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

Explanatory Notes

FOR

Amendments Moved During Consideration In Detail By The Honourable Meaghan Scanlon MP, Minister for Housing, Local Government and Planning and Minister for Public Works

Title of the Bill

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

Objectives of the Amendments

The objectives of the amendments to the Housing Availability and Affordability (Planning and Other Legislation Amendment) Bill 2023 (Bill) are to:

- address recommendations of the State Development and Regional Industries Committee (the Committee) in its Report No. 51 (57th Parliament) (Committee's Report) tabled in Legislative Assembly on 24 November 2023;
- address issues raised in submissions made to the Committee during the Committee's inquiry into the Bill;
- to give effect to commitments in the *Homes for Queenslanders* plan to deliver a package of reforms that simply and expedite the supply of housing in the right locations
- to deliver on key initiatives in the *Homes for Queenslanders* plan including streamlining planning for faster housing
- address a number of minor or technical drafting issues.

Achievement of the Objectives

The amendments achieve the objectives of the Bill set out above by:

- amend drafting to replace 'State facilitated applications' with 'State facilitated development' for greater clarity;

- allow the chief executive to determine the requirements for public notification for a State facilitated development application made to the chief executive;
- allow for the chief executive to set and extend the currency period for a development approval given or changed by the chief executive for State facilitated development.
- allow for a condition for the provision of an affordable housing component to be imposed on particular development approvals;
- clarify that a declaration of a State facilitated development cannot be made to change the decision of the Planning and Environment Court;
- limit local governments from including assessment benchmarks for Queensland heritage places and for areas adjoining a Queensland heritage place in their planning schemes and from assessing applications for development on or adjoining Queensland heritage places;
- for the taking of land by the State, require consultation with the public sector entity in whom the land will be vested;
- ensure that the new Ministerial direction power includes the ability to direct a local government about not including an assessment benchmark about the effect or impact of development on a Queensland heritage place;
- provide for how development control plans apply to development and allow for a regulation to transition a category of development in a development control plan (DCP) to a category of assessment under the Planning Act, including for prohibited and accepted development;
- omits the urban investigation zone provisions; and
- makes minor corrections to drafting.

Replacement of 'State facilitated applications' with 'State facilitated development'
References to 'State facilitated applications' are replaced with 'application for State facilitated development'. This change is intended for clarity, in particular to clarify State facilitated development is subject to development assessment and most of the requirements under the standard development assessment pathway.

New ability for the chief executive to determine public notification requirements
Amendment 2 amends clause 74 to insert new section 106IA to enable the chief executive to give an applicant a notice which states the requirements for notifying and consulting with the public about the application (notification notice), if the application is made to the chief executive under section 106I(b). This provision provides greater flexibility of determining the public notification requirements applicable to a particular proposal, by allowing the chief executive to consider broader factors other than those stated in section 53 of the *Planning Act 2016* (the Planning Act). Applications for State facilitated development made to the original decision-maker before the application is declared to be an application for State facilitated development will continue to be publicly notified as required by section 53 of the Planning Act. This is intended to minimise possible conflicts with any public notification which may have already occurred.

New ability for the chief executive to assess and decide extension applications for State facilitated development approvals
Amendment 16 inserts new clause 70A to create new section 87A which enables the chief executive to assess and decide an extension application to extend the currency period of a State facilitated development approval. This provision is intended to strengthen the existing provisions for State facilitated development and ensure that the currency period can be extended. This process will enable the chief executive to determine an extension application is appropriate and reasonable given the development is seeking to deliver priority of the state,

and expediency of delivery on the ground fast is critical.

New ability for the chief executive to set and extend the currency period for State facilitated development approvals
Amendment 30 amends clause 74, specifically section 106L to enable the chief executive to state the currency period for all or part of the development approval. This section will strengthen the process and ensure that development that is a priority to the State can be delivered on the ground, faster.

New ability to impose a condition for an affordable housing component
Amendment 40 creates a new Clause 97C to insert a new section 65A which provides the head of power in the Planning Act to allow the Planning Regulation 2017 to impose conditions on development approvals for the provision of an affordable housing component on the premises the subject of the approval. This section responds to the need for new powers in the planning framework to allow for the chief executive, assessment managers or referral agencies to lawfully impose a condition for affordable housing. These provisions assists in facilitating the State facilitated development pathway and ensure that state intervention through this pathway drives delivery of development on the ground as intended.

Clarification that a declaration of State facilitated development does not override a decision of the Planning and Environment Court
Amendment 20 amends clause 74 to clarify that new part 6A does not apply to an application that has been decided by the Planning and Environment Court, or that is not substantially different to an application that has been decided by the Planning and Environment Court. This amendment responds to the State Development and Regional Industries Committee's (Parliamentary Committee) Report No. 51, 57th Parliament recommendation 3 which is that the Government consider amending the Bill to clarify the arrangement where an application is the subject of a decision by the Planning and Environment Court, or an application is before the Planning and Environment Court. This amendment ensures that the Minister does not declare an application which is substantially similar or the same as an application that has been considered or decided by the Planning and Environment Court.

The amendments align with existing terminology of substantially different under the planning framework. Substantially different is a common consideration in development assessment, for example whether a change is a minor change or not. Details of what may result in substantially different development are set out in the Development Assessment Rules.

Queensland Heritage Places
Amendment 37 amends clause 96 which amends section 43 relating to categorising instrument, to limit a local categorising instrument such as a local planning scheme from including an assessment benchmark about the effect or impact of development on the stated cultural heritage significance of a Queensland heritage place. This section is also intended to apply to a Queensland heritage place that is also a local 3eritagee place.

Amendment 43 inserts a new chapter 7, part 4D to insert a new section 275ZI relating to particular development. This new section applies to a development application for assessable development if the assessment manager for the application is person other than the chief executive. This provision limits an assessment manager (other than the chief executive) from carrying out an impact assessment against or having regard to the effect or impact of development on the stated cultural heritage significance of a Queensland heritage place. This

provision also limits an assessment manager from imposing a condition of this nature. This provision also limits a local government from imposing a condition that is inconsistent with a development condition that is required to be imposed under the referral agency's response and that relates to the effect or impact of development on the stated cultural heritage significance of a Queensland heritage place. This section is also intended to apply to a Queensland heritage place that is also a local heritage place.

These amendments relate to the framework under the *Queensland Heritage Act 1992*, where a Queensland heritage register identifies the premises as a Queensland heritage place, including the physical location of the Queensland heritage place on a premises as well as the places cultural heritage significance. The Queensland heritage register also includes a statement about the cultural heritage significance of the State heritage place or protected area.

The implication of this amendment is that a local categorising instrument cannot include an assessment benchmark that is about the effect or impact of development on the cultural heritage significance of a Queensland heritage place even where the place is also a local heritage place. The amendment also provides for a new definition about the stated cultural heritage significance which refers the statement about the cultural heritage significance of the State heritage place or protected area. This provides clarity of the scope of the provisions to the cultural heritage significance described in the Queensland heritage register entry. This means that for Queensland heritage places that are also local heritage places, where the statement about the cultural heritage significance is different to the statement about the cultural heritage significance about the local heritage place, the local government may prescribe an assessment benchmark for the local heritage place aspect.

The amendments strengthen the Bill's provisions relating to dually listed heritage places and respond to a gap in the planning framework which has resulted in a duplication in assessment processes. These amendments remove the potential for inconsistent decision-making which might lead to possible court proceedings and associated costs for the State, local governments and applicants.

These amendments re-affirm the State's role as responsible for assessing the effect or impact of development on Queensland heritage places. The State, through the chief executive, is the appropriate assessment authority for assessing the potential impact of development on the cultural heritage significance of a Queensland heritage place (including a Queensland heritage place that is also a local heritage place) as the conservation of the cultural heritage significance of Queensland heritage places is a State interest.

Amendment 36 also amends clause 94 relating to the new power for the Minister to direct an amendment to a local planning scheme for consistency with new section 43(5). The purpose of the amendment is to ensure consistency between the planning scheme and the requirements under the Planning Act.

Consultation about the taking and vesting of land
Amendment 2 amends clause 43 to require that for land to be vested in a public sector entity other than a department or part of a department, the entity be consulted about the taking and vesting of land. This amendment is in response to submissions received during the Committee's inquiry into the Bill about the need for consultation with public sector entities prior to the land being vested in them.

Extension of provisions for development control plans
Amendments 3 to 7 amend clause 60 of the Bill to expand the scope of the new section 360, which currently only applies to applications, made after commencement, for development approval for development on premises in a DCP area. The amended section 360 will allow for a regulation to, amongst other things, prescribe anything necessary or convenient to be prescribed for interpreting or applying a DCP, including transitioning a category of development or assessment in a DCP to a category of assessment under the Planning Act for all development in a DCP, not only development the subject of an application. This amendment responds to a gap in the existing section 360 which only applies to development applications and not the different categories of assessment (such as accepted development or prohibited development). This ensures that the Planning Regulation has the ability to translate terms commonly used under in the former Integrated Development Assessment Process created under the repealed *Integrated Planning Act 1997* for both development applications and the different categories of assessment, to the current planning framework.

Urban Investigation Zone
Clauses 61 to 63, 74, 76 and 103 to 107 which are the provisions associated with the Urban Investigation Zone are omitted from the Bill. While the policy intent of the Urban Investigation Zone was supported, through the Parliamentary Committee inquiry into the Bill submitters raised queries in relation to the operation of the proposed new zone. Feedback received identified that the provisions as drafted in the Bill may not achieve the policy intent for an additional tool for local government to support local growth sequencing and may inadvertently impact a forward pipeline of housing supply, when it is crucially needed.

The Committee's recommendation 4, suggested that Government consider amending the Bill to reduce the review period for the use of the zone, from five to two years. This recommendation informed further consultation with key stakeholders to determine if reducing the review period would better achieve the policy intent.

During further consultation, several alternative options were considered to amend the Urban Investigation Zone provisions, including evaluation of the operational requirements associated with a reduced review period. It was determined that any new sequencing tool, such as the proposed Urban Investigation Zone, requires further detailed design work in collaboration with local governments to ensure such mechanisms are workable and effective. Alternative ways will be considered through Queensland's planning framework to resolve areas facing multiple growth fronts and out of sequence development.

Alternative ways of achieving policy objectives

There are no alternative ways of achieving the policy objectives.

Estimated cost for government implementation

There are no anticipated costs for Government in implementing the amendments.

Consistency with fundamental legislative principles

The amendments are generally consistent with fundamental legislative principles (FLPs) set out in the *Legislative Standards Act 1992* (LSA). Potential issues that may arise are addressed below.

Conditions for an affordable housing component

The possible FLP inconsistency arises from the broad regulation-making power which allows the regulation to provide for the instances in which a development condition may be imposed for development approvals and allows for the regulation to prescribe the criteria for what constitutes an affordable housing component. These instances are limited to where a development application specifically proposes that it will provide for an affordable housing component; or where the approval is an approval for State facilitated development, in which the criteria requires the provision of affordable housing.

This is intended to deal with occasions where applications propose an affordable housing component and there is the need to prescribe a condition for the delivery of this affordable housing component. This will ensure that the condition is enforceable and provides community with greater certainty about the delivery of this type of housing. Applicants will continue to have a change representation period which enables them to make representations to the assessment manager or the referral agency about changing the development approval during this period. This provides the applicant with the ability to negotiate alternative conditions to be imposed instead of a requirement for the provision of an affordable housing component.

Changes to public notification requirements for applications for State facilitated development

The potential FLP inconsistency arises from the amendment to the Bill to enable the chief executive to determine the requirements for notification for proposed development or change applications and for these applications, s 53 of the Planning Act is not intended to apply. This change has the potential limit the rights and liberties of individuals as it may mean that particular applications for State facilitated development may not be subject to public notification where they ordinarily would be notifiable under the standard development assessment pathway. However, this is justified as changing the operation of public notification is only intended to provide the chief executive the ability to nominate the requirements for public notification, rather than the Minister during the declaration of state facilitated development.

The State facilitated development process will continue to allow for a consultation process with stakeholders through the declaration process. The process provides for a representation period for key stakeholders such as local government, submitters and referral agencies. This allows for stakeholders to raise concerns about the application and for the Minister to consider if the application should be declared as an application for State facilitated development. Further, this amendment is only intended to apply to applications which have not been made to the original decision-maker. Standard public notification requirements are intended to apply to applications for State facilitated development, where the application has already been made or decided by the original decision-maker.

Power of Minister to direct particular amendment of planning schemes

Amendment to Section 26A(3) of the Bill extends this provision to allow the Minister to direct a local government to amend its planning scheme about not including an assessment benchmark about the effect or impact of development on the cultural heritage significance of a Queensland heritage place, without consulting with any person. This amendment may raise FLP issues in relation to natural justice.

This ministerial power only applies in limited circumstances to ensure consistency between a local planning scheme and state policy and legislative requirements to align with the amendment to Section 43(5) of the Planning Act, which limits a local categorising instrument from prescribing assessment benchmarks about the effect or impact of development on the cultural heritage significance of a Queensland heritage place. This section aims to minimise duplication and inconsistency in the assessment and decision making related to development applications for development on a state heritage place which is also a local heritage place. Further, the Minister must give the local government notice of the direction and provide local government a reasonable period for the local government to make the amendment.

Extension applications – loss of appeal rights

The possible FLP inconsistency arises from the loss of appeal rights for decisions on extension applications. This provision is only limited to extension applications to extend the currency period for development approvals for State facilitated development. This limitation is necessary to ensure that the State has the ability to intervene where the standard development approval processes may have an adverse impact on the delivery of State priorities (for example, increased supply of housing). This amendment ensures State priorities (such as affordable housing) are not subject to further delays, and can be delivered on the ground, faster. This limitation is consistent with other Ministerial powers such as Minister call ins.

Consultation

Consultation occurred with key stakeholders such as the Local Government Association of Queensland, the Housing Supply Expert Panel, Urban Development Institute of Australia, Planning Institute of Australia and Property Council of Australia in relation to some of amendments to be moved during consideration detail stage including amendments omitting the urban investigation zone provisions and the ability to condition an affordable housing component.

These amendments also respond to Parliamentary Committee's report and the submissions received during the Parliamentary Committee's inquiry on the Bill.

Notes on provisions

Amendment 1 amends clause 2 of the Bill to omit reference to 'Part 7' under subsection (d) and insert a reference to 'Schedule 1, part 2'.

Amendment 2 amends clause 43 to provide an additional requirement that the Minister must be satisfied for the State to take land. Amendment 2 requires that if the land is to be vested to a public sector entity other than a department or part of a department, that public centre entity is consulted about the taking and vesting of land.

Amendment 3 amends clause 60 to amend the title of proposed s 360 from 'New applications for development approval in development control plan area' to 'Development in development control plan areas'.

Amendment 4 amends clause 60 to omit new s 360(1) which provides that section 360 applies in relation to applies made after the commencement, for a development approval for development on premises to which a development control plan applies.

Amendment 5 amends clause 60 to amendments new s 360(2) to clarify that this section applies to an application, made after the commencement, for a development approval for development on a premises to which a development control plan applies.

Amendment 6 amends clause 60 to omit new s 360(4)(b), which provides that if development is categorised as assessable development under the development control plan, and the development control plan states a particular category of assessment for the development, the category of assessment applies for the development.

Amendment 7 amends clause 60 to amend new s 360(5)(b)
to remove the reference 'for a development application'. In its place, a new line is inserted which allows the regulation to prescribe anything necessary or convenient to the interpretation or application of s 360 or the development control plan including but not limited to, stating how an assessment matter in a development control plan applies to carrying out development, after the commencement of development on the premises to which the development control plan applies.

Amendment 8 amends the heading of Part 5, division 3, subdivision 4 to change the reference from 'State facilitated applications' to 'applications for State facilitated development'.

Amendment 9 amends clause 61 to omit the amendments to s 17 which provides that the Minister may make an instrument that contains rules about carrying out reviews for an urban investigation zone.

Amendment 10 amends clause 62 to omit the amendments to s 25 of the Planning Act, relating to the requirements for a local government to review the zoning of the land in an urban investigation zone.

Amendment 11 amends clause 63 to omit amendments to s 30 of the Planning Act, which provides that a change to include land in an urban investigation zone where the in accordance with the Minister's guidelines and rules is not an adverse planning change.

Amendment 12 amends clause 66 to section 81 of the Planning Act to omit the reference to 'State facilitated application' and insert 'an application for State facilitated development'.

Amendment 13 amends clause 67 to section 82 of the Planning Act to omit the reference to 'State facilitated application' and insert 'an application for State facilitated development'.

Amendment 14 inserts after clause 69, a new clause 69A to amend s 86 of the Planning Act, relating to extension applications. New clause 69A omits the note under s 86(1) and inserts new note (1) which provides for the making of an extension application for a development approval that was a PDA development approval, see also the *Economic Development Act 2012,* s 51AL. New clause 69A also inserts note (2) which provides for the making of an extension application for a development approval given or changed by the chief executive under part 6A, see s 87A.

Amendment 15 amends clause 70 to omit the amendments in new s 87(5)(g) and insert Minister in 87(5)(f).

Amendment 16 inserts after clause 70, a new clause 70A which inserts new s 87A relating to extension applications for development approvals given or changed under part 6A. This section provides that sections 86 and 87 (other than s 87(4) and (5)) apply to the development approval as if the references in the section to the assessment manager are a reference to the chief executive. Under new s 87A, the chief executive must give a decision notice for a decision about an extension application to, the applicant, the assessment manager, the local government if not the assessment manager and each referral agency other than the chief executive.

Amendment 17 amends clause 74 to omit references to 'State facilitated applications' and insert 'applications for State facilitated development'.

Amendment 18 amends clause 74 the Bill to insert an example under s 106A(2). This example provides that a development application for a material change of use of a premises and for operational works on a premises is a relevant application if the decision-maker for the application is a person other than the Minister or chief executive. This is intended to provide further context on how development application for development other than a material change of use or a reconfiguration of a lot may be a relevant application.

Amendment 19 amends clause 74 the Bill to omit the reference to 'that is a development application or change application' under new s 106A(3), for clarity. New s 106A(3) clarifies that new Part 6A applies to a relevant application even if the application has been decided by the decision-maker.

Amendment 20 amends clause 74 the Bill to insert a new s 106A(4) to clarify that the new Part 6A does not apply to a relevant application that has been decided by the Planning and Environment Court or to a relevant application that is not substantially different from an application decided by the Planning and Environment Court.

Amendment 21 amends clause 74, specifically new s 106C to remove the reference to 'a State facilitated application' and insert 'an application for State facilitated development'.

Amendment 22 amends clause 74, specifically the heading for new s 106D to remove the reference to 'a State facilitated application' and insert 'an application for State facilitated development'.

Amendment 23 amends clause 74, specifically new s 106D(1) to remove the reference to 'a State facilitated application' and insert 'an application for State facilitated development'.

Amendment 24 amends clause 74 to omit new s 106F(2) and insert that if the declaration notice is given before the decision-maker decides the application, the declaration notice may direct the decision-maker to assess all or a stated part of the application'. This amendment removes the ability for the declaration notice to state the requirement for notifying and consulting with the public about the application.

Amendment 25 amends clause 74, specifically new s 106H(1) to remove the reference to 'a State facilitated application' and insert 'an application for State facilitated development'.

Amendment 26 amends clause 74, specifically the heading for new Division 3, to remove the reference to 'a State facilitated application' and insert 'an application for State facilitated development'.

Amendment 27 amends clause 74, specifically new s 106I(a) to remove the reference to 'a State facilitated application' and insert 'an application for State facilitated development'.

Amendment 28 amends clause 74 to insert after new s 106I, a new s 106IA. New s 106IA provides that this section applies if the application is made to the chief executive under s 106I(b). New s 106IA clarifies for applications for State facilitated development s 53 of the Planning Act, which relates to publicly notifying certain development applications, does not apply. New s 106IA requires that the chief executive give the applicant a notice called the 'notification notice' which states the requirements for notifying and consulting with the public about the application. This notice is to be given within 5 business days after the application is made and the applicant is required to comply with the notification notice. However, the chief executive may assess and decide the application even if the notification has not been complied with. New s 106IA clarifies that the notification notice may be given whether or not:

- any part of the application requires impact assessment, or
- the application includes a variation request, or
- the application is a change application for a minor change to the development approval or a change application to which s 53 does not apply under s 82(3)(a).

Amendment 29 amends clause 74, to omit s 106J(3)(a)(v) and insert a new s 106J(3)(a)(v) which provides that s 64 and new s 275ZI of the Planning Act does not apply to applications for State facilitated development.

Amendment 30 amends clause 74 to insert new s 106L(5) which provides that if the decision notice is to approve the application or part of the application, the decision notice may state the currency period for all or part of the development approval.

Amendment 31 amends clause 74 to omit new s 106O which relates to when an application for prohibited development in an urban investigation zone may be made.

Amendment 32 amends clause 74, specifically new s 106P(2)(b) to remove the reference to 'a State facilitated application' and insert 'an application for State facilitated development'.

Amendment 33 inserts after clause 75, new clause 75A which amends schedule 1 of the Planning Act relating to appeals. New clause 75A inserts in Schedule 1, table 1, item 3, that extension applications other than an extension application called in by the Minister or made to the chief executive under section 87A, the parties that the appeal may be made against. This means that an appeal may not be made for an extension application made to the chief executive.

Amendment 34 amends clause 76 relating to the amendment of schedule 2 'Dictionary', to omit the definition of 'urban investigation zone'.

Amendment 35 amends clause 94 which inserts new s 26A, relating to the power of the Minister to direct a particular amendment of planning schemes. New s 26A(1)(a)(ii) is amended to correct drafting to include 'prohibited development'.

Amendment 36 amends clause 94, to extend the Minister's power to direct a particular amendment of planning schemes to include matters prescribed under new s 43(5).

Amendment 37 amends clause 96, relating to the amendment of s 43 'Categorising instruments', to omit new s 43(5)(d) in the Bill and insert a new s 43(5)(d). New s 43(5)(d) provides that a local categorising instrument may not include an assessment benchmark about the effect or impact of development on the stated cultural heritage significance of a Queensland heritage place.

New s 43(5A) clarifies that new s 43(5)(d) applies even if the Queensland heritage place is also a local heritage place.

Amendment 38 inserts after clause 96, new clause 96A which provides for notes associated with s 45(5) of the Planning Act. New note (1) provides that s 275ZI should be viewed in relation to impact assessment for particular applications. New note (2) provides that s 275ZJ should be viewed for matters the chief executive must have regard to when deciding an application involving a State heritage place.

Amendment 39 inserts after clause 96, new clause 96B which amends s 55 of the Planning Act, relating to a referral agency's assessment. New clause 96B omits the reference to 's 277' in the note under s 55(2) and replaces this reference with 's 275ZJ'.

Amendment 40 inserts new clause 96C after clause 96. New clause 96C inserts new section 65A which allows a regulation to provide that a development condition may be imposed for the provision of an affordable housing component on the premises, that is the subject of the application, for the following development approvals:

- a development approval given or changed by the chief executive under chapter 3, part 6A; and
- a development approval given for an application that specifically proposes the provision of an affordable housing component and that complies with the criteria prescribed by regulation.

New clause 96C clarifies that s 65(1) does not apply in relation to a development condition imposed under subsection (1) of s 65A, for the provision of an affordable housing component.

New clause 96C also defines an 'affordable housing component' as a component of development that involves housing that is affordable for particular types of households and that complies with the criteria prescribed by regulation.

Amendment 41 inserts after clause 96, new clause 96D which amends s 66 of the Planning Act, relating to prohibited development conditions. New clause 96D omits the note under s 66(3) and inserts a new note which provides for restrictions on development conditions, see s 275ZI

and the *Environmental Offsets Act 2014,* s 14.

Amendment 42 inserts after clause 96, a new clause 96E which amends s 105 of the Planning Act, relating to deciding a called in application. New clause 96E omits the reference to 's 64' and inserts the reference to 's 64 and 275ZI'.

Amendment 43 inserts after clause 96, a new clause 96F which inserts a new chapter 7, part 4D 'Heritage Places'. Under new chapter 7, part 49, new s 275ZI is inserted which relates to restriction on impact assessment and conditions for particular applications. New s 275ZI only applies to a development application for assessable development if, the assessment manager is a person other than the chief executive.

In these circumstances, despite, s 45(5)(b) of the Planning Act, if a development application requires impact assessment, the impact assessment must not be carried out against, or having regard to, the effect or impact of the development on the stated cultural heritage place of a Queensland heritage place. The new provision clarifies that this restriction applies despite s 45(5)(b). Under new s 275ZI, the assessment manager must not, under s 60, impose on a development approval given for the development application, a development condition relating to the effect or impact of the development on the stated cultural heritage place of the Queensland heritage place. Alternatively, new s 275ZI also confirms that a local government is restricted from imposing a development condition that is inconsistent with the development condition that is required to be imposed under a referral agency's response and that relates to the effect or impact of development on the state cultural heritage significance of a Queensland heritage place. New s 275ZI clarifies that this section applies even if the Queensland heritage place is also a local heritage place.

Amendment 44 inserts after clause 96, a new clause 96G which amends, relocates and renumbers s 277 of the Planning Act which relates to the assessment and decision rules for particular State heritage places. The heading for s 277 of the Planning Act is amended to provide 'Assessment and decision rules for particular development involving State heritage place'. Amendment 44 also omits the definition for 'Queensland heritage register'. Former s 277 is also renumbered as s 275ZJ.

Amendment 45 inserts after clause 96, new clause 96H relating to the Amendment of Schedule 2 (Dictionary). Schedule 2 is amended to include new definitions for 'Queensland heritage register' and 'stated cultural heritage register'. For the new definition for 'Queensland heritage register', a reference is made to the Schedule of the *Queensland Heritage Act 1992*. For the new definition for 'stated cultural heritage significance', the stated cultural heritage significance of a Queensland heritage place means the cultural heritage significance of a place as stated in the Queensland heritage register under the *Queensland Heritage Act 1992,* section 31(3)(e) or (f). These sections refer to the statement about the cultural heritage significance of the State heritage place or the statement about the cultural heritage significance relevant to the declaration of the protected area.

Amendment 46 amends clause 101, which amends s 12 of the *Planning and Environment Court Act 2016,* to remove the reference to 'a State facilitated application' and insert 'an application for State facilitated development'.

Amendment 47 omits the heading for Part 7, relating to the amendments to the Planning Regulation.

Amendment 48 omits clause 103 which provided that Part 7 amends the Planning Regulation.

Amendment 49 omits clause 104 which inserted a new part 5A for State facilitated applications and provides that for s 106O(1)(d), the development that is prohibited development under schedule 10, part 18A, which relates to development in an urban investigation zone, is prescribed.

Amendment 50 omits clause 105 which provided for a new transitional provision for the purpose statement for an emerging community zone.

Amendment 51 omits clause 106 which amended the purpose statement of the emerging community zone and inserted the new urban investigation zone under 'Other zones'.

Amendment 52 omits clause 107 which amends Schedule 10, which inserts new Part 18A relating to Urban Investigation Zone and a new s 28A which provides for particular development that is prohibited development in an urban investigation zone.

Amendment 53 amends Schedule 1 'Other amendments' to insert a heading for the amendments commencing on assent for the amendments to the *Integrated Resort Development Act 1987* and the *Sanctuary Cove Resort Act 1985.*

Amendment 54 inserts new Part 2 relating to the 'Amendments commencing by proclamation'. Part 2 includes amendments to the *Queensland Heritage Act 1992,* specifically the note under s 8(1)(e), to omit the reference to s 277 and insert the reference to s 275ZJ.

Amendment 55 amends the long title of the Bill to omit the reference to the 'Planning Regulation 2017'.