, Part 5, Division 2, section 8<br><br><i>Environmental Protection Regulation 2019.</i> | A material change of use of premises for an ERA is assessable development, if the activity is a concurrence ERA (the relevant ERA). However, this does not apply if: <ul style="list-style-type: none"> <li>• an environmental authority to carry out a concurrence ERA has been approved for the premises; and</li> <li>• the relevant ERA and concurrence ERA are to be carried out under the environmental authority; and</li> <li>• the relevant ERA has a lower aggregate environmental score than the concurrence ERA.</li> </ul> | Department of State Development, Infrastructure, Local Government and Planning<br><br>Department of Environment and Science   |
| <b>Hazardous chemical facility</b>         |   |   |   |   |
| 10.  | Making a material change of use for a hazardous chemical facility<br><br><i>hazardous chemical facility</i> means the use of premises for a facility at which a prescribed hazardous chemical is present or likely to be present in a quantity that exceeds 10% of the chemical's threshold quantity under the <i>Work Health and Safety Regulation 2011</i> , schedule 15. | <i>Planning Regulation 2017</i><br>Schedule 10, part 7, division 1, section 13<br><br><i>Work Health and Safety Regulation 2011</i>   | A material change of use for a hazardous chemical facility is assessable development.   | Department of State Development, Infrastructure, Local Government and Planning<br><br>Department of Education                 |

| No.                                | Development type  | Legislation and relevant section  | Exemption / Trigger / Approval required  | Authority that administers relevant legislation   |
|------------------------------------|---|---|--|---|
| <b>Koala habitat in SEQ region</b> |   |   |  |   |
| 11.                                | Development interfering with koala habitat in koala habitat areas outside koala priority areas  | <i>Planning Regulation 2017</i><br>Schedule 10, part 10, section 16B<br><br><i>Planning Act 2016</i>  | Exemption applies for “exempted development”, which includes PDA-related development (Schedule 24).  | Department of State Development, Infrastructure, Local Government and Planning  |
| 12.                                | Development for extractive industries in key resource areas   | <i>Planning Regulation 2017</i><br>Schedule 10, part 10, section 16C<br><br><i>Planning Act 2016</i>  | Exemption applies for “exempted development”, which includes PDA-related development (Schedule 24).  | Department of State Development, Infrastructure, Local Government and Planning  |
| <b>Levees</b>                      |   |   |  |   |
| 13.                                | Operational work for construction or modification of levees (category 2 and 3)  | <i>Planning Regulation 2017</i><br>Schedule 10, part 19, division 4, subdivision 1, section 32<br><br><i>Water Regulation 2016.</i>                 | The following operational work is assessable development: <ul style="list-style-type: none"> <li>• construction of a new category 2 levee;</li> <li>• construction of a new category 3 levee;</li> <li>• modification of an existing levee if, after the modification, the levee will fulfil the requirements for a category 2 levee;</li> <li>• modification of an existing levee if, after the modification, the levee will fulfil the requirements for a category 3 levee.</li> </ul> | Department of State Development, Infrastructure, Local Government and Planning<br><br>Department of Regional Development, Manufacturing and Water |
| <b>Ports</b>                       |   |   |  |   |
| 14.                                | Development in a priority port’s master planned area<br><br>“Priority Port” means each of the following:<br>(a) Port of Abbot Point;<br>(b) Port of Gladstone;<br>(c) the ports of Hay Point and Mackay;<br>(d) Port of Townsville. | <i>Planning Regulation 2017</i><br>Schedule 10, Part 13, Division 4, Subdivision 1, section 19<br><br><i>Sustainable Ports Development Act 1975</i> | Development is assessable if the port overlay for the master planned areas states that the development is assessable development.  | Department of State Development, Infrastructure, Local Government and Planning  |

| No.                        | Development type   | Legislation and relevant section  | Exemption / Trigger / Approval required  | Authority that administers relevant legislation  |
|----------------------------|--|---|--|--|
| 15.                        | Development on strategic port land   | <p><i>Planning Regulation 2017</i> Schedule 10, part 13, division 5, subdivision 1, section 20</p> <p><i>Transport Infrastructure Act 1994.</i></p>             | <p>Development on strategic port land is assessable development, if:</p> <ul style="list-style-type: none"> <li>• either: <ul style="list-style-type: none"> <li>○ the land use plan for the strategic port land states the development is assessable development; or</li> <li>○ the development is a material change of use that is inconsistent with the land use plan; and</li> </ul> </li> <li>• for premises in a priority port's master planned area - the port overlay for the master planned area does not state a different category of development for the development.</li> </ul> | <p>Department of State Development, Infrastructure, Local Government and Planning</p> <p>Department of Transport and Main Roads</p>                      |
| <b>Reconfiguring a lot</b> |  |   |  |  |
| 16.                        | Reconfiguring a lot under the <i>Land Title Act 1994</i>   | <p><i>Planning Regulation 2017</i> Schedule 10, Part 14, Division 1, section 21</p> <p><i>Land Titles Act 1994</i></p>  | Exemption applies if the reconfiguration is of a lot that is in a PDA, or that is PDA-associated land for a PDA.   | Department of State Development, Infrastructure, Local Government and Planning   |
| 17.                        | Operational work for reconfiguring a lot   | <p><i>Planning Regulation 2017</i> Schedule 10, Part 12, Division 1, section 18</p> <p><i>Planning Act 2016</i></p>   | <p>Operational work for reconfiguring a lot is only assessable development where the reconfiguring a lot is also assessable development.</p> <p>Reconfiguring a lot under the <i>Land Title Act 1994</i> where the lot is (in amongst other things) in a PDA, or that is PDA-associated land for a PDA is exempt. Therefore, an exemption applies to operational work for reconfiguring a lot under the <i>Land Title Act 1994</i> that is in a PDA, or that is PDA-associated land for a PDA.</p>   | Department of State Development, Infrastructure, Local Government and Planning   |
| <b>Referable dams</b>      |  |   |  |  |
| 18.                        | <p>Operational work for referable dams</p> <p>The definition of referable dam in the <i>Planning Regulation</i> references the definition in the <i>Water Supply (Safety and Reliability) Act 2008</i>, section 341:</p> <p>A dam is, or a proposed dam after its construction will be, a <b>referable dam</b> if—</p> | <p><i>Planning Regulation 2017</i> Schedule 10, part 19, division 3, subdivision 1, section 31</p> <p><i>Water Supply (Safety and Reliability) Act 2008</i></p> | <p>Operational work that is the construction of a dam, or relates to a dam, is assessable development, if:</p> <ul style="list-style-type: none"> <li>• because of the work, the dam must be failure impact assessed; and</li> <li>• the accepted failure impact assessment for the dam states the dam has a category 1 failure impact rating or a category 2 failure impact rating.</li> </ul>  | <p>Department of State Development, Infrastructure, Local Government and Planning</p> <p>Department of Regional Development, Manufacturing and Water</p> |

| No.  | Development type  | Legislation and relevant section  | Exemption / Trigger / Approval required                        | Authority that administers relevant legislation                                |
|--|---|---|--|--|
|  | <p>(a) a failure impact assessment of the dam, or the proposed dam, is carried out under Chapter 4, Part 1 of the <i>Water Supply (Safety and Reliability) Act 2008</i>; and</p> <p>(b) the assessment states the dam has, or the proposed dam after its construction will have, a category 1 or category 2 failure impact rating; and</p> <p>(c) the chief executive has, under section 349, accepted the assessment.</p> <p>A dam is also a referable dam if:</p> <p>(a) under section 342B, the dam becomes a referable dam; and</p> <p>(b) the chief executive has not, under section 349, accepted a failure impact assessment of the dam.</p> <p>The following are not referable dams—</p> <p>(a) a hazardous waste dam;</p> <p>(b) a weir, unless the weir has a variable flow control structure on the crest of the weir.</p> |   |  |  |
| <b>Removal, destruction or damage of marine plants</b>       |   |   |  |  |
| 19.  | Operational work that is the removal, destruction or damage of a marine plant   | <i>Planning Regulation 2017</i><br>Schedule 10, Part 6, Division 3,<br>Subdivision 1, section 11<br><br><i>Fisheries Act 1994</i> | Exemption is for operational work for PDA-related development. | Department of State Development, Infrastructure, Local Government and Planning |
| <b>Removal of quarry material from a watercourse or lake</b> |   |   |  |  |
| 20.  | Development for removing quarry material from a watercourse or lake.  | <i>Planning Regulation 2017</i><br>Schedule 10, Part 19, Division 2,<br>Subdivision 1, section 30<br><br><i>Forestry Act 1959</i> | Exemption applies to PDA-related development.                  | Department of State Development, Infrastructure, Local Government and Planning |
| <b>SEQ development area</b>                                  |   |   |  |  |

| No.  | Development type  | Legislation and relevant section  | Exemption / Trigger / Approval required  | Authority that administers relevant legislation                                |
|--|---|---|--|--|
| 21.  | Material change of use of premises that are completely or partly in an SEQ development area   | <i>Planning Regulation 2017</i><br>Schedule 10, Part 15, Division 2, Subdivision 1, section 22<br><br><i>Planning Act 2016</i>  | Exemption applies to “excluded development” which includes development stated in Schedule 6, relevantly including development that is PDA-related development (Schedule 6, Part 5, section 28).<br><br><b>SEQ development area</b> means an area in the SEQ region identified in a gazette notice by the Minister as a major development area. | Department of State Development, Infrastructure, Local Government and Planning |
| <b>SEQ regional landscape and rural production area or the SEQ rural living area</b> |   |   |  |  |
| 22.  | Making a material change of use of premises for a tourist activity or sport and recreation activity (with certain credentials) and all or part of the premises are in the SEQ regional landscape and rural production area or the SEQ rural living area           | <i>Planning Regulation 2017</i><br>Schedule 10, Part 16, Division 2, Subdivision 1, section 24<br><br><i>Planning Act 2016</i>  | Exemption applies to “excluded development” which includes development stated in Schedule 6, relevantly including development that is PDA-related development (Schedule 6, Part 5, section 28).  | Department of State Development, Infrastructure, Local Government and Planning |
| 23.  | Making a material change of use of premises for a residential care facility (with certain credentials) and all or part of the premises are in the SEQ regional landscape and rural production area or the SEQ rural living area                                   | <i>Planning Regulation 2017</i><br>Schedule 10, Part 16, Division 3, Subdivision 2, section 26<br><br><i>Planning Act 2016</i>  | Exemption applies to “excluded development” which includes development stated in Schedule 6, relevantly including development that is PDA-related development (Schedule 6, Part 5, section 28).  | Department of State Development, Infrastructure, Local Government and Planning |
| 24.  | Making a material change of use of premises for a community activity, other than a residential care facility, (with certain credentials) and all or part of the premises are in the SEQ regional landscape and rural production area or the SEQ rural living area | <i>Planning Regulation 2017</i><br>Schedule 10, Part 16, Division 3, Subdivision 2, section 27<br><br><i>Planning Act 2016</i>  | Exemption applies to “excluded development” which includes development stated in Schedule 6, relevantly including development that is PDA-related development (Schedule 6, Part 5, section 28).  | Department of State Development, Infrastructure, Local Government and Planning |
| 25.  | Making a material change of use of premises for indoor recreation (with certain credentials) and all or part of the premises are in the SEQ regional landscape and rural production area or the SEQ rural living area   | <i>Planning Regulation 2017</i><br>Schedule 10, Part 16, Division 4, Subdivision 1, section 27A<br><br><i>Planning Act 2016</i> | Exemption applies to “excluded development” which includes development stated in Schedule 6, relevantly including development that is PDA-related development (Schedule 6, Part 5, section 28).  | Department of State Development, Infrastructure, Local Government and Planning |
| 26.  | Making a material change of use of premises for a biotechnology industry (with certain credentials) and all or part of the premises are in the SEQ regional landscape and rural production area or the SEQ rural living area                                      | <i>Planning Regulation 2017</i><br>Schedule 10, Part 16, Division 6, Subdivision 2, section 27D<br><br><i>Planning Act 2016</i> | Exemption applies to “excluded development” which includes development stated in Schedule 6, relevantly including development that is PDA-related development (Schedule 6, Part 5, section 28).  | Department of State Development, Infrastructure, Local Government and Planning |

| No.                                    | Development type   | Legislation and relevant section   | Exemption / Trigger / Approval required   | Authority that administers relevant legislation                                |
|--|--|--|---|--|
| 27.                                    | Making a material change of use of premises for a service station (with certain credentials) and all or part of the premises are in the SEQ regional landscape and rural production area or the SEQ rural living area  | <i>Planning Regulation 2017</i><br>Schedule 10, Part 16, Division 6, Subdivision 2, section 27E<br><br><i>Planning Act 2016</i>                | Exemption applies to “excluded development” which includes development stated in Schedule 6, relevantly including development that is PDA-related development (Schedule 6, Part 5, section 28).     | Department of State Development, Infrastructure, Local Government and Planning |
| 28.                                    | Making a material change of use of premises for an urban activity, other than a biotechnology industry or service station (with certain credentials), and all or part of the premises are in the SEQ regional landscape and rural production area or the SEQ rural living area | <i>Planning Regulation 2017</i><br>Schedule 10, Part 16, Division 6, Subdivision 2, section 27F<br><br><i>Planning Act 2016</i>                | Exemption applies to “excluded development” which includes development stated in Schedule 6, relevantly including development that is PDA-related development (Schedule 6, Part 5, section 28).     | Department of State Development, Infrastructure, Local Government and Planning |
| 29.                                    | Making a material change of use of premises for two or more of the uses noted in 27G(1)(b) (with certain credentials), and all or part of the premises are in the SEQ regional landscape and rural production area or the SEQ rural living area                                | <i>Planning Regulation 2017</i><br>Schedule 10, Part 16, Division 7, Subdivision 1, section 27G<br><br><i>Planning Act 2016</i>                | Exemption applies to “excluded development” which includes development stated in Schedule 6, relevantly including development that is PDA-related development (Schedule 6, Part 5, section 28).     | Department of State Development, Infrastructure, Local Government and Planning |
| <b>State and local heritage places</b> |  |  |   |  |
| 30.                                    | Development on a local heritage place (other than a Queensland heritage place)   | <i>Planning Regulation 2017</i><br>Schedule 10, Part 8, Division 1, Subdivision 1, section 14<br><br><i>Queensland Heritage Act 1992</i>       | Exemption applies to development that is stated in Schedule 6 of the <i>Planning Regulation 2017</i> , which includes development that is PDA-related development (Schedule 6, Part 5, section 28). | Department of State Development, Infrastructure, Local Government and Planning |
| 31.                                    | Development on a Queensland heritage place   | <i>Planning Regulation 2017</i><br>Schedule 10, Part 8, Division 2, Subdivision 1, section 15(1)(d)<br><br><i>Queensland Heritage Act 1992</i> | Exemption applies if development is PDA-related development.  | Department of State Development, Infrastructure, Local Government and Planning |
| 32.                                    | A material change of use of premises on a lot that shares a common boundary with another lot that is or contains a Queensland heritage place   | <i>Planning Regulation 2017</i><br>Schedule 10, Part 8, Division 2, Subdivision 1, section 15(3)(g)<br><br><i>Queensland Heritage Act 1992</i> | Exemption applies if the material change of use is PDA-related development.   | Department of State Development, Infrastructure, Local Government and Planning |
| 33.                                    | A material change of use of premises on a lot that contains a Queensland heritage place, but   | <i>Planning Regulation 2017</i>  | Exemption applies if the material change of use is PDA-related development.   | Department of State Development,   |

| No.                                     | Development type  | Legislation and relevant section  | Exemption / Trigger / Approval required       | Authority that administers relevant legislation                                |
|---|---|---|---|--|
|   | is not carried out on the Queensland heritage place   | Schedule 10, Part 8, Division 2, Subdivision 1, section 15(3)(g)<br><br><i>Queensland Heritage Act 1992</i>                         |   | Infrastructure, Local Government and Planning                                  |
| <b>Taking or interfering with water</b> |   |   |   |  |
| 34.                                     | <p>Operational work that involves taking or interfering with, water.</p> <p>Operational work covered by this item:</p> <p>(a) taking or interfering with water in—</p> <p style="padding-left: 20px;">(i) a watercourse, lake or spring; or</p> <p style="padding-left: 20px;">(ii) a dam constructed on a watercourse or lake;</p> <p>(b) taking or interfering with underground water through an artesian bore, as defined under the <i>Water Act 2000</i>, schedule 4, other than through a monitoring bore;</p> <p>(c) taking or interfering with underground water through a subartesian bore, if the works are prescribed as assessable development under the <i>Water Act 2000</i>, section 39(f);</p> <p>(d) taking or interfering with underground water in a part of an underground water area, if the work is prescribed as assessable development for the part under the <i>Water Act 2000</i>, section 1046(2)(b);</p> <p>(e) taking or interfering with underground water through a subartesian bore if the work does not comply with the requirements that are prescribed under the <i>Water Act 2000</i>, section 1014(2)(g) for the work to be characterised as accepted development;</p> <p>(f) taking overland flow water, if the works are prescribed as assessable development under the <i>Water Act 2000</i>, section 39(f);</p> | <p><i>Planning Regulation 2017</i><br/>Schedule 10, Part 19, Division 1, Subdivision 1, section 29</p> <p><i>Water Act 2000</i></p> | Exemption applies to PDA-related development. | Department of State Development, Infrastructure, Local Government and Planning |



| No.   | Development type  | Legislation and relevant section  | Exemption / Trigger / Approval required   | Authority that administers relevant legislation  |
|---|---|---|---|--|
|   | (g) taking overland flow water if the work does not comply with the requirements that are prescribed under the Water Act, section 1014(2)(g) for the work to be characterised as accepted development.  |   |   |  |
| <b>Tidal works or work in a coastal management district</b> |   |   |   |  |
| 35.   | <p>Operational work that is tidal works or work completely or partly in a coastal management district.</p> <p>Apart from tidal works, this item also covers any of the following carried out completely or partly in a coastal management district—</p> <ul style="list-style-type: none"> <li>(i) interfering with quarry material, as defined under the <i>Coastal Protection and Management Act 1995</i>, on State coastal land above high-water mark;</li> <li>(ii) disposing of dredge spoil, or other solid waste material, in tidal water;</li> <li>(iii) constructing an artificial waterway;</li> <li>(iv) removing or interfering with coastal dunes on land, other than State coastal land, that is in an erosion prone area.</li> </ul> | <p><i>Planning Regulation 2017</i><br/>Schedule 10, Part 17, Division 1, section 28</p> <p><i>Coastal Protection and Management Act 1995</i>.</p>   | Exemption applies to PDA-related development.   | <p>Department of State Development, Infrastructure, Local Government and Planning</p> <p>Department of Environment and Science</p> |
| <b>Vegetation clearing</b>                                  |   |   |   |  |
| 36.   | <p>Operational work for the clearing of native vegetation on prescribed land</p> <p>“Prescribed land” means—</p> <ul style="list-style-type: none"> <li>• freehold land; or</li> <li>• indigenous land; or</li> <li>• any of the following under the <i>Land Act 1994</i>: <ul style="list-style-type: none"> <li>○ leased land;</li> <li>○ land dedicated as a road;</li> <li>○ trust land, other than indigenous land;</li> </ul> </li> </ul>   | <p><i>Planning Regulation 2017</i><br/>Schedule 10, Part 3, Division 2, sections 4 and 5</p> <p>Schedule 21 of the <i>Planning Regulation 2017</i> - exempt clearing work</p> <p><i>Vegetation Management Act 1999</i>.</p> | <p>Exemption applies to “exempt clearing work” which includes clearing vegetation that is PDA-related development on:</p> <ul style="list-style-type: none"> <li>• freehold land;</li> <li>• indigenous land;</li> <li>• unallocated State land, if the clearing is carried out, or allowed to be carried out, by the chief executive of the department in which the Land Act is administered;</li> <li>• land subject to a licence or permit under the Land Act, if the clearing is carried out by the licensee or permittee.</li> </ul> | <p>Department of State Development, Infrastructure, Local Government and Planning</p> <p>Department of Resources</p>               |

| No.                           | Development type   | Legislation and relevant section | Exemption / Trigger / Approval required   | Authority that administers relevant legislation |
|-------------------------------|--|----------------------------------|---|---|
|                               | <ul style="list-style-type: none"> <li>○ unallocated State land;</li> <li>○ land subject to a licence or permit;</li> <li>○ non-tidal watercourse land.</li> </ul> <p>“Native vegetation” means vegetation under <i>the Vegetation Management Act 1999</i> (VMA).</p> <p>However, the VMA does not define “native vegetation”. The VMA defines vegetation in section 8 as follows:</p> <p><b>Vegetation</b> is a native tree or plant other than the following—</p> <ul style="list-style-type: none"> <li>(a) grass or non-woody herbage;</li> <li>(b) a plant within a grassland regional ecosystem prescribed under a regulation;</li> <li>(c) a mangrove.</li> </ul> |                                  | <p>If none of the above exemptions apply, then the remainder of the general non-PDA specific exemptions in schedule 21 of the <i>Planning Regulation 2017</i> need to be reviewed to determine if any other exemptions apply. For example:</p> <ul style="list-style-type: none"> <li>• the exemption in schedule 21, part 1, item 1(3), about areas declared under the VMA, if carried out under the management plan for the area and for establishing a necessary fence, firebreak, road or vehicular track where the clearing cannot reasonably be avoided or minimised;</li> <li>• the exemption in schedule 21, part 1, item 1(13), about certain land stated in the <i>Forestry Act 1959</i> and to the extent the clearing is for accessing and extracting quarry material for road works under the <i>Transport Infrastructure Act 1994</i>;</li> <li>• any of the exemptions listed in schedule 21, part 2, item 5, about land dedicated as a road under the <i>Land Act 1994</i>.</li> </ul> <p>In addition, no approval is required if the clearing is accepted development under schedule 7, part 3, section 12. This item makes the following accepted development: “<i>Operational work that is clearing native vegetation to which an accepted development vegetation clearing code applies if the work complies with the code.</i>” An “accepted development vegetation clearing code” is defined by reference to the VMA, section 19O(1) and (2).</p> <p>If none of the exemptions in schedule 21 apply (i.e. it is not ‘exempt clearing work’), and the clearing is not accepted development under schedule 7, Part 3, section 12, the clearing will be assessable. Generally, this will arise where the clearing is PDA-related development and is to occur on the following types of land under the <i>Land Act</i>:</p> <ul style="list-style-type: none"> <li>• leased land;</li> <li>• land dedicated as a road; and</li> <li>• trust land, other than indigenous land.</li> </ul> |   |
| <b>Waterway barrier works</b> |  |                                  |   |   |

| No.                            | Development type   | Legislation and relevant section   | Exemption / Trigger / Approval required   | Authority that administers relevant legislation  |
|--------------------------------|--|--|---|--|
| 37.                            | <p>Operational work that is constructing or raising waterway barrier works.</p> <p>The schedule to the <i>Fisheries Act 1994</i> defines waterway barrier works as a dam, weir or other barrier across a waterway if the barrier limits fish stock access and movement along a waterway.</p> | <p><i>Planning Regulation 2017</i><br/>Schedule 10, part 6, division 4, subdivision 1, section 12</p> <p><i>Fisheries Act 1994.</i></p>        | <p>Operational work that is constructing or raising waterway barrier works is assessable development, unless the work is accepted development under schedule 7, part 3, section 6 of the <i>Planning Regulation 2017</i>. This item makes the following accepted development: “Operational work for constructing or raising waterway barrier works, if requirements for the work are prescribed under the <i>Fisheries Act, section 23 and the work complies with the requirements.</i>”</p>  | <p>Department of State Development, Infrastructure, Local Government and Planning</p> <p>Department of Agriculture and Fisheries</p> |
| <b>Wetland protection area</b> |  |  |   |  |
| 38.                            | <p>Operational work that is high impact earthworks in a wetland protection area</p> <p>“High impact earthworks” is defined in schedule 24 of the <i>Planning Regulation 2017</i>.</p>  | <p><i>Planning Regulation 2017</i><br/>Schedule 10, part 20, division 2, section 34</p> <p><i>Environmental Protection Regulation 2019</i></p> | <p>Operational work that is high impact earthworks in a wetland protection area is assessable development, unless the operational work:</p> <ul style="list-style-type: none"> <li>• is for a domestic housing activity; or</li> <li>• is the natural and ordinary consequence of development that is a material change of use, or reconfiguring a lot, and all of the following apply: <ul style="list-style-type: none"> <li>○ the material change of use or reconfiguration involves high impact earthworks in a wetland protection area;</li> <li>○ a development permit is in effect for the material change of use or reconfiguration;</li> <li>○ the chief executive, or the chief executive (environment), had functions and powers as a referral agency or prescribed assessment manager in relation to the earthworks for the development application for the development permit; or</li> </ul> </li> <li>• is accepted development under schedule 7, part 3, section 9. Schedule 7, part 3, section 9 of the <i>Planning Regulation 2017</i> makes the following accepted development: “Operational work in a wetland protection area that—<br/>(a) is high impact earthworks; and<br/>(b) is carried out for electricity operating works or government supported transport infrastructure; and<br/>(c) complies with schedule 14.”</li> </ul> | <p>Department of State Development, Infrastructure, Local Government and Planning</p> <p>Department of Environment and Science</p>   |
| <b>Wind farm</b>               |  |  |   |  |

| No. | Development type  | Legislation and relevant section  | Exemption / Trigger / Approval required   | Authority that administers relevant legislation                                |
|-----|---|---|---|--|
| 39. | Making a material change of use of premises for a wind farm | <i>Planning Regulation 2017</i><br>Schedule 10, part 21, division 1, section 35<br><br><i>Planning Act 2016</i> | A material change of use of premises for a wind farm is assessable development, unless the whole of the premises are subject to a designation for infrastructure for electricity operating works for a wind farm. | Department of State Development, Infrastructure, Local Government and Planning |

## Appendix 2: Other legislation that applies in a PDA – examples

### August 2021

- 1. Approvals under local government local laws:** approvals required as specified in a local law unless an exemption in the local law applies or a by-law made under the *Economic Development Act 2012* applies which specifies that it replaces or varies a local law with respect to a PDA (*City of Brisbane Act 2010, Local Government Act 2009*).
- 2. Approval for works within a State-Controlled Road:** A person must not, without lawful excuse or the written approval of the chief executive, carry out road works on a State-controlled road or interfere with a State-controlled road or its operation (*Transport Infrastructure Act 1994*).
- 3. Environmental Authority to carry out an Environmentally Relevant Activity:** Carrying out one or more environmentally relevant activities (*Environmental Protection Act 1994*).
- 4. Water approval for a connection:** For a PDA or PDA-associated land, water approvals are not a complete assessment of a connection and related works, and the connection and related works can also be assessed or authorised under a local law or State law (e.g. the *Economic Development Act 2012, South-East Queensland Water (Distribution and Retail Restructuring) Act 2009*).
- 5. Authorities to take or interfere with the flow of water:** A water licence, water permit, water allocation, resource operations licence, distribution operations licence or operations licence may be granted to take or interfere with the flow of water (*Water Act 2000*).
- 6. Allocation of quarry materials in tidal water:** A person may apply to the chief executive for an allocation (removal) of quarry materials in tidal water. This includes removal of quarry materials from tidal water and placement of quarry materials in a coastal management district (*Coastal Protection and Management Act 1995*).
- 7. Taking protected species:** A person must not take a protected animal, or a protected plant that is in the wild, unless the taking is authorised under a licence, permit or other authority, or a conservation plan (*Nature Conservation Act 1992*).
- 8. Activities in an area of regional interest:** A regional interests development approval is required in order to carry out a regulated activity (i.e. broadacre cropping or water storage in a dam, in a strategic environmental area), in an area of regional interest (*Regional Planning Interests Act 2014*).

## Appendix 3: Development in priority development areas prohibited under the *Planning Act 2016 – August 2021*

- The information in this table is a guide only and should not be relied upon as a complete guide to prohibited development in a priority development area (PDA). Only the *Planning Regulation 2017* has been reviewed in the preparation of this table.
- Specialist legal and planning advice should be obtained for each development, to ensure that all necessary approvals are obtained. The specific legislative provision should be consulted to obtain a full understanding of the provision, and also to check whether any part of the legislation has changed since the creation of this document.
- A local categorising instrument under the *Planning Act 2016* (planning scheme, temporary local planning instrument or variation approval) cannot make PDA-related development assessable (see Schedule 6, Part 5, Section 28 of the *Planning Regulation 2017*). Nevertheless, certain types of development may be prohibited, including within a PDA.

| No.            | Development type                     | Legislation and relevant section   | Prohibited development  |
|----------------|--------------------------------------|--|---|
| <b>Brothel</b> |                                      |  |   |
| 1.             | Material change of use for a brothel | <i>Planning Regulation 2017</i> ,<br>Schedule 10, Part 2, Division 1,<br>section 2 | A material change of use of premises for a brothel if:<br>(a) more than 5 rooms in the proposed brothel are to be used to provide prostitution; or<br>(b) the premises are –<br>(i) in, or within 200m of the closest point on any boundary of, a residential area, measured by the shortest route a person may reasonably and lawfully take, on foot or by vehicle; or<br>(ii) within 200m of the closest point on any boundary of land on which there is a residential building or public building; or<br>(iii) within 100m of the closest point on any boundary of land on which there is a residential building or public building, measured in a straight line; or<br>(c) for premises in a town with a population of less than 25,000 –<br>(i) the local government for the town has prohibited all material changes of use for a brothel within the local government area; and |

| No.   | Development type  | Legislation and relevant section  | Prohibited development   |
|---|---|---|--|
|   |   |   | <p>(ii) the Minister has agreed that the development should be prohibited.</p> <p>In this section –</p> <p><b>Public building means</b> –</p> <p>(a) a hospital; or</p> <p>(b) a kindergarten; or</p> <p>(c) a place of worship; or</p> <p>(d) a school; or</p> <p>(e) another place regularly frequented by children for recreational or cultural activities.</p> <p><b>Residential area means</b> –</p> <p>(a) an area that is mainly residential; or</p> <p>(b) an area approved for residential uses; or</p> <p>(c) an area intended to be residential in character.</p> <p><b>Residential building means</b> a building, or part of a building, mainly used for private residential use, other than a building, or part of a building, used only for caretaker’s accommodation on premises in an industrial area.</p> |
| <b>Clearing native vegetation other than for a relevant purpose</b> |   |   |  |
| 2.  | <p>Operational work for the clearing of native vegetation on prescribed land</p> <p>Prescribed land means—</p> <ul style="list-style-type: none"> <li>• freehold land; or</li> <li>• indigenous land; or</li> <li>• any of the following under the <i>Land Act 1994</i>: <ul style="list-style-type: none"> <li>○ leased land;</li> </ul> </li> </ul> | <p><i>Planning Regulation 2017</i>, Schedule 10, Part 3, Division 1, section 4(1)</p> <p>Schedule 21 of the <i>Planning Regulation 2017</i> - exempt clearing work</p> <p><i>Vegetation Management Act 1999</i></p> | <p>Operational work that is the clearing of native vegetation on prescribed land to the extent the work-</p> <p>(a) is not for a relevant purpose under the <i>Vegetation Management Act</i>, section 22A; and</p> <p>(b) is not exempt clearing work; and</p> <p>(c) is not accepted development under Schedule 7, part 3, section 12.</p> <p>To check if it is ‘exempt clearing work’, the exemptions in Schedule 21 of the <i>Planning Regulation 2017</i> need to be reviewed carefully.</p>   |

| No. | Development type   | Legislation and relevant section | Prohibited development |
|-----|--|----------------------------------|------------------------|
|     | <ul style="list-style-type: none"> <li>○ land dedicated as a road;</li> <li>○ trust land, other than indigenous land;</li> <li>○ unallocated State land;</li> <li>○ land subject to a licence or permit;</li> <li>○ non-tidal watercourse land.</li> </ul> <p>“Native vegetation” means vegetation under <i>the Vegetation Management Act 1999</i> (VMA).</p> <p>However, the VMA does not define “native vegetation”. The VMA defines vegetation in section 8 as follows:</p> <p><b>Vegetation</b> is a native tree or plant other than the following—</p> <p>(a) grass or non-woody herbage;</p> |                                  |                        |



| No.                                | Development type  | Legislation and relevant section  | Prohibited development  |
|------------------------------------|---|---|---|
|                                    | (b) a plant within a grassland regional ecosystem prescribed under a regulation;<br>(c) a mangrove. |   |   |
| 3.                                 | Material change of use  | <i>Planning Regulation 2017</i> , Schedule 10, Part 3, Division 1, section 4(2) | A material change of use that is assessable development under a local categorising instrument if and to the extent –<br>(a) the material change of use involves operational work that is prohibited development under Schedule 10, Part 3, Division 1, section 4(1), other than operational work approved under a development approval; and<br>(b) the chief executive would, because of the clearing, be a referral agency for the material change of use under division 4, table 3 if a development application were made for the material change of use. |
| <b>Koala habitat in SEQ Region</b> |   |   |   |
| 4.                                 | Development interfering with koala habitat in koala priority area and koala habitat area            | <i>Planning Regulation 2017</i> , Schedule 10, Part 10, Division 1, section 16A | Exemption applies for “exempted development”, which includes PDA-related development (Schedule 24).   |
| <b>Wetland protection area</b>     |   |   |   |
| 5.                                 | Operational work in a wetland protection area   | <i>Planning Regulation 2017</i> , Schedule 10, Part 20, Division 1, section 33  | Operational work that is high impact earthworks in a wetland protection area if –<br>(a) the development is carried out for:<br>(i) electricity operating works; or<br>(ii) government supported transport infrastructure; and<br>(b) the development is not accepted development under Schedule 7, part 3, section 9.  |