



Queensland

Planning and Other Legislation (Fertile Grounds—Managing Density and Preserving Rural Identity) Amendment Youth Act 2023

Youth Act No. 5 of 2023

An Act to amend the Duties Act 2001, the Payroll Tax Act 1971, the Planning Act 2016 and the Liquor Act 1992 for particular purposes

[Assented to 15 November 2023]



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The Youth Parliament of Queensland enacts—

Part 1 Preliminary

1 Short title

This Youth Act may be cited as the *Planning and Other Legislation (Fertile Grounds—Managing Density and Preserving Rural Identity) Amendment Youth Act 2023*.

2 Commencement

Parts 3, 4 and 5 commence on a day to be fixed by the proclamation.

Part 2 Amendment of Planning Act 2016

3 Act amended

This part amends the *Planning Act 2016*.

4 Replacement of s 2 (Commencement)

Section 2—

omit, insert—

2 Commencement

Chapter 2, part 3, division 1A, subdivisions 2 and 3 commence 3 years after the date of assent of the *Planning Act and Other Legislation (Fertile Grounds—Managing Density and Preserving Rural Identity) Amendment Youth Act 2023*.

5 Insertion of new ch 2, pt 3, div 1A

After chapter 2, part 3, division 1—

insert—

Division 1A Density and cropping land provisions

Subdivision 1 Definitions for division

17A Definitions for division

In this division—

Agricultural Land Classification mapping means mapping produced by the chief executive which classifies land according to potential agricultural land use based on interpreted land evaluation information using the following identifiers—

- (a) Class A—land that is suitable for a wide range of current and potential crops with nil to moderate limitations to production;
- (b) Class B—land that is suitable for a narrow range of crops on sown pastures, and may be suitable for a wider range of crops with changes to knowledge, economics or technology;
- (c) Class C—land that is suitable only for improved or native pastures due to limitations that preclude continuous cultivation for crop production, with or without some areas that may tolerate a short period of ground disturbance for pasture establishment;

-
- (d) Class D—land not suitable for agricultural use, including land alienated from agricultural use.

Note—

The Agricultural Land Classification mapping is available for download from the Queensland Spatial Catalogue and can be viewed on the Queensland Globe.

Class A land means land identified as Class A in Agricultural Land Classification mapping.

Class B land means land identified as Class B in Agricultural Land Classification mapping.

SEQ region means the area comprising the following local government areas or parts of local government areas—

- (a) Brisbane;
- (b) Gold Coast;
- (c) Ipswich;
- (d) Lockyer Valley;
- (e) Logan;
- (f) Moreton Bay;
- (g) Noosa;
- (h) Redland;
- (i) Scenic Rim;
- (j) Somerset;
- (k) Sunshine Coast;
- (l) the part of the local government area of Toowoomba Regional Council delineated in black on maps SEQ RP 16 and SEQ RP 21, dated August 2017 and published on the department's website.

SEQ regional plan regulatory maps means maps

[s 5]

SEQ RP 1 to SEQ RP 32, dated August 2017 and published on the department’s website.

SEQ urban footprint means a part of the SEQ region shown on the regulatory maps as urban footprint.

subdivision means—

- (a) creating lots by subdividing another lot; or
- (b) dividing land into parts by agreement rendering different parts of a lot immediately available for separate disposition or separate occupation, other than by an agreement that is—
 - (i) a lease for a term, including renewal options, not exceeding 10 years; or
 - (ii) an agreement for the exclusive use of part of the common property for a community titles scheme under the *Body Corporate and Community Management Act 1997*.

target density, for a local government area stated in column 1 of the table below, means the target number of dwellings per hectare stated in column 2.

Column 1 Local government area	Column 2 Target number of dwellings per hectare
Brisbane	200
Moreton Bay	150
Logan	
Ipswich	
Redland	
Gold Coast	

Column 1 Local government area	Column 2 Target number of dwellings per hectare
Sunshine Coast Noosa	150
Lockyer Valley Toowoomba	100
Scenic Rim Somerset	50

Subdivision 2 Density targets

17B SEQ regional plan regulatory maps must not be altered to prescribe additional land as within the SEQ urban footprint.

The SEQ regional plan regulatory maps must not be amended to prescribe additional land as being within the SEQ urban footprint.

17C Local planning instrument to give effect to target density within SEQ urban footprint

- (1) This section applies if a local government makes or amends a local planning instrument.
- (2) This section only applies if, and to the extent that, the local planning instrument regulates land within the SEQ urban footprint.
- (3) The local government must be satisfied that, to the greatest extent reasonably practicable in the circumstances, the local planning instrument gives effect to the target density.

17D Subdivision of land within the SEQ urban footprint prohibited unless compliant with target density

- (1) This section only applies if, and to the extent that, a local planning instrument regulates land within the SEQ urban footprint.
- (2) The local planning instrument must not allow for the subdivision of land for predominantly residential purposes unless the proposed subdivision would, to the greatest extent reasonably practicable in the circumstances, give effect to the target density.

17E Zoning or rezoning for purpose of increasing the supply of dwellings within SEQ urban footprint to give effect to the target density

- (1) This section applies if a local government amends a local planning instrument with the purpose of increasing the supply of dwellings by zoning unzoned land or rezoning land.
- (2) This section only applies if, and to the extent that, the local planning instrument regulates land within the SEQ urban footprint.
- (3) Only as much land as is necessary to increase the supply of dwellings in the local government area by the amount desired may be zoned or rezoned.
- (4) For subsection (3), the amount of land necessary to increase the supply of dwellings in the local government area by the amount desired (*L*), in hectares, is the amount worked out by using the following formula—

$$L = N \div D$$

where—

N is the number of new dwellings desired in the local government; and

D is the target density.

Subdivision 3 Preservation of cropping land

17F Rezoning cropping land within SEQ region prohibited

- (1) This section only applies if, and to the extent that, a local planning instrument regulates land within the SEQ region.
- (2) The local planning instrument must not allow the rezoning of Class A land or Class B land.
- (3) However, the local planning instrument may allow the rezoning of Class A land or Class B land if the rezoning would allow the land to be used for cropping.
- (4) In this section—

cropping means growing and harvesting plants, or plant material, that are cultivated in soil, for commercial purposes.

Subdivision 4 Transitional provision for Planning and Other Legislation (Fertile Grounds—Managing Density and Preserving Rural Identity) Amendment Youth Act 2023

17G Transitional provision for subdivision 2

- (1) This section only applies if, and to the extent that, a local planning instrument regulates land within the SEQ urban footprint.
- (2) Within 3 years after the commencement of this section, a local government must amend the local planning instrument such that—
 - (a) it is satisfied that, to the greatest extent reasonably practicable in the circumstances, the local planning instrument gives effect to the target density; and
 - (b) the subdivision of land for predominantly residential purposes is not allowed unless the proposed subdivision would, to the greatest extent reasonably practicable in the circumstances, give effect to the target density; and
 - (c) only as much undeveloped land is zoned as relevant land as is necessary to increase the supply of dwellings in the local government area to the amount of dwellings desired in the local government area by 2030.
- (3) For subsection (2)(c), the amount of undeveloped land necessary to be zoned as relevant land to increase the supply of dwellings in the local government area to the amount of dwellings desired in the local government area by 2030 (L), in hectares, is the amount worked out by using the following formula—

$$L = (N - C) \div D$$

where—

N is the number of dwellings desired in the local government area by 2030.

C is the number of dwellings in the local government area on the commencement of this section.

D is the target density.

(4) In this section—

relevant land means land that is—

- (a) zoned; and
- (b) not within a rural zone or rural residential zone.

rural residential zone see *Planning Regulation 2017*, schedule 2.

rural zone see *Planning Regulation 2017*, schedule 2.

undeveloped land means land that has no buildings on the land or no buildings covering 75% or more of the land.

17H Transitional provision for subdivision 3

- (1) This section only applies if, and to the extent that, a local planning instrument regulates land within the SEQ region.
- (2) Within 3 years after the commencement of this section, a local government must amend the local planning instrument such that the rezoning of Class A land or Class B land is not allowed.

Part 3

Amendment of Payroll Tax Act 1971

6 Act amended

This part amends the *Payroll Tax Act 1971*.

[s 7]

7 Amendment of section 10A (Discount for regional employers)

(1) Section 10A(1), ‘and 2023’—

omit, insert—

2023, 2024, 2025, 2026, 2027, 2028, 2029 and 2030

(2) Section 10A(3), ‘85%’—

omit, insert—

95%

Part 4 Amendment of Duties Act 2001

8 Act amended

This part amends the *Duties Act 2001*.

9 Insertion of new s 247B

After section 247A—

insert—

247B Reestablishment of mortgage duty in relation to investment properties within south-east Queensland from 30 June 2024

(1) Despite section 247A, mortgage duty is imposed—

(a) on an SEQ investment property mortgage first signed, or that first affects property, on or after 30 June 2024; or

(b) in relation to an advance or further advance made on or after 30 June 2024, under an SEQ investment property mortgage first signed, or that first affects property, on or after 30 June 2024; or

(c) on an instrument that, on the deposit of instruments of title to property, first becomes an SEQ investment property mortgage or evidences the terms of an SEQ investment property mortgage on or after 30 June 2024.

(2) In this section—

regional Queensland means the following areas of the State as identified under statistical area level 4 in the document Australian Statistical Geography Standard, published by the Australian Bureau of Statistics—

- (a) Cairns;
- (b) Central Queensland;
- (c) Daring Downs Maranoa;
- (d) Mackay - Isaac - Whitsunday;
- (e) Queensland - Outback;
- (f) Townsville;
- (g) Wide Bay.

SEQ investment property mortgage means a mortgage that affects residential property in south-east Queensland but is not a home mortgage.

south-east Queensland means the area of the State which is not regional Queensland.

10 Insertion of new s 390A

After section 390—

insert—

390A Exemption—residents of regional Queensland

(1) Vehicle registration duty is not imposed on an

(3) Section 202A—

insert—

- (2A) Subsection (2B) applies in relation to the licence fee payable for a licence for a licence period if—
- (a) the licence is—
 - (i) a commercial hotel licence; or
 - (ii) a community club licence for a club with 2,000 members or less; and
 - (b) the main premises under the licence are in regional Queensland but are not in very remote Australia.
- (2B) A fee regulation must provide for the base licence fee to be assessed at the rate of 75% of the base licence fee that would apply if—
- (a) the main premises under the licence were not in very remote Australia; and
 - (b) for a licence mentioned in subsection (2A)(a)(ii)—the licence were a commercial hotel licence.

(4) Section 202A(3)—

insert—

regional Queensland means the following areas of the State as identified under statistical area level 4 in the document Australian Statistical Geography Standard, published by the Australian Bureau of Statistics—

- (a) Cairns;
- (b) Central Queensland;
- (c) Daring Downs Maranoa;
- (d) Mackay - Isaac - Whitsunday;
- (e) Queensland - Outback;

- (f) Townsville;
- (g) Wide Bay.