

Queensland



Integrated Planning Act 1997

INTEGRATED PLANNING REGULATION 1998

**Reprinted as in force on 16 October 1998
(includes amendments up to SL No. 272 of 1998)**

Reprint No. 1A

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Information about this reprint

This regulation is reprinted as at 16 October 1998. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes.

This page is specific to this reprint. See previous reprint for information about earlier changes made under the Reprints Act 1992. A table of earlier reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

Queensland



**INTEGRATED PLANNING
REGULATION 1998**

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INTEGRATED PLANNING REGULATION 1998

[as amended by all amendments that commenced on or before 16 October 1998]

Short title

1. This regulation may be cited as the *Integrated Planning Regulation 1998*.

Commencement

2. This regulation commences on 30 March 1998.

Definitions

2A. In this regulation—

“**administering authority**” has the meaning given by the *Environmental Protection Act 1994*.

“**area management advice**” means a written notice given by the administering authority to the local government about planning for or managing land contaminated because of natural mineralisation, industrial activity or unexploded ordnance.

Type of assessment for assessable development

3. For section 3.1.3(1) of the Act, schedule 1, column 2 states the type of assessment required for the aspect of assessable development mentioned opposite the type of assessment in column 1.

Alternative assessment manager—Act s 3.1.7

3A.(1) For section 3.1.7(1)(a) of the Act, schedule 1A, part 1, column 2 states the assessment manager for the application mentioned opposite the assessable development in column 1.

(2) For section 3.1.7(1)(b) of the Act, schedule 1A, part 2, column 2

states the assessment manager for the application mentioned opposite the assessable development in column 1.

Referral agencies and jurisdiction

4. For section 3.1.8 of the Act and schedule 10 of the Act, definitions “advice agency” and “concurrence agency”—

- (a) schedule 2, column 2 states the referral agency for the development application mentioned in column 1; and
- (b) schedule 2, column 3 states the type of referral agency for the referral agency mentioned opposite the type in column 3; and
- (c) schedule 2, column 4 states the jurisdiction of the referral agency mentioned opposite the jurisdiction in column 2.

Referral agency assessment period—Act, s 3.3.14

5. For section 3.3.14(1)(a) of the Act, schedule 3, column 2 states the number of business days for the referral agency mentioned opposite the number in column 1.

Tribunal appeal fees—Act, s 4.2.15

6.(1) This section prescribes the fee payable for an appeal to a tribunal mentioned in section 4.2.15(2) of the Act.

(2) The fee payable, if the appeal is to be decided by a tribunal without a site inspection by the tribunal or a member of the tribunal is—

- (a) if the decision is about a class 1 building or a class 10 building or structure—\$250; or
- (b) if the decision is about a class 2, 3, 4, 5, 6, 7, 8 or 9 building with a floor area of 500 m² or less—\$350; or
- (c) if the decision is about a class 2, 3, 4, 5, 6, 7, 8 or 9 building with a floor area greater than 500 m²—\$500.

(3) The fee payable, if the matter is to be decided by a tribunal after a site inspection by a tribunal or a member of the tribunal is—

- (a) if the decision is about a class 1 building or a class 10

- building or structure—\$400; or
- (b) if the decision is about a class 2, 3, 4, 5, 6, 7, 8 or 9 building with a floor area of 500 m² or less—\$500; or
 - (c) if the decision is about a class 2, 3, 4, 5, 6, 7, 8 or 9 building with a floor area greater than 500 m²—\$750.

Fast track fee—Act, s 4.2.16

7.(1) This section prescribes the fee to accompany a request under section 4.2.16 of the Act to the chief executive to appoint a tribunal to start hearing an appeal within 2 business days after starting the appeal.

(2) The fee payable under this section is 50% of, and is in addition to, the fee payable for the appeal under section 6.

(3) However, if the chief executive refuses the request, the fee must be refunded.

Qualifications of referee—Act, s 4.2.37

8. For section 4.2.37 of the Act, the qualifications or experience for a person to be a referee are—

- (a) registration as an architect under the *Architects Act 1985*; or
- (b) registration as a professional engineer under the *Professional Engineers Act 1988*; or
- (c) accreditation as a building certifier under the *Building Act 1975*; or
- (d) unconditional licence as a house builder and general builder and not less than 8 years' experience in building construction after completion of the person's apprenticeship; or
- (e) a knowledge of the *Building Act 1975*, or of matters relating to fire safety, the Minister considers to be sufficient to enable the person to adequately discharge the functions of a referee.

General manager of Queensland Building Services Authority may prosecute certain offences

9. For the *Queensland Building Services Authority Act 1991*, section 18(1)(c), the general manager of the Queensland Building Services Authority may bring a proceeding in a magistrates court on a complaint to prosecute a person for an offence under—

- (a) the *Integrated Planning Act 1997*, section 5.3.8 or 5.3.16; or
- (b) section 10 of this regulation.

Offence about acting as private certifier

10.(1) A person must not act as a private certifier for building work unless the person is a building certifier under the *Building Act 1975*.

Maximum penalty for subsection (1)—165 penalty units.

(2) A building certifier under the *Building Act 1975* must not act as a private certifier for a particular level of certification unless the private certifier has accreditation for the level at the time the action was taken.

Maximum penalty for subsection (2)—165 penalty units.

(3) A building certifier under the *Building Act 1975* must not act as a private certifier unless the building certifier's accreditation is endorsed at the time the action was taken with accreditation as a private certifier.

Maximum penalty for subsection (3)—165 penalty units.

Requirements for placing public notices on land—Act, s 3.4.4

11.(1) This section prescribes, for section 3.4.4.(1)(b)¹ of the Act, requirements for the placing of a notice on land.

(2) The notice must be—

- (a) placed on, or within 1.5 m of, the road frontage for the land; and
- (b) mounted at least 300 mm above ground level; and
- (c) positioned so that it is visible from the road; and

¹ Section 3.4.4 (Public notice of applications to be given)

(d) made of weatherproof material; and

(e) not less than 1200 mm x 900 mm.

(3) The lettering on the notice must be—

(a) for lettering in the heading, as indicated on the approved form of the notice—at least 50 mm in height and in a bold style; or

(b) for lettering in the subheadings, as indicated on the approved form of the notice—at least 25 mm in height and in a bold style; or

(c) for lettering not mentioned in paragraphs (a) and (b)—at least 25 mm in height, of regular weight and in sentence case.

(4) Each sentence in the notice must start on a new line.

(5) If the land has more than 1 road frontage, a notice must be placed on each road frontage for the land.

(6) The applicant must maintain the notice from the day it is placed on the land until the end of the notification period.

(7) In this section—

“road frontage”, for land, means—

(a) the boundary between the land and any road adjoining the land; or

(b) if the only access to the land is across other land—the boundary between the other land and any road adjoining the other land at the point of access.

Postponed commencement of uncommenced provisions—the Act

12.(1) In this section—

“postponed law” means the uncommenced provisions of the *Integrated Planning Act 1997*.

(2) The period before automatic commencement, under the *Acts Interpretation Act 1954*, section 15DA(2), of the postponed law is extended to the end of 2 December 1999.²

² This postponed law now automatically commences on 3 December 1999.

Postponed commencement of uncommenced provisions—Building and Integrated Planning Amendment Act

13.(1) In this section—

“**postponed law**” means the *Building and Integrated Planning Amendment Act 1998*, sections 70 and 71.

(2) The period before automatic commencement, under the *Acts Interpretation Act 1954*, section 15DA(2), of the postponed law is extended to the end of 24 March 2000.³

Application of sch 1 to continued preparation of planning schemes started under repealed Act

14.(1) This section applies if a local government continues to prepare a planning scheme under section 6.1.9(1)(b).

(2) For applying schedule 1, section 11(1), to the preparation of the scheme, the local government is taken to have made a resolution under schedule 1, section 9(1), for the scheme.

(3) This section expires on 30 March 2003.

³ This postponed law now automatically commences on 25 March 2000.

SCHEDULE 1**TYPE OF ASSESSMENT FOR ASSESSABLE
DEVELOPMENT**

section 3

Column 1 Aspect of assessable development	Column 2 Type of assessment required
1. Building work (to the extent it is assessable against the Standard Building Regulation)	Code assessment
2. Development prescribed under a regulation under the <i>Environmental Protection Act 1994</i> for schedule 8, part 1, item 6 of the <i>Integrated Planning Act 1997</i> —if the administering authority for development is prescribed as the alternative assessment manager under schedule 1A of this regulation	Code assessment

SCHEDULE 1A**ALTERNATIVE ASSESSMENT MANAGERS**

section 3A

**PART 1—FOR ASSESSABLE DEVELOPMENT
WHOLLY WITHIN A LOCAL GOVERNMENT AREA**

Column 1 Assessable development	Column 2 Assessment manager
<p>1. Development prescribed under a regulation under the <i>Environmental Protection Act 1994</i> for schedule 8, part 1, item 6 of the <i>Integrated Planning Act 1997</i>, if—</p> <ul style="list-style-type: none"> (a) the development is not assessable development under a planning scheme; and (b) the application does not include other development; and (c) no other assessment manager is prescribed for the development in this schedule. 	The administering authority

SCHEDULE 1A (continued)

**PART 2—FOR OTHER ASSESSABLE
DEVELOPMENT**

Column 1 Assessable development	Column 2 Assessment manager
<p>1. Development prescribed under a regulation under the <i>Environmental Protection Act 1994</i> for schedule 8, part 1, item 6 of the <i>Integrated Planning Act 1997</i>, if—</p> <ul style="list-style-type: none"> (a) all or part of the development is not assessable development under a planning scheme; and (b) the application does not include other development; and (c) no other assessment manager is prescribed for the development in this schedule. 	The administering authority

SCHEDULE 2

REFERRAL AGENCIES AND JURISDICTION

section 4

Column 1	Column 2	Column 3	Column 4
Application involving	Name of referral agency	Type of referral agency	Referral jurisdiction
1. Building work (other than temporary or special structures) that is required by the Standard Building Regulation to contain special fire services listed in schedule 2 of the Standard Building Regulation	Queensland Fire and Rescue Authority	Advice	Fire safety
2. Assessment of an aspect of building work against the Standard Building Regulation, if the application involves a workplace area less than 2.3 m ² (free of any encumbrance) for each employee	The chief executive administering the <i>Workplace Health and Safety Act 1995</i>	Advice	Workplace health and safety

SCHEDULE 2 (continued)

<p>3. Development prescribed under a regulation under the <i>Environmental Protection Act 1994</i> for schedule 8, part 1, item 6 of the <i>Integrated Planning Act 1997</i>—if the assessment manager is not the administering authority</p>	<p>The administering authority</p>	<p>Concurrence</p>	<p>Protection of the environment against contaminants— (a) that will or may be released into the environment when the environmentally relevant activity to which the development relates is carried out; and (b) the release of which will or may cause environmental harm</p>
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SCHEDULE 2 (continued)

<p>4. Reconfiguration of a lot, or a material change of use if—</p> <p>(a) the existing use of the land is, or if the land is vacant land with no existing use the most recent use of the land was, for a notifiable activity under the <i>Environmental Protection Act 1994</i>; or</p> <p>(b) the proposed use of the land is for child care, educational, recreational, residential or similar purposes and the existing use of the land is, or if the land is vacant land with no existing use the most recent use of the land was, for an industrial activity; or</p> <p>(c) the land is on the environmental management register or contaminated land register under the <i>Environmental Protection Act 1994</i>; or</p> <p>(d) the land is wholly or partly within an area for which an area management advice for industrial activity or natural mineralisation has been issued and the proposed use of the land is for child care, educational, recreational, residential or similar purposes; or</p> <p>(e) the land is wholly or partly within an area for which an area management advice for unexploded ordnance has been issued</p>	The administering authority	Concurrence	Protection of the environment by the management of contaminated land
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SCHEDULE 3**REFERRAL AGENCY ASSESSMENT PERIODS**

section 5

Column 1	Column 2
Name of referral agency	Referral agency's assessment period
Queensland Fire and Rescue Authority	15

ENDNOTES

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 16 October 1998. Future amendments of the Integrated Planning Regulation 1998 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

AIA	=	Acts Interpretation Act 1954	prev	=	previous
amd	=	amended	(prev)	=	previously
amdt	=	amendment	proc	=	proclamation
ch	=	chapter	prov	=	provision
def	=	definition	pt	=	part
div	=	division	pubd	=	published
exp	=	expires/expired	R[X]	=	Reprint No.[X]
gaz	=	gazette	RA	=	Reprints Act 1992
hdg	=	heading	reloc	=	relocated
ins	=	inserted	renum	=	renumbered
lap	=	lapsed	rep	=	repealed
notfd	=	notified	s	=	section
o in c	=	order in council	sch	=	schedule
om	=	omitted	sdiv	=	subdivision
p	=	page	SIA	=	Statutory Instruments Act 1992
para	=	paragraph	SL	=	subordinate legislation
prec	=	preceding	sub	=	substituted
pres	=	present	unnum	=	unnumbered

4 Table of earlier reprints

TABLE OF EARLIER REPRINTS

[If a reprint number includes a roman letter, the reprint was released in unauthorised, electronic form only.]

Reprint No.	Amendments included	Reprint date
1	to SL No. 133 of 1998	6 July 1998

5 List of legislation

Integrated Planning Regulation 1998 No. 57

made by the Governor in Council on 26 March 1998
notfd gaz 27 March 1998 pp 1310–12
ss 1–2 commenced on date of notification
remaining provisions commenced 30 March 1998 (see s 2)
exp 26 March 2008 (see SIA s 54)

as amended by—

Building Legislation Amendment Regulation (No. 1) 1998 SL No. 86 ss 1, 2(2) pt 4

notfd gaz 17 April 1998 pp 1616–18
ss 1–2 commenced on date of notification
remaining provisions commenced 30 April 1998 (see s 2(2))

Integrated Planning Amendment Regulation (No. 1) 1998 SL No. 133

notfd gaz 15 May 1998 pp 311–16
ss 1–2 commenced on date of notification
ss 3–10, 11 (to the extent s 11 om sch 2 and ins sch 2, items 1–3) commenced
1 July 1998 (see s 2(1))
remaining provisions commenced 6 July 1998 (see s 2(2))

Integrated Planning Amendment Regulation (No. 2) 1998 SL No. 272 pts 1–2

notfd gaz 9 October 1998 pp 489–91
commenced on date of notification

6 List of annotations

Definitions

s 2A ins 1998 SL No. 133 s 4

Type of assessment for assessable development

s 3 ins 1998 SL No. 86 s 22
amd 1998 SL No. 133 s 4

Alternative assessment manager**prov hdg** amd 1998 No. 133 s 7(1)**s 3A** ins 1998 SL No. 133 s 6**Referral agencies and jurisdiction****prov hdg** amd 1998 No. 133 s 7(1)**s 4** ins 1998 SL No. 86 s 22

amd 1998 SL No. 133 s 7 (2)–(3)

Referral agency assessment period—Act, s 3.3.14**s 5** ins 1998 SL No. 86 s 22

amd 1998 SL No. 133 s 8

Tribunal appeal fees—Act, s 4.2.15**s 6** ins 1998 SL No. 86 s 22**Fast track fee—Act, s 4.2.16****s 7** ins 1998 SL No. 86 s 22**Qualifications of referee—Act, s 4.2.37****s 8** ins 1998 SL No. 86 s 22**General manager of Queensland Building Services Authority may prosecute certain offences****s 9** ins 1998 SL No. 86 s 22**Offence about acting as private certifier****s 10** ins 1998 SL No. 86 s 22**Requirements for placing public notices on land—Act, s 3.4.4****s 11** (prev s 3) renum 1998 SL No. 86 s 21**Postponed commencement of uncommenced provision—the Act****s 12** ins 1998 SL No. 272 s 3**Postponed commencement of uncommenced provision—Building and Integrated Planning Amendment Act****s 13** ins 1998 SL No. 272 s 3**Application of sch 1 to continued preparation of planning schemes started under repealed Act****s 14** ins 1998 SL No. 272 s 3exp 30 March 2003 (see s 14(3))**SCHEDULE 1—TYPE OF ASSESSMENT FOR ASSESSABLE DEVELOPMENT**

ins 1998 SL No. 86 s 23

sub 1998 SL No. 133 s 9

SCHEDULE 1A—ALTERNATIVE ASSESSMENT MANAGERS

ins 1998 SL No. 133 s 10

SCHEDULE 2—REFERRAL AGENCIES AND JURISDICTION

ins 1998 SL No. 86 s 23

sub 1998 SL No. 133 s 11

SCHEDULE 3—REFERRAL AGENCY ASSESSMENT PERIODS

ins 1998 SL No. 86 s 23

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