



Queensland

# Planning and Other Legislation Amendment Regulation 2024

## Subordinate Legislation 2024 No. 123

made under the

*Economic Development Act 2012*

*Environmental Offsets Act 2014*

*Planning Act 2016*

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## Part 1 Preliminary

### 1 Short title

This regulation may be cited as the *Planning and Other Legislation Amendment Regulation 2024*.

### 2 Commencement

This regulation commences on 22 July 2024.

## Part 2 Amendment of Economic Development Regulation 2023

### 3 Regulation amended

This part amends the *Economic Development Regulation 2023*.

### 4 Insertion of new ss 7A and 7B

After section 7—

*insert—*

#### **7A Applications to extend temporary use licences—Act, s 171JB**

For section 171JB(2)(b) of the Act, the following matters are prescribed—

- (a) the applicant's name and contact details;
- (b) the period of the extension sought;
- (c) the grounds for the extension.

[s 5]

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### **7B Applications to amend temporary use licences—Act, s 171JG**

For section 171JG(2)(b) of the Act, the following matters are prescribed—

- (a) the applicant’s name and contact details;
- (b) details of the amendment sought;
- (c) the grounds for the amendment.

## **Part 3 Amendment of Environmental Offsets Regulation 2014**

### **5 Regulation amended**

This part amends the *Environmental Offsets Regulation 2014*.

### **6 Amendment of sch 1 (Activities prescribed for section 9(c) of the Act)**

Schedule 1—

*insert—*

- 9 development carried out under a development approval given or changed by the chief executive under the Planning Act, chapter 3, part 6A

## **Part 4 Amendment of Planning Regulation 2017**

### **Division 1 Preliminary**

### **7 Regulation amended**

This part amends the *Planning Regulation 2017*.

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**Division 2**                      **Amendments relating to  
applications for State facilitated  
development and other matters**

**8**            **Amendment of s 10 (Minister’s guidelines and rules—Act,  
s 17)**

(1) Section 10, ‘section 17(3)’—

*omit, insert—*

section 17(7)

(2) Section 10, ‘July 2023’—

*omit, insert—*

July 2024

**9**            **Amendment of s 14 (Guidelines for environmental  
assessment and consultation—Act, s 36)**

Section 14, ‘July 2023’—

*omit, insert—*

July 2024

**10**          **Amendment of s 15 (Designation process rules—Act, s  
37)**

(1) Section 15, ‘section 37(8)’—

*omit, insert—*

section 37(7)

(2) Section 15, ‘July 2023’—

*omit, insert—*

July 2024

[s 11]

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**11 Amendment of s 39 (Required fee for particular change applications and extension applications—Act, ss 79 and 86)**

Section 39—

*insert—*

- (2) Subsection (1)(a) does not apply in relation to the making of a change application to change a development approval given or changed by the chief executive under chapter 3, part 6A of the Act.

**12 Insertion of new ss 43A–43C**

After section 43—

*insert—*

**43A Development condition relating to provision of affordable housing component—Act, s 65A**

For section 65A(1) of the Act, a development condition imposed on a development approval mentioned in the section may relate to the provision of an affordable housing component on the premises the subject of the approval if the condition—

- (a) states the period the component must be maintained as an affordable housing component; and
- (b) includes a detailed description of the affordable housing component, including, for example—
- (i) the number of dwellings to be provided as part of the component; and
- (ii) the gross floor area of each building to be provided as part of the component; and



- (iii) the premises to which the condition relates.

### **43B Criteria for application proposing affordable housing component—Act, s 65A**

For section 65A(1)(b)(ii) of the Act, an application that proposes the provision of an affordable housing component must include information that demonstrates the component—

- (a) is of a type mentioned in—
  - (i) section 43C(1)(a); or
  - (ii) if a local planning instrument for the development includes the administrative term *affordable housing component* stated in schedule 4, column 1—section 43C(1); and
- (b) can be provided; and
- (c) can be maintained as an affordable housing component for a stated period.

### **43C Criteria for affordable housing component—Act, s 65A**

- (1) For section 65A(3) of the Act, definition *affordable housing component*, paragraph (b), the component of development must include 1 or more of the following—
  - (a) housing that is appropriate to the needs of households with low to moderate incomes, if the members of the households will spend no more than 30% of gross income on housing costs;
  - (b) housing provided by a registered provider for residential use;

[s 13]

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- (c) housing provided as part of a program, funded by any of the following entities, to support the provision of housing that is affordable—
    - (i) a public sector entity under the *Public Sector Act 2022*, section 8;
    - (ii) a local government;
    - (iii) the State;
    - (iv) the Commonwealth;
  - (d) housing that is sold for an amount that is less than the first home concession limit due to the type, composition, method of construction, size or level of finish of the housing;
  - (e) housing that is rented at or below a value that is affordable for households with low to moderate incomes due to the type, composition, method of construction, size or level of finish of the housing.
- (2) In this section—
- first home concession limit* means the highest amount mentioned in the *Duties Act 2001*, schedule 4A, column 1 (dutiability value of residential land) in relation to which a concession amount relating to transfer duty is applicable under column 2 of that schedule.

### 13 **Amendment of s 44 (Development assessment rules—Act, ss 68 and 69)**

- (1) Section 44(1), ‘sections 68(4)’—  
*omit, insert—*  
sections 68(6)
- (2) Section 44(1), ‘2 September 2020’—

*omit, insert—*

22 July 2024

- (3) Section 44(2), ‘section 69(4)’—

*omit, insert—*

section 69(8)

- (4) Section 44(2), ‘2 September 2020’—

*omit, insert—*

22 July 2024

**14 Amendment of s 48 (Effect of proposed call in notice on process for assessing and deciding application)**

Section 48(3)—

*omit, insert—*

- (3) The process for assessing and deciding the application restarts from the point in the process at which it stopped under subsection (2)—
- (a) if the Minister gives a notice under section 51 in relation to the application—on the day the notice is given; or
  - (b) if the Minister does not give a call in notice under section 103 of the Act, or a notice under section 51, in relation to the application—on the day that is 25 business days after the day the representation period for the proposed call in notice ends.

**15 Replacement of s 49 (Effect of proposed call in notice on appeal period)**

Section 49—

*omit, insert—*

[s 16]

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#### **49 Effect of proposed call in notice on appeal period**

- (1) This section applies in relation to an application, other than a cancellation application, if a proposed call in notice is given for the application after the decision-maker for the application decides the application.
- (2) The appeal period relating to the decision-maker's decision on the application is taken to have started again—
  - (a) if the Minister gives a notice under section 51 in relation to the application—on the day after the notice is given; or
  - (b) if the Minister does not give a call in notice under section 103 of the Act, or a notice under section 51, in relation to the application—on the day that is 25 business days after the day the representation period for the proposed call in notice ends.

#### **16 Insertion of new pt 5A**

After part 5—

*insert—*

### **Part 5A                    Declaring applications for State facilitated development**

#### **Division 1                Making declarations**

##### **51A Criteria for declaring application for State facilitated development—Act, s 106D**

- (1) For section 106D(2)(b) of the Act, the following criteria are prescribed—

- (a) the development the subject of the relevant application must—
    - (i) be for predominantly residential development; and
    - (ii) include an affordable housing component that equates to at least 15% of all dwellings resulting from the development;
  - (b) the affordable housing component must provide—
    - (i) a diverse mix of dwelling types; or
    - (ii) diversity in the number of bedrooms contained in dwellings;
  - (c) the application must comply with either of the following—
    - (i) the premises the subject of the application are completely within a zone supporting residential development;
    - (ii) the premises the subject of the application are not within an environmental zone or a limited development zone, and the Minister is satisfied the premises are or can be readily serviced by infrastructure for the development.
- (2) In this section—
- environmental zone*** means—
- (a) any of the following zones stated in schedule 2—
    - (i) environmental management and conservation zone;
    - (ii) conservation zone;

[s 16]

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- (iii) environmental management zone; or
- (b) a zone, other than a zone stated in schedule 2, that is of a substantially similar type to a zone stated in paragraph (a).

***limited development zone*** means—

- (a) the limited development zone stated in schedule 2; or
- (b) a zone, other than a zone stated in schedule 2, that is of a substantially similar type to a zone stated in paragraph (a).

***zone supporting residential development*** means—

- (a) any of the following zones stated in schedule 2—
  - (i) general residential zone, low density residential zone, low-medium density residential zone, medium density residential zone, high density residential zone or character residential zone;
  - (ii) centre zone, neighbourhood centre zone, local centre zone, district centre zone, major centre zone or principal centre zone;
  - (iii) mixed use zone;
  - (iv) specialised centre zone; or
- (b) a zone, other than a zone stated in schedule 2, that is of a substantially similar type to a zone stated in paragraph (a).

## **Division 2      Proposed declarations**

### **51B Purpose of division**

This division prescribes, for section 106P of the Act, matters for chapter 3, part 6A of the Act.

### **51C Effect of notice of proposed declaration on process for assessing and deciding application**

- (1) This section applies if—
  - (a) the Minister gives notice under section 106C of the Act of the proposed declaration of a relevant application that is a development application or a change application as an application for State facilitated development; and
  - (b) the notice is given before the decision-maker for the relevant application decides the application.
- (2) The process for assessing and deciding the relevant application stops on the day the notice is given.
- (3) The process for assessing and deciding the relevant application restarts from the point in the process at which it stopped under subsection (2)—
  - (a) if the Minister gives a notice under section 51E in relation to the application—on the day the notice is given; or
  - (b) if the Minister does not make a declaration under section 106D of the Act, or give a notice under section 51E, in relation to the application—on the day that is 15 business days after the day the representation period for the proposed declaration ends.

### **51D Effect of notice of proposed declaration on appeal period**

- (1) This section applies if—
  - (a) the Minister gives notice under section 106C of the Act of the proposed declaration of a relevant application that is a development application or a change application as an application for State facilitated development; and
  - (b) the notice is given after the decision-maker for the relevant application decides the application.
- (2) The appeal period relating to the decision-maker's decision on the relevant application is taken to have started again—
  - (a) if the Minister gives a notice under section 51E in relation to the application—on the day after the notice is given; or
  - (b) if the Minister does not make a declaration under section 106D of the Act, or give a notice under section 51E, in relation to the application—on the day that is 15 business days after the day the representation period for the proposed declaration ends.

### **51E Notice of decision not to make declaration**

- (1) This section applies if the Minister—
  - (a) gives notice under section 106C of the Act of the proposed declaration of a relevant application as an application for State facilitated development; and
  - (b) decides not to make the declaration.
- (2) The Minister must give notice of the decision to each entity to whom the notice of the proposed declaration was given.



- 
- (3) The notice must be given within 10 business days after the day the representation period for the proposed declaration ends.
  - (4) Subsection (5) applies if—
    - (a) the relevant application is a development application or a change application; and
    - (b) the notice of the proposed declaration was given before the decision-maker for the application decided the application.
  - (5) The notice under subsection (2) must state that the process for assessing and deciding the relevant application restarts from the point in the process at which the process stopped because of the giving of the notice of the proposed declaration.

**17 Amendment of s 53 (Infrastructure guidelines—Act, ss 116 and 117)**

Section 53, ‘July 2023’—

*omit, insert—*

July 2024

**18 Insertion of new ss 68AA and 68AB**

After section 68A—

*insert—*

**68AA Applications to extend temporary use licences—Act, s 275LB**

For section 275LB(2)(b) of the Act, the following matters are prescribed—

- (a) the applicant’s name and contact details;
- (b) the period of the extension sought;
- (c) the grounds for the extension.

[s 19]

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### **68AB Applications to amend temporary use licences—Act, s 275LG**

For section 275LG(2)(b) of the Act, the following matters are prescribed—

- (a) the applicant’s name and contact details;
- (b) details of the amendment sought;
- (c) the grounds for the amendment.

## **19 Insertion of new pt 13**

After part 12—

*insert—*

### **Part 13**

### **Transitional provision for Planning and Other Legislation Amendment Regulation 2024**

## **76 Reference to affordable housing in local planning instrument**

- (1) This section applies if, immediately before the commencement, a local planning instrument included the administrative term *affordable housing* stated in former schedule 4, column 1 (the *term*).
- (2) From the commencement—
  - (a) despite section 8, the local planning instrument may continue to include—
    - (i) the term; and
    - (ii) the definition of the term stated opposite the term in former schedule 4, column 2; and

- 
- (b) the term is taken to mean housing mentioned in section 43C(1)(a).
  - (3) Subsection (2) stops applying if the local planning instrument is amended—
    - (a) to include the administrative term *affordable housing component* stated in new schedule 4, column 1 and the definition of the term stated opposite the term in new schedule 4, column 2; or
    - (b) to omit the administrative term *affordable housing* stated in former schedule 4, column 1.
  - (4) In this section—

*former*, for a provision of this regulation, means the provision as in force immediately before the commencement.

*new*, for a provision of this regulation, means the provision as in force from the commencement.

## 20 Amendment of sch 4 (Administrative terms for local planning instruments)

- (1) Schedule 4, entry for *affordable housing*—  
*omit.*
- (2) Schedule 4—  
*insert—*

affordable housing component

*affordable housing component* see the *Planning Act 2016*, section 65A(3).

*Note—*

See also the *Planning Regulation 2017*, section 43C.

[s 21]

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build to rent

*build to rent*, in relation to a use of premises, means the use of a new or existing building on the premises for residential accommodation for long-term residential tenancies under a tenancy agreement.

## 21 Amendment of sch 5 (Infrastructure)

Schedule 5, part 2, item 16, from ‘within’—  
*omit.*

## 22 Amendment of sch 10 (Development assessment)

(1) Schedule 10, part 8, division 2, subdivision 2, table 1, item 3, column 2, ‘section 277’—

*omit, insert—*

section 275ZJ

(2) Schedule 10, part 8, division 2, subdivision 2, table 1, item 3, column 2, ‘section 277(2)(b) and (3)’—

*omit, insert—*

section 275ZJ(2)(b) and (3)

(3) Schedule 10, part 8, division 2, subdivision 3, table 1, item 5, ‘section 277’—

*omit, insert—*

section 275ZJ

(4) Schedule 10, part 8, division 2, subdivision 3, table 1, item 5, column 2, ‘section 277(2)(b) and (3)’—

*omit, insert—*

section 275ZJ(2)(b) and (3)

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**23 Amendment of sch 22, s 5 (Documents assessment manager must keep available for inspection and purchase)**

(1) Schedule 22, section 5(2)—

*insert—*

(ca) any notice of a proposed declaration given to the assessment manager under section 106C(2) of the Act;

(cb) a declaration notice given to the assessment manager under section 106E(a) of the Act;

(2) Schedule 22, section 5—

*insert—*

(6) The obligation under subsection (2)(ca) applies in relation to a notice of proposed declaration for an application only until the Minister gives a declaration notice under section 106E(a) of the Act for the application, or decides not to make the declaration.

**24 Amendment of sch 22, s 11 (Documents chief executive must keep available for inspection and purchase)**

(1) Schedule 22, section 11(1)(f), after ‘section 26(6)’—

*insert—*

, 26A(4)

(2) Schedule 22, section 11(1)—

*insert—*

(ra) each notice of a proposed declaration given under section 106C(2) of the Act;

(rb) each declaration notice given under section 106E(a) of the Act;

[s 24]

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- (rc) each decision notice given for an application decided by the chief executive under chapter 3, part 6A, division 3 of the Act;
  - (rd) each report prepared by the chief executive under section 106N(1) of the Act;
  - (re) each report tabled in the Legislative Assembly under section 106N(2) of the Act;
- (3) Schedule 22, section 11—
- insert—*
- (3A) The obligation under subsection (1)(ra) applies in relation to a notice of proposed declaration for an application only until the Minister gives a declaration notice under section 106E(a) of the Act for the application, or decides not to make the declaration.
- (4) Schedule 22, section 11(5)—
- insert—*
- (e) a copy of a notice given under section 275LE of the Act in relation to a decision to extend the period of the licence;
  - (f) if the period of the licence is extended under section 275LF of the Act—when the extended period ends;
  - (g) a copy of a notice given under section 275LJ of the Act in relation to a decision to amend the licence;
  - (h) if the licence is cancelled under section 275LK or 275LM of the Act—the day the cancellation took effect;
  - (i) if the licence is amended under section 275LM of the Act—a copy of the notice of the decision to make the amendment given under section 275LM(4) of the Act;

- 
- (j) if the licence is suspended under section 275LM of the Act—the period of the suspension.
- (5) Schedule 22, section 11(3A) to (5)—  
*renumber* as schedule 22, section 11(4) to (6).

**25 Amendment of sch 22, s 13 (Documents chief executive must or may keep on website)**

- (1) Schedule 22, section 13(1)—  
*insert—*
- (e) each of the following documents relating to declarations of applications for State facilitated development—
    - (i) a notice of a proposed declaration given under section 106C(2) of the Act;
    - (ii) a declaration notice given under section 106E(a) of the Act;
    - (iii) a decision notice given for an application decided by the chief executive under chapter 3, part 6A, division 3 of the Act.
- (2) Schedule 22, section 13—  
*insert—*
- (3A) The obligation under subsection (1)(e)(i) applies in relation to a notice of a proposed declaration for an application only until the Minister gives a declaration notice under section 106E(a) of the Act for the application, or decides not to make the declaration notice.
- (3) Schedule 22, section 13(3A) and (4)—  
*renumber* as schedule 22, section 13(4) and (5).

[s 26]

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**26 Amendment of sch 24 (Dictionary)**

Schedule 24—

*insert—*

*affordable housing component* see section 65A(3) of the Act.

*Note—*

See also section 43C.

*registered provider* see the *Housing Act 2003*, schedule 4.

**Division 3 Amendments relating to urban encroachment**

**27 Omission of pt 8, div 1, sdiv 1 (Preliminary)**

Part 8, division 1, subdivision 1—

*omit.*

**28 Omission of pt 8, div 1, sdiv 2, hdg (Matters for chapter 7, part 4 of the Act)**

Part 8, division 1, subdivision 2, heading—

*omit.*

**29 Replacement of s 58 (Purpose of subdivision)**

Section 58—

*omit, insert—*

**58 Application and purpose of division**

This division—

- (a) applies to an application under section 267 of the Act to register, or renew the registration of, premises; and



- (b) prescribes, for section 275 of the Act, matters for chapter 7, part 4 of the Act relating to the application.

**30 Amendment of s 59 (Requirements for application for registration or renewal)**

Section 59(1)(e)—

*omit, insert—*

- (e) for an application to register premises—details of all public consultation carried out by, or for, the applicant about the proposed registration, including—
  - (i) a copy of the notice given under section 268C(2)(a)(i) of the Act; and
  - (ii) details of the period for which the consultation was carried out; and
  - (iii) copies of any submissions received from the owners and occupiers of premises within the mapped area; and

**31 Omission of s 60 (Applicant to give notice of application)**

Section 60—

*omit.*

**32 Amendment of s 62 (Assessing application for registration or renewal)**

Section 62(2)—

*omit, insert—*

- (2) Also, if the application is an application to register premises, the Minister must assess the application having regard to the outcomes of the public consultation about the application.

[s 33]

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**33 Amendment of s 63 (Content of notices)**

(1) Section 63, heading, after ‘notices’—

*insert—*

**about registration or renewal**

(2) Section 63(1), ‘(with or without conditions)’—

*omit.*

(3) Section 63(4)—

*insert—*

(d) state the effect of section 274 of the Act.

**34 Omission of pt 8, div 1, sdiv 3 (Other matters)**

Part 8, division 1, subdivision 3—

*omit.*

**35 Amendment of pt 8, div 2, hdg (Amending or cancelling registration)**

Part 8, division 2, heading, ‘or cancelling’—

*omit, insert—*

**conditions of, or cancelling,**

**36 Insertion of new pt 8, divs 2A and 2B**

Part 8—

*insert—*

**Division 2A Amending registration to include additional land in affected area**

### **67A Application and purpose of division**

This division—

- (a) applies to an application under section 268A of the Act to amend the registration of registered premises to include additional land in the affected area for the premises; and
- (b) prescribes, for section 275 of the Act, matters for chapter 7, part 4 of the Act relating to the application.

### **67B Requirements for application to amend registration to include additional land in affected area**

- (1) The application must include—
  - (a) a map that shows—
    - (i) the additional land proposed to be included in the affected area for the registered premises; and
    - (ii) a lot on plan description of the additional land; and
  - (b) details of any intensification of development, or proposed development, within the additional land that is encroaching, or is likely to encroach, on the registered premises; and
  - (c) a statement about the nature of development proposed for the additional land under a local categorising instrument or regional plan applying to the land; and
  - (d) details of all public consultation carried out by, or for, the applicant about the proposed amendment, including—

[s 36]

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- (i) a copy of the notice given under section 268C(2)(a)(ii) of the Act; and
  - (ii) details of the period for which the consultation was carried out; and
  - (iii) copies of any submissions received from the owners and occupiers of premises within the additional land; and
- (e) details of any written complaints made to the applicant—
- (i) within 1 year before the application is made; and
  - (ii) about emissions from the activity carried out at the registered premises; and
- (f) details of any action taken by, or for, the applicant to mitigate emissions from the activity carried out at the registered premises; and
- (g) a report (the *technical report*) prepared by an appropriately qualified person that shows the levels of emissions from the carrying out of the activity during normal operating hours for the registered premises; and
- (h) if the activity is a prescribed ERA under the Environmental Protection Act—a copy of the environmental authority for carrying out the activity.
- (2) The technical report must include a certification by the person who prepared the report about whether the levels of emissions from the carrying out of the activity comply with—
- (a) any development approval for the registered premises; and

- (b) any authority under the Environmental Protection Act applying to the activity.

### **67C Minister may request extra information**

- (1) This section applies if the Minister reasonably requires extra information or a document to decide the application.
- (2) The Minister may, by notice, require the applicant to give the extra information or document to the Minister within the reasonable period of at least 30 business days stated in the notice.
- (3) The notice must be given within 30 business days after the day the Minister receives the application.
- (4) If the applicant does not comply with the requirement within the stated period, the applicant is taken to have withdrawn the application.

### **67D Assessing application to amend registration to include additional land**

- (1) The Minister must assess the application against whether the activity carried out on the registered premises is consistent with the nature of development proposed for the additional land under a local categorising instrument and a regional plan applying to the land.
- (2) The Minister must assess the application having regard to the outcomes of the public consultation about the application.

### **67E Content of notices about amendment to include additional land**

- (1) This section applies if the Minister decides, under section 268A of the Act, to approve the amendment of the registration to include

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additional land in the affected area for the registered premises.

- (2) If the decision is to approve the amendment of the registration on conditions, the decision notice for the decision must state the conditions and the period within which the conditions must be complied with.
- (3) The notice given under section 268A(8) of the Act must include a map showing the affected area as changed by the inclusion of the additional land.
- (4) The notice published by the owner of the premises under section 269A(2)(a) of the Act must—
  - (a) state the name of, or describe, the registered premises; and
  - (b) include a description of the affected area as changed by the inclusion of additional land; and
  - (c) state where a member of the public can get a map showing the affected area as changed by the inclusion of additional land; and
  - (d) state the effect of section 274 of the Act.

## **Division 2B      Requirements for public consultation**

### **67F Requirements for notices—Act, s 268C**

For section 268C(3)(b) of the Act, a notice under section 268C(2) of the Act about a proposed application must—

- (a) state the name, postal address, electronic address and phone number of the applicant; and

- (b) state the name of, or describe, the premises or registered premises that the proposed application relates to; and
- (c) for a proposed application under section 267(2) of the Act—describe the mapped area; and
- (d) for a proposed application under section 268A of the Act—describe the additional land proposed to be included in the affected area for the registered premises; and
- (e) state where copies of the proposed application may be inspected or purchased; and
- (f) state the effect of section 274 of the Act.

ENDNOTES

- 1 Made by the Governor in Council on 18 July 2024.
- 2 Notified on the Queensland legislation website on 19 July 2024.
- 3 The administering agency is the Department of Housing, Local Government, Planning and Public Works.

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