



Forest Wind Farm Development Bill 2020



Queensland

Forest Wind Farm Development Bill 2020

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2020

A Bill

for

An Act to enable the establishment and operation of a wind farm in certain State forests, and to amend this Act, the *Forestry Act 1959*, the *Land Act 1994* and the *Planning Act 2016* for particular purposes

[s 1]

The Parliament of Queensland enacts— 1

Part 1 Preliminary 2

1 Short title 3

This Act may be cited as the *Forest Wind Farm Development Act 2020*. 4
5

2 Commencement 6

This Act, other than part 8, division 4, commences on a day to 7
be fixed by proclamation. 8

3 Purpose of Act 9

The purpose of this Act is to enable the establishment and 10
operation of a particular wind farm development in the project 11
area. 12

4 Act binds all persons 13

This Act binds all persons, including the State. 14

5 Definitions 15

The dictionary in schedule 2 defines particular words used in 16
this Act. 17

Part 2	Development agreements	1
6	Meaning of <i>development agreement</i>	2
	A <i>development agreement</i> is an agreement relating to a stage of the project, as in force from time to time, that—	3 4
	(a) is entered into by the State with at least the following entities—	5 6
	(i) an entity who is the proponent for the agreement;	7
	(ii) each plantation licensee for a State plantation forest, or part of a State plantation forest, in the agreement area; and	8 9 10
	(b) includes—	11
	(i) a declaration that the agreement is a development agreement for this Act; and	12 13
	(ii) a description of the stage of the project the subject of the agreement; and	14 15
	(iii) a description of the part of the project area to which the stage relates; and	16 17
	(c) includes provision about—	18
	(i) the giving of an access licence in relation to the agreement, including the expiry day for the licence; and	19 20 21
	(ii) the giving or renewal of a project lease in relation to the agreement, including the purpose of the lease; and	22 23 24
	(iii) the payment of compensation, in relation to the carrying out of the agreement stage, by the proponent, or another specified entity other than the State, to each plantation licensee who is a party to the development agreement; and	25 26 27 28 29
	(iv) the remediation of land in the agreement area, including the giving of a security to the State in relation to the remediation of the land; and	30 31 32

[s 7]

	(v) the assessment of the financial and managerial capabilities of the proponent, including before an access licence or project lease is given or transferred to the proponent.	1 2 3 4
7	Matters about development agreements that must be noted on plantation licences	5 6
	(1) This section applies if—	7
	(a) the agreement area for a development agreement includes land that, when the agreement is entered into, is in the licence area for a plantation licence; and	8 9 10
	(b) the plantation licence is registered in the register of plantation licences under the <i>Forestry Act 1959</i> .	11 12
	(2) The Minister must, as soon as practicable after the development agreement is entered into, notify the chief executive (lands) of the agreement.	13 14 15
	(3) If the chief executive (lands) is notified under subsection (2), the chief executive (lands) must note on the plantation licence that the development agreement has been entered into.	16 17 18
	(4) If the development agreement stops having effect—	19
	(a) the Minister must notify the chief executive (lands) that the development agreement has stopped having effect; and	20 21 22
	(b) the chief executive (lands) must remove the note mentioned in subsection (3) from the plantation licence.	23 24

Part 3	Access licences	1
Division 1	Preliminary	2
8	Authority given by access licences	3
(1)	An access licence given in relation to a development agreement authorises the holder of the licence or a person acting on behalf of the holder to do any of the following—	4 5 6
(a)	to carry out a stated activity for the agreement stage on stated land that is in project area A and in the agreement area for the development agreement;	7 8 9
(b)	to build, maintain or use a road or track on stated land that is in project area B and in the agreement area for the development agreement;	10 11 12
(c)	to remediate the land mentioned in paragraph (a) or (b) in accordance with the access licence;	13 14
(d)	to enter stated land in the agreement area for the development agreement for a purpose mentioned in paragraph (a), (b) or (c).	15 16 17
(2)	Without limiting subsection (1)(a), the stated activity for land that is in project area A and in the agreement area for a development agreement may involve—	18 19 20
(a)	building, maintaining and using a bridge, road or track; or	21 22
(b)	building, maintaining and operating equipment or a building, facility, structure or works.	23 24
9	Conditions precedent for giving access licences	25
	For this part, the <i>conditions precedent</i> for the giving of an access licence to the proponent for a development agreement are as follows—	26 27 28

[s 10]

-
- (a) if native title exists in relation to a part of the agreement area for the development agreement—an ILUA in relation to the project must be in effect for the part of the agreement area and must—
 - (i) provide that the parties to the ILUA consent to the giving of the access licence; and
 - (ii) provide for the payment of compensation in relation to the effect of the giving of the access licence on native title rights and interests; and
 - (iii) provide that no compensation is payable by or on behalf of the State under the ILUA;
 - (b) if the development agreement provides that compensation must be paid by the proponent, or another specified entity, to a plantation licensee before the access licence is given—the compensation has been paid;
 - (c) if the development agreement provides that a security must be given to the State before the access licence is given—the security has been given;
 - (d) if, under the development agreement, a condition must be met before the access licence is given—the condition has been met.

Division 2 Applications for access licences 23

10 Making licence applications 24

- (1) The proponent for a development agreement may apply (a *licence application*) to the Minister for the giving of an access licence in relation to the agreement. 25
26
27
- (2) The licence application must— 28
 - (a) be in writing; and 29
 - (b) include a description of the activity to which the access licence is to relate (the *proposed activity*); and 30
31

-
- (c) include a plan that shows the land (the *proposed licence land*)—
 - (i) on which the proposed activity is to be carried out; and
 - (ii) to which entry is required to carry out the proposed activity and to remediate the land on which the activity is carried out; and
 - (d) provide evidence the conditions precedent for the giving of the access licence have been met; and
 - (e) comply with a requirement for the licence application stated in the development agreement.
- (3) For subsection (2)(b)—
- (a) to the extent the proposed activity is to be carried out on land in project area A—the activity must be for the agreement stage for the development agreement; and
 - (b) to the extent the proposed activity is to be carried out on land in project area B—the activity must be an activity mentioned in section 8(1)(b).
- (4) For subsection (2)(c), the proposed licence land must be in the agreement area for the development agreement.
- (5) The proponent must not make the licence application if the proponent already holds an access licence in relation to the development agreement.
- (6) The licence application is taken not to have been made if, before the application is decided—
- (a) the applicant stops being the proponent for the development agreement; or
 - (b) the development agreement stops having effect.
- 11 Requests to applicants about licence applications**
- (1) The Minister may, by notice, ask the applicant for the licence application—
-

[s 12]

- (a) to complete or correct the application in a stated way if the Minister considers the application is incorrect, incomplete or defective; or
 - (b) to give the Minister stated further information about the application; or
 - (c) to give the Minister a statutory declaration verifying information stated in the application or further information given under paragraph (b).
- (2) The applicant must comply with the request within—
 - (a) the period stated in the notice or, if no period is stated, 30 days after the request is made; or
 - (b) the extended period decided by the Minister.
- (3) The Minister may refuse to decide the licence application until the request is complied with.
- (4) Subsection (5) applies if the applicant does not comply with the request—
 - (a) within the period or extended period mentioned in subsection (2); or
 - (b) to the satisfaction of the Minister.
- (5) Despite section 12, the Minister may refuse the licence application.

12 Deciding licence applications

- (1) After receiving the licence application, the Minister must—
 - (a) if satisfied the conditions precedent for the giving of the access licence have been met—give the access licence to the applicant; or
 - (b) otherwise—refuse the licence application.
- (2) If the decision is to refuse the licence application, the Minister must give the applicant notice of the decision, including the reasons for the decision.

13	Form of access licences	1
	An access licence must—	2
	(a) be written; and	3
	(b) state the name of the entity to whom the licence is given; and	4 5
	(c) state the day the licence is given; and	6
	(d) include a description of the activity to which the licence relates; and	7 8
	(e) include a plan that shows the land—	9
	(i) on which the activity is authorised to be carried out; and	10 11
	(ii) to which entry is authorised; and	12
	(f) state the licence is subject to the conditions mentioned in section 14(1); and	13 14
	(g) state each condition imposed under section 14(1)(g).	15
14	Conditions of access licences	16
	(1) An access licence is subject to the following conditions—	17
	(a) the authorised activity must not be carried out unless the holder of the access licence, or a person acting on behalf of the holder, holds each approval, licence, permit or other authority required under law for the carrying out of the activity;	18 19 20 21 22
	(b) the holder of the access licence must not interfere with another person's lawful use of the licence land under an existing approval unless—	23 24 25
	(i) the other person consents to the interference; or	26
	(ii) the holder of the access licence has taken all reasonable steps to obtain the other person's consent to the interference and the interference is reasonably required for the carrying out of the authorised activity;	27 28 29 30 31

[s 15]

-
- (c) the holder of the access licence must, in the way stated
in the relevant development agreement for the licence,
pay to the State the amount of rent for the use of the
licence land stated in the agreement;
 - (d) the holder of the access licence must comply with the
relevant development agreement for the licence;
 - (e) the holder of the access licence may remediate land in
accordance with the licence, and enter on licence land
for that purpose, after the licence stops having effect;
 - Note—*
 - See also section 17.
 - (f) a condition provided under the relevant development
agreement for the access licence;
 - (g) another condition the Minister considers appropriate.
 - (2) However, an access licence is not subject to a condition
mentioned in subsection (1)(f) if—
 - (a) the Minister considers the condition is not appropriate;
and
 - (b) the licence states it is not subject to the condition.
 - (3) Subsection (4) applies if the licence land for an access licence
includes land in project area B.
 - (4) In considering, under subsection (2)(a), whether a condition is
not appropriate, the Minister must consult with the Minister
responsible for administering the *Forestry Act 1959*.

15 Term of access licences

- (1) An access licence—
 - (a) takes effect on registration under section 25; and
 - (b) continues in effect until the earliest of the following
days or events—
 - (i) the expiry day for the access licence stated in the
relevant development agreement for the licence or,
if a related project lease is renewed under section

[s 16]

	46, the end of the term of the renewed project lease;	1 2
	(ii) the relevant development agreement for the access licence stops having effect;	3 4
	(iii) the day that is 30 days after the holder of the access licence stops being the proponent for the relevant development agreement for the licence;	5 6 7
	(iv) a related project lease stops having effect, other than because the lease is taken to have been surrendered under the <i>Land Act 1994</i> , section 162(6);	8 9 10 11
	(v) the access licence is surrendered under section 20;	12
	(vi) the access licence is cancelled under section 21;	13
	(vii) 29 June 2109.	14
(2)	However, an access licence does not stop having effect under subsection (1)(b)(iii) if, before the day mentioned in the subsection, the holder of the licence complies with section 27(1)(a) in relation to a transfer of the licence.	15 16 17 18
(3)	In this section—	19
	<i>related project lease</i> , in relation to an access licence, means a project lease given in relation to the same development agreement as the access licence.	20 21 22
16	Effect on access licences if licence land stops being in particular areas	23 24
	To remove any doubt, it is declared that—	25
	(a) an access licence in relation to land that is a State forest or State plantation forest does not stop having effect only because the land stops being a State forest or State plantation forest; and	26 27 28 29
	(b) an access licence in relation to land in the licence area for a plantation licence or plantation sublicense does not stop having effect only because—	30 31 32

[s 17]

	(i) the land stops being in the licence area; or	1
	(ii) the plantation licence or plantation sublicense stops having effect.	2 3
17	Particular conditions continue after access licences end	4
	A condition of an access licence mentioned in section 14(1)(e) continues to apply to the holder of the licence after the licence stops having effect.	5 6 7
Division 3	Amending, surrendering and cancelling access licences	8 9
18	Making amendment applications	10
	(1) The holder of an access licence may apply (an <i>amendment application</i>) to the Minister to amend the matters included in the licence under section 13(d) or (e).	11 12 13
	(2) The amendment application must—	14
	(a) be in writing; and	15
	(b) provide evidence the conditions precedent for the giving of the access licence, as amended, have been met; and	16 17
	(c) comply with a requirement for the amendment application stated in the relevant development agreement for the access licence; and	18 19 20
	(d) if the access licence has been mortgaged—be accompanied by the mortgagee’s written consent to the amendment.	21 22 23
	(3) Section 11 applies in relation to the amendment application as if—	24 25
	(a) a reference in the section to a licence application were a reference to the amendment application; and	26 27
	(b) the reference in section 11(5) to section 12 were a reference to section 19.	28 29

-
- 19 Deciding amendment applications** 1
- (1) After receiving the amendment application, the Minister must— 2
3
- (a) approve or refuse the application; and 4
- (b) if the decision is to approve the application—give the applicant a copy of the amendment; and 5
6
- (c) if the decision is to refuse the application—give the applicant notice of the decision, including the reasons for the decision. 7
8
9
- (2) The Minister must not approve the amendment application unless satisfied the conditions precedent for the giving of the access licence, as amended, have been met. 10
11
12
- (3) Also, the Minister must not approve the amendment application if the amendment would have the effect that— 13
14
- (a) to the extent the authorised activity for the access licence is to be carried out on land in project area A—any part of the authorised activity is not for the agreement stage under the relevant development agreement for the licence; or 15
16
17
18
19
- (b) to the extent the authorised activity for the access licence is to be carried out on land in project area B—any part of the authorised activity is not an activity mentioned in section 8(1)(b); or 20
21
22
23
- (c) the licence land for the access licence includes land outside the agreement area for the relevant development agreement for the licence. 24
25
26
- (4) An amendment of an access licence takes effect when the amendment is registered under section 25. 27
28
- 20 Surrender of access licences** 29
- (1) The holder of an access licence may surrender the licence— 30
- (a) on terms agreed between the holder and the Minister; 31
and 32
-

[s 21]

	(b) with the Minister's written approval.	1
(2)	If the access licence has been mortgaged, the Minister must not approve the surrender of the licence unless the holder of the licence gives the Minister a copy of the mortgagee's written consent to the surrender.	2 3 4 5
(3)	The surrender takes effect when it is registered under section 26.	6 7
21	Cancellation of access licences	8
(1)	The Minister may, by notice given to the holder of an access licence (a <i>cancellation notice</i>), cancel the licence if—	9 10
(a)	the Minister has given the holder of the licence a compliance notice; and	11 12
(b)	the holder of the licence has not complied with the compliance notice; and	13 14
(c)	each condition precedent for the giving of the cancellation notice, stated in the relevant development agreement for the licence, has been met.	15 16 17
(2)	The cancellation takes effect on the day the cancellation notice is given or a later day stated in the notice.	18 19
22	Minister may give compliance notices	20
(1)	This section applies if the Minister believes the holder of an access licence has not complied with a condition of the licence.	21 22 23
(2)	The Minister may give the holder of the access licence a notice requiring the holder to remedy the non-compliance (a <i>compliance notice</i>).	24 25 26
(3)	The compliance notice must state the following—	27
(a)	the Minister believes the holder of the access licence has not complied with a condition of the licence;	28 29
(b)	the grounds for the belief;	30

[s 23]

- (c) the holder of the access licence must remedy the non-compliance within a stated reasonable period; 1
2
- (d) the access licence may be cancelled under section 21 if the holder of the licence does not comply with the compliance notice. 3
4
5

Division 4 Transferring and mortgaging access licences 6 7

23 Transfers of access licences 8

- (1) An access licence may be transferred to another entity (the *transferee*)— 9
10
 - (a) only if— 11
 - (i) the holder of the licence stops being the proponent for the relevant development agreement for the licence; and 12
13
14
 - (ii) the transferee is the new proponent for the relevant development agreement for the licence; and 15
16
 - (iii) the Minister, by notice given to the holder of the licence, approves the transfer; and 17
18
 - (b) except to the extent the relevant development agreement for the licence provides that the licence may not be transferred. 19
20
21
- (2) For subsection (1)(a)(iii), the Minister must approve the transfer if satisfied— 22
23
 - (a) subsection (1)(a)(i) and (ii) applies in relation to the transfer; and 24
25
 - (b) the transfer is not prohibited under subsection (1)(b). 26
- (3) The Minister's approval of the transfer lapses on the day that is 3 months after the approval is given unless the holder of the access licence complies with section 27(1)(a) in relation to the transfer before that day. 27
28
29
30

[s 24]

(4)	The transfer takes effect when it is registered under section 27.	1 2
24	Mortgages of access licences	3
(1)	The holder of an access licence may mortgage the licence—	4
(a)	only if the Minister, by notice given to the holder, approves the mortgaging of the licence; and	5 6
(b)	only in compliance with the relevant development agreement for the licence; and	7 8
(c)	except to the extent the relevant development agreement for the licence provides that the licence may not be mortgaged.	9 10 11
(2)	The Minister's approval of the mortgage lapses on the day that is 3 months after the approval is given unless the holder of the access licence complies with section 27(1)(a) in relation to the mortgage before that day.	12 13 14 15
(3)	The mortgage takes effect when it is registered under section 27.	16 17
Division 5	Registration of particular matters	18
25	Registration of access licences and amendments	19
(1)	If an access licence is given or amended under this part—	20
(a)	the Minister must—	21
(i)	lodge the licence or amendment with the chief executive (lands); and	22 23
(ii)	for an amendment of an access licence that has been mortgaged—give the chief executive (lands) a copy of the mortgagee's written consent to the amendment; and	24 25 26 27
(b)	the chief executive (lands) must register the access licence or amendment in the register of State forests.	28 29

[s 26]

(2)	The registration of an access licence under subsection (1) creates an interest in land.	1 2
26	Requirements if access licences stop having effect	3
(1)	If an access licence is surrendered under section 20—	4
(a)	the Minister must—	5
(i)	lodge notice of the surrender with the chief executive (lands); and	6 7
(ii)	for the surrender of an access licence that has been mortgaged—give the chief executive (lands) a copy of the mortgagee’s written consent to the surrender; and	8 9 10 11
(b)	the chief executive (lands) must register the surrender in the register of State forests.	12 13
(2)	If an access licence stops having effect other than because the licence is surrendered under section 20—	14 15
(a)	the Minister must notify the chief executive (lands) that the licence has stopped having effect; and	16 17
(b)	the chief executive (lands) must record the matter in the register of State forests.	18 19
27	Registration of transfers and mortgages	20
(1)	If an access licence is transferred or mortgaged under this part—	21 22
(a)	the holder of the licence must—	23
(i)	lodge a document for the transfer or mortgage with the chief executive (lands); and	24 25
(ii)	give the chief executive (lands) a copy of the Minister’s approval of the transfer or mortgage; and	26 27 28
(b)	the chief executive (lands) must register the transfer or mortgage in the register of State forests.	29 30

[s 28]

(2)	However, the chief executive (lands) must not register the transfer or mortgage if—	1 2
(a)	the Minister has not approved the transfer or mortgage; or	3 4
(b)	the Minister’s approval of the transfer or mortgage has lapsed.	5 6
(3)	Also, subsection (1)(b) is subject to the <i>Land Act 1994</i> , section 287.	7 8
(4)	The <i>Land Act 1994</i> , section 299A applies in relation to the transfer or mortgage of an access licence as if—	9 10
(a)	a reference in the section to the <i>Land Act 1994</i> includes a reference to this Act; and	11 12
(b)	a reference in the section to the Minister includes a reference to the Minister responsible for administering this Act.	13 14 15
Part 4	Leasing land in project area	16
Division 1	Preliminary	17
28	Conditions precedent for giving and renewing project leases	18 19
	For this part, the <i>conditions precedent</i> for the giving or renewal of a project lease in relation to a development agreement are as follows—	20 21 22
(a)	if native title exists in relation to a part of the agreement area for the development agreement—an ILUA in relation to the project must be in effect for the part of the agreement area and must—	23 24 25 26
(i)	provide that the parties to the ILUA consent to the giving or renewal of the project lease; and	27 28

[s 29]

- (ii) provide for the payment of compensation in relation to the effect of the giving or renewal of the project lease on native title rights and interests; and
- (iii) provide that no compensation is payable by or on behalf of the State under the ILUA;
- (b) if the development agreement provides that particular development for the agreement stage must be carried out before the project lease is given or renewed—the development has been carried out;
- (c) if the development agreement provides that compensation must be paid by the proponent for the agreement, or another specified entity, to a plantation licensee before the project lease is given or renewed—the compensation has been paid;
- (d) if, under the development agreement, a condition must be met before the project lease is given or renewed—the condition has been met.

Division 2 Applications for project leases 18

29 Making lease applications 19

- (1) The proponent for a development agreement may apply (a *lease application*) to the Minister for the giving of a project lease in relation to the agreement if the proponent holds an access licence in relation to the agreement.
- (2) The lease application must—
 - (a) be in writing; and
 - (b) state the purpose of the project lease; and
 - (c) include a plan of survey of the lease land; and
 - (d) provide evidence the conditions precedent for the giving of the project lease have been met; and
 - (e) comply with a requirement for the lease application stated in the development agreement; and

[s 30]

- (f) be accompanied by the fee prescribed by regulation. 1
- (3) For subsection (2)(b), the purpose of the project lease must be 2
for, and only for, a purpose that— 3
 - (a) relates to the agreement stage; and 4
 - (b) is stated in the development agreement. 5
- (4) For subsection (2)(c), the lease land must be in the agreement 6
area for the development agreement. 7
- (5) The proponent must not make the lease application if the 8
proponent already holds a project lease in relation to the 9
development agreement. 10
- (6) The lease application is taken not to have been made if, before 11
the application is decided— 12
 - (a) the applicant stops being the proponent for the 13
development agreement; or 14
 - (b) the development agreement stops having effect; or 15
 - (c) the applicant's access licence in relation to the 16
development agreement stops having effect. 17

30 Requests to applicants about lease applications 18

- (1) The Minister may, by notice, ask the applicant for the lease 19
application— 20
 - (a) to complete or correct the application in a stated way if 21
the Minister considers the application is incorrect, 22
incomplete or defective; or 23
 - (b) to give the Minister stated further information about the 24
application; or 25
 - (c) to give the Minister a statutory declaration verifying 26
information stated in the application or further 27
information given under paragraph (b). 28
- (2) The applicant must comply with the request within— 29
 - (a) the period stated in the notice or, if no period is stated, 30
30 days after the request is made; or 31

[s 31]

-
- (b) the extended period decided by the Minister. 1
 - (3) The Minister may refuse to decide the lease application until 2
the request is complied with. 3
 - (4) Subsection (5) applies if the applicant does not comply with 4
the request— 5
 - (a) within the period or extended period mentioned in 6
subsection (2); or 7
 - (b) to the satisfaction of the Minister. 8
 - (5) Despite section 31, the Minister may refuse the lease 9
application. 10
- 31 Deciding lease applications** 11
- (1) After receiving the lease application, the Minister must— 12
 - (a) if satisfied the conditions precedent for the giving of the 13
project lease have been met—offer the lease to the 14
applicant; or 15
 - (b) otherwise—refuse the application. 16
 - (2) If the decision is to refuse the lease application, the Minister 17
must give the applicant notice of the decision, including the 18
reasons for the decision. 19
- 32 Notices of offer** 20
- (1) If the Minister decides to offer a project lease under section 21
31(1)(a) in relation to a development agreement, the Minister 22
must give the applicant a notice stating— 23
 - (a) any conditions on which the offer is made; and 24
 - (b) the conditions to which the project lease will be subject 25
under section 37; and 26
 - (c) the rent payable under the *Land Act 1994* for the project 27
lease; and 28
 - (d) the term of the project lease. 29
-

[s 33]

Note—

For other matters that must be included in an offer of a project lease,
see also the *Land Act 1994*, section 139 as applied by division 3.

- (2) For subsection (1)(d), the term of the project lease must end on or before the earlier of the following days—
 - (a) the expiry day for an access licence stated in the relevant development agreement for the project lease;
 - (b) the day that is 45 years after the project lease takes effect;
 - (c) 29 June 2109.
- (3) The *Land Act 1994*, sections 441A and 442 apply in relation to the offer as if the offer were made under that Act.
- (4) The offer is accepted only if the applicant complies with the conditions of the offer.
- (5) The offer is taken not to have been made, and any acceptance of the offer has no effect, if, before the project lease is given—
 - (a) the applicant stops being the proponent for the development agreement; or
 - (b) the development agreement stops having effect; or
 - (c) the applicant's access licence in relation to the development agreement stops having effect.

33 When Land Act Minister must give project leases

- (1) If the applicant for a lease application accepts an offer of a project lease under this division, the Land Act Minister must, under the *Land Act 1994*, section 15(2)(b), give the lease to the applicant in accordance with the terms of the accepted offer.
- (2) If the lease land is not a reserve, subsection (1) applies as if the lease land were a reserve.
- (3) Subsection (1) applies subject to the *Land Act 1994*, section 138, as applied by division 3.

Division 3	Provisions about project leases	1
34	Application of Land Act 1994 to project leases	2
(1)	Subject to this part, the <i>Land Act 1994</i> applies in relation to a project lease, including a dealing with a project lease.	3 4
(2)	For applying the <i>Land Act 1994</i> in relation to a project lease, the lease is a State lease under that Act, even if the lease land is not a reserve.	5 6 7
35	Provisions of Land Act 1994 that do not apply in relation to project leases	8 9
	The following provisions of the <i>Land Act 1994</i> do not apply in relation to a project lease—	10 11
(a)	section 16;	12
(b)	section 32;	13
(c)	section 34C(a);	14
(d)	chapter 4, part 1, divisions 1, 2 and 2A;	15
(e)	section 154;	16
(f)	section 155;	17
(g)	chapter 4, part 3, division 2, subdivision 2, other than section 162(5) to (7);	18 19
	<i>Note—</i>	20
	See also section 46(5).	21
(h)	chapter 4, part 3, divisions 3, 4 and 5;	22
(i)	chapter 5, part 2, division 2;	23
(j)	section 241(d);	24
(k)	chapter 5, part 5;	25
(l)	section 322;	26
(m)	sections 327A, 327G and 330(a);	27
(n)	chapter 6, part 4, division 3.	28

[s 36]

36	Modified application of particular provisions of Land Act 1994	1
		2
(1)	The <i>Land Act 1994</i> , sections 138, 139, 140 and 141 apply in relation to a project lease as if a reference in the sections to an offer were a reference to an offer of a project lease under this part.	3
		4
		5
		6
(2)	The <i>Land Act 1994</i> , section 138A applies in relation to a project lease as if—	7
		8
(a)	a reference in the section to a lease under chapter 4, part 1 of that Act were a reference to the project lease; and	9
		10
(b)	a reference in the section to ‘offered under this part’ were a reference to offered under division 2.	11
		12
(3)	The <i>Land Act 1994</i> , chapter 4, part 3, division 2, subdivision 1AA applies in relation to a project lease as if—	13
		14
(a)	a reference in the subdivision to ‘the Minister’ were a reference to the Minister responsible for administering this Act; and	15
		16
		17
(b)	a reference in the <i>Land Act 1994</i> , section 156 to a ‘renewal application’ were a reference to a renewal application under this Act.	18
		19
		20
(4)	The <i>Land Act 1994</i> , sections 176Y, 176Z and 176ZA apply in relation to a project lease as if a reference in the sections to ‘this part’ includes a reference to this Act.	21
		22
		23
(5)	The <i>Land Act 1994</i> , section 299A applies in relation to a project lease as if—	24
		25
(a)	a reference in the section to the <i>Land Act 1994</i> includes a reference to this Act; and	26
		27
(b)	a reference in the section to ‘the Minister’ includes a reference to the Minister responsible for administering this Act.	28
		29
		30
(6)	If the Minister gives the lessee for a project lease an improvements notice under the <i>Land Act 1994</i> , section 156A—	31
		32
		33

[s 37]

- (a) chapter 7, part 3, division 2 of that Act applies in relation to the improvements notice as if a reference in the division to ‘the Minister’ or ‘the chief executive’ were a reference to the Minister responsible for administering this Act; and
- (b) the lessee may not appeal under the *Land Act 1994*, chapter 7, part 3, division 3 against a review decision under that Act in relation to the improvements notice.

37 Conditions of project leases

- (1) A project lease is subject to the following conditions—
 - (a) the lessee must not interfere with another person’s lawful use of the lease land under an existing approval unless—
 - (i) the other person consents to the interference; or
 - (ii) the lessee has taken all reasonable steps to obtain the other person’s consent to the interference and the interference is reasonably required for the use of the land for the purpose of the project lease;
 - (b) the lessee must comply with—
 - (i) the relevant development agreement for the project lease; and
 - (ii) a condition of the related access licence;
 - (c) a condition provided under the following instruments, as in effect when the project lease is given—
 - (i) the relevant development agreement for the project lease;
 - (ii) the related access licence;
 - (d) a condition about the protection and sustainability of the lease land the Minister considers appropriate;
 - (e) another condition to which the project lease is subject under the *Land Act 1994*, including, for example, a

[s 38]

	condition imposed on the lease under chapter 5, part 2, division 1 or 3A of that Act.	1 2
(2)	However, a project lease is not subject to a condition mentioned in subsection (1)(c) if—	3 4
(a)	the Minister considers the condition is not appropriate; and	5 6
(b)	the project lease states it is not subject to the condition.	7
(3)	Subsection (4) applies if the lease land for a project lease includes land in project area B.	8 9
(4)	In considering, under subsection (2)(a), whether a condition is not appropriate, the Minister must consult with the Minister responsible for administering the <i>Forestry Act 1959</i> .	10 11 12
(5)	A condition may not be imposed on a project lease under the <i>Land Act 1994</i> , chapter 5, part 2, division 2.	13 14
	<i>Note—</i>	15
	However, see section 38(1) for conditions under this section that are taken to be imposed conditions under the <i>Land Act 1994</i> .	16 17
38	Particular conditions taken to be imposed conditions for Land Act 1994	18 19
(1)	For the <i>Land Act 1994</i> , a condition to which a project lease is subject under section 37, other than a condition mentioned in section 37(1)(e), is taken to be an imposed condition of the lease under that Act.	20 21 22 23
(2)	However—	24
(a)	the condition binds the lessee whether or not the condition is registered under the <i>Land Act 1994</i> ; and	25 26
(b)	the following provisions of the <i>Land Act 1994</i> do not apply in relation to the condition—	27 28
(i)	chapter 5, part 2, division 3;	29
(ii)	section 240L(7);	30
(iii)	section 240M(2)(a) and (b);	31

(iv) section 240P(6) and (8). 1

39 When project leases stop having effect 2

- (1) Without limiting the *Land Act 1994*, a project lease stops 3
having effect if— 4
 - (a) the relevant development agreement for the lease stops 5
having effect; or 6
 - (b) the related access licence stops having effect; or 7
 - (c) the lease is surrendered under section 41. 8
- (2) Also, a project lease stops having effect on the day that is 30 9
days after the lessee stops being the proponent for the relevant 10
development agreement for the lease unless the lessee 11
complies with section 49(1)(a) in relation to a transfer of the 12
lease before that day. 13
- (3) To remove any doubt, it is declared that— 14
 - (a) a project lease in relation to land that is a State forest or 15
State plantation forest does not stop having effect only 16
because the land stops being a State forest or State 17
plantation forest; and 18
 - (b) a project lease in relation to land in the licence area for a 19
plantation licence or plantation sublicense does not stop 20
having effect only because— 21
 - (i) the land stops being in the licence area; or 22
 - (ii) the plantation licence or plantation sublicense 23
stops having effect. 24

40 Effect of project leases ending 25

- If a project lease stops having effect in relation to land— 26
- (a) any part of the land that is State forest remains State 27
forest; and 28
 - (b) any part of the land that is a reserve remains a reserve; 29
and 30

[s 41]

- | | | |
|-----|--|-------------|
| (c) | any part of the land that is not State forest or a reserve becomes unallocated State land under the <i>Land Act 1994</i> . | 1
2
3 |
|-----|--|-------------|

Division 4	Surrendering and transferring project leases	4 5
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41	Surrender of project leases	6
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|-----|---|----------------|
| (1) | The lessee for a project lease may surrender all or part of the lease— | 7
8 |
| (a) | on terms agreed between the lessee and the Minister; and | 9
10 |
| (b) | with the Minister's written approval. | 11 |
| (2) | The <i>Land Act 1994</i> , sections 327C to 327F and 327I apply in relation to the surrender of the project lease— | 12
13 |
| (a) | as if a reference in the sections to 'the chief executive' or 'the Minister' were a reference to the Minister responsible for administering this Act; and | 14
15
16 |
| (b) | with any other necessary changes. | 17 |

42	Transfers of project leases	18
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|-------|--|----------|
| (1) | A project lease may be transferred to another entity (the <i>transferee</i>)— | 19
20 |
| (a) | only if— | 21 |
| (i) | the lessee stops being the proponent for the relevant development agreement for the lease; and | 22
23 |
| (ii) | the transferee is the new proponent for the relevant development agreement for the lease; and | 24
25 |
| (iii) | the transferee is, under the <i>Land Act 1994</i> , eligible to hold the lease; and | 26
27 |
| (iv) | the Minister, by notice given to the lessee, approves the transfer; and | 28
29 |

[s 43]

- (b) except to the extent any of the following prohibit the transfer—
 - (i) a condition of the lease;
 - (ii) the relevant development agreement for the lease;
 - (iii) the *Land Act 1994*.
- (2) For subsection (1)(a)(iv), the Minister must approve the transfer if satisfied—
 - (a) subsection (1)(a)(i) to (iii) applies in relation to the transfer; and
 - (b) the transfer is not prohibited under subsection (1)(b).
- (3) The Minister’s approval of the transfer lapses on the day that is 3 months after the approval is given unless the lessee complies with section 49(1)(a) in relation to the transfer before that day.

Division 5 Renewal of project leases

43 Making renewal applications

- (1) The lessee for a project lease may apply (a ***renewal application***) to the Minister for the renewal of the lease.
- (2) However, subsection (1) does not apply if—
 - (a) the project lease was given under section 46(1); or
 - (b) the relevant development agreement for the project lease, or a condition of the lease, prohibits the renewal of the lease.
- (3) Also, the renewal application may be made only after 90% of the term of the project lease has expired unless, in the Minister’s opinion, special circumstances exist.
- (4) The renewal application must—
 - (a) be in writing; and
 - (b) state the proposed term of the renewed project lease; and

[s 44]

- (c) provide evidence the conditions precedent for the renewal of the project lease have been met; and 1
2
- (d) comply with a requirement for the renewal application stated in the relevant development agreement for the project lease; and 3
4
5
- (e) be accompanied by the fee prescribed by regulation. 6
- (5) Section 30 applies in relation to the renewal application as if— 7
8
 - (a) a reference in the section to a lease application were a reference to the renewal application; and 9
10
 - (b) the reference in section 30(5) to section 31 were a reference to section 44. 11
12

44 Deciding renewal applications 13

- (1) After receiving the renewal application, the Minister must— 14
 - (a) if satisfied the conditions precedent for the renewal of the project lease have been met—offer a new project lease to the applicant; or 15
16
17
 - (b) otherwise—refuse the application. 18
- (2) However, the Minister may refuse the renewal application if satisfied the applicant has not complied with a condition of the project lease. 19
20
21
- Note—* 22
 - See also section 30(5) as applied by section 43(5). 23
- (3) If the decision is to refuse the renewal application, the Minister must give the applicant notice of the decision, including the reasons for the decision. 24
25
26

45 Notices of offer 27

- (1) If the Minister decides to offer a new project lease under section 44(1)(a), the Minister must give the applicant a notice stating— 28
29
30

[s 46]

(a)	any conditions on which the offer is made; and	1
(b)	the conditions to which the new project lease will be subject under section 37; and	2 3
(c)	the rent payable under the <i>Land Act 1994</i> for the new project lease; and	4 5
(d)	the term of the new project lease.	6
(2)	For subsection (1)(d), the term of the new project lease must end on or before the earlier of the following days—	7 8
(a)	the day that is 45 years after the new project lease takes effect;	9 10
(b)	29 June 2109.	11
(3)	The <i>Land Act 1994</i> , sections 441A and 442 apply in relation to the offer as if the offer were made under that Act.	12 13
(4)	The offer is accepted only if the applicant complies with the conditions of the offer.	14 15
(5)	The offer is taken not to have been made, and any acceptance of the offer has no effect, if, before the new project lease is given, the project lease the subject of the renewal application stops having effect.	16 17 18 19
46	When Land Act Minister must give new project leases	20
(1)	If the applicant for a renewal application accepts an offer of a new project lease under this division, the Land Act Minister must, under the <i>Land Act 1994</i> , section 15(2)(b), give the lease to the applicant in accordance with the terms of the accepted offer.	21 22 23 24 25
(2)	If the lease land is not a reserve, subsection (1) applies as if the lease land were a reserve.	26 27
(3)	Subsection (1) applies subject to the <i>Land Act 1994</i> , section 138.	28 29
(4)	The new project lease must be for the same purpose as the project lease the subject of the renewal application.	30 31

[s 47]

(5)	The <i>Land Act 1994</i> , section 162(5) to (7) applies in relation to the new project lease as if—	1 2
(a)	a reference in the section to a new lease were a reference to the new project lease; and	3 4
(b)	a reference in the section to an old lease were a reference to the project lease the subject of the renewal application.	5 6 7
47	Application of Land Act 1994, s 434B to renewal applications	8 9
(1)	The <i>Land Act 1994</i> , section 434B applies in relation to a renewal application for a project lease as if—	10 11
(a)	a reference in the section to an application were a reference to the renewal application; and	12 13
(b)	a reference in the section to ‘the Minister’ were a reference to the Minister responsible for administering this Act.	14 15 16
(2)	Despite the <i>Land Act 1994</i> , section 434B, the term of the project lease must not be extended under that section beyond 29 June 2109.	17 18 19
Division 6	Registration of particular matters	20
48	Requirements if project leases stop having effect	21
(1)	If a project lease stops having effect under section 39 because the lease has been surrendered under section 41—	22 23
(a)	the Minister must lodge with the chief executive (lands) the documents required for the surrender under the <i>Land Act 1994</i> , section 327E; and	24 25 26
(b)	the chief executive (lands) must register the surrender in the land registry.	27 28
(2)	Subsection (1)(b) is subject to the <i>Land Act 1994</i> , section 330(b) and (c).	29 30

[s 49]

- (3) If a project lease stops having effect under section 39 other than because the lease has been surrendered under section 41—
 - (a) the Minister must notify the chief executive (lands) that the lease has stopped having effect; and
 - (b) the chief executive (lands) must record the matter in the land registry.

49 Registration of transfers

- (1) If a project lease is transferred under this part—
 - (a) the lessee must—
 - (i) lodge a document for the transfer with the chief executive (lands); and
 - (ii) give the chief executive (lands) a copy of the Minister’s approval of the transfer; and
 - (b) the chief executive (lands) must register the transfer in the land registry.
- (2) However, the chief executive (lands) must not register the transfer if—
 - (a) the Minister has not approved the transfer; or
 - (b) the Minister’s approval of the transfer has lapsed.
- (3) Also, subsection (1)(b) is subject to the *Land Act 1994*, section 287.

Part 5 Internal review of decisions

50 Who may apply for internal review

- (1) This section applies in relation to a renewal application for a project lease that is refused under section 44 if the only reason for the refusal is that the applicant has not complied with a condition of the lease.

[s 51]

(2)	The applicant for the renewal application may apply to the Minister for a review of the decision (an <i>internal review</i>).	1 2
51	Applications for internal review	3
(1)	The application for internal review must be made within—	4
(a)	42 days after notice of the decision is given to the applicant under section 44(3); or	5 6
(b)	the extended period decided by the Minister.	7
(2)	The application for internal review must—	8
(a)	be in writing; and	9
(b)	state the grounds on which the review is sought.	10
52	Internal review decisions	11
(1)	Unless the Minister made the decision to refuse the renewal application personally, the Minister must ensure the application for internal review is not dealt with by—	12 13 14
(a)	the person who made the decision; or	15
(b)	a person in a less senior office in the department than the person who made the decision.	16 17
(2)	After reviewing the decision to refuse the renewal application (the <i>original decision</i>), the Minister must make a further decision (the <i>review decision</i>)—	18 19 20
(a)	confirming the original decision; or	21
(b)	amending the original decision; or	22
(c)	substituting another decision for the original decision.	23
(3)	The Minister must give the applicant notice of the review decision.	24 25
(4)	If the review decision is not the decision sought by the applicant, the notice must state—	26 27
(a)	the day the notice is given to the applicant; and	28

- (b) the reasons for the decision. 1

Part 6 Remediation of land in project area 2 3

53 Relevant entity for project instruments 4

For this part, the *relevant entity* for a project instrument that stops having effect is— 5
6

- (a) if the project instrument is an access licence—the entity that was the holder of the licence immediately before the licence stopped having effect; or 7
8
9
- (b) if the project instrument is a development agreement—the entity that was the proponent for the agreement immediately before the agreement stopped having effect; or 10
11
12
13
- (c) if the project instrument is a project lease—the entity that was the lessee for the lease immediately before the lease stopped having effect. 14
15
16

54 Minister may require particular entities to remediate land in project area 17 18

- (1) This section applies if— 19
 - (a) a project instrument stops having effect; and 20
 - (b) the relevant entity for the project instrument has not complied with an obligation imposed on the entity under the instrument to remediate land in the project area (the *remediation obligation*); and 21
22
23
24
 - (c) the land— 25
 - (i) is a State plantation forest; and 26
 - (ii) is in the licence area for a plantation licence or plantation sublicense. 27
28

[s 55]

- (2) The Minister may give the plantation licensee for the
plantation licence, or the plantation sublicensee for the
plantation sublicense, a notice (a **remediation notice**)
requiring the licensee or sublicensee to remediate the land, in
accordance with the remediation obligation, within—
- (a) if the project instrument is a development agreement
and the agreement states a period for this subsection—
the period stated in the agreement; or
- (b) if the project instrument is an access licence or project
lease and the relevant development agreement for the
licence or lease states a period for this subsection—the
period stated in the agreement; or
- (c) otherwise—the period, of at least 3 months after the
remediation notice is given, stated in the notice.
- (3) The remediation notice must not be given within the period of
3 months after the project instrument stops having effect.
- (4) The requirement stated in the remediation notice is taken to be
a condition of—
- (a) if the notice is given to a plantation licensee—the
plantation licence; or
- (b) if the notice is given to a plantation sublicensee—the
plantation sublicense.

Part 7 Miscellaneous provisions

55 Inconsistency with Land Act 1994

If a provision of this Act is inconsistent with a provision of the
Land Act 1994, the provision of this Act prevails to the extent
of the inconsistency.

56 Relationship with Forestry Act 1959

- (1) Despite the *Forestry Act 1959*, section 26(1A)—

[s 56]

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- | | | |
|-----|--|----------------------------|
| (a) | an access licence may be given under part 3 in relation to land that is a State forest; and | 1
2 |
| (b) | a project lease may be given under part 4 and the <i>Land Act 1994</i> in relation to land that is a State forest; and | 3
4 |
| (c) | an access licence in relation to land that is a State forest may be dealt with under this Act; and | 5
6 |
| (d) | a project lease in relation to land that is a State forest may be dealt with under this Act and the <i>Land Act 1994</i> . | 7
8 |
| (2) | Subject to the <i>Forestry Act 1959</i> , section 61SF(2)(b), the giving of an access licence, or project lease, in relation to land in the licence area for a plantation licence or plantation sublicence does not affect a right, obligation or interest of the plantation licensee or plantation sublicensee under— | 9
10
11
12
13 |
| (a) | the plantation licence or plantation sublicence; or | 14 |
| (b) | a related agreement under the <i>Forestry Act 1959</i> ; or | 15 |
| (c) | the <i>Forestry Act 1959</i> . | 16 |
| (3) | To remove any doubt, it is declared that— | 17 |
| (a) | an access licence or project lease may be given in relation to land that is a State forest even if the giving of the licence or lease is inconsistent with the <i>Forestry Act 1959</i> , section 33; and | 18
19
20
21 |
| (b) | a project lease is not a lease given under the <i>Forestry Act 1959</i> , section 35(5), and section 35(5), (6) and (6A) of that Act does not apply in relation to a project lease; and | 22
23
24 |
| (c) | the giving of an access licence, or project lease, in relation to land that is a State forest does not affect the exercise of a power, or the performance of a function, by a person under the <i>Forestry Act 1959</i> in relation to the land. | 25
26
27
28
29 |
| | <i>Notes—</i> | 30 |
| 1 | See also section 57 in relation to the payment of compensation to a plantation licensee or plantation sublicensee. | 31
32 |

[s 57]

- 2 See also sections 16 and 39(3) in relation to the effect of particular
matters under the *Forestry Act 1959* on an access licence or project
lease.

57 No compensation payable by State

- (1) No compensation is payable by or on behalf of the State to a
person in relation to the enactment or operation of this Act.
- (2) Without limiting subsection (1), no compensation is payable
by or on behalf of the State to a person arising directly or
indirectly from any of the following—
 - (a) the giving or amendment of an access licence under part
3;
 - (b) the surrender or cancellation of an access licence, or an
access licence otherwise ceasing to have effect, under
part 3;
 - (c) a decision to refuse a licence application under part 3;
 - (d) a decision to impose, or not impose, a condition on an
access licence;
 - (e) a decision to refuse an amendment application under
section 19;
 - (f) a decision to approve or not approve the surrender,
transfer or mortgage of an access licence;
 - (g) a decision to give a compliance notice;
 - (h) a decision to refuse a lease application or renewal
application under part 4;
 - (i) a decision to offer a project lease to a person under part
4;
 - (j) a decision to impose, or not impose, a condition on a
project lease or offer under part 4;
 - (k) the giving or amendment of a project lease under part 4;
 - (l) the surrender of a project lease, or a project lease
otherwise ceasing to have effect, under part 4;

[s 58]

	(m) a decision to approve or not approve the surrender or transfer of a project lease;	1 2
	(n) the giving of a remediation notice under section 54.	3
(3)	This section applies despite anything to the contrary in—	4
	(a) another Act or law; or	5
	(b) a plantation licence; or	6
	(c) a plantation sublicence.	7
58	Delegation	8
	The Minister may delegate the Minister’s functions or powers under this Act to the chief executive.	9 10
59	Regulation-making power	11
	The Governor in Council may make regulations under this Act.	12 13
Part 8	Amendment of Acts	14
Division 1	Amendment of this Act	15
60	Act amended	16
	This division amends this Act.	17
61	Amendment of long title	18
	Long title, from ‘, and to amend’—	19
	<i>omit.</i>	20

[s 62]

Division 2	Amendment of Forestry Act 1959	1
62	Act amended	2
	This division amends the <i>Forestry Act 1959</i> .	3
63	Amendment of s 26 (Restriction on alienation etc.)	4
	Section 26(1A), note—	5
	<i>omit, insert—</i>	6
	<i>Notes—</i>	7
	1 See the <i>Petroleum and Gas (Production and Safety) Act 2004</i> , section 437A(1) for the creation of an easement for a pipeline licence holder under that Act over land that is a State forest.	8 9 10 11
	2 See also the <i>Forest Wind Farm Development Act 2020</i> for the giving of an access licence under that Act, or a lease under the <i>Land Act 1994</i> , for land that is a State forest.	12 13 14 15
64	Amendment of s 32C (Quarrying in State plantation forest)	16 17
	(1) Section 32C, ‘(other than a plantation licensee or plantation sublicensee)’—	18 19
	<i>omit.</i>	20
	(2) Section 32C—	21
	<i>insert—</i>	22
	(2) This section does not apply in relation to a person who is—	23 24
	(a) a plantation licensee; or	25
	(b) a plantation sublicensee; or	26
	(c) the proponent for a development agreement under the <i>Forest Wind Farm Development Act 2020</i> if the quarry material is taken from project area A.	27 28 29 30

[s 65]

65	Amendment of s 61RI (Events that are not compensation events)	1
		2
	Section 61RI—	3
	<i>insert—</i>	4
	(2) Also, a plantation licensee or plantation	5
	sublicensee may not claim compensation under	6
	this division for the grant or extension of a licence	7
	under section 55(1), or a sales permit, over the	8
	licence area or part of the licence area if—	9
	(a) the licence or sales permit is held by the	10
	proponent for a development agreement	11
	under the <i>Forest Wind Farm Development</i>	12
	<i>Act 2020</i> ; and	13
	(b) the licence or sales permit is for the getting	14
	of quarry material from project area A.	15
66	Amendment of s 73 (Unlawfully using State forests etc.)	16
	Section 73(1), ‘this Act, or’—	17
	<i>omit, insert—</i>	18
	this Act, an access licence or project lease under	19
	the <i>Forest Wind Farm Development Act 2020</i> , or	20
67	Amendment of s 73B (Commercial activities)	21
	Section 73B(2)—	22
	<i>insert—</i>	23
	(d) an activity that is authorised under an access	24
	licence or project lease under the <i>Forest</i>	25
	<i>Wind Farm Development Act 2020</i> .	26
68	Amendment of s 73D (Restricted items)	27
	(1) Section 73D(3)(b)—	28
	<i>insert—</i>	29

[s 69]

	(ia) the <i>Forest Wind Farm Development Act 2020</i> ;	1 2
(2)	Section 73D(3)(b)(ia) to (v)— <i>renumber</i> as section 73D(3)(b)(ii) to (vi).	3 4
69	Amendment of s 73F (Unauthorised structures or works)	5
(1)	Section 73F(3)— <i>insert</i> —	6 7
	(aa) the <i>Forest Wind Farm Development Act 2020</i> ;	8 9
(2)	Section 73F(3)(aa) to (e)— <i>renumber</i> as section 73F(3)(b) to (f).	10 11
70	Amendment of sch 3 (Dictionary)	12
	Schedule 3— <i>insert</i> —	13 14
	<i>development agreement</i> see the <i>Forest Wind Farm Development Act 2020</i> , section 6.	15 16
	<i>project area A</i> see the <i>Forest Wind Farm Development Act 2020</i> , schedule 2.	17 18
	<i>proponent</i> , for a development agreement, see the <i>Forest Wind Farm Development Act 2020</i> , schedule 2.	19 20 21
Division 3	Amendment of Land Act 1994	22
71	Act amended	23
	This division amends the <i>Land Act 1994</i> .	24

72	Amendment of s 287 (Registered documents must comply with particular requirements)	1 2
	Section 287(1)—	3
	<i>insert</i> —	4
	<i>Note</i> —	5
	For the registration of particular documents under the <i>Forest Wind Farm Development Act 2020</i> , see also part 3, division 5 and part 4, division 6 of that Act.	6 7 8
73	Amendment of s 327F (Notice of surrender)	9
	Section 327F(1), ‘section 327’—	10
	<i>omit, insert</i> —	11
	section 327C	12
Division 4	Amendment of Planning Act 2016	13
74	Act amended	14
	This division amends the <i>Planning Act 2016</i> .	15
75	Insertion of new ch 7, pt 4C	16
	Chapter 7—	17
	<i>insert</i> —	18
	Part 4C	19
	Provisions for Springfield structure plan	20 21
	Division 1	22
	Preliminary	

[s 75]

275T Definitions for part

In this part—

area development plan means a plan called an area development plan that is—

(a) made under the Springfield structure plan in relation to premises in the structure plan area; and

(b) approved by the local government.

community residential designation means a part of the structure plan area included in the community residential designation under the Springfield structure plan.

conservation designation means a part of the structure plan area included in the conservation designation under the Springfield structure plan.

dispute notice means notice of a dispute or difference given to the local government under the Springfield structure plan, section 11.1.1.

Ipswich planning scheme means the planning scheme for the Ipswich local government area.

local government means the Ipswich City Council.

master area development plan means a plan called a master area development plan that is—

(a) made under the Springfield structure plan in relation to premises in the structure plan area; and

(b) approved by the local government.

non-SCG plan application means a plan application other than a plan application made by or on behalf of the SCG.

open space designation means a part of the structure plan area included in the open space

designation under the Springfield structure plan.	1
plan application means any of the following	2
applications made to the local government under	3
the Springfield structure plan—	4
(a) an application for approval to amend the	5
town centre concept plan;	6
(b) an application for approval of a proposed	7
precinct plan or to amend a precinct plan;	8
(c) an application for approval of a proposed	9
area development plan or proposed master	10
area development plan.	11
precinct plan means a plan called a precinct plan	12
that is—	13
(a) made under the Springfield structure plan in	14
relation to premises in a community	15
residential designation or an open space	16
designation; and	17
(b) approved by the local government.	18
regional transport corridor designation means a	19
part of the structure plan area included in the	20
regional transport corridor designation under the	21
Springfield structure plan.	22
SCG means Springfield City Group Pty Limited	23
ACN 055 714 531.	24
Springfield structure plan means the part of the	25
Ipswich planning scheme—	26
(a) called the ‘Springfield Structure Plan’; and	27
(b) in relation to which section 316 applies.	28
structure plan area means the area shown on a	29
map in the Springfield structure plan as the	30
structure plan area.	31
town centre concept plan means the plan called	32
the ‘Town Centre Concept Plan’, approved by the	33

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local government on 16 July 2002, as amended 1
from time to time. 2

town centre designation means a part of the 3
structure plan area included in the town centre 4
designation under the Springfield structure plan. 5

275U Relationship between this part and particular 6 provisions 7

A provision of this part prevails to the extent of 8
any inconsistency with— 9

- (a) section 316; or 10
- (b) a provision of the old Act, the repealed 11
Integrated Planning Act 1997 or the 12
repealed LGP&E Act, as applied by section 13
316; or 14
- (c) a provision of the Ipswich planning scheme, 15
including a provision of the Springfield 16
structure plan. 17

Division 2 Plan applications generally 18

275V Who may make plan applications 19

- (1) Any person may make a plan application. 20
- (2) If the applicant is not the owner of the premises to 21
which the plan application relates, the application 22
must be accompanied by the written consent of 23
the owner of the premises to the application. 24
- (3) However, subsection (2) does not apply in 25
relation to the plan application to the extent the 26
local government considers— 27
 - (a) the application does not materially affect the 28
premises; and 29

-
- (b) it is impracticable to get the consent of each owner because of the number of owners. 1
2

275W Restrictions on approving plan applications 3

- (1) The local government may approve a plan application under the Springfield structure plan only if satisfied the premises to which the application relates— 4
5
6
7
- (a) are serviced by infrastructure that is adequate having regard to the development that may be carried out under the proposed plan or amendment the subject of the application; or 8
9
10
11
12
- (b) will, within a reasonable period, be serviced by infrastructure mentioned in paragraph (a). 13
14
15
- (2) Subsection (3) applies in relation to a plan application for— 16
17
- (a) approval of a proposed precinct plan; or 18
- (b) approval to amend a precinct plan or the town centre concept plan. 19
20
- (3) The local government may approve the plan application under the Springfield structure plan only if satisfied the proposed precinct plan or amendment is consistent with the land use concept master plan. 21
22
23
24
25
- (4) Subsection (5) applies in relation to a plan application for approval of a proposed area development plan or proposed master area development plan. 26
27
28
29
- (5) The local government may approve the application under the Springfield structure plan only if satisfied— 30
31
32

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- (a) for a proposed plan in relation to premises in a community residential designation or open space designation—the plan is consistent with a precinct plan applying to the premises; or
 - (b) for a proposed plan in relation to premises in a town centre designation—the plan is consistent with the town centre concept plan; or
 - (c) for a proposed plan in relation to premises in a conservation designation or regional transport corridor designation—the plan is consistent with the land use concept master plan.
- (6) In this section—
- land use concept master plan* means the plan called the ‘Springfield Land Use Concept Master Plan’ in the Springfield structure plan.

Division 3 Non-SCG plan applications

275X Requirements before making non-SCG plan applications

- Before making a non-SCG plan application, the applicant must give the SCG—
- (a) a copy of the proposed plan application; and
 - (b) a notice stating that the SCG may, within a stated period of at least 10 business days after receiving the notice, make representations to the applicant about the proposed plan application.

**275Y Requirements in relation to making and
assessing non-SCG plan applications**

- (1) A non-SCG plan application must be accompanied by—
- (a) a copy of the notice given to the SCG under section 275X(b) in relation to the application; and
 - (b) if the SCG makes representations about the application within the period mentioned in section 275X(b)—
 - (i) a copy of the representations; and
 - (ii) the applicant's written response to the representations, including a statement about how the application addresses any matters raised in the representations.
- (2) Within 2 business days after making the non-SCG plan application, the applicant must—
- (a) give the SCG a copy of the application; and
 - (b) give the local government a notice stating the applicant has complied with paragraph (a).
- (3) If the local government asks the applicant for further information about the non-SCG application, the applicant must—
- (a) within 2 business days after receiving the request—
 - (i) give the SCG a copy of the request; and
 - (ii) give the local government a notice stating the applicant has complied with subparagraph (i); and
 - (b) within 2 business days after responding to the request—

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- (i) give the SCG a copy of the response; 1
and 2
 - (ii) give the local government a notice 3
stating the applicant has complied with 4
subparagraph (i). 5
- (4) The local government may refuse to decide the 6
non-SCG plan application until the applicant 7
complies with subsection (2) or (3). 8

**275Z SCG must give statements about particular 9
matters 10**

- (1) Within 10 business days after receiving a copy of 11
a non-SCG plan application under section 12
275Y(2), or a copy of a document under section 13
275Y(3), the SCG must give a written statement 14
to the applicant and the local government about 15
the following matters— 16
 - (a) whether the approval of the plan application 17
could result in an adverse impact on the 18
structure plan area; 19
 - (b) whether the premises to which the plan 20
application relates are or will be serviced by 21
infrastructure that is adequate having regard 22
to the development that may be carried out 23
under the proposed plan or amendment the 24
subject of the application; 25
 - (c) options for addressing the matters 26
mentioned in paragraph (a) or (b). 27
- (2) In deciding the non-SCG plan application, the 28
local government must have regard to the 29
statement. 30
- (3) To remove any doubt, it is declared that 31
non-compliance with subsection (1) does not 32
prevent the local government from deciding the 33
non-SCG plan application. 34

275ZA Local government must notify SCG of decisions about non-SCG plan applications 1
2

Within 10 business days after deciding a 3
non-SCG plan application, the local government 4
must give the SCG notice of the decision. 5

Division 4 Development in structure plan area 6
7

275ZB Restrictions on starting development in structure plan area 8
9

- (1) Development under a development approval on 10
premises in a community residential designation 11
or an open space designation may start only if— 12
- (a) a precinct plan and an area development 13
plan apply to the premises; and 14
- (b) the development is shown on, or consistent 15
with, the precinct plan and the area 16
development plan. 17
- (2) Development under a development approval on 18
premises in a town centre designation may start 19
only if— 20
- (a) all of the following apply to the premises— 21
- (i) the town centre concept plan; 22
- (ii) a master area development plan; 23
- (iii) an area development plan; and 24
- (b) the development is shown on, or consistent 25
with, each of the plans mentioned in 26
paragraph (a). 27
- (3) Development under a development approval on 28
premises in a conservation designation or regional 29
transport corridor designation may start only if— 30

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- (a) an area development plan applies to the premises; and 1
2
- (b) the development is shown on, or consistent with, the area development plan. 3
4
- (4) This section applies despite section 72(1). 5

Division 5 Dispute resolution 6

275ZC Application of ch 3, pt 5, div 2, sdiv 1 7

Chapter 3, part 5, division 2, subdivision 1 does 8
not apply in relation to a development approval, 9
or an approval of a change application, in relation 10
to premises in the structure plan area. 11

275ZD Particular appeal periods suspended 12

- (1) This section applies if a person gives a dispute notice to the local government in relation to a development application or change application. 13
14
15
- (2) Each appeal period in relation to the development application or change application is suspended from the day the dispute notice is given until— 16
17
18
 - (a) if a new decision notice is given for the application—the day the new decision notice is given; or 19
20
21
 - (b) otherwise— 22
 - (i) the day the parties to the dispute agree to resolve the dispute; or 23
24
 - (ii) the day an expert gives the parties to the dispute a decision on the dispute under the Springfield structure plan, section 11.1.4.13; or 25
26
27
28
 - (iii) the day the dispute notice is withdrawn. 29

275ZE Dispute notices under Springfield structure plan

- (1) Without limiting the Springfield structure plan, section 11, a dispute notice may be given to the local government under that section in relation to any of the following matters—
- (a) a plan application;
 - (b) a development application, or change application, in relation to premises in the structure plan area;
 - (c) a dispute about the provision or use of infrastructure in relation to the structure plan area.
- (2) However—
- (a) a dispute notice may not be given in relation to a change application for a minor change to a development approval; and
 - (b) a dispute notice in relation to a plan application, development application or change application may not be given before the application is decided.
- (3) Also, a dispute notice may not be given by a person other than—
- (a) for a dispute notice in relation to a plan application—
 - (i) the applicant; or
 - (ii) the SCG; or
 - (iii) the owner of premises to which the application relates; or
 - (b) for a dispute notice in relation to a development application or change application—
 - (i) the applicant; or

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- (ii) the SCG; or 1
- (iii) the owner of premises to which the 2
application relates; or 3
- (iv) a submitter for the application; or 4
- (c) for a dispute notice not mentioned in 5
paragraph (a) or (b)—the SCG. 6

**275ZF Entities entitled to receive dispute notices 7
and join disputes 8**

- (1) If a person gives a dispute notice to the local 9
government in relation to a matter, the person 10
must give a copy of the notice to— 11
 - (a) any other person who, under section 12
275ZE(3), is entitled to give a dispute notice 13
in relation to the matter; and 14
 - (b) if the dispute notice is in relation to a 15
distributor-retailer's water infrastructure— 16
the distributor-retailer. 17
- (2) An entity who is given a dispute notice under 18
subsection (1) may elect to join the dispute by 19
giving notice of the election to the local 20
government, and the person who gave the dispute 21
notice, within 5 business days after the dispute 22
notice is given. 23
- (3) If an entity elects to join a dispute under 24
subsection (2)— 25
 - (a) the entity, the local government and the 26
person who gave the dispute notice must 27
confer under the Springfield structure plan, 28
section 11.1.3; and 29
 - (b) the Springfield structure plan applies in 30
relation to the dispute as if a reference in the 31
plan to a party included a reference to the 32
entity. 33

275ZG Modification of particular provisions of	1
Springfield structure plan relating to disputes	2
(1) The Springfield structure plan, section 11.1.3	3
applies in relation to a dispute notice as if a	4
reference in the section to 7 days were a reference	5
to 10 business days.	6
(2) The Springfield structure plan, section 11.1.4	7
applies in relation to a dispute notice as if a	8
reference in the section to 14 days were a	9
reference to 15 business days.	10

275ZH Assessment manager may give new	11
decision notice	12
(1) This section applies if a person gives a dispute	13
notice to the local government in relation to a	14
development application or change application.	15
(2) If, in resolving the dispute, the parties to the	16
dispute agree to the assessment manager for the	17
development application or change application	18
giving a new decision notice for the application—	19
(a) the assessment manager may give the new	20
decision notice; and	21
(b) the new decision notice replaces the original	22
decision notice for the application; and	23
(c) the local government may give a	24
replacement infrastructure charges notice to	25
the applicant.	26

76 Insertion of new ch 8, pt 8	27
Chapter 8—	28
<i>insert—</i>	29

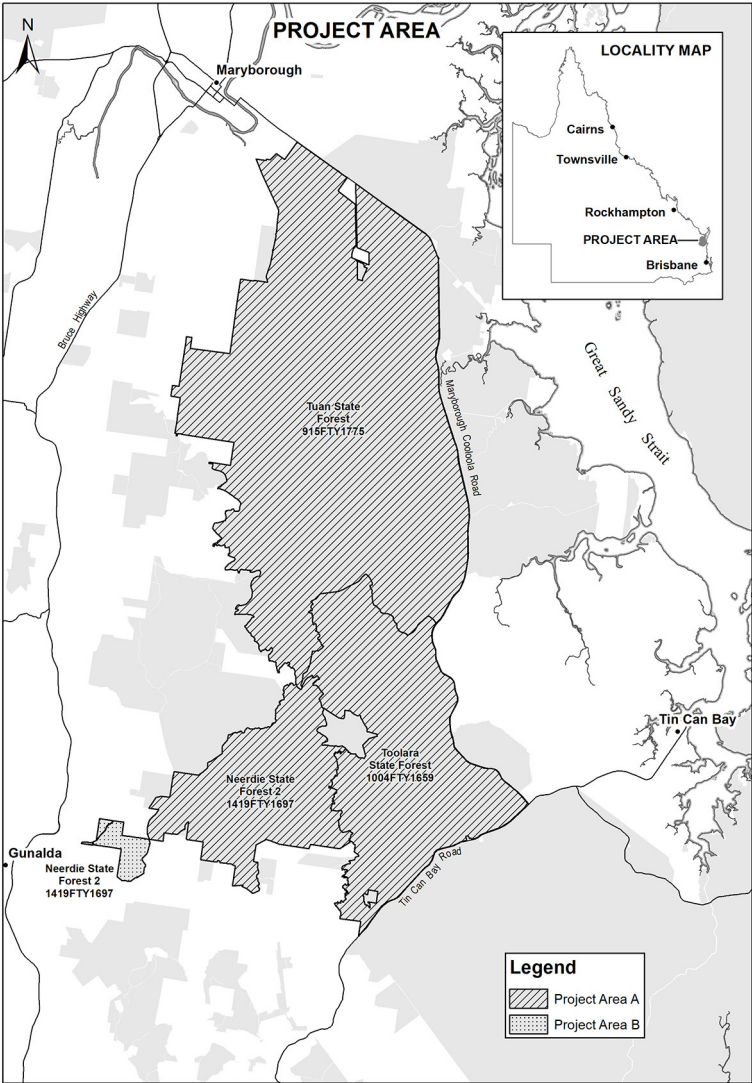
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Part 8	Transitional provisions for Forest Wind Farm Development Act 2020	1 2 3
352 Existing plan applications		4
(1)	Chapter 7, part 4C, divisions 2 and 3 do not apply in relation to a plan application made, but not decided, before the commencement.	5 6 7
(2)	In this section— <i>plan application</i> see section 275T.	8 9
353 Particular existing approvals		10
(1)	Section 275ZB does not apply in relation to a development approval given before the commencement.	11 12 13
(2)	Section 275ZC does not apply in relation to a development approval, or an approval of a change application, given before the commencement.	14 15 16
354 Existing dispute notices		17
(1)	Sections 275ZD to 275ZG do not apply in relation to a dispute notice given before the commencement.	18 19 20
(2)	In this section— <i>dispute notice</i> see section 275T.	21 22
77 Amendment of sch 2 (Dictionary)		23
Schedule 2—		24
<i>insert—</i>		25
	<i>area development plan</i> , for chapter 7, part 4C, see section 275T.	26 27

<i>community residential designation</i> , for chapter 7, part 4C, see section 275T.	1 2
<i>conservation designation</i> , for chapter 7, part 4C, see section 275T.	3 4
<i>dispute notice</i> , for chapter 7, part 4C, see section 275T.	5 6
<i>Ipswich planning scheme</i> , for chapter 7, part 4C, see section 275T.	7 8
<i>local government</i> , for chapter 7, part 4C, see section 275T.	9 10
<i>master area development plan</i> , for chapter 7, part 4C, see section 275T.	11 12
<i>non-SCG plan application</i> , for chapter 7, part 4C, see section 275T.	13 14
<i>open space designation</i> , for chapter 7, part 4C, see section 275T.	15 16
<i>plan application</i> , for chapter 7, part 4C, see section 275T.	17 18
<i>precinct plan</i> , for chapter 7, part 4C, see section 275T.	19 20
<i>regional transport corridor designation</i> , for chapter 7, part 4C, see section 275T.	21 22
<i>SCG</i> , for chapter 7, part 4C, see section 275T.	23
<i>Springfield structure plan</i> , for chapter 7, part 4C, see section 275T.	24 25
<i>structure plan area</i> , for chapter 7, part 4C, see section 275T.	26 27
<i>town centre concept plan</i> , for chapter 7, part 4C, see section 275T.	28 29
<i>town centre designation</i> , for chapter 7, part 4C, see section 275T.	30 31

Schedule 1 Project area A and project area B

schedule 2, definitions *project area A* and *project area B*



Schedule 2	Dictionary	1
	section 5	2
<i>access licence</i>	means an access licence given under part 3.	3
<i>agreement area</i>	in relation to a development agreement, means the part of the project area described in the agreement under section 6(b)(iii).	4 5 6
<i>agreement stage</i>	in relation to a development agreement, means the stage of the project the subject of the agreement.	7 8
<i>amendment application</i>	see section 18(1).	9
<i>authorised activity</i>	in relation to an access licence, means the activity described in the licence under section 13(d), as amended from time to time.	10 11 12
<i>chief executive (lands)</i>	means the chief executive of the department in which the <i>Land Act 1994</i> is administered.	13 14
<i>compliance notice</i>	see section 22(2).	15
<i>conditions precedent</i>	—	16
(a)	for the giving of an access licence—see section 9; or	17
(b)	for the giving or renewal of a project lease—see section 28.	18 19
<i>development agreement</i>	see section 6.	20
<i>existing approval</i>	in relation to an access licence or project lease, means any of the following instruments given or made under an Act and in effect immediately before the access licence or project lease takes effect—	21 22 23 24
(a)	an agreement;	25
(b)	an approval, licence, permit or other authority.	26
<i>ILUA</i>	means an indigenous land use agreement registered in the Register of Indigenous Land Use Agreements under the <i>Native Title Act 1993</i> (Cwlth).	27 28 29
<i>internal review</i>	see section 50(2).	30

Schedule 2

<i>Land Act Minister</i> means the Minister responsible for administering the <i>Land Act 1994</i> .	1 2
<i>land registry</i> means the land registry under the <i>Land Act 1994</i> .	3 4
<i>lease application</i> see section 29(1).	5
<i>lease land</i> see the <i>Land Act 1994</i> , schedule 6.	6
<i>lessee</i> , for a project lease, means the person registered in the land registry as the holder of the lease.	7 8
<i>licence application</i> see section 10(1).	9
<i>licence area</i> , for a plantation licence or plantation sublicense, means the area of State plantation forest specified in the licence or sublicense as the licence area for the licence or sublicense.	10 11 12 13
<i>licence land</i> , in relation to an access licence, means the land shown on a plan in the licence under section 13(e), as amended from time to time.	14 15 16
<i>notice</i> means written notice.	17
<i>plantation licence</i> means a plantation licence under the <i>Forestry Act 1959</i> .	18 19
<i>plantation licensee</i> means a plantation licensee under the <i>Forestry Act 1959</i> .	20 21
<i>plantation sublicense</i> means a plantation sublicense under the <i>Forestry Act 1959</i> .	22 23
<i>plantation sublicensee</i> means a plantation sublicensee under the <i>Forestry Act 1959</i> .	24 25
<i>project</i> —	26
(a) means the development and operation of a wind farm, consisting of no more than 226 wind turbines at a time, in the project area; and	27 28 29
(b) includes the development and operation of a building, facility, structure or works associated with the wind farm.	30 31 32

<i>project area</i> means the area that consists of project area A and project area B.	1 2
<i>project area A</i> means the area shown on the map in schedule 1 as Project Area A.	3 4
<i>project area B</i> means the area shown on the map in schedule 1 as Project Area B.	5 6
<i>project instrument</i> means an access licence, development agreement or project lease.	7 8
<i>project lease</i> means a lease given under part 4.	9
<i>proponent</i> , for a development agreement, means the entity stated in the agreement to be the proponent for the agreement.	10 11
<i>register of State forests</i> means the register of State forests and timber reserves under the <i>Land Act 1994</i> .	12 13
<i>related access licence</i> , in relation to a project lease, means an access licence given in relation to the same development agreement as the project lease.	14 15 16
<i>relevant development agreement</i> , for an access licence or project lease, means the development agreement in relation to which the licence or lease was given.	17 18 19
<i>relevant entity</i> , for part 6, see section 53.	20
<i>remediate</i> , in relation to land, includes the following—	21
(a) remove from the land equipment associated with the project;	22 23
(b) decommission or remove any building, structure, infrastructure or works associated with the project that are on or below the land.	24 25 26
<i>renewal application</i> see section 43(1).	27
<i>reserve</i> see the <i>Land Act 1994</i> , schedule 6.	28
<i>State forest</i> see the <i>Forestry Act 1959</i> , schedule 3.	29
<i>State plantation forest</i> see the <i>Forestry Act 1959</i> , schedule 3.	30