



Queensland

Housing Availability and Affordability (Planning and Other Legislation Amendment) Bill 2023



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2023

A Bill

for

An Act to amend the *Acquisition of Land Act 1967*, the *Economic Development Act 2012*, the *Environmental Offsets Act 2014*, the *Planning Act 2016*, the *Planning and Environment Court Act 2016*, the *Planning Regulation 2017* and the legislation mentioned in schedule 1 for particular purposes

[s 1]

The Parliament of Queensland enacts— 1

Part 1 Preliminary 2

Clause 1 Short title 3

This Act may be cited as the *Housing Availability and Affordability (Planning and Other Legislation Amendment) Act 2023*. 4
5
6

Clause 2 Commencement 7

The following provisions commence on a day to be fixed by proclamation— 8
9

- (a) parts 2 to 4; 10
- (b) part 5, division 3; 11
- (c) part 6, division 3; 12
- (d) part 7. 13

Part 2 Amendment of Acquisition of Land Act 1967 14
15

Clause 3 Act amended 16

This part amends the *Acquisition of Land Act 1967*. 17

Clause 4 Amendment of sch 2 (Dictionary) 18

Schedule 2, definition *relevant Minister*— 19

insert— 20

(bb) for land to be taken under the *Planning Act 2016*, section 263A, the Minister 21
22

administering chapter 7, part 2 of that Act; 1
and 2

Part 3 **Amendment of Economic** 3
Development Act 2012 4

Clause 5 Act amended 5

This part amends the *Economic Development Act 2012*. 6

Clause 6 Amendment of s 51AO (Change applications under 7
Planning Act for Planning Act approvals) 8

(1) Section 51AO(1)(a), ‘section 78A(2) or (3)’— 9

omit, insert— 10

section 78A(2), (3) or (4) 11

(2) Section 51AO(3), ‘section 81(2)(d) or (da)’— 12

omit, insert— 13

section 81(2)(d), (e) or (f) 14

(3) Section 51AO(4), definition *relevant planning provisions*, 15
paragraph (c), after ‘part 6’— 16

insert— 17

or 6A 18

Clause 7 Amendment of s 171D (Definitions for part) 19

Section 171D— 20

insert— 21

licensed premises see section 171H(2)(a)(ii). 22

Clause 8 Insertion of new ch 5, pt 3B, div 2, sdiv 1, hdg 23

Before section 171E— 24

[s 9]

insert—

1

Subdivision 1 Preliminary

2

Clause 9 Insertion of new ch 5, pt 3B, div 2, sdiv 2, hdg

3

Before section 171F—

4

insert—

5

Subdivision 2 Applications for temporary use licences

6

7

Clause 10 Insertion of new s 171FA

8

After section 171F—

9

insert—

10

171FA MEDQ may consult about applications

11

In considering an application for a temporary use licence made under section 171F, MEDQ may consult with any entity MEDQ considers appropriate.

12

13

14

15

Clause 11 Amendment of s 171H (Notices of decisions)

16

(1) Section 171H(2)(a)(ii), after ‘relates’—

17

insert—

18

(the *licensed premises*)

19

(2) Section 171H(2)(a)—

20

insert—

21

(*ia*) the end of the applicable event period for the applicable event notice to which the licence relates; and

22

23

24

(3) Section 171H(2)(a)(*ia*) to (*v*)—

25

renumber as section 171H(2)(a)(*iii*) to (*vi*).

26

Clause 12	Replacement of s 171I (Period of temporary use licences)	1
	Section 171I—	2
	<i>omit, insert—</i>	3
	171I Period of temporary use licences	4
	(1) A temporary use licence has effect from the day the notice mentioned in section 171H(1) is given to the applicant (the <i>licence starting day</i>) until—	5 6 7
	(a) if neither paragraph (b) nor paragraph (c) applies—the end of the applicable event period for the applicable event notice in effect at the licence starting day; or	8 9 10 11
	(b) if the licence is sooner cancelled under section 171JK or 171JM—the day the cancellation takes effect; or	12 13 14
	(c) if the period of the licence is extended under section 171JD or 171JF—the end of the extended period.	15 16 17
	<i>Note—</i>	18
	However, if a temporary use licence is suspended, the licence does not have effect for the period of the suspension. See section 171JM.	19 20 21
	(2) Despite subsection (1), if the applicable event notice is revoked, the temporary use licence stops having effect when the revocation takes effect.	22 23 24
Clause 13	Insertion of new ch 5, pt 3B, div 2, sdivs 3–6 and sdiv 7, hdg	25 26
	After section 171J—	27
	<i>insert—</i>	28
	Subdivision 3 Extension of temporary use licences by application	29 30

[s 13]

171JA Application of subdivision	1
This subdivision applies in relation to a temporary use licence given in relation to the applicable event if the applicable event period for the applicable event notice is extended under the <i>Planning Act 2016</i> , section 275F.	2 3 4 5 6
171JB Applications to extend temporary use licences	7 8
(1) The holder of the temporary use licence may apply to MEDQ to extend the period for which the temporary use licence has effect under section 171I before the period ends.	9 10 11 12
(2) The application must—	13
(a) be in the approved form; and	14
(b) include the matters prescribed by regulation.	15
(3) If the period for which the temporary use licence has effect ends before the application is decided, the licence continues in effect under this subsection until the first of the following to happen—	16 17 18 19 20
(a) MEDQ gives the holder notice of the decision under section 171JE;	21 22
(b) the application is withdrawn.	23
(4) Nothing in subsection (3) prevents the temporary use licence being suspended or cancelled during the period the licence is continued under that subsection.	24 25 26 27
171JC MEDQ may consult about applications	28
In considering an application made under section 171JB, MEDQ may consult with any entity MEDQ considers appropriate.	29 30 31

171JD Decisions on applications

- | | |
|---|----------------------------|
| | 1 |
| (1) MEDQ must consider an application made under section 171JB and decide— | 2
3 |
| (a) to give or refuse the extension sought; or | 4 |
| (b) to extend the period for which the temporary use licence has effect for a period that is different from the extension sought. | 5
6
7 |
| (2) MEDQ must not extend the period for which the temporary use licence has effect beyond the end of the extended applicable event period for the applicable event notice. | 8
9
10
11 |
| (3) MEDQ may decide to extend the period for which the temporary use licence has effect only if satisfied that, having regard to the nature of the applicable event, there are reasonable grounds for giving the extension. | 12
13
14
15
16 |

171JE Notices of decisions

- | | |
|---|----------------|
| | 17 |
| (1) MEDQ must give the applicant notice of MEDQ's decision. | 18
19 |
| (2) If the decision is to extend the period for which the temporary use licence has effect— | 20
21 |
| (a) the notice must state— | 22 |
| (i) the day the notice is given; and | 23 |
| (ii) the licensed premises for the licence; and | 24
25 |
| (iii) the period for which the licence is extended; and | 26
27 |
| (iv) for a decision mentioned in section 171JD(1)(b)—the reasons for the decision; and | 28
29
30 |

[s 13]

- (b) MEDQ must give a copy of the notice to the relevant local government for the licensed premises for the licence; and
 - (c) the period for which the licence has effect is taken to be extended for the period stated in the notice from the day the notice is given.
- (3) If the decision is to refuse the extension sought, the notice must state the reasons for the decision.

Subdivision 4 Power of MEDQ to extend all temporary use licences

171JF MEDQ may make declaration extending period of all temporary use licences

- (1) This section applies if—
 - (a) the applicable event period for the applicable event notice is extended under the *Planning Act 2016*, section 275F; and
 - (b) MEDQ is satisfied that, having regard to the nature of the applicable event, it is appropriate for temporary use licences given under this division in relation to the event (each a *relevant temporary use licence*) to continue to have effect during the extended applicable event period.
- (2) MEDQ may, by notice published on the department’s website, declare that the period of each relevant temporary use licence in effect when the declaration is made is extended until the end of the extended applicable event period.
- (3) Immediately after making the declaration, MEDQ must give notice of the declaration to—

(a) each holder of a relevant temporary use licence in effect when the declaration is made; and	1 2 3
(b) each relevant local government for the part of the State to which the applicable event notice applies.	4 5 6
(4) If a declaration is made under subsection (2), the period of each relevant temporary use licence in effect when the declaration is made is extended until the end of the extended applicable event period.	7 8 9 10 11
(5) A declaration under subsection (2) is a statutory instrument.	12 13
Subdivision 5 Amendment or cancellation of temporary use licences by application	14 15 16
171JG Applications to amend temporary use licences	17 18
(1) The holder of a temporary use licence may apply to MEDQ to amend the licence, including a condition of the licence.	19 20 21
(2) The application must—	22
(a) be in the approved form; and	23
(b) include the matters prescribed by regulation.	24
171JH MEDQ may consult about applications	25
In considering an application made under section 171JG, MEDQ may consult with any entity MEDQ considers appropriate.	26 27 28

[s 13]

171JI Decisions on applications	1
(1) MEDQ must consider an application made under section 171JG and decide—	2 3
(a) to make all or part of the requested amendment to the temporary use licence; or	4 5
(b) to refuse to make the requested amendment to the temporary use licence.	6 7
(2) MEDQ may decide to amend a temporary use licence only if satisfied that, having regard to the nature of the applicable event in relation to which the licence was given, there are reasonable grounds for making the amendment.	8 9 10 11 12
171JJ Notices of decisions	13
(1) MEDQ must give the applicant notice of MEDQ's decision.	14 15
(2) If the decision is to make all or part of the requested amendment to the temporary use licence—	16 17 18
(a) the notice must state—	19
(i) the day the notice is given; and	20
(ii) the licensed premises for the licence; and	21 22
(iii) details of the amendment being made; and	23 24
(iv) for a decision to make part of the requested amendment only—the reasons for the decision; and	25 26 27
(b) MEDQ must give a copy of the notice to the relevant local government for the licensed premises for the licence; and	28 29 30

(c) the licence is taken to be amended in the way stated in the notice from the day the notice is given.	1 2 3
(3) If the decision is to refuse to make the amendment, the notice must state the reasons for the decision.	4 5 6
171JK Requests to cancel temporary use licences	7
(1) The holder of a temporary use licence may ask MEDQ to cancel the licence.	8 9
(2) The request must—	10
(a) be in writing; and	11
(b) state the licensed premises for the temporary use licence.	12 13
(3) On receiving the request, MEDQ must cancel the temporary use licence by giving notice of the cancellation to the holder of the licence.	14 15 16
(4) The cancellation takes effect on the giving of the notice or a later day stated in the notice.	17 18
(5) MEDQ must give a copy of the notice to the relevant local government for the licensed premises for the temporary use licence.	19 20 21
Subdivision 6 Amendment, suspension or cancellation of temporary use licences by MEDQ	22 23 24 25
171JL Grounds for MEDQ to amend, suspend or cancel temporary use licences	26 27
Each of the following is a ground for amending, suspending or cancelling a temporary use licence—	28 29 30

[s 13]

- (a) MEDQ reasonably believes—
 - (i) the holder of the licence has failed to comply with a condition of the licence; or
 - (ii) the licence was obtained because of false or misleading information; or
 - (iii) public safety has been endangered, or is likely to be endangered, because of the licence;
- (b) MEDQ—
 - (i) becomes aware of an impact on the environment, or the amenity of the locality in which the licensed premises for the licence are located, that is occurring, or is likely to occur, as a result of the relevant change the subject of the licence; and
 - (ii) considers the application for the licence would have been refused if MEDQ had been aware of the impact before giving the licence;
- (c) MEDQ is satisfied that, having regard to the nature of the applicable event in relation to which the licence was given, there are no longer reasonable grounds for the relevant change the subject of the licence applying during the applicable event period for the applicable event notice.

171JM MEDQ may amend, suspend or cancel temporary use licences

- (1) If MEDQ considers a ground exists to amend, suspend or cancel a temporary use licence (the *proposed action*), MEDQ may give the holder of the licence a notice that complies with subsection

-
- (2). 1
- (2) The notice must state all of the following— 2
- (a) the proposed action; 3
- (b) the grounds for the proposed action; 4
- (c) an outline of the facts and circumstances 5
forming the basis for the grounds; 6
- (d) if the proposed action is to suspend the 7
temporary use licence—the proposed 8
suspension period; 9
- (e) the holder of the licence may, within a 10
reasonable period stated in the notice, make 11
a submission to MEDQ to show why the 12
proposed action should not be taken. 13
- (3) After MEDQ considers any submissions made by 14
the holder of the temporary use licence within the 15
stated period, MEDQ must decide— 16
- (a) to take the proposed action; or 17
- (b) not to take any action; or 18
- (c) if the proposed action is to amend the 19
licence—to amend the licence in another 20
way having regard to the submissions; or 21
- (d) if the proposed action is to suspend the 22
licence—to amend the licence having regard 23
to the submissions; or 24
- (e) if the proposed action is to cancel the 25
licence— 26
- (i) to suspend the licence for a period; or 27
- (ii) to amend the licence having regard to 28
the submissions. 29
- (4) MEDQ must give the holder of the temporary use 30
licence notice of MEDQ’s decision. 31
- (5) The decision takes effect on— 32

[s 14]

- (a) the day the notice is given to the holder of the temporary use licence; or
- (b) a later day stated in the notice.
- (6) If the temporary use licence is amended, on the day the amendment takes effect section 171J applies to the licence as if a reference in the section to a temporary use licence were a reference to the licence as amended.
- (7) If the temporary use licence is suspended, the licence does not have effect for the period of the suspension.
- (8) MEDQ must give a copy of the notice mentioned in subsection (4) to the relevant local government for the licensed premises for the temporary use licence.

Subdivision 7 Delegations

- Clause 14 Amendment of s 171K (Delegations)**
- Section 171K, after ‘division’—
- insert—*
- , other than under subdivision 4,
- Clause 15 Amendment of s 171N (Extension of periods for doing things under Act)**
- (1) Section 171N—
- insert—*
- (2A) The extension notice must state that the extension applies in relation to the relevant period in either or both of the following circumstances—
- (a) the relevant period starts during the period the notice is in effect;

	(b) the relevant period had started, but not ended, before the notice took effect.	1 2
(2)	Section 171N— <i>insert—</i>	3 4
	(4A) The further extension notice may state in relation to a relevant period whether the relevant period extended by a stated period under the extension notice will be further extended by the further extension notice.	5 6 7 8 9
(3)	Section 171N(5)(a), ‘subsection (3)(a)’— <i>omit, insert—</i>	10 11
	subsection (4)(a)	12
(4)	Section 171N(6)— <i>omit.</i>	13 14
(5)	Section 171N(2A) to (8)— <i>renumber</i> as section 171N(3) to (9).	15 16
Clause 16	Amendment of s 171O (Suspension of periods for doing things under Act)	17 18
(1)	Section 171O— <i>insert—</i>	19 20
	(2A) The suspension notice must state that the suspension applies in relation to the relevant period in either or both of the following circumstances—	21 22 23 24
	(a) the relevant period starts during the period the notice is in effect;	25 26
	(b) the relevant period had started, but not ended, before the notice took effect.	27 28
(2)	Section 171O— <i>insert—</i>	29 30

[s 17]

- (4A) The further suspension notice may state in relation to a relevant period whether the relevant period suspended by a stated period under the suspension notice will be further suspended by the further suspension notice. 1
2
3
4
5
- (3) Section 171O(5)(a), ‘subsection (3)(a)’— 6
omit, insert— 7
subsection (4)(a) 8
- (4) Section 171O(6)— 9
omit. 10
- (5) Section 171O(2A) to (8)— 11
renumber as section 171O(3) to (9). 12

Clause 17 Amendment of s 172 (Registers) 13

- (1) Section 172(1)— 14
insert— 15
(r) temporary use licences given by MEDQ 16
under section 171G. 17
- (2) Section 172— 18
insert— 19
(1A) For subsection (1)(r), the register of temporary 20
use licences must, for each temporary use licence 21
given by MEDQ, include all of the following 22
documents or information— 23
(a) the day the licence was given; 24
(b) the licensed premises for the licence; 25
(c) details of the relevant change the subject of 26
the licence; 27
(d) a copy of the licence; 28

	(e) a copy of each notice of a decision to extend the period for which the licence has effect given under section 171JE;	1 2 3
	(f) if the period of the licence is extended under section 171JF—when the extended period ends;	4 5 6
	(g) a copy of each notice of a decision to make all or part of a requested amendment to the licence given under section 171JJ;	7 8 9
	(h) if the licence is cancelled under section 171JK or 171JM—the day the cancellation took effect;	10 11 12
	(i) if the licence is amended under section 171JM—a copy of the notice of the decision to make the amendment given under section 171JM(4);	13 14 15 16
	(j) if the licence is suspended under section 171JM—the period of the suspension.	17 18
Clause 18	Amendment of sch 1 (Dictionary)	19
	Schedule 1—	20
	<i>insert—</i>	21
	<i>licensed premises</i> , for chapter 5, part 3B, see section 171H(2)(a)(ii).	22 23
Part 4	Amendment of Environmental Offsets Act 2014	24 25
Clause 19	Act amended	26
	This part amends the <i>Environmental Offsets Act 2014</i> .	27

[s 20]

Clause 20	Amendment of sch 2 (Dictionary)	1
(1)	Schedule 2—	2
	<i>insert—</i>	3
	<i>development approval</i> means a development approval under the Planning Act.	4 5
(2)	Schedule 2, definition <i>administering agency</i> , paragraph (a)(i), ‘under the Planning Act—’—	6 7
	<i>omit, insert—</i>	8
	under the Planning Act, other than an approval mentioned in subparagraph (ii)—	9 10
(3)	Schedule 2, definition <i>administering agency</i> , paragraph (a)—	11
	<i>insert—</i>	12
	(ia) in relation to an offset condition for a development approval for assessable development under the Planning Act that is given or changed by the planning chief executive under chapter 3, part 6A of that Act—	13 14 15 16 17 18
	(A) if the planning chief executive has, under schedule 2 of that Act, definition <i>enforcement authority</i> , paragraph (b), nominated a person as an enforcement authority for the assessable development—the person; or	19 20 21 22 23 24
	(B) otherwise—the planning chief executive; or	25 26
(4)	Schedule 2, definition <i>administering agency</i> , paragraph (a)(ia) to (iii)—	27 28
	<i>renumber</i> as paragraph (a)(ii) to (iv).	29

Part 5	Amendment of Planning Act 2016	1
		2
Division 1	Preliminary	3
Clause 21	Act amended	4
	This part amends the <i>Planning Act 2016</i> .	5
Division 2	Amendments commencing on assent	6
		7
Clause 22	Amendment of s 17 (Minister’s guidelines and rules)	8
	(1) Section 17(2), ‘Sections 10 and 11 apply’—	9
	<i>omit, insert—</i>	10
	Section 10 applies	11
	(2) Section 17—	12
	<i>insert—</i>	13
	(2A) However, section 10(6) applies as if a reference in section 10(6)(a)(i) to the day when the instrument was made were a reference to the day the guidelines or rules, or the guidelines or rules as amended, took effect.	14 15 16 17 18
	(2B) Also, the Minister must comply with section 10(6), as applied under subsection (3), immediately after a regulation prescribes the guidelines or rules or the amended guidelines or rules.	19 20 21 22 23
	(2C) In addition, if an amendment of the guidelines or rules is a minor amendment, section 10 does not apply to the amendment.	24 25 26
	(2D) If the Minister makes a minor amendment of the	27

[s 23]

	guidelines or rules, immediately after a regulation prescribes the amended guidelines or rules, the Minister must—	1 2 3
	(a) publish a public notice that states—	4
	(i) the day when the amendment took effect; and	5 6
	(ii) where a copy of the amended guidelines or rules may be inspected or purchased; and	7 8 9
	(b) give a copy of the public notice, and the amended guidelines or rules, to each affected local government.	10 11 12
(3)	Section 17(3)— <i>omit, insert—</i>	13 14
	(3) The guidelines and rules, or the amended guidelines and rules, start to have effect when prescribed by regulation.	15 16 17
	(4) In this section— <i>minor amendment</i> , of the guidelines or rules, has the meaning given by section 11(3) as if the guidelines or rules were a State planning instrument.	18 19 20 21 22
(4)	Section 17(2A) to (4)— <i>renumber</i> as section 17(3) to (8).	23 24
Clause 23	Amendment of s 18 (Making or amending planning schemes)	25 26
	Section 18(5)(b)(i) and (ii), from ‘public notice’ to ‘local government area’—	27 28
	<i>omit, insert—</i>	29
	last public notice is published	30

Clause 24	Amendment of s 36 (Criteria for making or amending designations)	1 2
(1)	Section 36(3)—	3
	<i>insert—</i>	4
	<i>Note—</i>	5
	See section 42B for the process for making or amending the guidelines.	6 7
(2)	Section 36(6)—	8
	<i>omit.</i>	9
Clause 25	Amendment of s 37 (Process for making or amending designation)	10 11
(1)	Section 37(7)—	12
	<i>omit.</i>	13
(2)	Section 37(8), definition <i>designation process rules—</i>	14
	<i>insert—</i>	15
	<i>Note—</i>	16
	See section 42B for the process for making or amending the rules.	17 18
(3)	Section 37(8)—	19
	<i>renumber</i> as section 37(7).	20
Clause 26	Insertion of new s 42B	21
	After section 42A—	22
	<i>insert—</i>	23
	42B Process for making or amending guidelines under s 36 or the designation process rules	24 25
(1)	Section 10 applies to the making or amendment of—	26 27
	(a) the guidelines under section 36(3); or	28

[s 26]

- (b) the designation process rules under section 37. 1
2
- (2) However, section 10(6) applies as if a reference in section 10(6)(a)(i) to the day when the instrument was made were a reference to the day the guidelines or designation process rules, or the guidelines or rules as amended, took effect. 3
4
5
6
7
- (3) Also, the Minister must comply with section 10(6), as applied under subsection (2), immediately after a regulation prescribes the guidelines or designation process rules or the amended guidelines or rules. 8
9
10
11
12
- (4) In addition, if an amendment of the guidelines or designation process rules is a minor amendment, section 10 does not apply to the amendment. 13
14
15
- (5) If the Minister makes a minor amendment of the guidelines or designation process rules, immediately after a regulation prescribes the amended guidelines or rules, the Minister must— 16
17
18
19
- (a) publish a public notice that states— 20
- (i) the day when the amendment took effect; and 21
22
- (ii) where a copy of the amended guidelines or rules may be inspected or purchased; and 23
24
25
- (b) give a copy of the public notice, and the amended guidelines or rules, to each affected local government. 26
27
28
- (6) The guidelines or designation process rules, or the amended guidelines or rules, start to have effect when prescribed by regulation. 29
30
31
- (7) In this section— 32
- minor amendment*, of the guidelines under section 36(3) or the designation process rules under section 37, has the meaning given by 33
34
35

	section 11(3) as if the guidelines or rules were a State planning instrument.	1 2
Clause 27	Insertion of new ch 3, pt 1, div 1, hdg	3
	Before section 43—	4
	<i>insert—</i>	5
	Division 1 Instruments and categories	6 7
Clause 28	Insertion of new ch 3, pt 1, div 2	8
	Chapter 3, part 1—	9
	<i>insert—</i>	10
	Division 2 Temporary accepted development	11 12
	Subdivision 1 Declarations	13
	46A Regulation may declare temporary accepted development	14 15
	A regulation may declare that a particular material change of use of premises is temporary accepted development for a stated period.	16 17 18
	Subdivision 2 Effect of declarations	19
	46B Application of subdivision	20
	This subdivision applies if a regulation declares that a particular material change of use of premises is temporary accepted development for a stated period under section 46A.	21 22 23 24

[s 28]

46C Effect of declaration and carrying out material change of use	1 2
(1) For the stated period, this Act applies in relation to the material change of use of premises as if it were categorised as accepted development by a regulation made under sections 43(1) and 44(5).	3 4 5 6
(2) Subsection (3) applies if the material change of use is carried out on premises under the declaration.	7 8 9
(3) Any use of the premises that was a lawful use immediately before the material change of use is carried out does not stop being a lawful use merely because the material change of use is carried out.	10 11 12 13 14
46D Development applications during stated period	15 16
(1) If the material change of use of premises would, but for section 46C(1), be assessable development, during the stated period—	17 18 19
(a) a person may apply for a development approval for the material change of use of premises under this chapter as if the declaration had not been made; and	20 21 22 23
(b) this Act applies in relation to the application as if the declaration had not been made.	24 25
(2) Subsection (3) applies if—	26
(a) a development approval is given for the application, or taken to have been given, during the stated period; and	27 28 29
(b) under section 72, the development under the development approval may start during the stated period.	30 31 32
(3) When the development under the development approval may start under section 72, the	33 34

declaration stops having effect to the extent the
declaration applies to the premises the subject of
the approval.

- (4) Subsections (5) and (6) apply if—
 - (a) the declaration stops having effect under subsection (3) in relation to the premises the subject of the development approval; and
 - (b) during the stated period but before the declaration stops having effect in relation to the premises, the material change of use is carried out on the premises.
- (5) If the material change of use involved the start of a new use or the re-establishment of a use on the premises, the carrying out of the material change of use under the declaration does not have the effect that the use is a lawful use of the premises after the declaration stops having effect.
- (6) If the material change of use involved a material increase in the intensity or scale of an existing use of the premises, the carrying out of the material change of use under the declaration does not have the effect that the use at the increased intensity or scale is a lawful use of the premises after the declaration stops having effect.

46E Use of premises after stated period ends

- (1) This section applies if—
 - (a) during the stated period, the material change of use is carried out on premises under the declaration; and
 - (b) either—
 - (i) a development approval is not given for the material change of use before the end of the stated period; or

[s 28]

- (ii) immediately before the end of the 1
stated period, development under a 2
development approval given for the 3
material change of use is not permitted 4
to start under section 72. 5
- (2) If the material change of use involved the start of 6
a new use or the re-establishment of a use on the 7
premises— 8
- (a) the carrying out of the material change of 9
use under the declaration does not have the 10
effect that the use is a lawful use of the 11
premises after the stated period ends; and 12
- (b) despite section 260(1), a planning 13
instrument that starts applying to the 14
premises at the end of the stated period may 15
do a thing mentioned in the section in 16
relation to the use; and 17
- Note—* 18
See also section 260(3). 19
- (c) the carrying out of the use after the end of 20
the stated period is taken to be a material 21
change of use of the premises. 22
- (3) However, if subsection (1)(b)(ii) applies, 23
subsection (2)(c) does not— 24
- (a) have the effect that a planning instrument 25
may stop or further regulate the carrying out 26
of the material change of use under the 27
development approval; or 28
- (b) affect the development approval. 29
- (4) If the material change of use involved a material 30
increase in the intensity or scale of an existing use 31
of the premises— 32
- (a) the carrying out of the material change of 33
use under the declaration does not have the 34
effect that the use at the increased intensity 35

	or scale is a lawful use of the premises after the stated period ends; and	1 2
	(b) despite section 260(1), a planning instrument that starts applying to the premises at the end of the stated period may do a thing mentioned in the section in relation to the use at the increased intensity or scale; and	3 4 5 6 7 8
	<i>Note—</i>	9
	See also section 260(3).	10
	(c) the carrying out of the use at the increased intensity or scale after the end of the stated period is taken to be a material change of use of the premises.	11 12 13 14
	(5) However, if subsection (1)(b)(ii) applies, subsection (4)(c) does not—	15 16
	(a) have the effect that a planning instrument may stop or further regulate the carrying out of the material change of use under the development approval; or	17 18 19 20
	(b) affect the development approval.	21
Clause 29	Amendment of s 68 (Development assessment rules)	22
	(1) Section 68—	23
	<i>insert—</i>	24
	(3A) However, section 10(6) applies as if a reference in section 10(6)(a)(i) to the day when the instrument was made were a reference to the day the development assessment rules took effect.	25 26 27 28
	(3B) Also, the Minister must comply with section 10(6), as applied under subsection (4), immediately after a regulation prescribes the development assessment rules.	29 30 31 32
	(2) Section 68(3A) to (5)—	33

[s 30]

renumber as section 68(4) to (7). 1

Clause 30	Amendment of s 69 (Amending the development assessment rules)	2 3
(1)	Section 69(3), ‘Sections 10 and 11 apply’—	4
	<i>omit, insert—</i>	5
	Section 10 applies	6
(2)	Section 69—	7
	<i>insert—</i>	8
(3A)	However, section 10(6) applies as if a reference in section 10(6)(a)(i) to the day when the instrument was made were a reference to the day the development assessment rules as amended took effect.	9 10 11 12 13
(3B)	Also, the Minister must comply with section 10(6), as applied under subsection (4), immediately after a regulation prescribes the amended development assessment rules.	14 15 16 17
(3C)	In addition, if the amendment is a minor amendment of the development assessment rules, section 10 does not apply to the amendment.	18 19 20
(3D)	If the Minister makes a minor amendment of the development assessment rules, immediately after a regulation prescribes the amended development assessment rules, the Minister must—	21 22 23 24
(a)	publish a public notice that states—	25
(i)	the day when the amendment took effect; and	26 27
(ii)	where a copy of the amended development assessment rules may be inspected or purchased; and	28 29 30

	(b) give a copy of the public notice, and the amended development assessment rules, to each affected local government.	1 2 3
(3)	Section 69— <i>insert</i> —	4 5
	(5) In this section— <i>minor amendment</i> , of the development assessment rules, has the meaning given by section 11(3) as if the rules were a State planning instrument.	6 7 8 9 10
(4)	Section 69(3A) to (5)— <i>renumber</i> as section 69(4) to (9).	11 12
Clause 31	Amendment of s 75 (Making change representations)	13
(1)	Section 75(4)(b)(ii)— <i>omit, insert</i> —	14 15
	(ii) the assessment manager gives the applicant the decision notice for the change representations; or	16 17 18
(2)	Section 75— <i>insert</i> —	19 20
	(4A) If the applicant makes the change representations during the appeal period without giving a notice under subsection (2), the appeal period is suspended from the day the representations are made until—	21 22 23 24 25
	(a) the applicant withdraws the change representations by notice given to the assessment manager; or	26 27 28
	(b) the assessment manager gives the applicant the decision notice for the change representations; or	29 30 31

[s 32]

- (c) the end of 20 business days after the change
representations are made, or a longer period
agreed in writing between the applicant and
the assessment manager. 1
2
3
4
- (3) Section 75(5), ‘However, if the assessment manager gives the
applicant’— 5
6
omit, insert— 7
Despite subsections (4) and (5), if the decision
notice mentioned in subsection (4)(b)(ii) or (5)(b)
is 8
9
10
- (4) Section 75(4A) and (5)— 11
renumber as section 75(5) and (6). 12
- Clause 32 Amendment of ch 4, pt 2, div 2, sdiv 5, hdg (Changing 13
charges during relevant appeal period) 14**
Chapter 4, part 2, division 2, subdivision 5, heading,
‘relevant’— 15
16
omit. 17
- Clause 33 Amendment of s 125 (Representations about 18
infrastructure charges notice) 19**
(1) Section 125(2), ‘the representations’— 20
omit, insert— 21
any representations made by the recipient 22
- (2) Section 125— 23
insert— 24
(8) However, if the recipient gives the local
government a notice withdrawing the
representations before the local government has
given a negotiated notice or decision notice— 25
26
27
28

(a) the appeal period is taken to have been 1
suspended from the day the representations 2
were made; and 3

(b) the balance of the appeal period restarts on 4
the day after the day the local government 5
receives the notice of withdrawal. 6

Note— 7

See also section 126 in relation to suspending the appeal 8
period by notice. 9

Clause 34 Amendment of s 126 (Suspending relevant appeal period) 10

(1) Section 126, heading, from ‘relevant’— 11
omit, insert— 12

appeal period by notice 13

(2) Section 126, ‘relevant’— 14
omit. 15

(3) Section 126(4), ‘the day after’— 16
omit, insert— 17

on the day after the day 18

(4) Section 126— 19
insert— 20

Note— 21

See also section 125(7) and (8) in relation to other 22
circumstances affecting the appeal period. 23

Clause 35 Amendment of s 264 (Public access to documents) 24

(1) Section 264(4), ‘(7)’— 25
omit, insert— 26

(8) 27

(2) Section 264— 28

[s 36]

insert—

- (8) Also, for a document of a type prescribed by regulation, the person is taken to comply with subsection (5)(a)(i) or (b) if—
- (a) a declared emergency applies to the place where the document is held; and
 - (b) the person is satisfied it is appropriate to give a copy of the document to another person asking to inspect the document—
 - (i) to protect the health, safety and welfare of anyone affected by the declared emergency; or
 - (ii) to facilitate the continuance of public administration disrupted by the declared emergency; and
 - (c) the person gives the copy to the other person, rather than allow them to inspect the document.
- (9) In this section—
- declared emergency* means—
- (a) a public health emergency declared under the *Public Health Act 2005*, section 319; or
 - (b) a disaster situation declared under the *Disaster Management Act 2003*, section 64 or 69.

Clause 36	Amendment of s 343 (Validation provision for particular development approvals)	26
	Section 343—	27
	<i>insert—</i>	28
	<i>Note—</i>	29
	See also section 356.	30
		31

Clause 37	Insertion of new ch 8, pt 9	1
	Chapter 8—	2
	<i>insert—</i>	3
	Part 9	4
	Transitional and	5
	validation provisions	6
	for Housing Availability	7
	and Affordability	8
	(Planning and Other	9
	Legislation	10
	Amendment) Act 2023	
	Division 1	11
	Provisions commencing	12
	on assent	
	355 Transitional regulation-making power	13
	(1) A regulation (a <i>transitional regulation</i>) may	14
	make provision about a matter for which—	15
	(a) it is necessary to make provision to allow or	16
	facilitate the doing of anything to achieve	17
	the transition—	18
	(i) from the operation of this Act as in	19
	force before the commencement of a	20
	relevant amendment; and	21
	(ii) to the operation of this Act as in force	22
	after the commencement of the relevant	23
	amendment; and	24
	(b) this Act does not provide or sufficiently	25
	provide.	26
	(2) A transitional regulation may have retrospective	27
	operation to a day not earlier than the day the	28
	relevant amendment commences.	29

[s 37]

- (3) A transitional regulation must declare it is a transitional regulation. 1
2
- (4) This section and any transitional regulation expire on the day that is 2 years after the day this section commences. 3
4
5
- (5) In this section— 6
relevant amendment means an amendment of this Act by the *Housing Availability and Affordability (Planning and Other Legislation Amendment) Act 2023*. 7
8
9
10
- 356 Extension of validation under s 343 to referral agencies** 11
12
- (1) Section 343 applies, and is taken to have always applied, to a development approval mentioned in the section as if— 13
14
15
- (a) a reference in the section to the assessment manager included a reference to a referral agency; and 16
17
18
- (b) the reference in section 343(1)(a) to section 45(3) or (5) included a reference to section 55(2); and 19
20
21
- (c) the reference in section 343(1)(d) to former section 45(7) included a reference to former section 55(4). 22
23
24
- (2) In this section— 25
former section 55(4) means section 55(4) as in force immediately before it was amended by the *Economic Development and Other Legislation Amendment Act 2019*. 26
27
28
29
section 55(2) means section 55(2) as in force on the commencement of section 343. 30
31

357 Existing public notice periods continue	1
(1) This section applies in relation to a former public notice for a provision of this Act if—	2 3
(a) before the commencement, the public notice was published for the provision; and	4 5
(b) immediately before the commencement, a consultation period for the public notice under the former provision had not ended.	6 7 8
(2) The former provision continues to apply in relation to the former public notice as if the <i>Housing Availability and Affordability (Planning and Other Legislation Amendment) Act 2023</i> had not been enacted.	9 10 11 12 13
(3) In this section—	14
<i>former</i> , in relation to a provision, means the provision as in force from time to time before the commencement.	15 16 17
<i>former public notice</i> , for a provision of this Act, means a public notice as defined in the former definition of <i>public notice</i> for the provision.	18 19 20

Clause 38 Amendment of sch 2 (Dictionary)	21
(1) Schedule 2, definitions <i>owner</i> (both occurrences) and <i>public notice</i> —	22 23
<i>omit.</i>	24
(2) Schedule 2—	25
<i>insert</i> —	26
<i>owner</i> —	27
1 The <i>owner</i> , of land, premises or a place, means—	28 29
(a) generally—the person who—	30

[s 38]

- (i) is entitled to receive rent for the land, premises or place; or
- (ii) would be entitled to receive rent for the land, premises or place if the land, premises or place were rented to a tenant; or
- Note—*
- See the Transport Infrastructure Act, section 247 for when the chief executive of the department in which that Act is administered is taken to be the owner of particular rail corridor land or non-rail corridor land under that Act.
- (b) for giving consent to an application made under chapter 3 in relation to premises that are, or are on, a reserve within the meaning of the Land Act—
- (i) if the State, a local government or a statutory body within the meaning of the Land Act is the trustee for the reserve under that Act and the Minister of the department in which that Act is administered has not granted a lease over all or the part of the reserve to which the application relates—the trustee; or
- (ii) otherwise—the Minister of the department in which the Land Act is administered.
- 2 The *owner*, of a thing that has been seized, includes a person who would be entitled to possession of the thing if the thing had not been seized.
- public notice** means a notice that is published—
- (a) for a public notice mentioned in chapter 2, part 2, or section 17, 42B or 69—

(i)	in the gazette; and	1
(ii)	on the department’s website; or	2
(b)	for a public notice mentioned in chapter 2, part 3, other than section 17—	3 4
(i)	in a way the local government considers is likely to bring the notice to the attention of persons likely interested in or affected by the information stated in the notice; and	5 6 7 8 9
	<i>Examples of ways for subparagraph (i)—</i>	10
	• publishing the notice in a hard copy or online newspaper circulating in the area to which the information relates	11 12 13
	• publishing the notice on the local government’s website	14 15
(ii)	in the gazette, unless the public notice is about a proposed local planning instrument or proposed amendment of a local planning instrument.	16 17 18 19
(3)	Schedule 2, definition <i>building work</i> , paragraph (a)(i), example—	20 21
	<i>omit.</i>	22
(4)	Schedule 2, definition <i>properly made submission</i> , paragraph (a)—	23 24
	<i>omit, insert—</i>	25
(a)	is signed in hard copy, or electronically given in the way stated in the notice for making the submission, by each person (the <i>submission-makers</i>) who made the submission; and	26 27 28 29 30

[s 39]

Division 3	Amendments commencing by proclamation	1 2	
Subdivision 1	Amendments relating to acquisition of land	3 4	
Clause 39	Amendment of s 71 (When development approval has effect)	5 6	
	Section 71(4), after ‘acquired under’—	7	
	<i>insert—</i>	8	
	this Act,	9	
Clause 40	Amendment of s 150 (Infrastructure agreement)	10	
	Section 150—	11	
	<i>insert—</i>	12	
	(h) section 263D.	13	
Clause 41	Insertion of new ch 7, pt 2, div 1, hdg	14	
	Before section 263—	15	
	<i>insert—</i>	16	
	Division 1	Taking or purchasing of land by local governments	17 18
Clause 42	Amendment of s 263 (Taking or purchasing land for planning purposes)	19 20	
	Section 263, heading, ‘Taking or purchasing’—	21	
	<i>omit, insert—</i>	22	
	When local governments may take or purchase	23	

Clause 43	Insertion of new ch 7, pt 2, div 2	1					
	After section 263—	2					
	<i>insert—</i>	3					
	Division 2	Taking of land by State	4				
	263A When State may take land	5					
	(1) The State may take land for development infrastructure.	6	7				
	(2) However, the State may take the land only if—	8					
	(a) the Minister is satisfied—	9					
	(i) the infrastructure is necessary to facilitate development; and	10	11				
	(ii) reasonable steps have been taken to obtain the agreement of the owner of the land to actions on the land that would facilitate the provision of the infrastructure but the owner has not agreed to the actions; and	12	13	14	15	16	17
	(b) an infrastructure agreement in relation to providing or paying for the infrastructure has been entered into under chapter 4; and	18	19	20			
	(c) an infrastructure agreement about the costs of taking the land has been entered into under section 263D; and	21	22	23			
	(d) the taking of the land complies with the criteria prescribed by regulation; and	24	25				
	(e) the Governor in Council approves, by regulation, the taking of the land.	26	27				
	(3) The State’s power to take the land for development infrastructure—	28	29				
	(a) applies even though—	30					

[s 43]

- (i) the taking of the land is for conferring rights or interests in the land on another entity; and
 - (ii) a person may derive a measurable benefit from any action taken on the land to facilitate the provision of the infrastructure; and
- (b) includes the power to take, from time to time as required, land for the development infrastructure or another purpose incidental to the provision of the infrastructure.
- (4) The process under the Acquisition Act for the taking of land, and the payment of compensation for taking land, applies in relation to the taking of land under this section as if the land were being taken under the Acquisition Act by the State as a constructing authority.
- (5) However, the taking of land under this section is not a taking of land under the Acquisition Act.
- (6) The State's power to take land under this section does not limit the State's power to take land, as a constructing authority, under the Acquisition Act.

263B Power to take easements

- (1) The State's power under section 263A to take land for development infrastructure includes the power to create, by registration, an easement over the land under—
 - (a) the Land Act, chapter 6, part 4, division 8; or
 - (b) the Land Title Act, part 6, division 4.
- (2) However, the easement may be created only if—
 - (a) the entity in which the easement vests has agreed to the terms of the easement; and

(b) the local government for the local government area in which the land is located has agreed to the terms of the easement.

(3) This division, and the process under the Acquisition Act for the taking of land and the payment of compensation for taking land, apply in relation to the easement as if the easement were land.

(4) In this section—
easement includes a public utility easement under the Land Act or the Land Title Act.

263C Vesting of land taken under s 263A

(1) Land taken under section 263A vests in the entity stated in the gazette resumption notice for the taking of the land on the day the notice is published in the gazette.

(2) For subsection (1), the entity stated in the gazette resumption notice must be a public sector entity.

(3) In this section—
gazette resumption notice see the Acquisition Act, schedule 2.

263D Costs of taking land under s 263A

(1) Before land is taken under section 263A, a person may enter into an agreement with the chief executive about the costs of taking the land.

(2) The agreement may require the person to give a guarantee or provide security to the chief executive for the costs.

(3) If the person does not pay to the chief executive the costs of taking the land in accordance with the agreement, the chief executive may recover the costs from the person as a debt owing by the

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person to the State.	1
(4) In this section—	2
<i>costs</i> , of taking land, includes—	3
(a) operational, administrative and legal costs; and	4 5
(b) any compensation payable under the Acquisition Act for the taking of the land.	6 7
263E Application of Acquisition Act, ss 36 and 37	8
The Acquisition Act, sections 36 and 37 apply in relation to exercising a power to take land under section 263A as if the State were exercising its power to take land, as a constructing authority, under the Acquisition Act.	9 10 11 12 13
263F Notice of intention to dispose of land that is not required	14 15
(1) This section applies in relation to land taken under section 263A if, within 7 years after the day the land is taken—	16 17 18
(a) the land is no longer required by the public sector entity that holds the land; and	19 20
(b) the public sector entity intends to dispose of the land.	21 22
(2) The public sector entity must, by notice, advise the previous owner of the land that the entity intends to offer the land to the previous owner.	23 24 25
(3) The notice must state—	26
(a) the previous owner must, within 28 days after the day the notice is given, give a notice to the public sector entity stating whether or not the previous owner is interested in buying the land; and	27 28 29 30 31

-
- (b) the public sector entity may dispose of the land to another person if—
 - (i) the public sector entity does not receive a notice under paragraph (a); or
 - (ii) the notice under paragraph (a) states the previous owner is not interested in buying the land; and
 - (c) if the public sector entity has taken an easement under subsection (4)—the nature and terms of the easement.
- (4) Before giving a notice under subsection (2), the public sector entity may take an easement over all or part of the land to ensure the structural and operational integrity of any development infrastructure on the land.
- (5) This section applies despite the Acquisition Act, section 41.

263G Power to dispose of land that is not required

- (1) Subsection (2) applies if the previous owner of land taken under section 263A gives a public sector entity a notice under section 263F(3)(a) stating that the previous owner is interested in buying the land.
- (2) The public sector entity must, by notice, offer the land, subject to any easement over the land, for sale to the previous owner at a price decided by the public sector entity.
- (3) Subsection (4) applies if the previous owner of land taken under section 263A—
 - (a) does not give a notice under section 263F(3)(a) for the land; or

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	(b) gives a notice under section 263F(3)(a) stating that the previous owner is not interested in buying the land; or	1 2 3
	(c) does not accept an offer for the sale of the land made by the public sector entity.	4 5
(4)	The public sector entity may dispose of the land subject to any easement over the land.	6 7
(5)	In deciding the price for which the land may be sold under subsection (2) or (4), the public sector entity must consider—	8 9 10
	(a) a valuation by a valuer registered under the <i>Valuers Registration Act 1992</i> ; and	11 12
	(b) the policies and systems for the management of the entity’s assets; and	13 14
	(c) the existence of any easement over the land.	15
(6)	A person contracting or otherwise dealing with a public sector entity in relation to land does not have to ask whether section 263F or this section has been complied with.	16 17 18 19
(7)	The title of any person to land acquired from the public sector entity is not affected by a failure to comply with section 263F or this section.	20 21 22
(8)	This section applies despite the Acquisition Act, section 41.	23 24
Clause 44	Amendment of sch 2 (Dictionary)	25
(1)	Schedule 2, definition <i>land</i> — <i>omit.</i>	26 27
(2)	Schedule 2— <i>insert—</i> <i>land—</i>	28 29 30

-
- (a) for chapter 7, part 2—see the Acquisition Act, schedule 2; or
- (b) otherwise—includes—
- (i) an estate in, on, over or under land; and
 - (ii) the airspace above the land and any estate in the airspace; and
 - (iii) the subsoil of land and any estate in the subsoil.
- previous owner*, of land taken under section 263A, means—
- (a) if, immediately before the land was taken, only 1 person had an interest in the land and that person is still alive or, in the case of a corporation, in existence—that person; or
 - (b) otherwise—any person the public sector entity that holds the land considers is fairly entitled to the benefit of section 263F(2), having regard to the interest that existed in the land immediately before the land was taken.
- (3) Schedule 2, definition *acquisition land*, paragraph (a), after ‘under’—
- insert—*
- this Act,

Subdivision 2 Amendments relating to applicable events

- Clause 45 Amendment of s 275D (Definitions for part)**
- Section 275D—
- insert—*
- licensed premises* see section 275J(2)(a)(ii).

[s 46]

Clause 46	Insertion of new s 275FA	1
	After section 275F—	2
	<i>insert—</i>	3
	275FA Minister may revoke declarations of applicable events	4
		5
	(1) The Minister may, by notice published on the department’s website, revoke an applicable event notice if satisfied the declaration that the event is an applicable event is no longer necessary having regard to—	6 7 8 9 10
	(a) the nature of the event; and	11
	(b) the effect of the event on a State interest.	12
	(2) The Minister may act under subsection (1) without consulting with any person.	13 14
	(3) The notice must state the day the revocation takes effect.	15 16
	(4) The stated day must be at least 10 business days after the day the notice is published.	17 18
	(5) The revocation takes effect on the stated day.	19
	(6) The revocation is a statutory instrument.	20
Clause 47	Insertion of new ch 7, pt 4B, div 3, sdiv 1, hdg	21
	Before section 275G—	22
	<i>insert—</i>	23
	Subdivision 1 Preliminary	24
Clause 48	Insertion of new ch 7, pt 4B, div 3, sdiv 2, hdg	25
	Before section 275H—	26
	<i>insert—</i>	27

**Subdivision 2 Applications for temporary
use licences**

		1
		2
Clause 49	Insertion of new s 275HA	3
	After section 275H—	4
	<i>insert—</i>	5
	275HA Chief executive may consult about applications	6
		7
	In considering an application for a temporary use licence made under section 275H, the chief executive may consult with any entity the chief executive considers appropriate.	8
		9
		10
		11
Clause 50	Amendment of s 275J (Notices of decisions)	12
	(1) Section 275J(2)(a)(ii), after ‘relates’—	13
	<i>insert—</i>	14
	(the <i>licensed premises</i>)	15
	(2) Section 275J(2)(a)—	16
	<i>insert—</i>	17
	(ia) the end of the applicable event period for the applicable event notice to which the licence relates; and	18
		19
		20
	(3) Section 275J(2)(a)(ia) to (v)—	21
	<i>renumber</i> as section 275J(2)(a)(iii) to (vi).	22
Clause 51	Replacement of s 275K (Period of temporary use licences)	23
	Section 275K—	24
	<i>omit, insert—</i>	25
		26

[s 52]

275K Period of temporary use licences	1
(1) A temporary use licence has effect from the day the notice mentioned in section 275J(1) is given to the applicant (the <i>licence starting day</i>) until—	2 3 4
(a) if neither paragraph (b) nor paragraph (c) applies—the end of the applicable event period for the applicable event notice in effect at the licence starting day; or	5 6 7 8
(b) if the licence is sooner cancelled under section 275LK or 275LM—the day the cancellation takes effect; or	9 10 11
(c) if the period of the licence is extended under section 275LD or 275LF—the end of the extended period.	12 13 14
<i>Note—</i>	15
However, if a temporary use licence is suspended, the licence does not have effect for the period of the suspension. See section 275LM.	16 17 18
(2) Despite subsection (1), if the applicable event notice is revoked, the temporary use licence stops having effect when the revocation takes effect.	19 20 21
Clause 52	
Insertion of new ch 7, pt 4B, div 3, sdivs 3–6 and sdiv 7, hdg	22 23
After section 275L—	24
<i>insert—</i>	25
Subdivision 3 Extension of temporary use licences by application	26 27
275LA Application of subdivision	28
This subdivision applies in relation to a temporary use licence given in relation to the applicable event if the applicable event period for the applicable event notice is extended under section	29 30 31 32

275F. 1

**275LB Applications to extend temporary use
licences** 2
3

- (1) The holder of the temporary use licence may 4
apply to the chief executive to extend the period 5
for which the temporary use licence has effect 6
under section 275K before the period ends. 7
- (2) The application must— 8
- (a) be in the approved form; and 9
- (b) include the matters prescribed by regulation. 10
- (3) If the period for which the temporary use licence 11
has effect ends before the application is decided, 12
the licence continues in effect under this 13
subsection until the first of the following to 14
happen— 15
- (a) the chief executive gives the holder notice of 16
the decision under section 275LE; 17
- (b) the application is withdrawn. 18
- (4) Nothing in subsection (3) prevents the temporary 19
use licence being suspended or cancelled during 20
the period the licence is continued under that 21
subsection. 22

**275LC Chief executive may consult about
applications** 23
24

In considering an application made under section 25
275LB, the chief executive may consult with any 26
entity the chief executive considers appropriate. 27

275LD Decisions on applications 28

- (1) The chief executive must consider an application 29
made under section 275LB and decide— 30

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- (a) to give or refuse the extension sought; or 1
- (b) to extend the period for which the temporary use licence has effect for a period that is different from the extension sought. 2
3
4
- (2) The chief executive must not extend the period for which the temporary use licence has effect beyond the end of the extended applicable event period for the applicable event notice. 5
6
7
8
- (3) The chief executive may decide to extend the period for which the temporary use licence has effect only if satisfied that, having regard to the nature of the applicable event, there are reasonable grounds for giving the extension. 9
10
11
12
13

275LE Notices of decisions 14

- (1) The chief executive must give the applicant notice of the chief executive's decision. 15
16
- (2) If the decision is to extend the period for which the temporary use licence has effect— 17
18
 - (a) the notice must state— 19
 - (i) the day the notice is given; and 20
 - (ii) the licensed premises for the licence; and 21
22
 - (iii) the period for which the licence is extended; and 23
24
 - (iv) for a decision mentioned in section 275LD(1)(b)—the reasons for the decision; and 25
26
27
 - (b) the chief executive must give a copy of the notice to the local government for the local government area in which the licensed premises for the licence are located; and 28
29
30
31

-
- (c) the period for which the licence has effect is taken to be extended for the period stated in the notice from the day the notice is given.
 - (3) If the decision is to refuse the extension sought, the notice must state the reasons for the decision.

Subdivision 4 Power of Minister to extend all temporary use licences

275LF Minister may make declaration extending period of all temporary use licences

- (1) This section applies if—
 - (a) the applicable event period for the applicable event notice is extended under section 275F; and
 - (b) the Minister is satisfied that, having regard to the nature of the applicable event, it is appropriate for temporary use licences given under this division in relation to the event (each a *relevant temporary use licence*) to continue to have effect during the extended applicable event period.
- (2) The Minister may, by notice published on the department’s website, declare that the period of each relevant temporary use licence in effect when the declaration is made is extended until the end of the extended applicable event period.
- (3) Immediately after making the declaration, the Minister must give notice of the declaration to—
 - (a) each holder of a relevant temporary use licence in effect when the declaration is made; and

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(b) each local government for a local government area in the part of the State to which the applicable event notice applies.	1 2 3
(4) If a declaration is made under subsection (2), the period of each relevant temporary use licence in effect when the declaration is made is extended until the end of the extended applicable event period.	4 5 6 7 8
(5) A declaration under subsection (2) is a statutory instrument.	9 10
Subdivision 5 Amendment or cancellation of temporary use licences by application	11 12 13
275LG Applications to amend temporary use licences	14 15
(1) The holder of a temporary use licence may apply to the chief executive to amend the licence, including a condition of the licence.	16 17 18
(2) The application must—	19
(a) be in the approved form; and	20
(b) include the matters prescribed by regulation.	21
275LH Chief executive may consult about applications	22 23
In considering an application made under section 275LG, the chief executive may consult with any entity the chief executive considers appropriate.	24 25 26
275LI Decisions on applications	27
(1) The chief executive must consider an application made under section 275LG and decide—	28 29

-
- (a) to make all or part of the requested amendment to the temporary use licence; or
 - (b) to refuse to make the requested amendment to the temporary use licence.
- (2) The chief executive may decide to amend a temporary use licence only if satisfied that, having regard to the nature of the applicable event in relation to which the licence was given, there are reasonable grounds for making the amendment.

275LJ Notices of decisions

- (1) The chief executive must give the applicant notice of the chief executive’s decision.
- (2) If the decision is to make all or part of the requested amendment to the temporary use licence—
 - (a) the notice must state—
 - (i) the day the notice is given; and
 - (ii) the licensed premises for the licence; and
 - (iii) details of the amendment being made; and
 - (iv) for a decision to make part of the requested amendment only—the reasons for the decision; and
 - (b) the chief executive must give a copy of the notice to the local government for the local government area in which the licensed premises for the licence are located; and
 - (c) the licence is taken to be amended in the way stated in the notice from the day the notice is given.
- (3) If the decision is to refuse to make the

[s 52]

amendment, the notice must state the reasons for the decision.	1 2
275LK Requests to cancel temporary use licences	3
(1) The holder of a temporary use licence may ask the chief executive to cancel the licence.	4 5
(2) The request must—	6
(a) be in writing; and	7
(b) state the licensed premises for the temporary use licence.	8 9
(3) On receiving the request, the chief executive must cancel the temporary use licence by giving notice of the cancellation to the holder of the licence.	10 11 12
(4) The cancellation takes effect on the giving of the notice or a later day stated in the notice.	13 14
(5) The chief executive must give a copy of the notice to the local government for the local government area in which the licensed premises for the temporary use licence are located.	15 16 17 18
Subdivision 6 Amendment, suspension or cancellation of temporary use licences by chief executive	19 20 21 22
275LL Grounds for chief executive to amend, suspend or cancel temporary use licences	23 24
Each of the following is a ground for amending, suspending or cancelling a temporary use licence—	25 26 27
(a) the chief executive reasonably believes—	28

-
- (i) the holder of the licence has failed to comply with a condition of the licence; or
 - (ii) the licence was obtained because of false or misleading information; or
 - (iii) public safety has been endangered, or is likely to be endangered, because of the licence;
- (b) the chief executive—
- (i) becomes aware of an impact on the environment, or the amenity of the locality in which the licensed premises for the licence are located, that is occurring, or is likely to occur, as a result of the relevant change the subject of the licence; and
 - (ii) considers the application for the licence would have been refused if the chief executive had been aware of the impact before giving the licence;
- (c) the chief executive is satisfied that, having regard to the nature of the applicable event in relation to which the licence was given, there are no longer reasonable grounds for the relevant change the subject of the licence applying during the applicable event period for the applicable event notice.

275LM Chief executive may amend, suspend or cancel temporary use licences

- (1) If the chief executive considers a ground exists to amend, suspend or cancel a temporary use licence (the *proposed action*), the chief executive may give the holder of the licence a notice that complies with subsection (2).

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- (2) The notice must state all of the following— 1
- (a) the proposed action; 2
 - (b) the grounds for the proposed action; 3
 - (c) an outline of the facts and circumstances 4
forming the basis for the grounds; 5
 - (d) if the proposed action is to suspend the 6
temporary use licence—the proposed 7
suspension period; 8
 - (e) the holder of the licence may, within a 9
reasonable period stated in the notice, make 10
a submission to the chief executive to show 11
why the proposed action should not be 12
taken. 13
- (3) After the chief executive considers any 14
submissions made by the holder of the temporary 15
use licence within the stated period, the chief 16
executive must decide— 17
- (a) to take the proposed action; or 18
 - (b) not to take any action; or 19
 - (c) if the proposed action is to amend the 20
licence—to amend the licence in another 21
way having regard to the submissions; or 22
 - (d) if the proposed action is to suspend the 23
licence—to amend the licence having regard 24
to the submissions; or 25
 - (e) if the proposed action is to cancel the 26
licence— 27
 - (i) to suspend the licence for a period; or 28
 - (ii) to amend the licence having regard to 29
the submissions. 30
- (4) The chief executive must give the holder of the 31
temporary use licence notice of the chief 32
executive’s decision. 33

-
- (5) The decision takes effect on— 1
- (a) the day the notice is given to the holder of 2
the temporary use licence; or 3
- (b) a later day stated in the notice. 4
- (6) If the temporary use licence is amended, on the 5
day the amendment takes effect section 275L 6
applies to the licence as if a reference in the 7
section to a temporary use licence were a 8
reference to the licence as amended. 9
- (7) If the temporary use licence is suspended, the 10
licence does not have effect for the period of the 11
suspension. 12
- (8) The chief executive must give a copy of the notice 13
under subsection (4) to the local government for 14
the local government area in which the licensed 15
premises for the temporary use licence are 16
located. 17

Subdivision 7 Delegations 18

- Clause 53 Amendment of s 275O (Declarations of uses and classes 19
of uses) 20**
- (1) Section 275O(1), after ‘website’— 21
insert— 22
(a *declaration notice*) 23
- (2) Section 275O(4)— 24
omit, insert— 25
- (4) The declaration has effect for the period stated in 26
the declaration notice. 27
- Note—* 28
See also sections 275PA and 275PB for the extension 29
and revocation of declarations under this section. 30

[s 54]

- (4A) For subsection (4), the stated period— 1
- (a) must not start before the day the declaration 2
notice is published; and 3
- (b) must not end after the end of the applicable 4
event period for the applicable event notice. 5
- (3) Section 275O(5), after ‘declaration’— 6
insert— 7
notice 8
- (4) Section 275O(4A) and (5)— 9
renumber as section 275O(5) and (6). 10

Clause 54 Insertion of new ss 275PA and 275PB 11

After section 275P— 12

insert— 13

**275PA Minister may extend period of declarations 14
under s 275O 15**

- (1) The Minister may, by notice published on the 16
department’s website (a ***declaration extension 17
notice***), extend the period for which a declaration 18
made under section 275O has effect by a stated 19
period. 20
- (2) However, the Minister may extend the period 21
only if— 22
- (a) the Minister is satisfied the extension is 23
necessary having regard to the nature of the 24
applicable event; and 25
- (b) the extended period does not end after the 26
end of the applicable event period for the 27
applicable event notice. 28
- (3) The declaration extension notice must be 29
published before the period of the declaration 30
would otherwise end. 31

	(4) The declaration extension notice is a statutory instrument.	1 2
	275PB Minister may revoke declarations under s 275O	3 4
	(1) The Minister may, by notice published on the department's website, revoke a declaration made under section 275O if satisfied the declaration is no longer necessary having regard to the nature of the applicable event.	5 6 7 8 9
	(2) The Minister may act under subsection (1) without consulting with any person.	10 11
	(3) The notice must state the day the revocation takes effect.	12 13
	(4) The stated day must be at least 10 business days after the day the notice is published.	14 15
	(5) The revocation takes effect on the stated day.	16
	(6) The revocation is a statutory instrument.	17
Clause 55	Amendment of s 275R (Extension of periods for doing things under Act)	18 19
	(1) Section 275R— <i>insert—</i>	20 21
	(2A) The extension notice must state that the extension applies in relation to the relevant period in either or both of the following circumstances—	22 23 24
	(a) the relevant period starts during the period the notice is in effect;	25 26
	(b) the relevant period had started, but not ended, before the notice took effect.	27 28
	(2) Section 275R— <i>insert—</i>	29 30

[s 56]

	(4A)	The further extension notice may state in relation to a relevant period whether the relevant period extended by a stated period under the extension notice will be further extended by the further extension notice.	1 2 3 4 5
	(3)	Section 275R(5)(a), ‘subsection (3)(a)’— <i>omit, insert—</i> subsection (4)(a)	6 7 8
	(4)	Section 275R(6)— <i>omit.</i>	9 10
	(5)	Section 275R(2A) to (8)— <i>renumber</i> as section 275R(3) to (9).	11 12
Clause 56		Amendment of s 275S (Suspension of periods for doing things under Act)	13 14
	(1)	Section 275S— <i>insert—</i>	15 16
	(2A)	The suspension notice must state that the suspension applies in relation to the relevant period in either or both of the following circumstances—	17 18 19 20
	(a)	the relevant period starts during the period the notice is in effect;	21 22
	(b)	the relevant period had started, but not ended, before the notice took effect.	23 24
	(2)	Section 275S— <i>insert—</i>	25 26
	(4A)	The further suspension notice may state in relation to a relevant period whether the relevant period suspended by a stated period under the suspension notice will be further suspended by the further suspension notice.	27 28 29 30 31

-
- (3) Section 275S(5)(a), ‘subsection (3)(a)’— 1
omit, insert— 2
subsection (4)(a) 3
- (4) Section 275S(6)— 4
omit. 5
- (5) Section 275S(2A) to (8)— 6
renumber as section 275S(3) to (9). 7

- Clause 57 Amendment of sch 2 (Dictionary)** 8
Schedule 2— 9
insert— 10
licensed premises, for chapter 7, part 4B, see 11
section 275J(2)(a)(ii). 12

Subdivision 3 Amendments relating to 13
development control plans 14

- Clause 58 Amendment of s 275U (Relationship between this part** 15
and particular provisions) 16
Section 275U(a), after ‘section 316’— 17
insert— 18
or 360 19

- Clause 59 Amendment of s 316 (Development control plans)** 20
- (1) Section 316(4), ‘part 7’— 21
omit, insert— 22
part 6 23
- (2) Section 316— 24
insert— 25

[s 60]

	<i>Note—</i>	1
	See, however, chapter 8, part 9, division 2.	2
Clause 60	Insertion of new ch 8, pt 9, div 2	3
	Chapter 8, part 9, as inserted by this Act—	4
	<i>insert—</i>	5
	Division 2 Provisions for amendments relating to development control plans	6 7 8
	358 Definitions for division	9
	In this division—	10
	<i>development control plan</i> means a plan mentioned in section 316(1) to which the old Act, section 857 applies under section 316(2).	11 12 13
	<i>IDAS</i> means the system for integrating State and local government assessment and approval processes for development under the repealed <i>Integrated Planning Act 1997</i> .	14 15 16 17
	359 Validation of particular approvals	18
	(1) This section applies to an approval that, before the commencement, was given or purportedly given under this Act or the old Act for development on premises to which a development control plan applies.	19 20 21 22 23
	(2) The approval, and anything done in relation to the approval, is not invalid merely because the application for the approval—	24 25 26
	(a) was, or was purportedly, made under this Act or the old Act instead of the IDAS; or	27 28

-
- (b) was, or was purportedly, assessed, decided 1
or otherwise dealt with under this Act or the 2
old Act instead of the IDAS. 3

**360 New applications for development approval in 4
development control plan area 5**

- (1) This section applies in relation to an application, 6
made after the commencement, for a development 7
approval for development on premises to which a 8
development control plan applies. 9
- (2) Despite section 316(2), the old Act, section 10
857(3) does not apply in relation to the 11
application. 12
- (3) The application must be made, assessed, decided 13
and otherwise dealt with as a development 14
application under this Act. 15
- (4) For applying subsection (3)— 16
- (a) if the development control plan states the 17
development is a particular category of 18
development—the development is 19
categorised in the way stated; and 20
- (b) if the development is categorised as 21
assessable development under the 22
development control plan, and the 23
development control plan states a particular 24
category of assessment for the 25
development—the category of assessment 26
applies for the development; and 27
- (c) if the development control plan states the 28
development is to be assessed against 29
particular matters—the development is to be 30
assessed against the matters stated. 31
- (5) A regulation may prescribe anything necessary or 32
convenient to be prescribed for interpreting or 33
applying this section or a development control 34

[s 61]

	plan, including, but not limited to—	1
	(a) transitioning a category of development or category of assessment stated in a development control plan to a category of development or category of assessment under this Act; or	2 3 4 5 6
	(b) stating how an assessment matter in a development control plan applies for a development application; or	7 8 9
	(c) providing for the relationship between—	10
	(i) a development control plan and a regulation, including the relationship between an assessment matter in a development control plan and a matter prescribed by regulation under this Act; or	11 12 13 14 15 16
	(ii) a development control plan and a local planning instrument.	17 18
	(6) In this section—	19
	<i>assessment matter</i> , in a development control plan, means a category of development, category of assessment, assessment benchmark or any other matter relating to the assessment of development, stated in the development control plan.	20 21 22 23 24 25
Subdivision 4	Amendments relating to State facilitated applications and compensation	26 27 28
Clause 61	Amendment of s 17 (Minister’s guidelines and rules)	29
	(1) Section 17(1)(b)(iii)—	30
	<i>omit, insert—</i>	31

	(iii) carrying out reviews under section 25(3);	1
	and	2
(2)	Section 17(1)(b)(vi), after ‘section 30(4)(e)(i)’—	3
	<i>insert—</i>	4
	or (h)(i)	5
Clause 62	Amendment of s 25 (Reviewing planning schemes)	6
	Section 25(3) to (5)—	7
	<i>omit, insert—</i>	8
	(3) Despite subsection (1), a local government must—	9 10
	(a) if the local government’s planning scheme includes an LGIP—review the LGIP within 5 years after—	11 12 13
	(i) the LGIP was included in the planning scheme; and	14 15
	(ii) if the LGIP has previously been reviewed under this paragraph—the LGIP was last reviewed; and	16 17 18
	(b) if the local government’s planning scheme includes land in the urban investigation zone—review the zoning of the land within 5 years after—	19 20 21 22
	(i) the land was included in the urban investigation zone; and	23 24
	(ii) if the zoning has previously been reviewed under this paragraph—the zoning was last reviewed.	25 26 27
	(4) In carrying out a review under subsection (3), the local government must follow the process for the review stated in the Minister’s rules.	28 29 30
	(5) To remove any doubt, it is declared that a review under subsection (3) is not a review for subsection	31 32

[s 63]

	(1).	1
Clause 63	Amendment of s 30 (When this division applies)	2
	(1) Section 30(4)—	3
	<i>insert—</i>	4
	(h) is made—	5
	(i) to include land in the urban investigation zone; and	6 7
	(ii) in accordance with a provision of the Minister’s rules that applies specifically to the making of a planning change to include land in the urban investigation zone.	8 9 10 11 12
	(2) Section 30—	13
	<i>insert—</i>	14
	(6A) For subsection (4)(h)(ii), the Minister’s rules must require a local government to prepare a report that assesses the impacts of the planning change and any alternatives to making the change.	15 16 17 18
	(3) Section 30(6A) and (7)—	19
	<i>renumber</i> as section 30(7) and (8).	20
Clause 64	Amendment of s 78A (Responsible entity for change applications)	21 22
	(1) Section 78A—	23
	<i>insert—</i>	24
	(3A) Further, the chief executive is the responsible entity for the change application instead of the person under subsection (1) if the change application is for a change to a development approval given or changed by the chief executive under part 6A.	25 26 27 28 29 30

-
- (2) Section 78A— 1
insert— 2
(5A) If the change application is made to the chief 3
executive as the responsible entity under 4
subsection (4) and the chief executive is satisfied 5
the change would not result in substantially 6
different development, the chief executive may 7
refer the change application to the assessment 8
manager. 9
- (3) Section 78A(6), after ‘Minister’— 10
insert— 11
or chief executive 12
- (4) Section 78A(3A) to (6)— 13
renumber as section 78A(4) to (8). 14

Clause 65 Amendment of s 80 (Notifying affected entities of change applications for minor changes) 15
16

- (1) Section 80(1)— 17
insert— 18
(da) if the chief executive would, under section 19
78A(4), be the responsible entity for the 20
change application if it were made—the 21
assessment manager; 22
- (2) Section 80(1)(da) and (e)— 23
renumber as section 80(1)(e) and (f). 24

Clause 66 Amendment of s 81 (Assessing change applications for minor changes) 25
26

- (1) Section 81(2), after paragraph (d)— 27
insert— 28

[s 67]

	(daa)if the responsible entity is, under section 78A(4), the chief executive—all matters the chief executive would or may assess against or have regard to, if the change application were a development application declared to be a State facilitated application under section 106D; and	1 2 3 4 5 6 7
(2)	Section 81(2)(da), ‘paragraph (d) does’— <i>omit, insert</i> — paragraphs (d) and (e) do	8 9 10
(3)	Section 81(2)(daa) to (e)— <i>renumber</i> as section 81(2)(e) to (g).	11 12
(4)	Section 81(3), ‘subsection (2)(d) or (da)’— <i>omit, insert</i> — subsection (2)(d), (e) or (f)	13 14 15
Clause 67	Amendment of s 82 (Assessing and deciding change applications for other changes)	16 17
	Section 82(3)— <i>insert</i> —	18 19
	(d) if the responsible entity is, under section 78A(4), the chief executive—	20 21
	(i) the relevant provisions apply to the change application only if, and to the extent, those provisions would apply to a development application that is declared to be a State facilitated application under section 106D; and	22 23 24 25 26 27
	(ii) section 106J(4) and (5) applies for assessing and deciding the change application.	28 29 30

Clause 68	Amendment of s 83 (Notice of decision)	1
(1)	Section 83(1)(f), from ‘after’ to ‘was’—	2
	<i>omit, insert—</i>	3
	or changed for an application	4
(2)	Section 83(1)—	5
	<i>insert—</i>	6
	(fa) if the application relates to a development approval given or changed by the chief executive under part 6A—the chief executive; and	7 8 9 10
(3)	Section 83(1)(fa) to (h)—	11
	<i>renumber</i> as section 83(1)(g) to (i).	12
Clause 69	Amendment of s 84 (Cancellation applications)	13
(1)	Section 84(2), from ‘to—’ to ‘assessment manager.’—	14
	<i>omit, insert—</i>	15
	to the assessment manager for the development application.	16 17
(2)	Section 84(4)(b)(iv), after ‘given’—	18
	<i>insert—</i>	19
	or changed	20
(3)	Section 84(4)(b)(v), ‘given under a call in’—	21
	<i>omit, insert—</i>	22
	given or changed under a call in provision	23
(4)	Section 84(4)(b)—	24
	<i>insert—</i>	25
	(vi) for an approval given or changed by the chief executive under part 6A—the chief executive.	26 27 28

[s 70]

Clause 70	Amendment of s 87 (Assessing and deciding extension applications)	1 2
	(1) Section 87(5)(e), after ‘given’—	3
	<i>insert—</i>	4
	or changed	5
	(2) Section 87(5)(f)—	6
	<i>omit, insert—</i>	7
	(f) if the development approval was given or changed under a call in provision—the Minister; and	8 9 10
	(g) if the development approval was given or changed by the chief executive under part 6A—the chief executive.	11 12 13
Clause 71	Amendment of s 103 (Call in notice)	14
	Section 103—	15
	<i>insert—</i>	16
	(5) To remove any doubt, it is declared that the Minister may call in an application under this section even if the application has been decided by the decision-maker.	17 18 19 20
Clause 72	Amendment of s 104 (Effect of call in notice)	21
	(1) Section 104(1)(a)—	22
	<i>omit, insert—</i>	23
	(a) any decision on the application made by the decision-maker, including any deemed approval, stops having effect; and	24 25 26
	(aa) any decision notice given by the decision-maker for the application stops having effect; and	27 28 29

-
- (2) Section 104(1)(aa) to (c)— 1
renumber as section 104(1)(b) to (d). 2

- Clause 73 Amendment of s 105 (Deciding called in application)** 3
Section 105(9)(b)(i), ‘assessment manager’— 4
omit, insert— 5
decision-maker 6

- Clause 74 Insertion of new ch 3, pt 6A** 7
Chapter 3— 8
insert— 9

Part 6A Declaring State facilitated applications 10
11

Division 1 Preliminary 12

106A Application of part 13

- (1) This part applies in relation to the following 14
applications (each a *relevant application*) if the 15
decision-maker for the application is a person 16
other than the Minister or the chief executive— 17
- (a) a development application, or a proposed 18
development application, for a material 19
change of use of premises or reconfiguring a 20
lot; 21
- (b) a change application, or a proposed change 22
application, in relation to a development 23
approval for a material change of use of 24
premises or reconfiguring a lot. 25
- (2) An application is a *relevant application* even if 26
the application is also for, or relates to, 27

[s 74]

development other than the material change of use of premises or reconfiguration. 1
2

- (3) To remove any doubt, it is declared that this part applies in relation to a relevant application that is a development application or change application even if the application has been decided by the decision-maker. 3
4
5
6
7

106B Definitions for part 8

In this part— 9

application period see section 106F(1)(g)(i). 10

decision-maker, for a relevant application, means— 11
12

(a) if the relevant application is a development application—the assessment manager for the application; or 13
14
15

(b) if the relevant application is a proposed development application—the entity that would be the assessment manager for the application if it were made; or 16
17
18
19

(c) if the relevant application is a change application—the responsible entity for the application; or 20
21
22

(d) if the relevant application is a proposed change application—the entity that would be the responsible entity for the application if it were made. 23
24
25
26

declaration notice see section 106E(a). 27

relevant application see section 106A. 28

representation period see section 106C(3)(f). 29

restarting point see section 106F(1)(f)(ii). 30

Division 2 Making declarations 31

106C Notice of proposed declaration

- | | |
|--|----|
| | 1 |
| (1) This section applies if the Minister proposes to | 2 |
| declare, under section 106D, that the relevant | 3 |
| application is a State facilitated application. | 4 |
| (2) Before making the declaration, the Minister must | 5 |
| give notice of the proposed declaration to— | 6 |
| (a) the applicant; and | 7 |
| (b) if the applicant is not the owner of the | 8 |
| premises the subject of the application—the | 9 |
| owner of the premises; and | 10 |
| (c) the decision-maker for the application; and | 11 |
| (d) if the decision-maker is not the local | 12 |
| government for the local government area in | 13 |
| which the premises the subject of the | 14 |
| application is situated—the local | 15 |
| government; and | 16 |
| (e) if the notice is given after the application is | 17 |
| made to the decision-maker—each referral | 18 |
| agency for the application other than the | 19 |
| chief executive; and | 20 |
| (f) any submitters for the application the | 21 |
| Minister is aware of when the notice is | 22 |
| given; and | 23 |
| (g) another entity prescribed by regulation. | 24 |
| (3) The notice must state— | 25 |
| (a) the Minister is proposing to make a | 26 |
| declaration under section 106D in relation to | 27 |
| the application; and | 28 |
| (b) the day the notice is given; and | 29 |
| (c) details of the application; and | 30 |
| (d) the reasons for making the declaration; and | 31 |
| (e) the effect of the declaration under section | 32 |
| 106H; and | 33 |

[s 74]

- (f) the person to whom the notice is given may make representations to the Minister about the proposed declaration within the stated period of at least 15 business days after the day the notice is given (the *representation period*); and
- (g) any other matter prescribed by regulation.
- (4) The Minister must consider any representations made during the representation period in deciding whether to make the declaration.

106D Declaring State facilitated applications

- (1) The Minister may, within 10 business days after the day the representation period ends, declare that the relevant application is a State facilitated application.
- (2) However, the Minister may make the declaration only if—
 - (a) the Minister considers that the carrying out of the development the subject of the application will assist in delivering development that—
 - (i) is for an urban purpose; and
 - (ii) is an identified priority for the State; and
 - (b) the application complies with the criteria prescribed by regulation; and
 - (c) the Minister is satisfied it is appropriate for the chief executive to assess and decide all or part of the application instead of the decision-maker for the application.
- (3) In considering the matter mentioned in subsection (2)(c), the Minister may have regard to any matter the Minister considers relevant.

-
- (4) In this section— 1
urban purpose means a purpose for which land is 2
used in cities and towns— 3
(a) including residential, industrial, sporting, 4
recreational and commercial purposes; but 5
(b) not including rural residential, 6
environmental, conservation, rural, natural 7
or wilderness area purposes. 8

106E Notice of declaration 9

The Minister must— 10

- (a) give notice of the making of the declaration 11
(a *declaration notice*) to— 12
(i) each entity mentioned in section 13
106C(2)(a) to (d); and 14
(ii) if the notice is given after the relevant 15
application is made to the 16
decision-maker—each referral agency 17
for the application other than the chief 18
executive; and 19
(iii) any submitters for the application the 20
Minister is aware of when the notice is 21
given; and 22
(iv) if there are proceedings relating to the 23
application in the P&E Court—the 24
court; and 25
(b) publish a copy of the notice on the 26
department’s website. 27

106F Content of declaration notice 28

- (1) The declaration notice must state— 29

[s 74]

- (a) the Minister has made a declaration under section 106D in relation to the relevant application; and
 - (b) the day the notice is given; and
 - (c) details of the application; and
 - (d) the reasons for making the declaration; and
 - (e) the effect of the declaration under section 106H; and
 - (f) if the notice is given after the application is made to the decision-maker—
 - (i) division 3 applies for assessing and deciding the application; and
 - (ii) the point in the process for administering the application from which the process must restart (the *restarting point*); and
 - (g) if paragraph (f) does not apply—
 - (i) an application that is not substantially different from the relevant application must be made to the chief executive within the stated period (the *application period*); and
 - (ii) division 3 will apply for assessing and deciding an application made in accordance with subparagraph (i); and
 - (h) any other matter prescribed by regulation.
- (2) Also, the declaration notice may—
- (a) state requirements for notifying and consulting with the public about the application; or
 - (b) if the notice is given before the decision-maker decides the

application—direct the decision-maker to assess all or a stated part of the application.	1 2
(3) In deciding the restarting point for subsection (1)(f)(ii), the Minister may have regard to any matter the Minister considers relevant.	3 4 5
106G Period of declaration	6
(1) The declaration takes effect on the day the declaration notice is given under section 106E(a).	7 8
(2) Subsection (3) applies if—	9
(a) the declaration notice states that an application that is not substantially different from the relevant application must be made to the chief executive within the application period; and	10 11 12 13 14
(b) the applicant does not comply with the requirement.	15 16
(3) The declaration stops having effect at the end of the application period.	17 18
(4) If subsection (3) does not apply, the declaration stops having effect when—	19 20
(a) the chief executive gives a decision notice for the application or a part of the application under division 3; or	21 22 23
(b) the application lapses or is withdrawn.	24
106H Effect of declaration	25
(1) This section applies if the Minister declares, under section 106D, that the relevant application is a State facilitated application.	26 27 28
(2) When the declaration takes effect—	29

[s 74]

- (a) any decision on the application made by the decision-maker, including any deemed approval, stops having effect; and
 - (b) any decision notice given by the decision-maker for the application stops having effect; and
 - (c) any appeal against a decision on the application made by the decision-maker is discontinued; and
 - (d) if the declaration notice states the restarting point for the application—the process for administering the application starts again from the restarting point.
- (3) To remove any doubt, it is declared that the local government may give an infrastructure charges notice in relation to a development approval given for the application under division 3.

**Division 3 Assessing and deciding
 State facilitated
 applications**

106I Application of division

This division applies if—

- (a) the Minister declares, under section 106D, that the relevant application is a State facilitated application; and
- (b) for a relevant application that is a proposed development application or a proposed change application—an application that is not substantially different from the relevant application is made to the chief executive within the application period for the application.

106J Assessing and deciding application

- | | |
|---|----|
| | 1 |
| (1) The chief executive must assess and decide, or | 2 |
| reassess and re-decide, the application or a part of | 3 |
| the application. | 4 |
| (2) However, if the declaration notice for the | 5 |
| application directs the decision-maker to assess | 6 |
| the application or a stated part of the application, | 7 |
| the chief executive's decision in relation to the | 8 |
| application may be based on the decision-maker's | 9 |
| assessment. | 10 |
| (3) The following provisions do not apply in relation | 11 |
| to assessing and deciding the application— | 12 |
| (a) if the application is a development | 13 |
| application— | 14 |
| (i) section 45(3) to (8); and | 15 |
| (ii) part 3, division 1; and | 16 |
| (iii) sections 60 and 61 to the extent the | 17 |
| sections impose an obligation on an | 18 |
| assessment manager; and | 19 |
| (iv) section 62; and | 20 |
| (v) section 64; | 21 |
| (b) if the application is a change | 22 |
| application—sections 81, 81A and 82. | 23 |
| (4) In assessing and deciding the application, the | 24 |
| chief executive may consider— | 25 |
| (a) any State interests relating to the | 26 |
| development the subject of the application; | 27 |
| and | 28 |
| (b) any planning instruments applying to the | 29 |
| premises the subject of the application; and | 30 |
| (c) any information or advice given to the chief | 31 |
| executive in relation to the application, | 32 |

[s 74]

including information or advice in a submission or representation; and	1 2
(d) any other matter the chief executive considers relevant.	3 4
(5) The chief executive need not consider any referral agency's response given before the declaration notice for the application is given but may ask a referral agency for the application for advice about the application.	5 6 7 8 9
106K Obligations of decision-maker	10
The decision-maker must—	11
(a) give all reasonable help the chief executive requires to assess or decide the application; and	12 13 14
(b) if the declaration notice for the application directs the decision-maker to assess the application or a stated part of the application—assess the application or part.	15 16 17 18
106L Notice of decision	19
(1) This section applies if the chief executive decides the application, or a part of the application, under section 106J.	20 21 22
(2) Despite sections 63(1) and 83(1), the decision notice for the decision must be given to each person who was required to be given the declaration notice for the application under section 106E(a).	23 24 25 26 27
(3) The following provisions do not apply in relation to the decision or the decision notice for the decision—	28 29 30
(a) section 63(2)(d), (e)(ii) and (iii), (f)(i) and (h), (4) and (5);	31 32

(b)	section 83(2), (8) and (9).	1
(4)	The decision notice must state—	2
(a)	the matters the chief executive considered in making the decision; and	3 4
(b)	if the chief executive decided only part of the application—	5 6
(i)	the decision-maker must assess and decide, or reassess and re-decide, the other part; and	7 8 9
(ii)	the point in the process for assessing the other part from which the assessment must restart; and	10 11 12
(iii)	the day the process must restart.	13
106M Publication of notice about decision		14
(1)	The chief executive must publish a notice about the chief executive’s decision under section 106J on the department’s website.	15 16 17
(2)	The notice must state—	18
(a)	a description of the development the subject of the application; and	19 20
(b)	the reasons for the decision; and	21
(c)	any other matter prescribed by regulation.	22
Division 4	Miscellaneous	23
106N Reports about declarations and applications		24
(1)	If the chief executive decides an application, or part of an application, under section 106J, the chief executive must prepare a report that—	25 26 27

[s 74]

- (a) explains the nature of the decision and the matters the chief executive considered in making the decision; and 1
2
3
 - (b) includes a copy of the decision notice for the decision. 4
5
 - (2) As soon as practicable after the end of each financial year, but no later than 31 October, the Minister must table in the Legislative Assembly a report that— 6
7
8
9
 - (a) states the number of declarations made under section 106D during the financial year; and 10
11
12
 - (b) for each decision made under section 106J during the financial year—includes a copy of the report prepared under subsection (1) for the decision. 13
14
15
16
- 106O When application for prohibited development in urban investigation zone may be made** 17
18
- (1) This section applies if— 19
 - (a) a relevant application that is a proposed development application, or a proposed change application, is declared to be a State facilitated application under section 106D; and 20
21
22
23
24
 - (b) the premises or lot the subject of the application are included in the urban investigation zone under a local categorising instrument applying to the premises or lot; and 25
26
27
28
29
 - (c) the application is for development that is categorised as prohibited development under a regulation; and 30
31
32
 - (d) the development is prescribed by regulation for this section. 33
34

-
- (2) Despite section 50(2), an application that is not substantially different from the relevant application may be made to the chief executive within the application period for the application. 1
2
3
4
- (3) For the purpose of assessing and deciding the application under division 3, the categorisation of the development as prohibited development under the regulation has no effect. 5
6
7
8

106P Matters for regulations 9

- (1) A regulation may prescribe matters for this part, including— 10
11
- (a) when and to whom notice of a proposed declaration may be given under section 106C; and 12
13
14
- (b) the effect of giving notice of a proposed declaration under section 106C on— 15
16
- (i) the process for assessing and deciding a relevant application; and 17
18
- (ii) any appeal period in relation to the application; and 19
20
- (c) procedures for notifying persons of the Minister’s decision not to make a declaration under section 106D. 21
22
23
- (2) Without limiting subsection (1), a regulation may also— 24
25
- (a) provide that, despite section 71, an approval or deemed approval of a relevant application in relation to which a notice is given under section 106C is taken not to be in effect for a stated period; or 26
27
28
29
30
- (b) modify a period stated in this chapter for assessing and deciding a relevant 31
32

[s 75]

application that is declared to be a State 1
facilitated application under section 106D. 2

106Q Delegations 3

The chief executive may delegate the chief 4
executive's functions under this part to an 5
appropriately qualified public service officer. 6

**Clause 75 Amendment of s 157 (Infrastructure agreement applies 7
instead of approval and charges notice) 8**

(1) Section 157(3) and (4)— 9

omit, insert— 10

(3) Subsection (4) applies if— 11

(a) the infrastructure agreement relates to a 12
development approval given or changed by 13
the chief executive under chapter 3, part 6A; 14
and 15

(b) the chief executive is not a party to the 16
agreement. 17

(4) Despite subsection (1), the infrastructure 18
agreement applies, to the extent of any 19
inconsistency, instead of the development 20
approval or an infrastructure charges notice in 21
relation to the approval only if the chief executive 22
approves the agreement before or after the 23
development approval or notice is given. 24

(4A) An approval of an infrastructure agreement under 25
subsection (2) or (4)— 26

(a) must be given by notice to each party to the 27
agreement; and 28

(b) may be given before or after the agreement 29
is entered into. 30

(2) Section 157(4A) and (5)— 31

renumber as section 157(5) and (6). 1

Clause 76 Amendment of sch 2 (Dictionary) 2

(1) Schedule 2, definitions *decision-maker*, *excluded application*
and *representation period*— 3
4

omit. 5

(2) Schedule 2— 6

insert— 7

application period, for chapter 3, part 6A, see
section 106F(1)(g)(i). 8
9

decision-maker— 10

(a) for chapter 3, part 6—see section 90(2); or 11

(b) for a relevant application, for chapter 3, part
6A—see section 106B. 12
13

declaration notice, for chapter 3, part 6A, see
section 106E(a). 14
15

excluded application means— 16

(a) a change application, or a development
application, to the extent the application— 17
18

(i) is decided, or taken to be decided,
under a call in provision; or 19
20

(ii) is decided, or taken to be decided, by
the chief executive under chapter 3,
part 6A; or 21
22
23

(iii) is decided by the P&E Court; or 24

(b) a change application— 25

(i) to change a development approval
given or changed under a call in
provision; and 26
27
28

[s 76]

- (ii) that is made to the Minister as the responsible entity under section 78A(3); or
- (c) a change application—
- (i) to change a development approval given or changed by the chief executive under chapter 3, part 6A; and
- (ii) that is made to the chief executive as the responsible entity under section 78A(4).
- relevant application** see section 106A.
- representation period**—
- (a) for chapter 3, part 6, division 3—see section 102(3)(d); or
- (b) for chapter 3, part 6A—see section 106C(3)(f).
- restarting point**—
- (a) for chapter 3, part 6, division 3—see section 103(3)(b)(ii); or
- (b) for chapter 3, part 6A—see section 106F(1)(f)(ii).
- urban investigation zone** means the zone of that name stated in a regulation as part of the regulated requirements for the contents of a local planning instrument.
- (3) Schedule 2, definition *enforcement authority*, paragraph (a), ‘development approval’—
- omit, insert*—
- development approval other than an approval mentioned in paragraph (b)—
- (4) Schedule 2, definition *enforcement authority*, paragraph (a)(iii), ‘written’—

omit. 1

(5) Schedule 2, definition *enforcement authority*— 2

insert— 3

(aa) for assessable development that is the 4

subject of a development approval given or 5

changed under a call in provision or by the 6

chief executive under chapter 3, part 6A—a 7

person the chief executive nominates by 8

notice to the person; or 9

(6) Schedule 2, definition *enforcement authority*, paragraphs (aa) 10
to (d)— 11

renumber as paragraphs (b) to (e). 12

Subdivision 5 Amendments relating to urban encroachment 13 14

Clause 77 Amendment of s 229 (Appeals to tribunal or P&E Court) 15

(1) Section 229(3)— 16

insert— 17

(ca) for an appeal against a decision of the 18

Minister, under chapter 7, part 4, to amend 19

the registration of premises to include 20

additional land in the affected area for the 21

premises—20 business days after the day a 22

notice is published under section 23

269A(2)(a); or 24

(2) Section 229(3)(ca) to (g)— 25

renumber as section 229(3)(d) to (h). 26

Clause 78 Amendment of s 267 (Making or renewing registrations) 27

(1) Section 267(2)— 28

[s 79]

insert— 1

Note— 2

See also section 268C. 3

(2) Section 267(7)(b)— 4

omit, insert— 5

(b) for an application for the registration of 6
premises—the applicant has complied with 7
section 268C; and 8

(c) about any matters prescribed by regulation. 9

**Clause 79 Amendment of s 268 (Amending or cancelling 10
registrations) 11**

(1) Section 268, heading, ‘or cancelling’— 12

omit, insert— 13

conditions of, or cancelling, 14

(2) Section 268(3), ‘or cancel a’— 15

omit, insert— 16

the conditions of, or cancel, the 17

Clause 80 Insertion of new ss 268A–268C 18

After section 268— 19

insert— 20

**268A Application to amend registration to include 21
additional land in affected area 22**

(1) The owner of registered premises may apply to 23
the Minister to amend the registration to include 24
additional land in the affected area for the 25
premises. 26

Note— 27

See also section 268C. 28

(2) The Minister must consider the application and 29

-
- decide to— 1
- (a) approve the amendment of the registration, 2
with or without conditions; or 3
 - (b) refuse the amendment of the registration. 4
- (3) The Minister may approve the amendment of the 5
registration if satisfied— 6
- (a) the levels of emissions from the registered 7
premises comply with— 8
 - (i) a development approval for the 9
premises; and 10
 - (ii) an environmental authority applying to 11
an activity carried out on the premises; 12
and 13
 - (b) the applicant has complied with section 14
268C; and 15
 - (c) about any matters prescribed by regulation. 16
- (4) A condition imposed under subsection (2)(a)— 17
- (a) may relate only to the amendment of the 18
registration; and 19
 - (b) is taken to be a condition of the registration. 20
- (5) The Minister must, as soon as practicable after 21
deciding the application, give a decision notice to 22
the applicant. 23
- (6) If the amendment of the registration is approved, 24
the decision notice must identify the affected area 25
for the registered premises, as changed to include 26
the additional land. 27
- (7) The amendment of the registration starts to have 28
effect on— 29
- (a) the day the decision notice is given to the 30
applicant; or 31
 - (b) a later day stated in the decision notice. 32
-

[s 80]

- (8) As soon as practicable after the Minister decides to approve the amendment, the Minister must give notice of the inclusion of the additional land to each local government in whose local government area the affected area for the registered premises, as changed, is situated. 1
2
3
4
5
6
- (9) As soon as practicable after receiving a notice under subsection (8), the local government must note the inclusion of the additional land in the affected area on— 7
8
9
10
- (a) the local government’s planning scheme; 11
and 12
- (b) any planning scheme the local government makes before the registration expires. 13
14
- Note—* 15
- See also section 269A about the responsibilities of owners of registered premises if an application under this section is approved. 16
17
18

268B Removal of land from affected area for registered premises 19
20

- (1) This section provides for the removal of land from the affected area for registered premises. 21
22
- (2) Before land can be removed from the affected area for registered premises, the owner of the registered premises must— 23
24
25
- (a) publish a notice about the proposed removal in a relevant online newspaper for the affected area; and 26
27
28
- (b) if the owner has a website for the registered premises—publish details of the proposed removal on the website. 29
30
31
- Maximum penalty—50 penalty units. 32
- (3) Within 10 business days after complying with subsection (2), the owner must give the 33
34

Minister—	1
(a) notice of the compliance; and	2
(b) a map of the affected area for the registered premises, as changed.	3 4
Maximum penalty—20 penalty units.	5
(4) The removal of the land from the affected area for the registered premises takes effect when the owner gives the Minister the notice under subsection (3)(a).	6 7 8 9
(5) As soon as practicable after complying with subsection (3), the owner must ask the registrar of titles, by notice, to amend the record kept under section 273(1) in relation to the affected area for the registered premises to note the removal of the land.	10 11 12 13 14 15
Maximum penalty—20 penalty units.	16
<i>Note—</i>	17
See also section 271A.	18
268C Requirements for public consultation	19
(1) This section applies to an owner of premises who proposes to make—	20 21
(a) an application under section 267(2) for the registration of the premises; or	22 23
(b) an application under section 268A.	24
(2) Before making the proposed application, the owner must—	25 26
(a) give notice of the proposed application to—	27
(i) for an application under section 267(2) for the registration of the premises—the owners and occupiers of all premises in the area to which registration is proposed to relate; or	28 29 30 31 32

[s 81]

	(ii) for an application under section 268A—the owners and occupiers of all premises within the additional land that is proposed to be included in the affected area for the registered premises; and	1 2 3 4 5 6
	(b) publish a copy of the notice at least once in a relevant online newspaper for the premises.	7 8
	(3) The notice under subsection (2) must—	9
	(a) state a period, of at least 15 business days after the day the notice is published under subsection (2)(b), in which a person may make a submission to the owner about the proposed application; and	10 11 12 13 14
	(b) comply with the requirements prescribed by regulation.	15 16
Clause 81	Amendment of s 269 (Responsibilities of owners of registered premises)	17 18
	(1) Section 269, heading, after ‘premises’— <i>insert—</i>	19 20
	relating to registration generally	21
	(2) Section 269(3), ‘20 business days’— <i>omit, insert—</i>	22 23
	10 business days	24
	(3) Section 269(3)(a), ‘newspaper circulating generally in’— <i>omit, insert—</i>	25 26
	relevant online newspaper for	27
	(4) Section 269(4), ‘20 business days’— <i>omit, insert—</i>	28 29
	10 business days	30

-
- (5) Section 269(4), ‘newspaper circulating generally in’— 1
omit, insert— 2
relevant online newspaper for 3
- (6) Section 269(5), ‘As soon as practicable’— 4
omit, insert— 5
Within 10 business days 6
- (7) Section 269(7)— 7
insert— 8
Note— 9
See also section 271A. 10
- (8) Section 269(8)— 11
omit. 12

Clause 82 Insertion of new s 269A 13

After section 269— 14
insert— 15

**269A Responsibilities of owners of registered 16
premises relating to amendments under s 17
268A 18**

- (1) This section applies if the Minister approves an 19
application under section 268A to amend a 20
registration to include additional land in the 21
affected area for the registered premises. 22
- (2) Within 10 business days after the day the 23
amendment takes effect, the owner of the 24
registered premises must— 25
- (a) publish a notice about the inclusion of the 26
additional land in a relevant online 27
newspaper for the affected area; and 28
- (b) if the owner has a website for the 29
premises—publish details about the 30

[s 83]

	inclusion of the additional land on the website.	1 2
	Maximum penalty—50 penalty units.	3
(3)	Within 10 business days after complying with subsection (2), the owner of the registered premises must give notice of the compliance to the Minister.	4 5 6 7
	Maximum penalty—20 penalty units.	8
(4)	Within 20 business days after the day the amendment takes effect, the owner of the registered premises must ask the registrar of titles, by notice, to keep a record that this part applies to all lots within the additional land.	9 10 11 12 13
	Maximum penalty—200 penalty units.	14
	<i>Note—</i>	15
	See also section 271A.	16
Clause 83	Amendment of s 271 (Responsibilities on development applicants)	17 18
(1)	Section 271(3)—	19
	<i>insert—</i>	20
	<i>Note—</i>	21
	See also section 271A.	22
(2)	Section 271(4)—	23
	<i>omit.</i>	24
Clause 84	Insertion of new s 271A	25
	After section 271—	26
	<i>insert—</i>	27

271A Requirements for notices given to registrar of titles	1
	2
(1) This section applies to a notice that a person is required to give to the registrar of titles under this part.	3
	4
	5
(2) The notice must—	6
(a) be in the form approved by the registrar under the Land Title Act; and	7
	8
(b) be accompanied by the titles registry fee under the Land Title Act for the notice.	9
	10

Clause 85	Amendment of s 273 (Responsibilities of registrar of titles)	11
		12
(1)	Section 273(1), after ‘269(2)’—	13
	<i>insert—</i>	14
	, 269A(4)	15
(2)	Section 273—	16
	<i>insert—</i>	17
(1A)	The registrar of titles must, on receiving a notice under section 268B(5), amend the record relating to the affected area to which the notice relates in accordance with the notice.	18
		19
		20
		21
(3)	Section 273(3), from ‘under’ to ‘if’—	22
	<i>omit, insert—</i>	23
	kept under this section if	24
(4)	Section 273—	25
	<i>insert—</i>	26
(4)	The registrar of titles may amend a record kept under this section to note the removal of land from the affected area for registered premises if the registrar is satisfied, on reasonable grounds, that the land has been removed from the affected area	27
		28
		29
		30
		31

[s 86]

	under section 268B.	1
(5)	Section 273(1A) to (4)—	2
	<i>renumber</i> as section 273(2) to (5).	3
Clause 86	Amendment of s 274 (Restriction on legal proceedings)	4
(1)	Subsection 274(3), ‘However, this section does not apply if’—	5
	<i>omit, insert—</i>	6
	Subsection (4) applies if	7
(2)	Section 274—	8
	<i>insert—</i>	9
(3A)	Subsection (2) applies in relation to an act or omission that happens after the new or amended authority starts applying for the registered premises only if the owner of the premises has complied with section 274A(2) and (3) in relation to the new or amended authority.	10
(3)	Section 274(3A) and (4)—	11
	<i>renumber</i> as section 274(4) and (5).	12
		13
		14
		15
		16
		17
		18
Clause 87	Insertion of new s 274A	19
	After section 274—	20
	<i>insert—</i>	21
	274A Provisions relating to new or amended authority for registered premises	22
		23
(1)	This section applies if, during the registration period for registered premises—	24
		25
(a)	a new or amended authority starts applying for the premises; and	26
		27
(b)	the new or amended authority authorises greater emissions from the premises than the	28
		29

-
- original authority of the same type for the premises. 1
2
- (2) Within 20 business days after the day the new or amended authority starts applying for the registered premises, the owner of the premises must— 3
4
5
6
- (a) publish a notice about the greater emissions authorised under the new or amended authority in a relevant online newspaper for the affected area for the premises; and 7
8
9
10
- (b) if the owner has a website for the premises—publish details about the greater emissions authorised under the new or amended authority on the website. 11
12
13
14
- Maximum penalty—50 penalty units. 15
- (3) Within 10 business days after complying with subsection (2), the owner of the registered premises must give the Minister— 16
17
18
- (a) notice of the compliance; and 19
- (b) a copy of the new or amended authority; and 20
- (c) a copy of the notice mentioned in subsection (2)(a). 21
22
- Maximum penalty—20 penalty units. 23
- (4) As soon as practicable after receiving the documents mentioned in subsection (3), the Minister must give notice of the new or amended authority to each local government in whose local government area the affected area for the registered premises is situated. 24
25
26
27
28
29
- (5) In this section— 30
- new or amended authority* see section 274(5). 31
- original authority* see section 274(5). 32
- registration period*, for registered premises, 33

[s 88]

	means the period of registration that applies to the premises under section 267(11).	1 2
Clause 88	Amendment of s 275 (Regulation may prescribe matters)	3
	(1) Section 275(a), ‘to register’—	4
	<i>omit, insert—</i>	5
	under section 267 to register or renew the registration of	6 7
	(2) Section 275—	8
	<i>insert—</i>	9
	(aa) requirements for an application under section 268A to amend the registration of premises to include additional land in the affected area for the premises; and	10 11 12 13
	(3) Section 275(aa) to (g)—	14
	<i>renumber</i> as section 275(b) to (h).	15
Clause 89	Amendment of s 322 (Milton XXXX Brewery)	16
	Section 322(5)—	17
	<i>insert—</i>	18
	<i>Note—</i>	19
	However, see section 361.	20
Clause 90	Insertion of new ch 8, pt 9, div 3	21
	Chapter 8, part 9, as inserted by this Act—	22
	<i>insert—</i>	23
	Division 3	24
	Provisions for amendments relating to urban encroachment	25 26

361 Milton XXXX Brewery

- (1) This section applies in relation to the brewery on lot 35 on plan SL805565. 1
2
3
- (2) Section 322(4) stops applying in relation to the brewery if, after the commencement— 4
5
- (a) a new or amended authority starts applying to the brewery; and 6
7
- (b) the new or amended authority authorises an emission of light at an intensity greater than the intensity of light emitted from the brewery before 27 April 2009. 8
9
10
11
- (3) Despite section 322(5), schedule 1, table 2, item 5 applies in relation to a decision made under chapter 7, part 4 after the commencement in relation to the brewery. 12
13
14
15
- (4) In this section— 16
new or amended authority see section 274(5). 17

Clause 91 Amendment of sch 1 (Appeals) 18

Schedule 1, table 2, item 5, column 1— 19

insert— 20

- 3 If the decision is to amend the registration of premises to include additional land in the affected area for the premises—an owner or occupier of premises within the additional land who is dissatisfied with the decision 21
22
23
24
25

Clause 92 Amendment of sch 2 (Dictionary) 26

(1) Schedule 2, definition *affected area development application—* 27
28

omit. 29

(2) Schedule 2— 30

[s 93]

<i>insert—</i>	1
<i>affected area development application—</i>	2
(a) means a development application for a material change of use of premises or reconfiguring a lot if the premises or lot are completely or partly in an affected area when the application is made; but	3 4 5 6 7
(b) does not include a development application prescribed by regulation.	8 9
<i>relevant online newspaper</i> , for premises or an affected area, means an online newspaper that primarily publishes news or public notices in relation to the local government area or locality in which the premises or affected area are situated.	10 11 12 13 14

Subdivision 6	Amendments relating to other matters	15 16
----------------------	---	----------

Clause 93	Amendment of s 26 (Power of Minister to direct action be taken)	17 18
(1)	Section 26, heading, after ‘taken’—	19
	<i>insert—</i>	20
	generally	21
(2)	Section 26—	22
	<i>insert—</i>	23
(1A)	However, this section does not apply to a local government’s existing planning scheme to the extent section 26A(1) applies to the scheme.	24 25 26
(3)	Section 26(2)(a), ‘the regulated requirements’—	27
	<i>omit, insert—</i>	28
	this Act	29

-
- (4) Section 26(5)(c), ‘required under’— 1
omit, insert— 2
provided for in 3
- (5) Section 26(5)(d), after ‘rules’— 4
insert— 5
under section 37 6

- Clause 94** **Insertion of new s 26A** 7
- After section 26— 8
insert— 9
- 26A Power of Minister to direct particular 10
amendment of planning schemes 11**
- (1) This section applies if the Minister considers— 12
- (a) a local government should amend its 13
planning scheme to ensure the planning 14
scheme is consistent with— 15
- (i) the regulated requirements; or 16
- (ii) a regulation made under section 43(1) 17
or 44(5) to the extent the regulation 18
categorises development as prohibited 19
or accepted development; or 20
- (iii) a regulation made under section 21
43(5)(b) or (c); or 22
- (b) both of the following apply— 23
- (i) a local government should amend its 24
planning scheme to protect, or give 25
effect to, a State interest; 26
- (ii) adequate public consultation was 27
carried out in relation to the subject 28
matter of the amendment. 29
- (2) The Minister may direct the local government to 30

[s 95]

	amend its planning scheme as provided for in section 20.	1 2
(3)	The Minister may act under subsection (2) without consulting with any person.	3 4
(4)	If the Minister decides to direct the local government to amend its planning scheme, the Minister must give the local government a notice that states—	5 6 7 8
	(a) the nature of the amendment; and	9
	(b) the reasons for making the amendment; and	10
	(c) a reasonable period within which the local government must make the amendment.	11 12
(5)	If the local government does not make the amendment as directed, the Minister may—	13 14
	(a) take action to make the amendment; and	15
	(b) recover any expense the Minister reasonably incurs in taking the action from the local government as a debt.	16 17 18
(6)	The action taken by the Minister has the same effect as if the local government had taken the action.	19 20 21
Clause 95	Amendment of s 27 (Power of Minister to take urgent action)	22 23
(1)	Section 27(1)(a)—	24
	<i>omit, insert—</i>	25
	(a) either—	26
	(i) action should be taken under section 26(2)(b) to protect, or give effect to, a State interest; or	27 28 29
	(ii) section 26A(1)(b) applies in relation to taking action to amend a planning	30 31

	scheme to protect, or give effect to, a	1
	State interest; and	2
(2)	Section 27(3)(a), after ‘section 26’—	3
	<i>insert—</i>	4
	or 26A	5
Clause 96	Amendment of s 43 (Categorising instruments)	6
	Section 43(5)—	7
	<i>insert—</i>	8
	(d) may not include an assessment benchmark	9
	about the effect or impact of development	10
	on the cultural heritage significance of a	11
	local heritage place that is also a	12
	Queensland heritage place if the	13
	development—	14
	(i) is carried out on the place; or	15
	(ii) is a material change of use of premises	16
	carried out on a lot that shares a	17
	common boundary with another lot that	18
	is or contains the place; or	19
	(iii) is a material change of use of premises	20
	carried out on a lot that contains the	21
	place, but is not carried out on the	22
	place.	23

[s 97]

Part 6	Amendment of Planning and Environment Court Act 2016	1 2	
Division 1	Preliminary	3	
Clause 97	Act amended	4	
	This part amends the <i>Planning and Environment Court Act 2016</i> .	5 6	
Division 2	Amendments commencing on assent	7 8	
Clause 98	Amendment of s 45 (Who must prove case)	9	
	(1) Section 45(1)—	10	
	<i>insert—</i>	11	
	(e) a decision of the Minister under chapter 7, part 4 of the Planning Act.	12 13	
	(2) Section 45(2), after ‘application’—	14	
	<i>insert—</i>	15	
	, or a change application under the Planning Act,	16	
Clause 99	Insertion of new pt 10, div 3	17	
	Part 10—	18	
	<i>insert—</i>	19	
	Division 3	Transitional provision for Housing Availability and Affordability (Planning and Other Legislation Amendment) Act 2023	20 21 22 23 24

83	Application of new s 45 to particular Planning Act appeals	1 2
(1)	This section applies to the following Planning Act appeals—	3 4
(a)	a Planning Act appeal that—	5
(i)	was started before the commencement; and	6 7
(ii)	immediately before the commencement, had not been finally dealt with;	8 9 10
(b)	a Planning Act appeal started after the commencement, whether or not the matter to which the appeal relates arose before the commencement.	11 12 13 14
(2)	New section 45 applies in relation to the Planning Act appeal.	15 16
(3)	In this section— <i>new section 45</i> means section 45 as in force from the commencement.	17 18 19

Division 3	Amendments commencing by proclamation	20 21
-------------------	--	----------

Clause 100	Amendment of s 11 (General declaratory jurisdiction)	22
	Section 11(2), after ‘division 3’—	23
	<i>insert—</i>	24
	or part 6A	25

Clause 101	Amendment of s 12 (Declaratory jurisdiction for Minister’s call in of development application)	26 27
(1)	Section 12, heading, from ‘Minister’s’—	28

[s 102]

omit, insert—

1

particular matters under Planning Act

2

(2) Section 12(1)(b), ‘development’—

3

omit, insert—

4

application

5

(3) Section 12—

6

insert—

7

(1A) Also, this section applies to the assessment manager for a development application or proposed development application if—

8

9

10

(a) the application is declared to be a State facilitated application under the Planning Act, section 106D; and

11

12

13

(b) when the declaration took effect, the assessment manager had not decided, or had refused, the application.

14

15

16

(4) Section 12(2), after ‘call in’—

17

insert—

18

or declaration

19

(5) Section 12(1A) and (2)—

20

renumber as section 12(2) and (3).

21

Clause 102 Amendment of sch 1 (Dictionary)

22

Schedule 1, definition *declaratory proceeding*, ‘12(2)’—

23

omit, insert—

24

12(3)

25

Part 7	Amendment of Planning Regulation 2017	1
		2
Clause 103	Regulation amended	3
	This part amends the <i>Planning Regulation 2017</i> .	4
Clause 104	Insertion of new pt 5A	5
	After section 51—	6
	<i>insert—</i>	7
	Part 5A	8
	State facilitated applications	9
	51A Prohibited development for which application may be made—Act, s 106O	10
		11
	For section 106O(1)(d) of the Act, development that is prohibited development under schedule 10, part 18A, section 28A is prescribed.	12
		13
		14
Clause 105	Insertion of new pt 13	15
	After section 75—	16
	<i>insert—</i>	17
	Part 13	18
	Transitional provision for Housing Availability and Affordability (Planning and Other Legislation Amendment) Act 2023	19
		20
		21
		22
		23

[s 105]

76 Purpose statement for emerging community zone	1 2
(1) This section applies to a local planning instrument that, immediately before the commencement, included land in the emerging community zone.	3 4 5
(2) Section 6(2)(a) applies in relation to the local planning instrument as if a reference in the section to schedule 2, column 2 were a reference to former schedule 2, column 2.	6 7 8 9
(3) Subsection (2) stops applying in relation to the local planning instrument on the earliest of the following days—	10 11 12
(a) the day the local planning instrument is amended to include the new purpose statement for the emerging community zone;	13 14 15 16
(b) the day the local planning instrument is replaced by a new local planning instrument that includes the new purpose statement for the emerging community zone;	17 18 19 20
(c) the day that is 1 year after the day this section commences or a later day agreed between the Minister and the relevant local government.	21 22 23 24
(4) If the Minister and the relevant local government agree to a later day as mentioned in subsection (3)(c), the local government must publish a notice on its website, and include a note in the local planning instrument, stating when subsection (2) stops applying in relation to the local planning instrument.	25 26 27 28 29 30 31
(5) To remove any doubt, it is declared that including a note in the local planning instrument under subsection (4) is not an amendment of the instrument.	32 33 34 35
(6) This section does not apply if, immediately before	36

the commencement, the local planning instrument
included a changed purpose statement for the
emerging community zone under section 6(3).

(7) In this section—

emerging community zone means the emerging
community zone stated in schedule 2.

former schedule 2, column 2 means schedule 2,
column 2 as in force immediately before the
commencement.

new purpose statement, for the emerging
community zone, means the purpose statement
stated opposite the emerging community zone in
new schedule 2, column 2.

new schedule 2, column 2 means schedule 2,
column 2 as in force from the commencement.

relevant local government means the local
government for the local government area to
which the local planning instrument applies.

Clause 106 Amendment of sch 2 (Zones for local planning instruments)

(1) Schedule 2, table, entry for emerging community zone,
column 2—

omit, insert—

The purpose of the emerging community zone is
to—

(a) identify land—

(i) within a PIA that is intended for an
urban purpose in the future; and

(ii) outside a PIA that is intended for an
urban purpose in the future and for
which detailed land use and
infrastructure planning has been
carried out; and

[s 107]

- (b) protect the land from incompatible uses; and 1
- (c) provide for the timely conversion of the land 2
to land for urban purposes. 3
- (2) Schedule 2, table, under the heading ‘Other zones’— 4
insert— 5

Urban investigation zone	The purpose of the urban investigation zone is to identify and protect land outside a PIA that may be suitable for urban purposes, subject to further planning and investigation.	Red (110) Green (115) Blue (125)
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- Clause 107 Amendment of sch 10 (Development assessment)** 6
 Schedule 10— 7
insert— 8
- Part 18A Urban investigation zone** 9
 10
- 28A Prohibited development—particular development in urban investigation zone** 11
 12
- (1) Development that is a material change of use of 13
premises, or reconfiguring a lot, for an urban 14
purpose is prohibited development to the extent 15
the premises or lot are included in the urban 16
investigation zone under a local categorising 17
instrument applying to the premises or lot. 18
 - (2) However, subsection (1) does not apply to the 19
extent— 20

-
- (a) the development is accepted development under a categorising instrument; or 1
2
- (b) the development was accepted development under a categorising instrument immediately before the premises or lot was first included in the urban investigation zone under a local categorising instrument; or 3
4
5
6
7
- (c) the development is carried out under a development permit given or changed by the chief executive under chapter 3, part 6A of the Act; or 8
9
10
11
- (d) the development is consistent with a development approval— 12
13
- (i) in effect for the premises or lot; and 14
- (ii) given or changed by the chief executive under chapter 3, part 6A of the Act; or 15
16
- (e) the development is carried out under a development permit given for an application that was properly made before the relevant day; or 17
18
19
20
- (f) the development is consistent with a development approval— 21
22
- (i) in effect for the premises or lot; and 23
- (ii) given for an application that was properly made before the relevant day; or 24
25
26
- (g) if the development is reconfiguring a lot—the reconfiguration does not result in the lot being reconfigured in a way mentioned in schedule 2 of the Act, definition *reconfiguring a lot*, paragraph (a) or (d). 27
28
29
30
31
32
- (3) In this section— 33
- relevant day* means— 34

Schedule 1	Other amendments	1
	section 108	2
	Integrated Resort Development Act 1987	3
1	Section 99(1)(a) and (b)—	4
	<i>omit, insert—</i>	5
	(a) if the body corporate has a website—publishing the notice on the website; and	6 7 8
	(b) giving the notice in writing to each member of the body corporate who is the proprietor of a lot access to which is likely to be affected by the closure.	9 10 11 12
	Sanctuary Cove Resort Act 1985	13
1	Section 55(1)(a) and (b)—	14
	<i>omit, insert—</i>	15
	(a) if the body corporate has a website—publishing the notice on the website; and	16 17 18
	(b) giving the notice in writing to each member of the body corporate who is the proprietor of a lot access to which is likely to be affected by the closure.	19 20 21 22