

Queensland



*Integrated Planning Act 1997*

# **INTEGRATED PLANNING REGULATION 1998**

**Reprinted as in force on 6 July 1999  
(includes amendments up to SL No. 117 of 1999)**

**Reprint No. 1B**

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# Information about this reprint

This regulation is reprinted as at 6 July 1999. 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 reprints 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 6 July 1999]

## 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.

### **Court fees**

**5A.** The fees payable for a proceeding in the court are in schedule 4.

### **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 m<sup>2</sup> 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 m<sup>2</sup>—\$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 m<sup>2</sup> 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 m<sup>2</sup>—\$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)<sup>1</sup> of the Act, requirements for the placing of a notice on land.

- (2) The notice must be—

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<sup>1</sup> Section 3.4.4 (Public notice of applications to be given) of the Act



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- (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
- (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.<sup>2</sup>

### **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.<sup>3</sup>

### **Application of sch 1 of the Act 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) of the Act.

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

**(3)** This section expires on 30 March 2003.

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<sup>2</sup> This postponed law now automatically commences on 3 December 1999.

<sup>3</sup> This postponed law now automatically commences on 25 March 2000.

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

section 3

<b>Column 1</b> <b>Aspect of assessable development</b>	<b>Column 2</b> <b>Type of assessment required</b>
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**

<b>Column 1</b> <b>Assessable development</b>	<b>Column 2</b> <b>Assessment manager</b>
<p><b>1.</b> 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"> <li>(a) the development is not assessable development under a planning scheme; and</li> <li>(b) the application does not include other development; and</li> <li>(c) no other assessment manager is prescribed for the development in this schedule.</li> </ul>	The administering authority

## SCHEDULE 1A (continued)

**PART 2—FOR OTHER ASSESSABLE  
DEVELOPMENT**

<b>Column 1</b> <b>Assessable development</b>	<b>Column 2</b> <b>Assessment manager</b>
<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"> <li>(a) all or part of the development is not assessable development under a planning scheme; and</li> <li>(b) the application does not include other development; and</li> <li>(c) no other assessment manager is prescribed for the development in this schedule.</li> </ul>	The administering authority

## SCHEDULE 2

### REFERRAL AGENCIES AND JURISDICTION

section 4

Column 1	Column 2	Column 3	Column 4
<b>Application involving</b>	<b>Name of referral agency</b>	<b>Type of referral agency</b>	<b>Referral jurisdiction</b>
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 <sup>2</sup> (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

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## SCHEDULE 2 (continued)

<p><b>3.</b> 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><b>4.</b> 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
<b>Name of referral agency</b>	<b>Referral agency's assessment period</b>
Queensland Fire and Rescue Authority	15

**SCHEDULE 4****COURT FEES**

section 5A

	\$
1. Filing a notice of appeal . . . . .	26.50
2. Setting down an appeal for hearing . . . . .	52.00
3. Filing an application . . . . .	12.70
4. Sealing and issuing a subpoena . . . . .	12.70
5. Issuing a certificate on final judgment, order, finding or decision . . . . .	35.50
6. Filing an affidavit or deposition . . . . .	9.00
7. Filing exhibits mentioned in an affidavit or deposition and required to be filed—	
(a) each exhibit . . . . .	2.00
(b) maximum fee . . . . .	16.00
8. Sealing a document with the seal of the court . . . . .	24.00
9. Filing a copy of notice of appeal to the Court of Appeal . . . . .	24.00
10. Filing a notice of withdrawal of an appeal . . . . .	12.70
11. Filing an authority to use a person's name as next friend . . . . .	12.70
12. Filing an appointment of an agent . . . . .	9.00
13. Filing a document for which no other fee is provided	9.00
14. Issuing a copy of a record of the court or a document or exhibit filed in the registry—	
(a) each page . . . . .	2.50
(b) maximum fee . . . . .	40.00
15. Issuing a copy of reasons for judgment—each page .	1.60
16. Entering a judgment . . . . .	40.00
17. Filing an order on an application . . . . .	40.00
18. Opening or keeping the registry open after hours—	

## SCHEDULE 4 (continued)

(a) on a Saturday, Sunday, public holiday or court holiday . . . . .	222.00
(b) on any other day—	
(i) before 8 a.m. or after 6 p.m. . . . .	222.00
(ii) between 8 a.m. and 9 a.m. . . . .	111.00
(iii) between 4 p.m. and 6 p.m. . . . .	111.00
<b>19.</b> Inspecting the record in an appeal or other proceeding	10.00
<b>20.</b> Filing a document by leave of the court . . . . .	12.70
<b>21.</b> Posting a document—each document . . . . .	10.00
<b>22.</b> Attending a view—	
(a) within 8 km of the court . . . . .	59.00
(b) more than 8 km from the court . . . . .	111.00
<b>23.</b> Supplying a copy of a call-over list . . . . .	8.00
<b>24.</b> Making an appointment for assessment of a costs statement . . . . .	27.50
<b>25.</b> Assessing a costs statement—for each \$100 or part of \$100 allowed . . . . .	8.00
<b>26.</b> Order for the amount assessed under a costs statement . . . . .	37.00

## ENDNOTES

### 1 Index to 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 6 July 1999. 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
1A	to SL No. 272 of 1998	16 October 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 1 September 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

### **Integrated Planning Amendment Regulation (No. 1) 1999 SL No. 117**

notfd gaz 25 June 1999 pp 932–8  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 July 1999 (see s 2)

## 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—Act s 3.1.7**

**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

**Court fees**

**s 5A** ins 1999 SL No. 117 s 4

**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 provisions—the Act**

**s 12** ins 1998 SL No. 272 s 3

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

**s 13** ins 1998 SL No. 272 s 3

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

**prov hdg** amd 1999 SL No. 117 s 5(1)  
**s 14** ins 1998 SL No. 272 s 3  
amd 1999 SL No. 117 s 5(2)–(3)  
exp 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

**SCHEDULE 4—COURT FEES**

ins 1999 SL No. 117 s 6