Forest Wind Farm Development Bill 2020

Explanatory Notes

Short title

The short title of the Bill is the Forest Wind Farm Development Bill 2020 (the Bill).

Policy objectives and the reasons for them

The objective of the Bill is to provide tenure within the Toolara, Tuan and Neerdie State forests to enable a proposed major renewable energy project for Queensland to occur. Under the current legislative framework, the *Forestry Act 1959* (Forestry Act) prohibits the development of inconsistent and incompatible uses, including the grant of tenure for projects of this kind.

Forest Wind Holdings Pty Limited (FWH) submitted a detailed proposal under the Investment Facilitation process for Exclusive Transactions, seeking to establish a large-scale wind farm with an estimated private capital investment of up to $2 billion. The project is anticipated to deliver up to 1200 megawatts of renewable energy from up to 226 wind turbines located in the Toolara, Tuan and Neerdie State forests. The proposed project area is also the subject of a current plantation licence. The plantation licence, held by HQPlantations Pty Ltd (HQP), commenced in 2010 and continues for a period of 99 years.

Subject to completion of the project, wind energy from the project would represent 12 per cent of Queensland's installed generation capacity, which will significantly contribute to the Queensland Government's target to generate 50 per cent renewable energy by 2030. With a multi-billion-dollar capital cost, the project is also anticipated to yield significant economic benefits for Queensland including the creation of up to 440 jobs in the construction phase and 50 operational jobs annually.

The Bill establishes a legislative framework for the development to coexist with the plantation licence and to otherwise be undertaken in the State forests through exempting the project from certain provisions of the Forestry Act and *Land Act 1994* (Land Act). Without the introduction of this special purpose legislation, the development would not be able to proceed. This framework is in addition to a suite of project documents which will provide for the project to occur in stages and outline each party's obligation in respect of the development and long-term occupation and use of parts of the State forests.

The Bill also amends the *Planning Act 2016* (Planning Act) to ensure the correct administration of the Springfield Structure Plan.

The Springfield Development Control Plan (DCP), now known as the Springfield Structure Plan (SSP), was approved in 1997 and became part of the Ipswich City Council planning scheme. The DCP was made under the now repealed *Local Government (Planning and Environment) Act 1990* (LGP&E Act) which stated certain

requirements for development control plans including a requirement to set out criteria for the implementation of the plan. This included the requirement for precinct plans and area development plans to be approved in relation to premises before development of the premises could take place. Precinct plans and area development plans were linked to the delivery of infrastructure in the SSP area, primarily by the principal developer, Springfield City Group Pty Limited (SCG), through infrastructure agreements between SCG, the Ipswich City Council, and Queensland Urban Utilities.

The LGP&E Act was repealed and has since been replaced by the *Integrated Planning Act 1997* (IPA), then the *Sustainable Planning Act 2009* (SPA), and most recently the Planning Act. In transitioning the provisions relating to DCPs, IPA, SPA and the Planning Act all included 'grandfathering' provisions relating to the DCPs which sought to continue the recognition of the DCPs as part of a local government planning scheme and facilitate their implementation within the legislative frameworks of those Acts.

Following decisions in the Planning and Environment Court (*Cherish Enterprises Pty Ltd v Ipswich City Council [2017] QPEC 38*) and the Court of Appeal (*Springfield Land Corporation Pty Ltd v Cherish Enterprises Pty Ltd & anor. [2018] QCA 323*), it has become evident that, although approval of an area development plan is a necessary precondition to assessment and approval of a development application, the requirements for the preparation and approval of precinct plans are no longer mandatory. Consequently, SCG, as the entity responsible for delivery of major infrastructure in the SSP area, no longer has sufficient input into the provision of the required infrastructure.

Changes to the Planning Act are proposed to address these issues and to ensure the efficient and effective operation of the SSP.

Additionally, section 11 of the SSP outlines the procedures for the resolution of disputes or differences in relation to decisions made by Ipswich City Council. Under this section, "any person" may give notice to Ipswich City Council disputing a decision made by Ipswich City Council about development under the SSP. The notice must be given within 14 days from the time a person becomes aware, or ought to have become aware, of the facts or circumstances giving rise to the dispute or difference.

The Bill limits the dispute resolution procedures to parties who have a particular interest in the land the subject of the decision, and broadens the grounds on which notice of a dispute may be given, specifically to include disputes about the provision and use of infrastructure. It is proposed that the parties who will be able to use the dispute resolution procedures will be an applicant, landowner, SCG as master developer, and a submitter for a development application in the SSP area. The Bill also extends the timeframes associated with the dispute resolution process.

Achievement of policy objectives

To achieve its objective, the Bill will enable the development and operation of a wind farm in the project area by:

- exempting the development from or modifying the application of certain sections of the Forestry Act and Land Act;
- limiting the development to the project area within the Toolara, Tuan and Neerdie State forests;

- providing a pathway for the proponent of a development agreement to obtain tenure to access, occupy, develop and manage the land for the purpose of developing and operating the project, including conditions precedent to tenure;
- providing that compensation is not otherwise payable by or on behalf of the State in relation to the enactment or operation of the proposed Bill; and
- requiring the plantation licensee's compliance with its remediation responsibilities in the project area, as a condition of its tenure.

Facilitate tenure for the project by exempting the development from or modifying the application of certain provisions of the Forestry Act and Land Act

The cardinal principle of management of State forests in the Forestry Act is that Queensland State forests are to be permanently reserved for the production of timber and associated products in perpetuity and to protect the watershed therein. Currently, the Forestry Act prohibits the development of incompatible and inconsistent uses, such as the development and operation of a wind farm. The land may be used for limited commercial and recreational purposes, including general public access for activities such as tourism. Additionally, the Forestry Act provides limited ability to grant tenure within a State forest and is ill-suited to a development of this kind.

The Bill includes a number of provisions which exempt the development from or modify sections of the Forestry Act to allow the development to occur on State forest land. A tenure solution was sought to enable and facilitate the grant of tenure for the development and operation of this project. The Bill enables the grant of tenure in the form of access licences and project leases for each stage of the project. A term lease under the Land Act can be granted for a specified term only for the project while minimising the impact on the HQP's plantation licence.

Despite the passage of the Bill, the project may not be delivered in full or proceed at all due to commercial factors including achieving financial close and energy market supply and demand gaps, which may result in a commensurate reduction of outcomes for Queensland.

In relation to the Planning Act amendments, the Bill achieves its objectives by:

- ensuring the Springfield Structure Plan (SSP) processes are preserved and operate as intended;
- allowing applications to make or amend precinct plans, make area development plans, or to amend the town centre concept plan under the SSP, that are currently required to be made by SCG to be made by third parties, subject to a requirement that, if prepared by a third party, SCG's views must be sought and considered;
- establishing that SCG must give a statement to the Ipswich City Council in response to any plan applications not made by SCG, and the scope of the matters to be addressed by the statement;
- including provisions requiring all relevant layers of planning documents under the SSP to be in effect prior to development within the SSP area occurring;
- updating the dispute resolution procedures to:
  - clarify or expand the application of the provisions to include disputes that involve plan applications and infrastructure; and
  - amend who may commence and participate within the dispute resolution procedure;
- providing transitional provisions for existing applications and existing disputes.

Alternative ways of achieving policy objectives

A number of alternative tenure options under the current legislative framework were considered:

- Revocation of the State forest designation;
- Occupation permits under the Forestry Act;
- Special lease under the Land Act;
- *Electricity Act 1994* easements;
- Exercise of the Coordinator-General's powers for compulsory land acquisition; and
- Declaration of a priority development area under the *Economic Development Act 2012*.

The options were either insufficient on their own to permit the development or did not allow the project to coexist with the plantation licence, presenting limitations for progressing a tenure framework that was satisfactory to all parties.

The project was identified as being inconsistent for the purposes of the Forestry Act and elements of the Land Act, in addition, surrender of the plantation licence by HQP and revocation of the State forest would be required to establish appropriate tenure for the development. This approach is not supported.

The special purpose legislation proposed under the Bill is considered the only viable solution to achieve the intended policy objectives.

In relation to the amendments to the Planning Act, most of the objectives could be achieved through amendments to the SSP itself, however legislative amendments:

- provide greater certainty over the role of local area plans in the SSP;
- provide clarity about the ability of the SSP to prohibit development from starting in circumstances under which a local area plan had not been approved for the premises, which was a matter raised, but not determined in, the court proceedings; and
- clarify that the superseded planning scheme and compensation arrangements under the Planning Act do not apply in respect of the changes.

Estimated cost for government implementation

It is anticipated that no costs will be incurred to implement the Bill. All costs associated with due diligence and subsequent delivery of the project will be met by FWH.

Consistency with fundamental legislative principles

The Bill has been drafted with regard to fundamental legislative principles (FLPs) as defined in section 4 of the *Legislative Standards Act 1992* (Legislative Standards Act). Particular clauses in the Bill which may raise concerns in relation to FLPs are discussed below.

Legislation should allow the delegation of legislative power only in appropriate cases and to appropriate persons – section 4(4)(a) of the Legislative Standards Act

- Conditions precedent for giving access licences

Clause 9 enables a development agreement to specify conditions precedent which must be met before the giving of an access licence to a proponent. If the Minister for the Bill is satisfied the conditions precedent stated in clause 9 have been met, including those specified in the development agreement, the Minister is bound to give an access licence to the proponent.

This clause provides the State with flexibility to include additional conditions precedent under a development agreement to deal with any changing or new circumstances as they arise at each stage of the project.

- Conditions precedent for giving and renewing project leases

Similar to clause 9, clause 28 enables the development agreement to specify additional conditions precedent to the giving or renewal of a project lease. If the Minister for the Bill is satisfied that the conditions precedent stated in clause 28 are met, including those specified in the development agreement, the Minister must offer the project lease to the applicant. If the applicant accepts an offer of a project lease, the Land Act Minister is bound to give or renew the project lease.

As with clause 9, this clause provides the State with flexibility to include additional conditions precedent under a development agreement to deal with any changing or new circumstances as they arise at each stage of the project.

For each stage of the project, the State, stage proponent and the plantation licensee will enter into a development agreement. As the State is a party to the stage development agreements, the State will have control over suitable conditions precedent to be included in each development agreement.

The conditions precedent listed in subsections (a), (b) and (c) of clauses 9 and 28 in the Bill contain the mandatory key conditions precedent to the grant of tenure for the project and will apply to all stages of the project.

Subclause (d) of clauses 9 and 28 provides for additional conditions precedent to be contained in the development agreement. These will include the steps the stage proponent must take to satisfy the State it has reached financial close. It may also include specific conditions precedent relevant to the particular development entity or stage of the development. This subclause is intended to allow the State some flexibility in setting additional conditions to deal with changing or new circumstances as they arise at each stage.

- Transferring and mortgaging access licences

Clause 23 describes the circumstances in which an access licence may or may not be transferred. Clause 23(1)(b) allows a development agreement to provide that an access licence may not be transferred.

Similarly, clause 24 describes the circumstances in which the holder of an access licence may or may not mortgage the licence. Clause 24(1)(c) allows a development agreement to provide that an access licence may not be mortgaged.

As it is likely that there will be distinct proponents and circumstances for each stage of the development, these clauses allow the State flexibility to include restrictions in a development agreement, if it considers the restrictions are appropriate for the particular stage.

- Transfers of project leases

Clause 42 describes the circumstances in which a project lease may or may not be transferred. Clause 42(1)(b) allows a development agreement to provide that a project lease may not be transferred. Similar to clauses 23 and 24, it is likely that there will be distinct proponents and circumstances for each stage of the development. Clause 42 allows the State flexibility to include a restriction on transfer of a project lease in a development agreement, if it considers the restriction is appropriate for the particular stage.

Legislation should sufficiently subject the exercise of a delegated legislative power to the scrutiny of the Legislative Assembly – section 4(4)(b) of the Legislative Standards Act

- Fundamental Legislative Principles - Delegation of Legislative Power

In accordance with section 4(4) of the *Legislative Standards Act 1992* (Legislative Standards Act), fundamental legislative principles include that legislation has sufficient regard to the institution of Parliament.

Section 4 of the Legislative Standards Act provides that it is a fundamental legislative principle that legislation has sufficient regard to the institution of Parliament. Section 4(4) of that Act provides that whether a Bill has sufficient regard to the institution of Parliament depends on whether, for example, the Bill:

(a) allows the delegation of legislative power only in appropriate cases and to appropriate persons; and
(b) sufficiently subjects the exercise of delegated legislative power to the scrutiny of the Legislative Assembly; and
(c) authorises the amendment of an Act only by another Act.

Clauses in the Bill which refer to the satisfaction of conditions contained in a development agreement potentially involve a delegation of legislative power, by allowing a development agreement to specify additional pre-conditions to the exercise of the statutory power (Henry VIII provisions).

Arguably, this arrangement infringes on the fundamental legislative principle that legislation has sufficient regard to the institution of the Queensland Parliament. However, it is considered that this possible breach is justified and appropriate, having regard to the policy objectives of the Bill.

The State will be a party to each development agreement. Negotiations between the State, FWH and the plantation licensee about the project agreements (including proposed development agreements) have not yet concluded. Development agreements for the purpose of the Bill will be entered into following passage of the Bill, and some development agreements may not be entered into for a number of years, because the project will occur in stages.

Each development agreement will contain commercially sensitive information and the parties may suffer loss if the commercially sensitive information is disclosed.

For these reasons, the proposed development agreements will not be tabled in Parliament with the Bill.

Although Parliament will not have an opportunity to review the proposed development agreements, as the State will be a party to the development agreements, the State will have the ability to influence the content of those agreements, to ensure that the State's interests are protected.

The potential conflict with fundamental legislative principles is justified and appropriate to protect the interests of the State by ensuring the State will have sufficient ability to respond to potential changing and new project circumstances, as the project develops.

Legislation does not adversely affect rights and liberties, or impose obligations retrospectively

The amendments to the Planning Act limit the persons who may give a dispute notice under the SSP, section 11 to an applicant, owner of affected premises, SCG, or a submitter for a development application.

However, these persons constitute the majority of persons likely to be affected by decisions under the SSP, or within the SSP area. Also, as the SSP forms part of Ipswich City Council's planning scheme under the Planning Act, aggrieved persons may still seek a review of decisions made in relation to the SSP, for example under the *Planning and Environment Court Act 2016*, part 2, division 3.

Consultation

Consultation with relevant State Government agencies has occurred and there is broad support for the Bill.

The legislative framework and process required to complete the project will provide opportunity for current, and any future stakeholders to communicate their concerns to relevant proponents.

Exposure drafts of the Bill were provided to FWH and HQP on 24 December 2019, 19 January 2020 and 28 February 2020.

Consistency with legislation of other jurisdictions

The Bill is specific to the State of Queensland and is not uniform with or complementary to legislation of the Commonwealth or another State.

Notes on provisions

Part 1 Preliminary

Clause 1 Short title
Clause 1 states that, if enacted, the Bill may be cited as the *Forest Wind Farm Development Act 2020*.

Clause 2 Commencement
Clause 2 states the Bill, other than part 8, division 4, commences on a day to be fixed by proclamation.

Clause 3 Purpose of Act
Clause 3 provides that the object of the Bill is to enable the establishment and operation of a particular wind farm development in the project area.

Clause 4 Act binds all persons
Clause 4 states that the Act, if enacted, binds all persons, including the State.

Clause 5 Definitions
Clause 5 states that, Schedule 2 defines particular words used in the Bill.

Part 2 Development agreements

Clause 6 Meaning of *development agreement*
Clause 6 states the requirements for an agreement to constitute a development agreement for the purposes of the Bill.

Clause 7 Matters about development agreements that must be noted on plantation licences
Clause 7 provides the circumstances and process through which a development agreement must be noted on the plantation licence under the *Forestry Act 1959* (Forestry Act). It also provides a process through which the notation must be removed from the plantation licence, if the development agreement stops having effect.

Part 3 Access licences

Division 1 Preliminary

Clause 8 Authority given by access licences
Clause 8 states that an access licence, given in relation to a development agreement, authorises the holder of the licence or a person acting on their behalf to carry out certain activities on land that is in the agreement area.

The agreement area must be within the project area. Both of these are defined terms in Schedule 2. The project area is comprised of project area A and project area B.

The access licence allows the licence holder right of entry to the agreement area to carry out authorised activities for the purpose of the activity or remediation of the land on which the activity is carried out.

For project area A, (plantation licence area over the Toolara, Tuan and Neerdie State forests), activities permitted include building and maintenance of a bridge, road or track, and building, maintenance and operation of a building, facility, structure or works.

For project area B (native forest area in the southwest corner of Neerdie State forest), the access licence limits the area to the building, maintenance and use of a road or track. This is to balance protection of native forest while facilitating access to the relevant parts of the project area for the construction and operation of the wind farm.

Clause 9 Conditions precedent for giving access licences
Clause 9 states the mandatory conditions precedent which must be satisfied before an access licence can be given. There may be additional conditions precedent contained in a development agreement. This is intended to allow flexibility in setting additional conditions to deal with changing or new circumstances as they arise at each stage of the project.

Division 2 Applications for access licences

Clause 10 Making licence applications
Clause 10 provides the application process for access licences. Applications must be made to the Minister for the Bill. The provision includes the specific application requirements to the extent the proposed activity relates to each project area, as well as the circumstances in which the proponent may make a licence application.

Clause 11 Requests to applicants about licence applications
Clause 11 provides that the Minister may, by notice, ask a licence applicant to complete or correct the application, in a stated way, give further information about the application or give the Minister a statutory declaration verifying the information stated in the application or further information, within 30 days after the request is made.

The provision is intended to ensure the licence application is accurate, complete, substantiated, and completed in accordance with the requirements of the development agreement. The Minister may refuse the application if the applicant does not respond to a request or if the Minister is not satisfied with the applicant's response.

Clause 12 Deciding licence applications
Clause 12 states that the Minister must, if satisfied the conditions precedent (in *clause 9*) have been met, give the access licence to the applicant, or otherwise, refuse the application.

If the conditions precedent in the Bill have been met to the Minister's satisfaction, the giving of an access licence will provide the applicant with tenure to commence the activities authorised under the licence.

Clause 13 Form of access licences
Clause 13 provides for the form of an access licence, which includes requirements such as a description of the activity to which the access licence relates, and a description of the land on which the activity is to be authorised.

Clause 14 Conditions of access licences

Clause 14(1) states the conditions the access licence is subject to, including that the authorised activity must not be carried out unless the holder of the access licence, or its agent, holds each authority or other approval required under law for the carrying out of the licence activity, conditions about the payment of rent as stated in the relevant development agreement, compliance with the development agreement, remediation and other conditions the Minister considers appropriate.

The provision is also intended to facilitate the coexistence of access licence rights and that of existing approval holders within the State forests. The access licence holder must not interfere with another person's lawful use of the licence land, unless the access holder has obtained the other person's consent. If consent cannot be obtained, the access holder must take all reasonable steps to obtain the other person's consent to the interference and the interference must be reasonably required for the carrying out of the authorised activity.

Clause 14(2) allows the Minister to decide whether conditions for the access licence under the development agreement are not appropriate. The provision is intended to provide the Minister with flexibility to deal with changing or new circumstances as they arise.

Clauses 14(3) and *(4)* require the Minister to consult with the Minister responsible for administering the Forestry Act in considering, under subsection 2(a), whether a condition of a development agreement is not appropriate.

Clause 15 Term of access licences

Clause 15 provides that an access licence takes effect on registration in accordance with *clause 25*. The provision also describes the circumstances in which the term of an access licence comes to an end, reflecting the relationship between the development agreement, access licence and project lease. *Clause 15* also provides for the continuation of the access licence over land notwithstanding any revocation of State forest designation, or if the plantation licence or sublicence stops having effect.

Clause 16 Effect on access licences if licence land stops being in particular areas

Clause 16 describes the effect on an access licence if there is a particular change to all or part of the licence land. If the licence land stops being in a State forest or State plantation forest, the access licence will continue. *Clause 16* also states that if the licence land is in the licence area for a plantation licence or sublicence, the access licence will not stop having effect if the licence land is no longer in the licence area or if the plantation licence or sublicence stop having effect.

Clause 17 Particular conditions continue after access licences end

Clause 17 provides that after an access licence stops having effect, the holder of the access licence may continue to access the land to complete remediation in accordance with the access licence.

The provision is intended to ensure that, even though the licence has stopped having effect, the holder of an access licence can lawfully access the land to complete remediation works.

Division 3 Amending, surrendering and cancelling access licences

Clause 18 Making amendment applications

Clause 18 provides for an application process to amend access licences in relation to the description of the activity to which the access licence relates or the land on which entry and the activity is authorised to be carried out. Amendment application requirements include evidence that the conditions precedent in *clause 9* have been met and where the access licence has been mortgaged, the mortgagee's written consent to the amendment.

The provision is intended to allow flexibility for an access licence holder to deal with changing or new circumstances, by allowing applications to amend the licence.

The provision also states the process under *clause 11* also applies to amendment applications, allowing the Minister to request information to ensure amendment applications are complete and accurate.

Clause 19 Deciding amendment applications

Clause 19 provides the circumstances in which the Minister must approve or refuse the application. The provision is intended to ensure the conditions precedent for the giving of the access licence relates to have been met and the description of the land on which the activity is authorised to be carried out or which entry is authorised is in accordance with the authority granted by *clause 8*.

The provision also states that an amendment of an access licence takes effect when it is registered in accordance with *clause 25* of the Bill.

Clause 20 Surrender of access licences

Clause 20 allows the holder of an access licence to surrender the licence on terms agreed to between the holder and the Minister and with the Minister's written approval. Where the access licence is mortgaged, the Minister must not approve the surrender unless the holder of the licence gives the Minister a copy of the mortgagee's written consent to the surrender. In addition, the surrender takes effect when it is registered in accordance with *clause 26* of the Bill.

Clause 21 Cancellation of access licences

Clause 21 provides the Minister may, by notice given to the holder of an access licence, cancel the licence if the Minister has given a compliance notice to the licence holder, the holder has failed to comply with the compliance notice, and each condition precedent for the giving of a cancellation notice under the relevant development agreement has been met. The provision is intended to ensure that opportunities to remedy the non-compliance under the Bill have been exhausted and to give effect to the arrangements about cancellation contained within the development agreement.

The provision also states the cancellation takes effect on the day the notice is given, or a later day stated in the notice.

Clause 22 Minister may give compliance notices
Clause 22 states if the Minister believes the holder of an access licence has not complied with a condition of the licence, the Minster may give the holder a compliance notice requiring the holder to remedy the non-compliance. The provision also lists the details required to be stated in a compliance notice, including that the access licence may be cancelled under *clause 21* should the holder not comply with the compliance notice.

Division 4 Transferring and mortgaging access licences

Clause 23 Transfers of access licences
Clause 23 provides the circumstances in which an access licence may be transferred to another entity. *Clause 23* also states that the licence may not be transferred if the relevant development agreement provides that the licence may not be transferred.

If the Minister approves the transfer, the approval will lapse 3 months after the day that it is given, unless it is registered in accordance with *clause 27(1)(a).* The transfer takes effect when it is registered in accordance with *clause 27* of the Bill.

Clause 24 Mortgages of access licences
Clause 24 provides for the circumstances in which the holder of an access licence may mortgage the licence, including only with the Minister's approval and in compliance with the relevant development agreement.

If the Minister approves the mortgage, the approval will lapse 3 months after the day that it is given, unless it is registered in accordance with *clause 27(1)(a).* The mortgage does not take effect until it is registered in accordance with *clause 27* of the Bill.

Division 5 Registration of particular matters

Clause 25 Registration of access licences and amendments
Clause 25 describes the process for registration of access licences and amendments to access licences.

If an access licence is given or amended under Part 3 of the Bill, the Minister must lodge the licence or amended licence with the chief executive (lands), and the chief executive (lands) must register the access licence or amended access licence in the register of State forests under the *Land Act 1994* (Land Act).

If an access licence has been mortgaged, the Minister must also give the chief executive (lands) a copy of the mortgagee's written consent to the amendment.

The registration of an access licence creates an interest in land.

Clause 26 Requirements if access licences stop having effect
Clause 26 outlines the process to register and record in the register of State forests when an access licence stops having effect.

If an access licence is surrendered under *clause 20*, the Minister must lodge the notice of surrender with the chief executive (lands), including a copy of the mortgagee's written consent to the surrender where the relevant access licence has been mortgaged.

If an access licence stops having effect other than because of surrender, however, the Minister must notify the chief executive (lands) that the licence has stopped having effect.

In either scenario, the chief executive (lands) must register or record the matter in the register of State forests under the Land Act.

Clause 27 Registration of transfers and mortgages
Clause 27 describes the process the holder of an access licence must follow to register a transfer or mortgage of an access licence. The provision also states the circumstances in which the chief executive (lands) must not register the transfer or mortgage.

Clause 27 also specifies the registration requirements under sections 287 (Registered documents must comply with particular requirements) and 299A (No registration in absence of required approval or consent of Minister or chief executive) of the Land Act apply to the transfer or mortgage of an access licence.

Part 4 Leasing land in project area

Division 1 Preliminary

Clause 28 Conditions precedent for giving and renewing project leases
Clause 28 states the mandatory conditions precedent which must be satisfied before a project lease can be given or renewed. There may be additional conditions precedent contained in a development agreement. This is intended to allow flexibility in setting additional conditions in a development agreement, to deal with changing or new circumstances as they arise at each stage of the project.

Division 2 Applications for project leases

Clause 29 Making lease applications
Clause 29 describes the application process a proponent for a development agreement must follow when applying for a project lease. The provision also outlines the application requirements. The requirements include limitations on when the proponent may make a lease application, as well as circumstances in which a lease application is taken not to have been made, if specified events occur before the application is decided.

Clause 30 Requests to applicants about lease applications
Clause 30 enables the Minister to request that an applicant complete, correct, provide further information or provide a statutory declaration verifying the information stated in a lease application. It also provides the timeframe in which the applicant must comply with the request and permits the Minister the discretion to extend the time period for compliance with the request.

Clause 31 Deciding lease applications
Clause 31 states that after receiving the lease application, the Minister must approve the lease application and offer the lease to the applicant, if satisfied the conditions precedent (in *clause 28*) have been met. Otherwise, the Minister must refuse the application.

This provision is intended to provide the applicant with lease tenure over its completed infrastructure for a stage, once conditions precedent have been met.

Clause 32 Notices of offer
Clause 32 describes the process the Minister must follow if the Minister decides to offer a project lease to the applicant. The offer is to include the conditions on which the offer is made, conditions of the project lease, rent payable, and the term of the project lease.

The provision also states the offer is to be subject to conditions in accordance with sections 441A (Requirement for making conditional offers) and 442 (Lapse of offer) of the Land Act.

Clause 32 also provides that the offer is taken not to have been made if certain circumstances arise prior to the grant of the lease. This ensures that if changes occur which affect the project and the development agreement, the offer will be of no effect.

Clause 33 When Land Act Minister must give project leases
Clause 33 provides that the Land Act Minister must give the project lease to the applicant if the applicant accepts an offer of a project lease. The Land Act Minister is to give the lease to the applicant under section 15(2)(b) of the Land Act, as if the lease land were a reserve.

Division 3 Provisions about project leases

Clause 34 Application of Land Act 1994 to project leases
Clause 34 states the Land Act applies in relation to a project lease, subject to Part 4 of the Bill. The provision enables project leases to be granted under the Land Act over State forest land and ensures that the established statutory processes and mechanisms under the Land Act apply to project leases, unless stated otherwise in the Bill.

Clause 35 Provisions of Land Act 1994 that do not apply in relation to project leases
Clause 35 lists the particular sections of the Land Act that do not apply to project leases: section 16 (Deciding appropriate tenure); section 32 (State leases over reserves); section 34C(a) (Removal of interests before revocation); chapter 4, part 1, divisions 1 (Interests in land available by competition), 2 (Interests in land available without competition), and 2A (Leases for significant development); section 154 (Minister may approve additional purposes); section 155 (Length of term leases); chapter 4, part 3, division 2, subdivision 2 (Renewal) other than sections 162(5) to (7); chapter 4, part 3, divisions 3 (Conversion of tenure), 4 (Subdividing leases), and 5 (Amalgamating leases); chapter 5, part 2, division 2 (Imposed conditions); section 241(d) (Effect of forfeiture); chapter 5, part 5 (Payments for improvements); section 322 (Requirements for transfers); section 327A (Surrender of lease); section 327G (Effect of surrender); section 330(a) (Requirements for effective surrender); and chapter 6, part 4, division 3 (Subleases).

These provisions are intended to enable a Land Act lease to be granted for the operation of a wind farm on State forest land without competition and for a term up to 45 years. They are also intended to give effect to proposed development agreements between the State, proponent and the plantation licensee.

Clause 36 Modified application of particular provisions of Land Act 1994
Clause 36 modifies the application of particular sections of the Land Act: section 138 (Default); section 139 (Improvements to be bought by incoming lessee or buyer); section 140 (Provisional value may be negotiated); section 141 (Payment of survey fee); section 138A (Restriction on commencement of lease or permit); chapter 4, part 3, division 2, subdivision 1AA (Improvement reports and notices); section 176Y (Part does not affect amounts owing relating to lease; section 176Z (When payment obligations end if lease ends under part); section 176ZA (Overpayments relating to former lease); section 299A (No registration in absence of required approval or consent of Minister or chief executive); section 156A (Minister may have improvements notice); chapter 7, part 3, divisions 1 (Right of appeal), 2 (Internal review of decisions), and 3 (Appeals).

These sections have been modified to enable the Minister for the Bill to administer the application process for the grant and renewal of a project lease and other dealings with a project lease.

Clause 37 Conditions of project leases
Clause 37 states the conditions of project leases that are in addition to the mandatory and regulated conditions under the Land Act.

Similar to *clause 14*, the provision is also intended to facilitate the coexistence of access licence rights and that of existing approval holders within the State forests. The lessee holder must not interfere with another person's lawful use of the lease land, unless the lessee has obtained the other person's consent. If consent cannot be obtained, the lessee must take all reasonable steps to obtain the other person's consent to the interference and the interference must be reasonably required for the purpose of the project lease.

Clause 37 also enables the Minister to decide whether conditions for the project lease under the access licence and development agreement are not appropriate. The provision is intended to provide the Minister with flexibility to deal with changing or new circumstances as they arise.

Clauses 37(3) and *(4)* require the Minister to consult with the Minister responsible for administering the Forestry Act in considering, under subsection 2(a), whether a condition is not appropriate.

Clause 38 Particular conditions taken to be imposed conditions for Land Act 1994
Clause 38 states that a *clause 37* condition, other than *clause 37(1)(e*) conditions (relating to mandatory and regulated conditions under the Land Act), are taken to be an imposed condition under the Land Act, and how certain Land Act provisions apply to these imposed conditions.

Clause 39 When project leases stop having effect
Clause 39 outlines the circumstances in which a project lease stops having effect, without limiting the Land Act. The provision is intended to reflect the relationship between the development agreement, access licence and project lease.

The provision clarifies that if the lease land stops being in a State forest or State plantation forest, the project lease will continue. It also states that if the lease land is in the licence area for a plantation licence or sublicence, the project lease will not stop having effect if the lease land is no longer in the licence area or if the plantation licence or sublicence stop having effect.

Clause 39 also clarifies the impact of the project lease not having effect to State forest or State plantation forest designation and plantation licence or sublicence to the project lease.

Clause 40 Effect of project leases ending

Clause 40 clarifies the status of the land if the project lease stops having effect in relation to it, given the project is envisaged to occur in stages over an extended period of time, and the status of the land may change.

Division 4 Surrendering and transferring project leases

Clause 41 Surrender of project leases

Clause 41 describes how the lessee of a project lease may surrender all or part of the lease. In addition, the provision amends Land Act sections 327C (Applying to surrender lease); 327D (Minister may require report and other information); section 327E (Registration surrenders lease); section 327F (Notice of surrender); and 327I (Dealing with improvements) to allow the Minister for the Bill to exercise the powers under those provisions.

Clause 42 Transfers of project leases

Clause 42 provides for the circumstances in which a project lease may be transferred by a lessee to the new proponent for a relevant development agreement, and where the Minister must approve the transfer. The provision is intended to ensure that the development agreement and project lease remain interconnected.

Clause 42 prohibits transfers to the extent provided for in the project lease, relevant development agreement for the project, and the Land Act.

The provision also states when the Minister's approval for the transfer lapses unless the lessee complies with the registration requirements under *clause 49* of the Bill.

Division 5 Renewal of project leases

Clause 43 Making renewal applications

Clause 43 provides the circumstances when and the process for how a lessee of a project lease may apply to the Minister for renewal of the project lease, as well as application requirements.

The provision also states the Minister may request that an applicant complete, correct, provide further information or provide a statutory declaration verifying the information stated in a lease application in certain circumstances, as per *clause 30*.

Clause 44 Deciding renewal applications

Clause 44 states that the Minister must, if satisfied the conditions precedent for the renewal have been met, approve the renewal application, or otherwise, refuse the application.

The provision also allows the Minister to refuse the renewal application if satisfied the lessee has not complied with a condition of the project lease. If the renewal application is refused, the Minister must give the applicant notice of the decision and reasons for the decision.

Clause 45 Notices of offer
Clause 45 describes the process the Minister must follow if the Minister decides to offer a new project lease to the applicant. The offer is to include the conditions on which the offer is made, conditions of the new project lease, rent payable, and the term of the new project lease.

The provision also states the offer is to be subject to conditions in accordance with sections 441A (Requirement for making conditional offers) and 442 (Lapse of offer) of the Land Act.

Clause 45 also provides that the offer is taken not to have been made if the project lease being renewed stops having effect.

Clause 46 When Land Act Minister must give new project leases
Clause 46 states that the Land Act Minister must give a new project lease to the applicant if the applicant for a renewal application accepts an offer of the new project lease. Similar to *clause 33*, the Land Act Minister must give the new project lease to the applicant if the applicant accepts an offer of a project lease. The Land Act Minister is to give the lease to the applicant under section 15(2)(b) of the Land Act, as if the lease land were a reserve.

Clause 47 Application of Land Act 1994, s 434B to renewal applications
Clause 47 provides section 434B of the Land Act (Availability of short-term extension in particular circumstances) applies in relation to the renewal application to allow the Minister under the Bill to extend the term of a project lease the subject of a renewal application. However, the provision prohibits the extension of the term beyond 29 June 2109, which aligns with expiry of the plantation licence.

Division 6 Registration of particular matters

Clause 48 Requirements if project leases stop having effect
Clause 48 outlines the process to register a surrender of the project lease in the land registry. The provision also outlines the process to notify the chief executive (lands) when a project lease stops having effect. Land Act section 327E (Registration surrenders lease) and section 330(b) and (c) (Requirements for effective surrender) continue to apply to the Minister's lodgement and chief executive's (lands) registration of surrender.

Clause 49 Registration of transfers
Clause 49 states if a project lease is transferred, the lessee is obliged to lodge a document for the transfer with the chief executive (lands), and provide a copy of the Minister's approval for the transfer, and that Land Act chapter 6, part 1, division 3 (General requirements for documents in registers) continues to apply.

The provision prohibits the chief executive (lands) from registering the transfer if the Minister has not approved the transfer, or if the Minister's approval has lapsed.

Part 5 Internal review of decisions

Clause 50 Who may apply for internal review
Clause 50 provides that an applicant for a renewal application may only apply for internal review of a decision made under *clause 44* if the reason for refusal is that the applicant has not complied with a condition of the project lease the subject of the renewal application.

The right of review is limited to a decision about whether the applicant has complied with project lease conditions.

Clause 51 Applications for internal review
Clause 51 states a person seeking review of a decision must apply within 42 days after notice of the decision is given to the applicant. The Minister may extend the period for making an application for review. An application must be in writing and provide in detail why a review of the decision is being sought.

Clause 52 Internal review decisions
Clause 52 outlines the process for internal review of the decision. The Minister must ensure the application for internal review is not made by the original decision maker. The Minister has the same powers as the original decision maker when making the review decision. The Minister must either confirm or amend the original decision or substitute another decision and provide the applicant with notice of the review decision.

Part 6 Remediation of land in project area

Clause 53 Relevant entity for project instruments
Clause 53 defines *relevant entity* for a project instrument for the purposes of remediation of land in the project area.

Clause 54 Minister may require particular entities to remediate land in project area
Clause 54 applies where the land is State plantation forest in the licence area for a plantation licence or sublicence, and where a project instrument stops having effect. If the relevant entity for the project instrument has not complied with its obligation to remediate the land, the Minister may issue a remediation notice to the plantation licensee or sublicensee to remediate the land, in accordance with the remediation obligation, within a stated period of at least 3 months after the notice is given. The requirement in the remediation notice is taken to be a condition of the plantation licence or sublicence.

This provision protects the State in the event that a relevant entity does not comply with remediation obligations. It is intended that the relevant development agreement will deal with any commercial or financial considerations in these circumstances.

Part 7 Miscellaneous provisions

Clause 55 Inconsistency with Land Act 1994
Clause 55 states that if a provision of the Bill is inconsistent with another Act, the provision of the Bill prevails to the extent of the inconsistency.

Clause 56 Relationship with Forestry Act 1959
Clause 56 provides for the relationship between the Bill and the Forestry Act. Access licences will be given and dealt with under the Bill. Project leases will be granted under the Land Act and dealt with under the Bill and the Land Act, despite inconsistencies with certain sections of the Forestry Act.

This provision also clarifies the impact of an access licence or project lease on the right, obligation or interest of the plantation licensee under the plantation licence or sublicence, Forestry Act and related agreement under the Forestry Act.

Clause 57 No compensation payable by State
Clause 57 states no compensation is payable by or on behalf of the State to a person in connection with the enactment or operation of the Bill, and the matters listed in *clause 57(2)*. This applies despite anything to the contrary in another Act or law, a plantation licence or a plantation sublicence.

Clause 58 Delegation
Clause 58 allows for the delegation of the Minister's functions or powers under the Bill to the chief executive.

Clause 59 Regulation-making power
Clause 59 allows for regulations to be made by the Governor in Council, under this Act (once enacted).

Part 8 Amendment of Acts

Division 1 Amendment of this Act

Clause 60 Act amended
Clause 60 states that Part 8 Division 1 of the Bill amends this Act (once enacted).

Clause 61 Amendment of long title
Clause 61 amends the long title from ', and to amend'.

Division 2 Amendment of Forestry Act 1959

Clause 62 Act amended
Clause 62 states that Part 8 Division 2 amends the Forestry Act.

Clause 63 Amendment of s 26 (Restriction on alienation etc.)
Clause 63 amends section 26(1A) of the Forestry Act to allow the giving of an access licence under the Bill or lease under the Land Act for land that is a State forest.

Clause 64 Amendment of s 32C (Quarrying in State plantation forest)
Clause 64 amends section 32C of the Forestry Act to allow the chief executive to authorise the proponent for a development agreement to obtain quarry material from within project area A over 5000 tonnes/year.

Clause 65 Amendment of s 61RI (Events that are not compensation events)
Clause 65 amends section 61RI to extend the events that are not compensation events. The plantation licensee or plantation sublicensee may not claim compensation from the State for the grant or extension of a licence or a sales permit, if it is held by the proponent for a development agreement under the Bill and is for the getting of quarry material from project area A.

Clause 66 Amendment of s 73 (Unlawfully using State forests etc.)
Clause 66 amends section 73(1) of the Forestry Act. Under section 73(1) of the Forestry Act, it is an offence to carry out certain activities on any State forest, timber reserve or forest entitlement area, except in certain circumstances. *Clause 66* amends the section to include additional excepting circumstances. A person shall be guilty of an offence under the Forestry Act, except under the authority of and in compliance with an access licence or project lease authorised under the Bill.

Clause 67 Amendment of s 73B (Commercial activities)
Clause 67 amends section 73B(2) of the Forestry Act. Under section 73B(1) of the Forestry Act, it is an offence to conduct an activity for gain in a State forest or timber reserve. Section 73B(2) lists activities to which section 73B(1) does not apply. *Clause 67* amends section 73B(2) by including an activity authorised under an access licence or project lease under the Bill. The provision is intended to allow the construction of the wind farm within the relevant State forest areas.

Clause 68 Amendment of s 73D (Restricted items)
Clause 68 amends section 73D(3)(b) of the Forestry Act. Under section 73D(1) of the Forestry Act, it is an offence to possess, have control over or use certain items in a State forest or timber reserve, unless the person has a reasonable excuse. Under section 73D(3)(b), section 73D(1) does not apply if the person is authorised under certain Acts. *Clause 67* amends section 73D(3)(b) by adding the Bill to the list of Acts. The provision is intended to allow for construction of the wind farm within State forest areas.

Clause 69 Amendment of s 73F (Unauthorised structures or works)
Clause 69 amends section 73F(3) of the Forestry Act. Under section 73F(1) of the Forestry Act, a person must not build or keep a structure or other works in a State forest, timber reserve or forest entitlement area. Under section 73F(3), section 73F(1) does not apply if the person is authorised under certain Acts. *Clause 69* amends section 73F(3) by adding the Bill to the list of Acts. The provision is intended to allow for construction of the wind farm within State forest areas.

Clause 70 Amendment of sch 3 (Dictionary)
Clause 70 amends schedule 3 of the Forestry Act to include definitions of *development agreement*, *project area A* and *proponent* for a development agreement under this Bill.

Division 3 Amendment of Land Act 1994

Clause 71 Act amended
Clause 71 states that Part 8 Division 3 of the Bill amends the Land Act.

Clause 72 Amendment of s 287 (Registered documents must comply with particular requirements)
Clause 72 amends section 287(1) of the Land Act by inserting a note which states that part 3, division 5 (Registration of particular matters) and part 4, division 6 (Registration of particular matters) of the Bill should be referred to regarding the registration of particular documents under the Bill.

Clause 73 Amendment of s 327F (Notice of surrender)
Clause 73 amends section 327F(1) of the Land Act by amending the reference to section 327 and replacing with section 327C.

Division 4 Amendment of Planning Act 2016

Clause 74 Act amended
Clause 74 states that Part 8 Division 4 of the Bill amends the Planning Act.

Clause 75 Insertion of new ch 7, pt 4C (Part 4C Provisions for Springfield structure plan)
Clause 75 inserts new provisions for the Springfield structure plan.

New section 275T (Definitions) provides definitions for Chapter 7, part 4C.

New section 275U (Relationship between this part and particular provisions) provides the relationship between this part and particular provisions. This section states part 4C prevails to the extent of any inconsistency with other sections of the Act, repealed Acts and a provision of the Springfield structure plan. The effect of the section is that the provisions of part 4C will prevail over other provisions in principal legislation relevant to development control plans, and provisions of the Ipswich planning scheme relevant to the SSP, including the SSP itself.

New section 275V (Who may make plan applications) subsection (1) provides that any person may make a plan application. ***Plan application*** is defined in new section 275T, and means an application to make a precinct plan, master area development plan, or area development plan, or an application to amend the town centre concept plan or a precinct plan. (Master area development plans and area development plans are amended by replacement.)

New section 275V(2) and (3) provides that the written consent of any person who is not the owner of the premises the subject of a plan application is a requirement for the making of the plan application. However the local government may accept a plan application that is not accompanied by the consent of some or all of the relevant owners if the local government considers that the plan application does not materially affect the premises and it is impracticable to require their consent owing to the number of owners.

New section 275W (Restrictions on approving plan applications) imposes limitations on the approval of particular plan applications. New section 275W(1) provides that local governments may approve a plan application under the Springfield structure plan where the premises is serviced by adequate infrastructure or will within a reasonable period be serviced by infrastructure. New section 275Z(1)(b) provides that a statement about the servicing of premises to which the plan application relates must be provided by SCG for a non-SCG plan application.

New section 275W(2) provides that new section 275W(3) is in relation to a plan application for approval of a precinct plan or approval to amend a precinct plan or the town centre concept plan.

New section 275W(3) provides that the local government may approve the plan application under the Springfield structure plan only where it is consistent with the land use concept master plan.

New section 275W(4) provides that new section 275W(5) is in relation to a plan application for an area development plan or proposed master area development plan.

New section 275W(5) provides that the local government may approve the plan application (area development plan or proposed master area development plan) under the Springfield structure plan only if:

- For premises in the community residential designation or open space designation, the plan is consistent with a precinct plan applying to the premises; or
- For premises in a town centre designation, the plan is consistent with the town centre concept plan; or
- For premises in a conservation designation or regional transport corridor designation, the plan is consistent with the land use concept master plan.

New section 275W(6) provides that ***land use concept master plan*** means the plan called the 'Springfield Land Use Concept Master Plan' in the Springfield structure plan.

New section 275X (Requirements before making non-SCG plan applications) provides that before making a non-SCG plan application the applicant must give SCG a copy of the proposed plan application and a notice stating that SCG must make written representations within a stated period of not less than 10 business days after receiving the notice ***A non-SCG plan application*** is defined in new section 275T as a plan application other than a plan application made by or on behalf of SCG.

New section 275Y (Requirements in relation to making and assessing non-SCG plan applications) establishes requirements in relation to non-SCG plan applications. New section275Y(1) provides that a non-SCG plan application must be accompanied by a copy of the notice given to the SCG under section 275X(b), a copy of any representations given to the applicant by SCG, and the applicant's written response to the representations from SCG, addressing any matters raised.

New section 275Y(2) provides that within 2 business days after making the non-SCG plan application, the applicant must provide SCG with a copy of the application. The applicant must also give notice to the local government about their compliance with this provision.

New section 275Y(3) requires the applicant for a non-SCG plan application to provide a copy of any information requested by or provided to the local government to SCG within 2 business days after receiving and responding to the request. The applicant must also give notice to the local government about their compliance with this provision.

New section 275Y(4) states that the local government may refuse to decide the non-SCG plan application until the applicant provides notice to the local government of their compliance with providing or seeking advice from SCG.

New section 275Z (SCG must give statements about particular matters) establishes obligations of SCG in relation to non-SCG plan applications. Section 275Z(1) provides that SCG must give a written statement to the local government about particular matters after receiving a copy of a non-SCG plan application or a copy of any further information request from the local government within 10 business days. The particular matters for the statement include advice on whether the approval of the plan application could result in an adverse impact on the structure plan area, advice on whether the plan application and associated development will be serviced by adequate infrastructure, and options for addressing the matters mentioned in paragraph (a) or (b). The provisions are mandatory upon SCG, because although SCG is a private entity which would normally not be compelled to provide representations, SCG exercises important planning functions under the SSP, which would normally be exercised by a body such as a local government. Consequently, SCG's input is a particularly important factor in the local government's assessment of a non-SCG plan application.

New section 275Z(2) provides that the local government must have regard to any representations made by SCG under subsection (1).

New section 275Z(3) provides that, for the avoidance of doubt, failure on the part of SCG to provide the statement does not prevent the local government from deciding the application.

New section 275ZA (Local government must notify SCG of decisions about non-SCG plan applications) provides that the local government must notify SCG of a decision about non-SCG plan applications within 10 business days of the decision.

New section 275ZB (Restrictions on starting development in structure plan area) establishes limitations on starting development in the SSP area. The restrictions apply despite the provisions governing the commencement of development under section 72. Section 275ZB(1) provides that development in a community residential or an open space designation may only commence if a precinct plan and an area development plan apply to the premises, and the development is consistent with the precinct plan and area development plan.

New section 275ZB(2) provides that development in a town centre designation may only commence if a master area development plan, an area development plan and the town centre concept plan apply to the premises, and the development is shown in, or is consistent with each of these plans.

New section 275ZB(3) provides that development in a conservation or regional transport corridor designation may only commence if an area development plan applies and the development is shown in or consistent with the area development plan.

New section 275ZB(4) provides that section 275ZB applies despite section 72(1) of the Planning Act. Section 72 establishes the circumstances under which development may normally start under a development approval.

New section 275ZC (Application of ch 3, pt 5, div 2, sdiv 1) provides that Chapter 3, part 5, division 2, subdivision 1 does not apply in relation to a development approval, or an approval of a change application, in relation to premises in the structure plan area. Chapter 3, part 5, division 2, subdivision 1 provides the circumstances under which an assessment manager may change a development approval before the applicant's appeal period for the approval ends (commonly referred to as a 'negotiated decision notice').

New section 275ZD (Particular appeal periods suspended) provides for the suspension of appeal periods under the Planning Act in the event that a dispute notice is given under the Springfield structure plan, section 11. Section 275ZD(1) provides that the section applies if a person gives a dispute notice to the local government in relation to a development application or change application.

New section 275ZD(2) provides that each appeal period for the development or change application is suspended from the day the dispute notice is given and establishes the period of the suspension, depending upon whether or not a new decision notice is given for the application.

New section 275ZE (Dispute notices under Springfield structure plan) clarifies and extends the circumstances under which a dispute notice may be given to the local government, but also limits the persons who may give the notice. Section 275ZE(1) provides for a dispute notice to be given to the local government in relation to a plan application, a development application, a change application, or a dispute about the provision or use of infrastructure.

New section 275ZE(2) applies despite subsection (1), and provides that a dispute notice may not be given for a change application for a minor change to a development approval. New section 275ZE(2) also provides that a dispute notice may not be given before the application is decided.

New section 275ZE(3) establishes and limits the persons who may give a dispute notice, according to the type of application involved in the dispute, as well as in relation to disputes not involving an application (for example a dispute about the provision and use of infrastructure).

New section 275ZF(Entities entitled to receive dispute notices and join disputes) establishes the entities to whom dispute notices must be given. New section 275ZF(1) requires a person who gives a dispute notice to the local government to provide a copy to any entity under section 275ZE(3) and, if relevant, the distributor-retailer for water infrastructure.

New section 275ZF(2) provides that an entity who is given a dispute notice under subsection (1) may elect to join the dispute by giving notice of the election to the local government, and the person who gave the dispute notice, within 5 business days after the dispute notice is given.

New section 275ZF(3) provides that if an entity elects to join a dispute under section 275ZF (2), the dispute provisions under the Springfield structure plan apply.

New section 275ZG (Modification of particular provisions of Springfield structure plan relating to disputes) modifies timeframes under the SSP, section 11 by providing for longer periods for parties to a dispute to confer, and to refer the dispute to an expert (10 business days and 15 business days respectively).

New section 275ZH (Assessment manager may give new decision notice) authorises the assessment manager for a development application subject to the dispute arrangements under the SSP, section 11 to give a new decision notice for the development application under particular circumstances.

New section 272ZH(1) states that this section applies if a person gives a dispute notice to the local government for a development application or change application.

New section 275ZH(2) provides that if in resolving the dispute, the parties agree to the assessment manager giving a new decision notice, the assessment manager may give a new decision notice which replaces the original decision notice. The local government also may provide a replacement infrastructure changes notice to the applicant.

Clause 76 Insertion of new ch 8, pt 8 (Part 8 Transitional provisions for Forest Wind Farm Development Act 2020)
Clause 76 inserts new transitional provisions which relate to the new Part 4C Provisions for Springfield structure plan.

New section 352 (Existing plan applications) provides that Chapter 7, part 4C, divisions 2 and 3 do not apply in relation to a plan application made, but not decided, before the commencement.

New section 353 (Particular existing approvals) provides for transitional arrangements for existing approvals in relation to the Springfield structure plan. New section 352(1) provides that section 275ZB (Restrictions on starting development in structure plan area) does not apply in relation to a development approval given before the commencement.

New section 353(2) provides that section 275ZC (Application of ch 3, pt 5, div 2, sdiv 1) does not apply in relation to a development approval, or an approval of a change application, given before the commencement.

New section 354 (Existing dispute notices) subsection (1) provides that sections 275ZD to 275ZG do not apply in relation to a dispute notice given before the commencement.

Clause 77 Amendment of sch 2 (Dictionary)
Clause 77 amends schedule 2 of the Planning Act to include definitions under the Springfield structure plan and other definitions under this Bill.

Schedule 1 Project area A and project area B

Schedule 1 provides the map that defines project areas A and B.

Schedule 2 Dictionary

Schedule 2 defines various terms used throughout the Bill.