

The Planning Amendment (Better Decisions Made Faster) Act 2026 (the Reform Act)

The Reform Act amended Part 6 of the Planning and Environment Act 1987 (the PE Act) to enforce the PE Act more effectively.

New offences and enforcement orders have been introduced, along with substantial increases to penalties for breaches of the PE Act, the *Planning and Environment Interim Regulations 2026* (the PE Regulations), or planning schemes.

Power to enter land

Division 3 of Part 6 of the PE Act gives authorised persons the power to enter land where there is reasonable belief that any of the following has been or may be contravened:

- The PE Act
- The PE Regulations
- A planning scheme
- A permit condition
- An enforcement order
- An agreement under section 173 of the PE Act

Authorised persons

The PE Act defines 'authorised persons' as those authorised to enforce the PE Act:

by the Department of Transport and Planning,
by a responsible authority, and
by the Minister to assist an authorised officer of the Ministry or authority

What are the new 'power of entry' rules?

The PE Act now contains specific provisions for people assisting in enforcement activities.

Expert assistance

Authorised persons are now legally able to be accompanied by a relevant expert for the purposes of entry and inspection under Part 6 of the PE Act.

The relevant expert assisting an authorised person for enforcement activities must only enter land when accompanied by that authorised person.

Relevant expert

What constitutes a relevant expert will vary depending on the specific circumstances of each enforcement matter.

Responsible authorities should ensure that any person accompanying an authorised officer for the purpose of entry to land is a relevant person to the enforcement matter at hand.

Offence to obstruct

While it has long been an offence to obstruct an authorised person in undertaking action relating to powers of entry under Division 3 of Part 6 of the PE Act it is now also an offence to obstruct a person assisting that person.

Penalty

The penalty in both cases is 60 penalty units.

Immediate entry to land

There is a new, exceptional power for authorised persons to bypass the usual requirements to obtain notice, consent or a warrant before entering land for enforcement purposes.

This ability can be used only when the authorised person has reasonable belief that permanent and irreversible damage or material harm to the environment is occurring, has already occurred, or is about to occur on the land, in contravention of a planning scheme.

Where there is reasonable belief that the permanent and irreversible harm or material



damage has already occurred, immediate entry powers can only be used to obtain evidence of the damage, harm, or contravention.

What can an authorised officer do when entering land using immediate entry power?

If exercising the immediate power of entry, an authorised person can only undertake action that is necessary to confirm that, in contravention of a planning scheme, permanent and irreversible damage or material harm is occurring, has already occurred, or is about to occur on the land.

What is the definition of 'material harm'?

The phrase 'material harm' has the same meaning as set out in section 5 of the *Environment Protection Act 2017*:

(1) In this Act, material harm, in relation to human health or the environment means harm that is caused by pollution or waste that—

(a) involves an actual adverse effect on human health or the environment that is not negligible; or

(b) involves an actual adverse effect on an area of high conservation value or of special significance; or

(c) results in, or is likely to result in, costs in excess of the threshold amount being incurred in order to take appropriate action to prevent or minimise the harm or to rehabilitate or restore the environment to the state it was in before the harm.

Restrictions on the immediate power of entry

Authorised persons must not enter any part of a building that is being used for residential purposes, unless the consent to do so is given by the occupier.

Requirements for exercising the immediate power of entry

When an authorised officer exercises the immediate power of entry, they must announce to the occupier or apparent occupier of the land that

they are an authorised officer undertaking activity authorised by the PE Act.

The authorised officer must also produce their identity card to the occupier or apparent occupier.