

Planning Bill 2015

Amendments during consideration in detail to be moved by
The Honourable the Deputy Premier, Minister for Infrastructure, Local
Government and Planning and Minister for Trade and Investment

1 **Clause 2 (Commencement)**

Page 16, line 6—

omit, insert—

This Act, other than section 320A, commences on
a day to be fixed by proclamation.

2 **Clause 5 (Advancing purpose of Act)**

Page 19, line 13, after ‘following’—

insert—

ethical

3 **Clause 17 (Minister’s guidelines and rules)**

Page 28, line 26, ‘setting out the process for’—

omit, insert—

about

4 **Clause 17 (Minister’s guidelines and rules)**

Page 29, line 7—

omit, insert—

(v) making or amending TLPIs; and

(vi) making a planning change of a type
mentioned in section 30(4)(e)(i), whether as
part of a planning scheme or as an
amendment of a planning scheme.

5 **Clause 18 (Making or amending planning schemes)**

Page 30, line 6, after ‘period’—

insert—

(the *consultation period*)

6 Clause 18 (Making or amending planning schemes)

Page 30, lines 17 and 18—

omit, insert—

submission about the instrument to the local government within the consultation period; and

7 Clause 26 (Power of Minister to direct action be taken)

Page 35, line 20, ‘instruments’—

omit.

8 Clause 26 (Power of Minister to direct action be taken)

Page 35, line 27, ‘in relation to an instrument or designation’—

omit.

9 Clause 26 (Power of Minister to direct action be taken)

Page 36, lines 1 to 3—

omit, insert—

(a) to ensure an instrument is consistent with the regulated requirements; or

10 Clause 26 (Power of Minister to direct action be taken)

Page 36, lines 29 to 31 and page 37, line 1—

omit, insert—

(c) to make, amend or repeal a local planning instrument as required under sections 18 to 24; or

11 Clause 29 (Request to apply superseded planning scheme)

Page 40, line 30, ‘45(5) and (6)’—

omit, insert—

45(6) and (7)

12 Clause 30 (When this division applies)

Page 41, lines 28 and 29—

omit, insert—

(ii) under the Minister’s rules; or

13 Clause 35 (What is a designation)

Page 47, line 10—

omit, insert—

(2) A designation may include requirements about any or all of the following—

14 Clause 35 (What is a designation)

Page 47, lines 12 and 17, ‘; or’—

omit, insert—

;

15 Clause 43 (Categorising instruments)

Page 54, after line 18—

insert—

(1A) An assessment benchmark does not include—

(a) a matter of a person’s opinion; or

(b) a person’s circumstances, financial or otherwise; or

- (c) for code assessment—a strategic outcome under section 16(1)(a); or
- (d) a matter prescribed by regulation.

Examples of assessment benchmarks—

a code, a standard, or an expression of the intent for a zone or precinct

16 Clause 43 (Categorising instruments)

Page 55, lines 8 to 11—

omit, insert—

- (c) may not, in its effect, be inconsistent with the effect of a specified assessment benchmark, or a specified part of an assessment benchmark, identified in a regulation made for this paragraph.

Note—

Assessment benchmarks are given effect through the rules for assessing and deciding development applications under section 45, 59 or 60.

17 Clause 45 (Categories of assessment)

Page 57, after line 11—

insert—

Note—

See section 276A for the matters the chief executive must have regard to when the chief executive, acting as an assessment manager, carries out a code assessment or impact assessment in relation to a State heritage place.

18 Clause 46 (Exemption certificate for some assessable development)

Page 58, after line 18—

insert—

- (4A) The person must publish a notice about the

person's decision to give the exemption certificate on the person's website.

(4B) The notice must state—

- (a) a description of the premises for which the exemption certificate was given; and
- (b) a description of the development to which the exemption certificate relates; and
- (c) the reasons for giving the exemption certificate; and
- (d) any matter prescribed by regulation.

19 **Clause 48 (Who is the *assessment manager*)**

Page 60, lines 8 to 15—

omit, insert—

- (b) the entity keeps a list of persons who are appropriately qualified to be an assessment manager in relation to a particular type of that development; and
- (c) the entity has made or amended its code of conduct under the *Public Sector Ethics Act 1994* to apply the code of conduct, including provisions about conflicts of interest, to persons on the entity's list; and
- (d) the entity has entered into an agreement with each person on the entity's list about the person's functions as an assessment manager that—
 - (i) requires the person to comply with the code of conduct; and
 - (ii) provides for the entity to remove the person from the entity's list if the person fails to comply with the code of conduct; and

- (e) a person on the entity's list enters into an agreement with another person to accept a development application made by the other person in relation to only the development mentioned in paragraph (b);

the person on the entity's list is the *assessment manager* for the application.

20 **Clause 48 (Who is the *assessment manager*)**

Page 60, after line 18—

insert—

- (4A) If a person on an entity's list of persons kept under subsection (3) is removed from the list because the person has not complied with an agreement under that subsection—
 - (a) the entity immediately becomes the assessment manager, instead of the person, for any development application for which the person was the assessment manager; and
 - (b) no extra fee is payable for the application; and
 - (c) the development assessment process for the application continues from whichever of the following points in the process is the earlier—
 - (i) the point the application had reached immediately before the person was replaced as the assessment manager;
 - (ii) 10 business days before the day on which the assessment manager is required, under the development assessment rules, to decide the application.

21 Clause 49 (What is a *development approval, preliminary approval or development permit*)

Page 62, line 2, after ‘owner’—

insert—

of the premises

22 Clause 51 (Making development applications)

Page 63, line 4, ‘evidence of the’—

omit, insert—

the written

23 Clause 51 (Making development applications)

Page 63, lines 22 to 31—

omit, insert—

- (4) An assessment manager—
 - (a) must accept an application that the assessment manager is satisfied complies with subsections (1) to (3); and
 - (b) must not accept an application unless the assessment manager is satisfied the application complies with subsections (2) and (3); and
 - (c) may accept an application that does not comply with subsection (1)(a) or (b)(i); and
 - (d) may accept an application that does not comply with subsection (1)(b)(ii) to the extent the required fee has been waived under section 108(b).
- (5) An application that complies with subsections (1) to (3), or that the assessment manager accepts under subsection (4)(c) or (d), is a ***properly made application***.

24 Clause 52 (Changing or withdrawing development applications)

Page 64, line 4, after ‘manager’—

insert—

and, for a withdrawn application, any referral agency

25 Clause 53 (Publicly notifying certain development applications)

Page 64, lines 21 to 24—

omit, insert—

- (1) An applicant must give notice of a development application if—
 - (a) any part of the application requires impact assessment; or
 - (b) the application includes a variation request.

26 Clause 53 (Publicly notifying certain development applications)

Page 64, line 25, after ‘way’—

insert—

or ways

27 Clause 53 (Publicly notifying certain development applications)

Page 65, lines 5, 11 and 17, ‘public’—

omit.

28 Clause 53 (Publicly notifying certain development applications)

Page 65, line 14, after ‘period’—

insert—

, of more than 15 business days after the notice is given,

29 Clause 53 (Publicly notifying certain development applications)

Page 65, after line 17—

insert—

- (4A) However, if the development assessment rules require the notice to be given in more than 1 way, the period mentioned in subsection (4)(b) starts on the day after the day when the last notice is given.

30 Clause 53 (Publicly notifying certain development applications)

Page 65, line 18—

omit, insert—

- (5) Any person, other than the applicant or a referral agency, may make a submission about the application.

Notes—

- 1 In order for a submitter to have appeal rights under schedule 1, the submitter's submission must be a properly made submission.
- 2 An advice agency, in its referral agency's response, may tell the assessment manager to treat the response as a properly made submission. See schedule 2, definition *eligible advice agency*, paragraph (a).

31 Clause 53 (Publicly notifying certain development applications)

Page 65, after line 21—

insert—

- (6A) If, within 1 year after a development application (the *original application*) lapses or is withdrawn, another development application that is not substantially different from the original application (the *later application*) is made, any properly made submission for the original application is taken to be a properly made submission for the later application.

32 Clause 53 (Publicly notifying certain development applications)

Page 65, after line 26—

insert—

- (8A) However, subsection (1)(b) does not apply if—
- (a) a variation approval has been given for the premises; and
 - (b) the variation request does not seek to change the category of development or category of assessment for the development stated in the earlier variation approval or, if the request does, the request seeks to change only 1 or more of the following—
 - (i) accepted development to assessable development;
 - (ii) assessable development requiring code assessment to accepted development, if the accepted development is substantially consistent with the assessment benchmarks for the development under the earlier variation approval;
 - (iii) assessable development requiring code assessment to assessable development requiring impact assessment; and
 - (c) for a variation request that proposes assessment benchmarks—the proposed

assessment benchmarks are substantially consistent with assessment benchmarks in the earlier variation approval.

33 Clause 54 (Copy of application to referral agency)

Page 66, line 7, ‘, and’—

omit, insert—

and, subject to section 108(b),

34 Clause 54 (Copy of application to referral agency)

Page 66, line 18, ‘(2)(b)’—

omit, insert—

(2)

35 Clause 54 (Copy of application to referral agency)

Page 66, line 24, ‘required’—

omit.

36 Clause 55 (Referral agency’s assessment)

Page 67, line 15, ‘60’—

omit, insert—

45

37 Clause 55 (Referral agency’s assessment)

Page 67, after line 21—

insert—

Note—

See section 276A for the matters the chief executive, acting as a referral agency, must have regard to in relation to a State heritage place.

38 Clause 57 (Response before application)

Page 70, line 9, after ‘asked,’—

insert—

and subject to section 108(b),

39 Clause 59 (What this division is about)

Page 71, lines 7 to 11—

omit, insert—

- (2) An assessment manager must follow the development assessment process for the application even if a referral agency’s response directs the assessment manager to refuse the application.
- (3) Subject to section 62, the assessment manager’s decision must be based on the assessment of the development carried out by the assessment manager.

40 Clause 60 (Deciding development applications)

Page 71, line 17, after ‘code assessment,’—

insert—

and subject to section 62,

41 Clause 60 (Deciding development applications)

Page 71, line 23 and page 72, line 2, ‘or all’—

omit.

42 Clause 60 (Deciding development applications)

Page 72, after line 10—

insert—

Example of a development condition for paragraph (d)—

a development condition that affects the way the development is carried out, or the management of uses or works that are the natural and ordinary consequence of the development, but does not have the effect of changing the type of development applied for

43 Clause 60 (Deciding development applications)

Page 72, line 12, after ‘impact assessment,’—

insert—

and subject to section 62,

44 Clause 63 (Notice of decision)

Page 76, line 10, ‘(7)’—

omit, insert—

(5)

45 Clause 63 (Notice of decision)

Page 76, lines 27 and 29, ‘or all’—

omit.

46 Clause 64 (Deemed approval of applications)

Page 77, line 24, ‘63(1)(b), (d) or (e)’—

omit, insert—

63(1)(b) to (d)

47 Clause 65 (Permitted development conditions)

Page 79, lines 17 and 18—

omit, insert—

Notes—

- 1 See chapter 4, parts 2 and 3 for other permitted development conditions.
- 2 In addition to development conditions under this Act, a land surrender requirement under the Coastal Act may be made in relation to particular land that is the subject of a development approval for reconfiguring a lot in a coastal management district under the Coastal Act. However, a land surrender requirement is not a development condition under this Act.

48 Clause 66 (Prohibited development conditions)

Page 80, line 22, after ‘premises’—

insert—

when the later development application is made

49 Clause 68 (Development assessment rules)

Page 81, lines 9 to 11—

omit, insert—

- (a) how and when notification is to be carried out under section 53, including re-notifying the application if—
 - (i) the applicant changes the application under section 52; and
 - (ii) the notice under section 53(1) has been given; and
 - (iii) the change is not a minor change; and
 - (iv) the assessment manager is not satisfied that the change would be unlikely to attract a submission about the matter that is the subject of the change; and
 - (v) the assessment manager is not satisfied the change only addresses a matter

raised in a properly made submission;
and

50 Clause 68 (Development assessment rules)

Page 81, line 14, ‘the period within which’—

omit, insert—

when

51 Clause 71 (When development approval has effect)

Page 84, line 10, ‘last’—

omit, insert—

first

52 Clause 71 (When development approval has effect)

Page 85, line 3, before ‘submission.’—

insert—

properly made

53 Clause 75 (Making change representations)

Page 87, lines 6 to 9—

omit, insert—

(iii) 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.

54 Clause 75 (Making change representations)

Page 87, after line 9—

insert—

(5) However, if the assessment manager gives the

applicant a negotiated decision notice, the appeal period starts again on the day after the negotiated decision notice is given.

55 Clause 76 (Deciding change representations)

Page 87, line 15, after ‘must’—

insert—

, within 5 business days after deciding the change representations,

56 Clause 78 (Making change application)

Page 89, lines 1 to 4—

omit, insert—

- (ii) the development approval was given because of an order of the court; and
- (iii) there were any properly made submissions for the development application; or

57 Clause 79 (Requirements for change applications)

Page 89, line 24, ‘evidence of the’—

omit, insert—

the written

58 Clause 79 (Requirements for change applications)

Page 89, lines 28 and 29 and page 90, lines 1 to 4—

omit, insert—

- (a) must accept an application that the responsible entity is satisfied complies with subsection (1); and

- (b) must not accept an application unless the responsible entity is satisfied the application complies with subsection (1)(b)(iii); and
- (c) may accept an application that does not comply with subsection (1)(a) or (b)(ii); and
- (d) may accept an application that does not comply with subsection (1)(b)(i) to the extent the required fee has been waived under section 108(b).

59 Clause 82 (Assessing and deciding application for other changes)

Page 93, line 7, ‘made.’—

omit, insert—

made; and

60 Clause 82 (Assessing and deciding application for other changes)

Page 93, line 24, ‘60(2)(b)’—

omit, insert—

60(2)(c)

61 Clause 82 (Assessing and deciding application for other changes)

Page 93, line 26, after ‘that’—

insert—

the

62 Clause 82 (Assessing and deciding application for other changes)

Page 94, line 6, ‘45(2)(b)’—

omit, insert—

45(5)(b)

63 Clause 83 (Notice of decision)

Page 94, line 11, after ‘application’—

insert—

, within 5 business days after deciding the application,

64 Clause 84 (Cancellation applications)

Page 97, lines 27 and 28—

omit, insert—

(a) the required fee, subject to section 108(b);
and

(b) the written consent of—

65 Clause 84 (Cancellation applications)

Page 98, lines 19 and 20, ‘Minister; and’—

omit, insert—

Minister.

66 Clause 86 (Extension applications)

Page 100, line 5, ‘evidence of the’—

omit, insert—

the written

67 Clause 86 (Extension applications)

Page 100, lines 9 to 14—

omit, insert—

-
- (a) must accept an application that the assessment manager is satisfied complies with subsection (2); and
 - (b) must not accept an application unless the assessment manager is satisfied the application complies with subsection (2)(b)(ii); and
 - (c) may accept an application that does not comply with subsection (2)(a); and
 - (d) may accept an application that does not comply with subsection (2)(b)(i) to the extent the required fee has been waived under section 108(b).

68 Clause 89 (Particular approvals to be noted)

Page 102, lines 27 to 29—

omit, insert—

- (a) considers a development approval is substantially inconsistent with its planning scheme; or

69 Clause 94 (Directions to decision-makers—future applications)

Page 105, lines 6 to 13—

omit, insert—

- (2) The Minister must give a copy of the direction to—
 - (a) the decision-maker; and
 - (b) each person, other than the chief executive, that the Minister considers is likely to be—
 - (i) a referral agency in relation to that type of application; and

- (ii) if the decision-maker is not the assessment manager in relation to that type of application—the assessment manager.

70 Clause 95 (Directions to decision-makers—current applications)

Page 106, after line 10—

insert—

- (aa) the decision-maker; and

71 After clause 95

Page 106, after line 23—

insert—

95A Directions about alternative assessment managers

- (1) The Minister may, by gazette notice, direct an entity mentioned in section 48(3)(a)—
 - (a) not to keep a list under that subsection for development of a type stated in the direction; or
 - (b) to remove a person from a list under that subsection.
- (2) The Minister must give a copy of the notice to—
 - (a) the entity; and
 - (b) if the direction is to remove a person from the list—the person.

72 Clause 101 (Seeking representations about proposed call in)

Page 109, line 26, ‘not must’—

omit.

73 Clause 104 (Deciding called in application)

Page 112, line 4, ‘82(1) to (4)’—

omit, insert—

82

74 Clause 104 (Deciding called in application)

Page 112, line 20, ‘87(6)’—

omit, insert—

87(5)

75 Clause 112 (Adopting charges by resolution)

Page 118, line 6—

omit, insert—

under a designation; or

(d) development for a non-State school under a designation.

76 Clause 112 (Adopting charges by resolution)

Page 118, after line 10—

insert—

(6) In this section—

non-State school see the *Education (Accreditation of Non-State Schools) Act 2001*, section 6.

77 Clause 126 (Application and operation of subdivision)

Page 128, line 25, ‘82(5)’—

omit, insert—

82(3)(b)

78 Clause 128 (Offset or refund requirements)

Page 130, after line 12—

insert—

Example—

A necessary infrastructure condition of a development approval requires transport infrastructure to be provided. The cost of the transport infrastructure is \$500,000. Adopted charges apply to the development at a total amount of \$600,000. The cost of the infrastructure under the necessary infrastructure condition (\$500,000) must be offset against the total amount worked out by applying the adopted charge to the development (\$600,000), rather than offsetting it only against the part of the charge relating to transport infrastructure.

79 Clause 128 (Offset or refund requirements)

Page 130, lines 21 to 30—

omit.

80 Clause 160 (What part is about)

Page 148, line 8, after ‘part’—

insert—

or to chapter 7, part 1

81 Clause 173 (Proceedings for offences)

Page 159, lines 5 and 6—

omit, insert—

complainant’s knowledge.

82 Clause 175 (Enforcement orders)

Page 160, after line 21—

insert—

(2A) An enforcement order must state the period within

which the defendant must comply with the order.

83 **Clause 175 (Enforcement orders)**

Page 160, lines 28 to 33 and page 161, lines 1 to 16—

omit, insert—

- (5) Unless a court orders otherwise, an enforcement order, other than an order to apply for a development permit—
 - (a) attaches to the premises; and
 - (b) binds the owner, the owner's successors in title and any occupier of the premises.
- (6) If the enforcement order does attach to the premises, the defendant must ask the registrar of titles, by notice given within 10 business days after the order is made, to record the making of the order on the register for the premises.
Maximum penalty—200 penalty units.
- (7) A person may apply to the court for an order (***compliance order***) that states the enforcement order has been complied with.
- (8) If a person gives a notice that a compliance order has been made, and a copy of the compliance order, to the registrar of titles, the registrar must remove the record of the making of the enforcement order from the appropriate register.
- (9) If the enforcement order is not complied with within the period stated in the order, the enforcement authority may—
 - (a) take the action required under the order; and
 - (b) recover the reasonable cost of taking the action as a debt owing to the authority from the defendant.

84 Clause 179 (Enforcement orders)

Page 164, lines 25 to 32 and page 165, lines 1 to 13—

omit, insert—

- (9) Unless the P&E Court orders otherwise, an enforcement order, or interim enforcement order, other than an order to apply for a development permit—
 - (a) attaches to the premises; and
 - (b) binds the owner, the owner's successors in title and any occupier of the premises.
- (10) If the enforcement order, or interim enforcement order, does attach to the premises, the respondent must ask the registrar of titles, by a notice given within 10 business days after the order is made, to record the making of the order on the appropriate register for the premises.

Maximum penalty—200 penalty units.
- (11) A person may apply to the P&E Court for an order (a ***compliance order***) that states the enforcement order, or interim enforcement order, has been complied with.
- (12) If a person gives a notice that a compliance order has been made, and a copy of the compliance order, to the registrar of titles, the registrar must remove the record of the making of the enforcement order, or interim enforcement order, from the appropriate register.
- (13) If the enforcement order, or interim enforcement order, is not complied with within the period stated in the order, the enforcement authority may—
 - (a) take the action required under the order; and
 - (b) recover the reasonable cost of taking the action as a debt owing to the authority from the respondent.

85 Clause 228 (Appeals to tribunal or P&E Court)

Page 200, line 22, ‘decision’—

omit.

86 Clause 228 (Appeals to tribunal or P&E Court)

Page 200, lines 27 and 28—

omit, insert—

- (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given—30 business days after the applicant gives the deemed approval notice to the assessment manager; or
- (f) for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

87 Clause 229 (Notice of appeal)

Page 201, lines 27 to 29—

omit, insert—

- (c) for an appeal about a development application under schedule 1, table 1, item 1—each principal submitter for the development application; and
- (ca) for an appeal about a change application under schedule 1, table 1, item 2—each principal submitter for the change application; and

88 Clause 229 (Notice of appeal)

Page 202, line 4, after ‘(c)’—

insert—

or (ca)

89 Clause 230 (Other appeals)

Page 203, line 9, ‘, means the decision’—

omit, insert—

or matter, means the decision or matter

90 Clause 239 (Application for declaration about making of development application)

Page 208, lines 7 to 10—

omit, insert—

- (2) However, a person may not seek a declaration under this section about whether a development application is accompanied by the written consent of the owner of the premises to the application.

91 Clause 239 (Application for declaration about making of development application)

Page 208, lines 21 to 23—

omit, insert—

- (5) In this section—

92 Clause 240 (Application for declaration about change to development approval)

Page 209, lines 16 to 18—

omit, insert—

- (4) In this section—

93 Clause 243 (Ending tribunal proceedings or establishing new tribunal)

Page 211, line 12, ‘to re-hear’—

omit, insert—

, complying with section 241(c), to hear or re-hear

94 Clause 243 (Ending tribunal proceedings or establishing new tribunal)

Page 211, line 15, before ‘re-hear’—

insert—

hear or

95 Clause 243 (Ending tribunal proceedings or establishing new tribunal)

Page 211, lines 17 and 18, ‘(1), (2) or (3)’—

omit, insert—

(1) or (3)

96 Clause 243 (Ending tribunal proceedings or establishing new tribunal)

Page 211, lines 20 to 22—

omit, insert—

- (5) Any period for starting proceedings in the P&E Court, for the matter that is the subject of the tribunal proceedings, starts again when the chief executive gives the decision notice to the party who started the proceedings.
- (6) The decision notice must state the effect of subsection (5).

97 Clause 250 (Matters tribunal may consider)

Page 214, lines 9 to 12—

omit, insert—

- (2) The tribunal must decide the proceedings based

on the laws in effect when—

- (a) the application or request was properly made; or
 - (b) if the application or request was not required to be properly made—the application or request was made.
- (3) However, the tribunal may give the weight that the tribunal considers appropriate, in the circumstances, to any new laws.

98 Clause 251 (Deciding no jurisdiction for tribunal proceedings)

Page 214, lines 22 to 26—

omit, insert—

- (3) Any period for starting proceedings in the P&E Court, for the matter that is the subject of the tribunal proceedings, starts again when the tribunal gives the decision notice to the party who started the proceedings.
- (4) The decision notice must state the effect of subsection (3).
- (5) If the tribunal decides to end the proceedings, the fee paid to start the proceedings is not refundable.

99 Clause 252 (Conduct of appeals)

Page 214, line 29, ‘It is for the appellant to’—

omit, insert—

Generally, the appellant must

100 Clause 252 (Conduct of appeals)

Page 215, line 1, ‘For’—

omit, insert—

However, for

101 Clause 253 (Deciding appeals to tribunal)

Page 215, after line 30—

insert—

- (5) The tribunal’s decision starts to have effect—
 - (a) if a party does not appeal the decision—at the end of the appeal period for the decision; or
 - (b) if a party appeals against the decision to the P&E Court—subject to the decision of the court, when the appeal ends.

102 Clause 254 (Notice of tribunal’s decision)

Page 216, lines 2 to 10—

omit, insert—

A tribunal must give a decision notice about the tribunal’s decision for tribunal proceedings, other than for any directions or interim orders given by the tribunal, to all parties to proceedings.

103 Clause 260 (Implied and uncommenced right to use)

Page 217, line 27, after ‘development’—

insert—

or prohibited development

104 Clause 261 (Prospective categorising regulations unaffected)

Page 218, line 8, after ‘section’—

insert—

43 or

105 Clause 262 (Taking or purchasing land for planning purposes)

Page 219, after line 8—

insert—

Note—

For the ways of taking land, see the Acquisition Act, part 2. For compensation for land taken under that Act, see part 4 of that Act.

106 Clause 263 (Public access to documents)

Page 219, after line 25—

insert—

- (1A) For a person who gives an exemption certificate, the regulation must require the person to keep the following available for inspection and purchase—
 - (a) a copy of each exemption certificate given by the person;
 - (b) a register of exemption certificates given by the person.

107 Clause 263 (Public access to documents)

Page 220, line 26, ‘This’—

omit, insert—

For a document of a type prescribed by regulation, this

108 Clause 265 (Application of Information Privacy Act 2009)

Page 221, lines 23 to 26—

omit.

109 Clause 276 (Party houses)

Page 231, line 19, ‘guest’—

omit, insert—

guests

110 After clause 276

Page 232, after line 2—

insert—

276A Assessment and decision rules for particular State heritage places

- (1) This section applies if—
 - (a) the chief executive is—
 - (i) an assessment manager, or a referral agency, for a development application; or
 - (ii) a responsible entity for a change application; and
 - (b) the development involves a State heritage place; and
 - (c) the chief executive is satisfied the development would destroy or substantially reduce the cultural heritage significance of the State heritage place, including—
 - (i) by demolishing all elements or features of the place that contribute to the place's cultural heritage significance described in the place's entry in the Queensland heritage register; and
 - (ii) by changing the place so that the place no longer satisfies any of the criteria for entry in the Queensland heritage register.
- (2) The chief executive must do the following before deciding the application or giving a referral agency's response about the application—

- (a) refer the application to the Queensland Heritage Council;
 - (b) have regard to any advice the Queensland Heritage Council gives the chief executive, within the time allowed under this Act for the chief executive to decide the application or give the response.
- (3) Unless the State heritage place is an archaeological State heritage place, the chief executive must also have regard to whether there is a prudent or feasible alternative to carrying out the development, when deciding the application or giving the referral response.
- (4) For subsection (3), an alternative is not a prudent or feasible alternative if the alternative involves—
 - (a) an extraordinary economic cost to the State, all or part of a community, or an individual; or
 - (b) an extraordinary environmental or social disadvantage; or
 - (c) a risk to public health or safety; or
 - (d) another extraordinary or unique circumstance.
- (5) In this section—

archaeological State heritage place see the Heritage Act, schedule.

Queensland Heritage Council means the Queensland Heritage Council established under the Heritage Act.

Queensland heritage register see the Heritage Act, schedule.

111 Clause 286 (Statutory instruments)

Page 242, after line 16—

insert—

- (2A) However, the statutory instrument may be made or amended to include matters, or in a form, that the Minister is satisfied is consistent with this Act if the Minister is also satisfied the matters or the form does not substantially change the effect of the instrument.

112 Clause 287 (Applications generally)

Page 243, lines 15 and 21, ‘an instrument’—

omit, insert—

a document

113 Clause 287 (Applications generally)

Page 243, lines 20, 21 and 23, ‘instrument’—

omit, insert—

document

114 After clause 291

Page 246, after line 22—

insert—

291A Rules about amending local planning instrument consistent with Act

- (1) The Minister may make rules about making amendments to a local planning instrument that are of a type the Minister is satisfied—
 - (a) are consistent with this Act; and
 - (b) do not substantially change the effect of the instrument.
- (2) Section 17(2) and (3) does not apply to the rules.
- (3) The rules start to have effect when the Minister publishes a gazette notice about the making of the

rules.

- (4) The rules must state that, if a local government makes an amendment under the rules, the local government must—
 - (a) give a copy of the amendment to the chief executive; and
 - (b) publish a public notice about the amendment as if the amendment had been made under chapter 2, part 3.
- (5) A local government may make an amendment of a type mentioned in subsection (1) by following the process set out in the rules.
- (6) Section 9 applies to an amendment made under the rules as if the amendment had been made under chapter 2, part 3.

291B Amending State planning instrument consistent with Act

- (1) This section applies to a proposed amendment to a State planning instrument, if the Minister is satisfied the amendment—
 - (a) is consistent with this Act; and
 - (b) does not substantially change the effect of the instrument.
- (2) The Minister may make the amendment under section 11 as if the amendment were a minor amendment.
- (3) Section 9(3) applies to the amendment.

115 Clause 309 (Particular proceedings)

Page 257, table, after line 6, ‘472’, second mention—

omit, insert—

476

116 Clause 309 (Particular proceedings)

Page 258, line 3, ‘76(7)’—

omit, insert—

76(6) and (7)

117 Clause 315 (Rezoning approval agreements)

Page 263, line 27, ‘LGP&E Act’—

omit, insert—

Integrated Planning Act 1997

118 After clause 320

Page 265, after line 11—

insert—

320A Amendment to renumber

- (1) On the commencement of this section, the provisions of this Act are amended by numbering and renumbering them in the same way as a reprint may be numbered and renumbered under the *Reprints Act 1992*, section 43.
- (2) Each reference in this Act, or in another Act, to a provision of this Act renumbered under subsection (1), is amended, when the renumbering happens, by omitting the reference to the previous number and inserting the new number.
- (3) This section does not limit the *Acts Interpretation Act 1954*, section 14H, or the *Reprints Act 1992*.
- (4) This section expires on the day after assent.

119 Schedule 1 (Appeals)

Page 267, line 9, ‘a minor change to’—

omit.

120 Schedule 1 (Appeals)

Page 267, line 18, ‘of’—

omit, insert—

or

121 Schedule 1 (Appeals)

Page 269, table 1, item 2, column 4—

insert—

- 4 Any eligible advice agency for the change application
- 5 Any eligible submitter for the change application

122 Schedule 1 (Appeals)

Page 272, table 2, item 1, before ‘on the ground of’—

insert—

other than a decision under section 251,

123 Schedule 2 (Dictionary)

Page 282, lines 23 to 25—

omit, insert—

- (b) the reasons for the decision if the decision is—
 - (i) to refuse an application or request wholly or partly; or
 - (ii) a decision of a tribunal; or
 - (iii) a decision of the chief executive under section 243(1) or (3); and

124 Schedule 2 (Dictionary)

Page 291, line 7—

omit, insert—

- (ii) if the application, including the change, were made when the change is made—would not cause—

125 Schedule 2 (Dictionary)

Page 291, line 23, ‘to’—

omit, insert—

for

126 Schedule 2 (Dictionary)

Page 297, line 24, ‘an’—

omit, insert—

a proposed

127 Schedule 2 (Dictionary)

Page 301, after line 2—

insert—

State heritage place see the Heritage Act, schedule.

© State of Queensland 2016