##### Notice about deemed approvals under

##### *Planning Act 2016*

**This form is in accordance with section 20B of the *Disaster Management Act 2003***

To be completed by the Minister administering the *Planning Act 2016*

Subject to the approval of the Chairperson, I request that a notice about deemed approvals under the *Planning Act 2016* be given to the following relevant local government/s (Note 1):

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Relevant local government** (Note 1) | **Email address of relevant local government** | **Time and date of the disaster declaration** (Note 2) | **Declared area for the disaster situation** (Note 3) | **Day on which notice is to cease to have effect** (Note 4) |
| *(Delete or add rows as required)* |  |  |  |  |
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| --- | --- |
| Provide justification for the above request: (Note 5)(Attach further documentation if necessary) |  |
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In accordance with section 58 of the *Human Rights Act 2019*, I have considered the human rights relevant to this request. In my opinion, giving a notice about deemed approvals as provided above is compatible with the human rights protected by the *Human Rights Act 2019*. I base my opinion on the reasons outlined in the attached statement. (Note 6)

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Time: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**----------------------------------------------**

**[insert signature block of Minister administering the *Planning Act 2016*]**

Email address for the Department administering the *Planning Act 2016* to which the notice, if approved by the Chairperson, can be sent:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_­­­­­­\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

*Retain a copy of this form for your records and send form and notice to Chairperson of the Queensland Disaster Management Committee for approval at [disastermanagement@premiers.qld.gov.au].*

### Notice about deemed approvals under *Planning Act 2016*

Under section 20B of the *Disaster Management Act 2003* I, (*Insert name)*, Chairperson of the Queensland Disaster Management Committee give notice to (*Insert name of local government)* for the disaster situation declared on *(insert date of declaration)* that section 64 of the *Planning Act 2016* (the deemed approval provision) does not apply to a development application under the *Planning Act 2016* or a change application other than a change application for a minor change to a development approval under the *Planning Act 2016* (an affected application) made to the local government but not decided before the date of receipt of this notice.

This notice affects an affected application in the following ways and despite the *Planning Act 2016*:

1. the deemed approval provision is taken not to apply to an affected application—
2. from the day *(insert name of local government)* receives this notice; and
3. to the end of the day stated below that this notice ceases to have effect (stated day); and
4. the applicant for the affected application can not give a deemed approval notice under the [*Planning Act*](https://www.legislation.qld.gov.au/link?version.series.id=d4a7e9d3-f73d-48a3-9459-9be0b66a1c15&doc.id=act-2016-025&date=2022-11-22&type=act)*2016* for the application until after the end of the stated day; and
5. a deemed approval notice given, or purportedly given, under the [*Planning Act*](https://www.legislation.qld.gov.au/link?version.series.id=d4a7e9d3-f73d-48a3-9459-9be0b66a1c15&doc.id=act-2016-025&date=2022-11-22&type=act)*2016* for the application after the day the local government receives the notice, and before the stated day ends, is taken to be of no effect under that Act.

This notice ceases to have effect on *(insert day).*

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**Chairperson of the Queensland Disaster Management Committee [insert name]**

**[date]**

**Guidelines for completing a request for a notice about deemed approvals under the *Planning Act 2016 –* form DM14**

General

##### This form is to be used for the Minister administering the *Planning Act 2016* to request that the Chairperson of the Queensland Disaster Management Committee give a notice to a local government under section 20B of the *Disaster Management Act 2003.*

##### If a notice is given under that section, the deemed approval provision (section 64 of the *Planning Act 2016*) will not apply to a development application or change application made to the local government but not decided before the day the local government receives the notice for the time stated in the notice.

The Chairperson may give the notice only if satisfied it is appropriate having regard to the effect of the declared disaster situation on the local government.

##### Note 1

A *relevant local government* is a local government in whose local government area the declared area, or part of the declared area, for a disaster situation is situated.

## Note 2

The time and date on which a disaster situation was declared where:

* the disaster situation is continuing as of the date of the request; and
* the declared area for the disaster is situated in, or partially situated in, the relevant local government’s area.

The time and date of a disaster declaration is stated in the gazette notice given under section 65(3) or 70(3) of the *Disaster Management Act 2003.*

## Note 3

The declared area for the disaster situation is stated in the gazette notice given under section 65(3) or 70(3) of the *Disaster Management Act 2003.*

## Note 4

The day must not be more than 20 business days after the disaster situation ends. A disaster situation may be extended or ended sooner than the current statutory duration.

State a specific date on which the notice is requested to cease to have effect or identify a day by reference to end of the disaster situation (for example, 20 business days after the disaster situation ends).

**Note 5**

Provide justification relating to the effect of the disaster on the relevant local government in relation to deciding development applications and change applications made to the local government.

**Note 6**

Attach an assessment of the human rights impact which, in accordance with section 58 of the *Human Rights Act 2009*, identifies the human rights that may be affected by the decision and considers whether the decision would be compatible with human rights.

**Approval and publication of notice about deemed approvals under the
*Planning Act 2016***

1. The Department in which the *Planning Act 2016* is administered is to complete form DM14 and the attached notice for approval by the Minister administering the *Planning Act 2016*. Once signed, the Department is to email the form and notice to the Department of the Premier and Cabinet (DPC) on disastermanagement@premiers.qld.gov.au.
2. Once signed by the Chairperson, the notice is to be emailed by DPC to the relevant local government/s at the email address/es advised on the form.
3. DPC is then to email the signed notice along with advice of the date it was emailed to the relevant local government/s to the email address stated on Department in which the *Planning Act 2016* is administered (BestPlanning@dsdilgp.qld.gov.au) for publication on that Department’s website as required under section 20B(5) of the *Disaster Management Act 2003*.
4. DPC is to also email the signed notice to the QDMC Secretariat on secretariat.QDMC@police.qld.gov.au for record retention and to dmguideline@qfes.qld.gov.au for publication on the Disaster Management website (disaster.qld.qov.au) with the information below:

|  |  |
| --- | --- |
| **Heading:**  | Notice about deemed approvals under the *Planning Act 2016*. |
| **Summary:**  | On *(insert date)* the Chairperson of the Queensland Disaster Management Committee gave a notice to *(insert name/s of local government/s)* about deemed approvals under the *Planning Act 2016*.  |
| **Article:**  | Under section 20B of the *Disaster Management Act 2003* the Chairperson of the Queensland Disaster Management Committee gave notice on *(insert date)* to *(Insert name of local government)* for the disaster situation declared on *(insert date of declaration)*. The notice will cease to have effect on *(insert stated day)*.The notice provides that section 64 of the *Planning Act 2016* does not apply to a development application under the *Planning Act 2016* or a change application other than a change application for a minor change to a development approval under the *Planning Act 2016* made to the local government but not decided before the date of receipt of the notice. Refer to the notice *(insert link)* for information about how the notice affects development applications and change applications.  |