

Queensland



**INTEGRATED PLANNING  
AND OTHER LEGISLATION  
AMENDMENT ACT 1998**

**Act No. 31 of 1998**



# Queensland



## INTEGRATED PLANNING AND OTHER LEGISLATION AMENDMENT ACT 1998

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Queensland



## **Integrated Planning and Other Legislation Amendment Act 1998**

**Act No. 31 of 1998**

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**An Act to amend legislation about integrated planning, and for other  
purposes**

*[Assented to 3 September 1998]*

**The Parliament of Queensland enacts—**

## **PART 1—PRELIMINARY**

### **Short title**

**1.** This Act may be cited as the *Integrated Planning and Other Legislation Amendment Act 1998*.

### **Commencement**

**2.(1)** Section 49(1) and (3) is taken to have commenced on 30 April 1998.

**(2)** Part 4 is taken to have commenced on 29 March 1998.

**(3)** Section 53 and part 5 (other than sections 69, 76, 78 and 79) commences on assent.

**(4)** Sections 69, 76, 78 and 79 are taken to have commenced on 1 July 1998.

**(5)** The other provisions of this Act commence on a day to be fixed by proclamation.

## **PART 2—INTEGRATED PLANNING ACT 1997**

### **Act amended in pt 2**

**3.** This part amends the *Integrated Planning Act 1997*.

### **Amendment of s 1.3.5 (Definitions for terms used in “development”)**

**4.(1)** Section 1.3.5, definition “**building work**”—

*insert—*

‘(aa) work regulated under the *Standard Building Regulation 1993*; or’.

(2) Section 1.3.5, definition “**drainage work**”, paragraph (d)—  
*omit.*

(3) Section 1.3.5, definition “**plumbing work**”, paragraph (c)—  
*omit.*

### **Amendment of s 3.2.1 (Applying for development approval)**

5.(1) Section 3.2.1(3)(a)(iii)—  
*omit.*

(2) Section 3.2.1(4)(b) and (c)—  
*omit, insert—*

‘(b) if the assessment manager is another public sector entity—the fee prescribed under a regulation under this or another Act.’.

(3) Section 3.2.1(8), ‘accepts’—  
*omit, insert—*

‘receives, and after consideration accepts,’.

### **Amendment of s 3.2.3 (Acknowledgment notices generally)**

6. Section 3.2.3—  
*insert—*

‘(1A) Subsection (1) does not apply if—

- (a) the application requires code assessment only; and
- (b) there are no referral agencies (other than building referral agencies), or all referral agencies have stated in writing that they do not require the application to be referred to them under the information and referral stage; and

- (c) the application is not a development application (superseded planning scheme).’.

**Omission of s 3.2.4 (Circumstances when immediate decision notice may be given)**

7. Section 3.2.4—

*omit.*

**Amendment of s 3.2.8 (Public scrutiny of applications)**

**8.(1)** Section 3.2.8(1), ‘gives the acknowledgment notice to the applicant’—

*omit, insert—*

‘receives the application’.

**(2)** Section 3.2.8(1)—

*insert—*

‘(aa)if the application is not a properly made application—the assessment manager decides not to accept the application; or’.

**(3)** Section 3.2.8(1)(b), ‘paragraph (a) does’—

*omit, insert—*

‘paragraphs (aa) and (a) do’.

**(4)** Section 3.2.8—

*insert—*

‘**(2A)** Also, the assessment manager may remove the name, address and signature of each person who made a submission before making the submission available for inspection and purchase.’.

**(5)** Section 3.2.8(3)(b)—

*omit, insert—*

‘(b) any material (including site plans, elevations and supporting reports) about the aspect of the application assessable against or

having regard to the planning scheme that—

- (i) is in the assessment manager's possession when a request to inspect and purchase is made; and
- (ii) has been given to the assessment manager at any time before a decision is made on the application.'

### **Amendment of s 3.2.9 (Changing an application)**

**9.** Section 3.2.9(3)(a)(i)—

*omit, insert—*

- '(i) the application is an application that requires an acknowledgment notice to be given and the acknowledgment notice for the original application has not been given;'

### **Amendment of s 3.2.12 (Applications lapse in certain circumstances)**

**10.(1)** Section 3.2.12(2)(c), '10'—

*omit, insert—*

'20'.

**(2)** Section 3.2.12(2)—

*insert—*

- '(d) if the next action is complying with section 3.4.7—3 months.'

### **Omission of s 3.2.14 (Service provider notice for reconfiguring a lot)**

**11.** Section 3.2.14—

*omit.*

### **Replacement of s 3.2.15 (When does application stage end)**

**12.** Section 3.2.15—

*omit, insert—*

**‘When does application stage end**

**‘3.2.15.** The application stage for a properly made application ends—

- (a) if the application is an application that requires an acknowledgment notice to be given—the day the acknowledgment notice is given; or
- (b) if the application is an application that does not require an acknowledgment notice to be given—the day the application was received.’.

**Amendment of s 3.3.3 (Applicant gives material to referral agency)**

**13.(1)** Section 3.3.3(1), ‘mentioned in the acknowledgment notice’—  
*omit.*

**(2)** Section 3.3.3(1)(b)—  
*omit, insert—*

- ‘(b) a copy of the acknowledgment notice (unless the referral agency was the entity that gave the notice or is a building referral agency); and’.

**(3)** Section 3.3.3—  
*insert—*

‘**(5)** To the extent the functions of a referral agency in relation to the application have been lawfully devolved or delegated to the assessment manager, subsections (1) to (4) (other than subsection (1)(c)) do not apply.’.

**Amendment of s 3.3.4 (Applicant advises assessment manager)**

**14.(1)** Section 3.3.4—  
*insert—*

‘**(2)** To the extent the functions of a referral agency in relation to the application have been lawfully devolved or delegated to the assessment manager, subsection (1)(a) does not apply.’.

**Amendment of s 3.3.6 (Information requests to applicant (generally))**

**15.** Section 3.3.6(4)—

*omit, insert—*

‘(4) If the assessment manager makes the request, the request must be made—

- (a) for an application requiring an acknowledgment notice to be given—within 10 business days after giving the acknowledgment notice (the “**information request period**”); and
- (b) for an application that does not require an acknowledgment notice to be given—within 10 business days after the day the application was received (also the “**information request period**”).

‘(4A) If a concurrence agency makes the request, the request must be made within 10 business days after the agency’s referral day (also the “**information request period**”).’.

**Amendment of s 3.3.14 (Referral agency assessment period)**

**16.** Section 3.3.14(5), ‘at any time’—

*omit, insert—*

‘before the period ends’.

**Amendment of s 3.4.4 (Public notice of application to be given)**

**17.** Section 3.4.4(1)(a), ‘in the local government’s area’—

*omit, insert—*

‘in the locality of the land’.

**Insertion of new s 3.4.9A**

**18.** After section 3.4.9—

*insert—*

**‘Submissions made during notification period effective for later notification period**

**‘3.4.9A.(1)** This section applies if—

- (a) a person makes a submission under section 3.4.9(1) and the submission is a properly made submission or the assessment manager accepts the submission under section 3.4.9(3); and
- (b) the notification stage for the application is repeated for any reason.

**‘(2)** The properly made submission is taken to be a properly made submission for the later notification period and the submitter may, by written notice—

- (a) during the later notification period, amend the submission; or
- (b) at any time before a decision about the application is made, withdraw the submission.

**‘(3)** The submission the assessment manager accepted under section 3.4.9(3) is taken to be part of the common material for the application unless the person who made the submission withdraws the submission before a decision is made about the application.’.

**Replacement of s 3.5.1 (When does decision stage start)**

**19.** Section 3.5.1—

*omit, insert—*

**‘When does decision stage start**

**‘3.5.1.(1)** If an acknowledgment notice or referral to a building referral agency for an application is required, the decision stage for the application starts the day after all other stages applying to the application have ended.

**‘(2)** If subsection (1) does not apply to an application, the decision stage for the application starts—

- (a) if an information request has been made about the application—the day the applicant responds to the information



request;<sup>1</sup> or

- (b) if an information request has not been made about the application—the day the application was received.

‘(3) However, the assessment manager may start assessing the application before the start of the decision stage.’.

### **Amendment of s 3.5.7 (Decision making period (generally))**

**20.** Section 3.5.7(4), ‘at any time’—

*omit, insert—*

‘before the period ends’.

### **Amendment of s 3.5.15 (Decision notice)**

**21.(1)** Section 3.5.15(2)(h)—

*omit, insert—*

- ‘(h) any code the applicant may need to comply with for self-assessable development related to the development approved;
- (i) whether or not there were any properly made submissions about the application;
- (j) the rights of appeal for the applicant and any submitters.’.

**(2)** Section 3.5.15(3)—

*omit, insert—*

‘(3) If the application is approved, the assessment manager must give a copy of the decision notice to each principal submitter within 5 business days after the earliest of the following happens—

- (a) the applicant gives the assessment manager a written notice stating that the applicant does not intend to make representations mentioned in section 3.5.17(1);
- (b) the applicant appeals;

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<sup>1</sup> See section 3.3.8 (Applicant responds to any information request).

(c) the applicant's appeal period ends.

'(3A) If the application is refused, the assessment manager must give a copy of the decision notice to each principal submitter at about the same time as the decision notice is given to the applicant.'

**Replacement of ch 3, pt 5, div 4 heading (Representations about conditions)**

22. Chapter 3, part 5, division 4, heading—

*omit, insert—*

*'Division 4—Representations about conditions and other matters'*

**Amendment of s 3.5.17 (Changing conditions during the applicant's appeal period)**

23.(1) Section 3.5.17, heading, after 'conditions'—

*insert—*

'and other matters'.

(2) Section 3.5.17(1)—

*omit, insert—*

'(1) This section applies if the applicant makes representations to the assessment manager about a matter stated in the decision notice, other than a refusal or a matter about which a concurrence agency told the assessment manager under section 3.3.18(1).<sup>2</sup>'

**Amendment of s 3.5.19 (When approval takes effect)**

24. Section 3.5.19(a), after 'appeal the decision'—

*insert—*

'to the court'.

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<sup>2</sup> Section 3.3.18 (Concurrence agency's response powers)

(2) Section 3.5.19(b), after ‘appeal the decision’—

*insert—*

‘to the court’.

(3) Section 3.5.19(c)—

*omit, insert—*

‘(c) if an appeal is made to the court—subject to the decision of the court, when the appeal is finally decided.’.

### **Replacement of s 3.5.20 (When development may start)**

25. Section 3.5.20—

*omit, insert—*

#### **‘When development may start**

‘3.5.20.(1) Development may start when a development permit for the development takes effect.

‘(2) Subsection (1) applies subject to any condition applying under section 3.5.31(1)(b)<sup>3</sup> to a development approval for the development.’.

### **Amendment of s 3.5.22 (Request to extend currency period)**

26. Section 3.5.22(4)(a)(ii)—

*omit, insert—*

‘(ii) if the assessment manager is another public sector entity—the fee prescribed under a regulation under this or another Act.’.

### **Amendment of s 3.5.24 (Request to change development approval (other than a change of a condition))**

27.(1) Section 3.5.24(1)(b)—

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<sup>3</sup> Section 3.5.31 (Conditions generally)

*omit, insert—*

‘(b) advise each entity that was a building referral agency, for the aspect of the application the subject of the request, that the person is asking for the change; and

(c) ask the assessment manager to make the change.’

**(2)** Section 3.5.24(4)(a)(ii)—

*omit, insert—*

‘(ii) if the assessment manager is another public sector entity—the fee prescribed under a regulation under this or another Act.’

**(3)** Section 3.5.24(4)(b), after ‘concurrence’—

*insert—*

‘or building referral’.

**Amendment of s 3.5.25 (Deciding request to change development approval (other than a change of a condition))**

**28.(1)** Section 3.5.25(2), ‘If there was a concurrence agency’—

*omit, insert—*

‘If a concurrence or building referral agency is required to be given a notice under section 3.5.24(1)(a) or (b)’.

**(2)** Section 3.5.25(2)(a)(i), after ‘concurrence’—

*insert—*

‘or building referral’.

**(3)** Section 3.5.25(4), after ‘3.5.24(1)(a)’—

*insert—*

‘or (b)’.

**(4)** Section 3.5.25 (other than subsection (2)), after ‘concurrence’—

*insert—*

‘or building referral’.

**Amendment of 3.5.26 (Request to cancel development approval)**

**29.** Section 3.5.26(4)(b)—

*omit, insert—*

‘(b) if the assessment manager is another public sector entity—the fee prescribed under a regulation under this or another Act.’.

**Amendment of s 3.5.33 (Request to change or cancel conditions)**

**30.(1)** Section 3.5.33(4)(b)—

*omit, insert—*

‘(b) if the assessment manager is another public sector entity—the fee prescribed under a regulation under this or another Act.’.

**(2)** Section 3.5.33—

*insert—*

‘**(7A)** Also, if a building referral agency gave advice about an aspect of the application the subject of the request, the assessment manager must have regard to the opinion of the agency about the change before deciding the request.’.

**Insertion of s new 3.7.1A**

**31.** After section 3.7.1—

*insert—*

**‘Definition for pt 7**

**‘3.7.1A.** In this part—

**“plan”** includes an agreement that reconfigures a lot by dividing land into parts rendering different parts of a lot immediately available for separate disposition or separate occupation, but does not include a lease for—

- (a) a term, including renewal options, not exceeding 10 years;<sup>4</sup> or
- (b) all or part of a building.’.

**Amendment of s 3.7.2 (Plan for reconfiguring under development permit)**

**32.(1)** Section 3.7.2(3)(a), ‘authorising’—

*omit, insert—*

‘about’.

**(2)** Section 3.7.2(3)(d)—

*omit, insert—*

‘(d) the plan is prepared in accordance with the development permit.’.

**(3)** Section 3.7.2(4)(b)—

*omit, insert—*

‘(b) the plan is prepared in accordance with the development permit.’.

**Amendment of s 3.7.3 (Plan submitted under condition of development permit)**

**33.** Section 3.7.3(3)(a), after ‘permit’—

*insert—*

‘about the reconfiguration’.

**Amendment of s 3.7.8 (Application of pt 7 to acquisitions for public purposes)**

**34.** Section 3.7.8(1), ‘acquisition of land for a purpose set out in the *Acquisition of Land Act 1967*, schedule 2’—

*omit, insert—*

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<sup>4</sup> See section 1.3.5 (Definitions for terms used in “**development**”, definition of “**reconfiguring a lot**”, paragraph (d)).

‘acquisition (including by agreement) of land by a constructing authority within the meaning of the *Acquisition of Land Act 1967* for a purpose set out in schedule 2 of that Act’.

**Amendment of s 4.1.21 (Court may make declarations)**

**35.** Section 4.1.21(1)(e)—

*omit, insert—*

‘(e) if the application is an application that requires an acknowledgment notice to be given—a failure by an assessment manager to give an acknowledgment notice.’.

**Amendment of s 4.2.24 (Establishing a tribunal)**

**36.(1)** Section 4.2.24(1), after ‘appeal’—

*insert—*

‘within the time stated for starting the appeal’.

**(2)** Section 4.2.24—

*insert—*

‘**(4)** If the registrar receives a notice of appeal that is not within the time stated for starting the appeal, the registrar must give the appellant notice stating that the notice of appeal is of no effect because it was not received within the time stated for starting the appeal.’.

**Amendment of s 4.2.27 (Tribunal may allow longer period to take an action)**

**37.** Section 4.2.27—

*insert—*

‘**(2)** Subsection (1) does not apply to a notice of appeal that is not received within the time stated for starting the appeal.’.

**Amendment of s 4.2.34 (Appeal decision)**

**38.(1)** Section 4.2.34(3)—

*omit, insert—*

‘(3) If the tribunal acts under subsection (2)(b), (c), (d)(ii) or (e) the tribunal’s decision is taken, for this Act (other than this division) to be the decision of the entity that made the decision being appealed.’.

**(2)** Section 4.2.34—

*insert—*

‘(5) The decision of the tribunal takes effect—

- (a) if a party to the proceeding does not appeal against the decision—at the end of the period during which the tribunal’s decision may be appealed; or
- (b) if an appeal is made to the court against the tribunal’s decision—subject to the decision of the court, when the appeal is finally decided.’.

**Amendment of s 4.3.3 (Compliance with development approval)**

**39.** Section 4.3.3—

*insert—*

‘(4) In subsection (1)—

“**development approval**” includes an approval under section 4.4(5) or 4.7(5) of the repealed Act.’.

**Amendment of s 5.1.15 (Alternatives to paying infrastructure charges)**

**40.** Section 5.1.15(1), after ‘written agreement’—

*insert—*

‘with the local government’.



### **Replacement of s 5.3.3 (What is a private certifier)**

**41.** Section 5.3.3—

*omit, insert—*

#### **‘What is a private certifier**

**‘5.3.3.(1)** A **“private certifier”** is a person or public sector entity that carries out certification work under written contractual arrangements with clients.

**‘(2)** An individual may act as a private certifier only if the individual has the qualifications, necessary experience or accreditation prescribed under a regulation for a certifier for a stated code.

**‘(3)** A corporation or public sector entity may act as a private certifier only if—

- (a) an individual mentioned in subsection (2) is an officer or employee of the corporation or entity; and
- (b) the officer or employee carries out the certification work; and
- (c) the corporation or entity has accreditation prescribed under a regulation.

**‘(4)** A regulation for subsection (2) or (3)(c) may—

- (a) be made under this or another Act; and
- (b) prescribe different qualifications, necessary experience or accreditation for different types of development or works.

**‘(5)** To remove any doubt, it is declared that a development application is not a contractual arrangement under subsection (1).’.

### **Amendment of s 5.3.5 (Private certifier may decide certain development applications and inspect and certify certain works)**

**42.(1)** Section 5.3.5, heading, **‘and inspect and certify certain works’**—

*omit.*

**(2)** Section 5.3.5(2) to (8)—

*omit, insert—*

‘(2) However, the private certifier must not decide the application until a development permit is effective for—

- (a) if the development could not be used unless a development permit exists for a material change of use of premises for which the development is proposed—the material change of use; and
- (b) if an aspect of assessable development (other than a material change of use) related to the development requires impact assessment—the aspect; and
- (c) if an aspect of assessable development (other than a material change of use) related to the development requires code assessment—the aspect prescribed under a regulation under this or another Act.

‘(3) If all stages of IDAS other than the decision stage have been completed before the private certifier is entitled to decide the application, the decision stage starts the day the private certifier becomes entitled to decide the application.

‘(4) If a private certifier acts under subsection (1) and gives a development approval, the private certifier may also act as the assessment manager for deciding any of the following requests—

- (a) to extend the currency period for the approval;
- (b) to change the approval;
- (c) to cancel the approval;
- (d) to change or cancel conditions of the approval.’.

**Omission of s 5.3.7 (Entities (including local governments) may undertake private certification)**

**43.** Section 5.3.7—

*omit.*

### **Amendment of s 5.3.9 (Engaging private certifiers)**

**44.** Section 5.3.9—

*insert—*

‘(3) If a private certifier is engaged to assess and decide a development application and this or another Act requires that work the subject of the application be inspected or that a certificate be issued for the work, the private certifier must also be engaged to—

- (a) inspect the work to ensure it complies with, or accept certification that it complies with, the development permit authorising the work, any conditions of the permit and the code against which the work must be assessed; and
- (b) issue any certificate required under this or the other Act.’.

### **Amendment of s 5.7.10 (Standard planning and development certificates)**

**45.** Section 5.7.10—

*insert—*

‘(2) For subsection (1) a development approval or a decision notice or negotiated decision notice for a development approval includes all continuing approvals mentioned in section 6.1.23(1)(a) to (d) but not a continuing approval mentioned in section 6.1.23(1)(e).<sup>5</sup>’.

### **Amendment of s 6.1.1 (Definitions for pt 1)**

**46.(1)** Section 6.1.1, definition “**applicable codes**”, ‘standards or requirements’—

*omit, insert—*

‘standards or requirements (including a requirement mentioned in section 6.1.23(1A))’.

**(2)** Section 6.1.1, definition “**transitional planning scheme**”,

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<sup>5</sup> Section 6.1.23 (Continuing effect of approvals issued before commencement)

‘section 6.1.3’—

*omit, insert—*

‘sections 6.1.3 and 6.1.9(3)’.

**Amendment of s 6.1.9 (Preparation of planning schemes under repealed Act may continue)**

**47.(1)** Section 6.1.9(2), ‘10’—

*omit, insert—*

‘11’.

**(2)** Section 6.1.9—

*insert—*

‘**(3A)** A prohibited use in a transitional planning scheme mentioned in subsection (3) is taken to be an expression of policy that the use is inconsistent with the intent of the zone in which the use is prohibited.’.

**Amendment of s 6.1.23 (Continuing effect of approvals issued before commencement)**

**48.(1)** Section 6.1.23—

*insert—*

‘**(1A)** However, a requirement in a local planning instrument for an action to be carried out to the satisfaction of a nominated person is not a continuing approval.’.

**(2)** Section 6.1.23(2), after ‘were’—

*insert—*

‘a development approval in the form of’.

**Amendment of s 6.1.25 (Effect of commencement on certain applications in progress)**

**49.(1)** Section 6.1.25(1), after ‘6.1.23(1)’—

*insert—*

‘(a) to (d)’.

(2) Section 6.1.25(1)(b), after ‘is’—

*insert—*

‘taken to be’.

(3) Section 6.1.25—

*insert—*

‘(1A) If an application was made before 30 April 1998 for a building approval under the *Building Act 1975*—

- (a) processing of the application and all matters incidental to the processing (including any appeal made in relation to a decision about the application) must proceed as if the *Building and Integrated Planning Amendment Act 1998* had not commenced; and
- (b) any approval issued is taken to be a preliminary approval or development permit, as the case may be.’.

### **Amendment of s 6.1.28 (IDAS must be used for processing applications)**

50. Section 6.1.28(3)(b) and (c), ‘the acknowledgment notice’—

*omit, insert—*

‘any acknowledgment notice for the application’.

### **Amendment of s 6.1.31 (Conditions about infrastructure for applications)**

51.(1) Section 6.1.31(1)(b)(i)—

*omit, insert—*

- ‘(i) a local planning policy about infrastructure or a planning scheme policy about infrastructure; or’.

(2) Section 6.1.31(2), after ‘relating to’—

*insert—*

‘the local planning policy.’

### **Replacement of s 6.1.34 (Consequential amendment of transitional planning schemes)**

**52.** Section 6.1.34—

*omit, insert—*

#### **‘Consequential amendment of transitional planning schemes**

**‘6.1.34.(1)** This section applies if under a transitional planning scheme an assessment manager is deciding a development application for assessable development that would, under the repealed Act, have first required the amendment of the former planning scheme.

**‘(2)** If the assessment manager approves the application, the local government must, by resolution and within 20 business days after the day the approval takes effect, adopt an amendment of its transitional planning scheme to reflect the approval.

**‘(3)** The amendment is an amendment of a planning scheme to which section 3.5.27 and schedule 1, sections 1 to 19 do not apply.’

### **Amendment of s 6.1.35A (Applications to change conditions of rezoning approvals under repealed Act)**

**53.** Section 6.1.35A(1), ‘before the commencement of this section’—

*omit.*

### **Replacement of s 6.1.35C (Applications requiring referral coordination)**

**54.** Section 6.1.35C—

*omit, insert—*

#### **‘Applications requiring referral coordination**

**‘6.1.35C.(1)** Referral coordination is required for an application—

- (a) for development that is assessable under a planning scheme and that the assessment manager is satisfied is not minor or of an ancillary nature; and
- (b) that is for 1 or more of the following—
  - (i) a material change of use for a designated development;
  - (ii) a material change of use on prescribed land (other than development for a dwelling house, outbuilding or farm building);
  - (iii) the reconfiguration of a lot that is prescribed land.

‘(2) This section applies—

- (a) despite section 3.3.5; and
- (b) even if there are no concurrence agencies for the application.

‘(3) If an application requires referral coordination under subsection (1), section 3.2.3(1)<sup>6</sup> applies to the application (despite section 3.2.3(1A)).

‘(4) This section expires on 30 March 1999.

‘(5) In this section—

**“designated development”** means a development mentioned, immediately before the repeal of the repealed Act, in—

- (a) the *Local Government (Planning and Environment) Regulation 1991*, schedule 1; or
- (b) a local planning policy as a designated development for section 8.2 of the repealed Act.

**“prescribed land”** means land located in, or having a common boundary with, an area referred to in the *Local Government (Planning and Environment) Regulation 1991*, schedule 2, immediately before the repeal of the repealed Act.’.

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<sup>6</sup> Section 3.2.3 (Acknowledgment notices generally)

**Amendment of s 6.1.50 (Right to compensation continued)**

**55.(1)** Section 6.1.50(1), ‘To remove any doubt, it is declared that if’—  
*omit, insert—*

‘If’.

**(2)** Section 6.1.50—

*insert—*

‘**(3)** To remove any doubt, it is declared that a person who has a right to claim compensation under subsection (1) can not claim compensation under any other provision of this Act.’.

**Amendment of sch 1 (Process for making or amending planning schemes)**

**56.** Schedule 1, part 2, section 11(3)(a), ‘(1), (2) and’—

*omit.*

**Amendment of sch 8 (Assessable, self-assessable and exempt development)**

**57.(1)** Schedule 8, part 1, item 4(b) and (c)—

*omit, insert—*

‘(b) is for the amalgamation of 2 or more lots; or

(c) is in relation to the acquisition (including by agreement) of land by a constructing authority within the meaning of the *Acquisition of Land Act 1967* for a purpose set out in schedule 2 of that Act.’.

**(2)** Schedule 8, part 1, item 5—

*insert—*

‘(f) ancillary works and encroachments (not mentioned in part 3) gazetted under the *Transport Infrastructure Act 1994*, section 47(2) on a State-controlled road.’.

**(3)** Schedule 8, part 3, item 10—



*insert—*

‘(d) the *Offshore Minerals Act 1998*.’

(4) Schedule 8, part 3, item 15(b) and (c)—

*omit, insert—*

‘(b) is for the amalgamation of 2 or more lots; or

(c) is in relation to the acquisition (including by agreement) of land by a constructing authority within the meaning of the *Acquisition of Land Act 1967* for a purpose set out in schedule 2 of that Act.’

### **Amendment of sch 10 (Dictionary)**

**58.(1)** Schedule 10, definition “**agency’s referral day**”—

*omit.*

(2) Schedule 10—

*insert—*

‘**“agency’s referral day”**, for a referral agency, means—

- (a) if the functions of the agency in relation to the application have not been lawfully devolved or delegated to the assessment manager—the day the agency receives the things mentioned in section 3.3.3(1); or
- (b) if the agency is a concurrence agency and the functions of the agency in relation to the application have been lawfully devolved or delegated to the assessment manager—
  - (i) if the applicant has paid the concurrence agency’s application fee to the assessment manager before the day the acknowledgment notice is given—the day the acknowledgment notice is given; or
  - (ii) if the applicant has not paid the concurrence agency’s application fee before the day the acknowledgment notice is given—the day the fee is paid.

“**building referral agency**” has the same meaning as in the *Standard Building Regulation 1993*.<sup>7</sup>

“**plan**”, for chapter 3, part 7, see section 3.7.1A.’.

(3) Schedule 10, definition “**assessing authority**”, paragraph (e)—  
*omit, insert—*

‘(e) for building work carried out by or on behalf of the State—the chief executive; or

(f) for any other matter—the local government.’.

## PART 3—BUILDING ACT 1975

### Act amended in pt 3

59. This part amends the *Building Act 1975*.

### Amendment of s 3 (Definitions)

60.(1) Section 3, definition “**building certifier**”—  
*omit.*

(2) Section 3—  
*insert—*

“**building certifier**” means a person or public sector entity accredited as a building certifier by an accrediting body.

“**public sector entity**” means—

- (a) a department or part of a department; or
- (b) an agency, authority, commission, corporation, instrumentality,

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<sup>7</sup> *Standard Building Regulation 1993*, section 5—

“**building referral agency**” means a referral agency under IPA for aspects of the building work assessed against this regulation.

office, or other entity, established under an Act for a public or State purpose.’.

**Amendment of s 22 (Enforcement notices)**

**61.** Section 22(5), ‘(2)’

*omit, insert—*

‘(4)’.

**Amendment of s 29 (Function of accrediting bodies)**

**62.(1)** Section 29(1), ‘individuals’—

*omit, insert—*

‘persons and public sector entities’.

**(2)** Section 29(2)(b), ‘qualifications and experience required’—

*omit, insert—*

‘requirements’.

**(3)** Section 29(2)(h), all words after ‘requirements’—

*omit.*

**(4)** Section 29(2)(j)(iii), ‘accreditation’—

*omit, insert—*

‘accrediting’.

**Replacement of s 30 (Persons must not practice as building certifiers without accreditation)**

**63.** Section 30—

*omit, insert—*

**‘Persons must not perform or exercise building certifying functions without accreditation**

**‘30.(1)** A person must not perform or exercise a building certifying

function unless the person holds current accreditation as a building certifier.

Maximum penalty—165 penalty units.

‘(2) Subsection (1) does not apply to a corporation performing or exercising a building certifying function if—

- (a) the corporation is an assessment manager; and
- (b) the corporation is not practising as a private certifier in performing or exercising the function; and
- (c) the function is performed or exercised on behalf of the corporation by an individual who holds current accreditation as a building certifier and is employed by the corporation to perform or exercise the function.

‘(3) In this section—

**“building certifying function”** means a building certifier’s function under the *Standard Building Regulation 1993*.’.

#### **Amendment of s 42 (Chief executive may investigate building certifier)**

**64.** Section 42(1), ‘person’—

*omit, insert—*

‘building certifier or a complainant’.

#### **Amendment of s 48 (Information to be supplied by the State)**

**65.** Section 48, after ‘on behalf of the State’—

*insert—*

‘or a public sector entity’.

#### **Amendment of s 50 (Prosecution of offences)**

**66.** Section 50—

*insert—*

‘(4) Despite subsection (2), any person may lay a complaint in for an

offence against part 5 of this Act or parts 11 and 12 of the Standard Building Regulation.’.

## **PART 4—BUILDING AND INTEGRATED PLANNING AMENDMENT ACT 1998**

### **Act amended in pt 4**

**67.** This part amends the *Building and Integrated Planning Amendment Act 1998*.

### **Schedule (Consequential amendments)**

**68.** Schedule, amendments of *Local Government Act 1993*, amendment 2—

*omit.*

## **PART 5—ENVIRONMENTAL PROTECTION ACT 1994**

### **Act amended in pt 5**

**69.** This part amends the *Environmental Protection Act 1994*.

### **Amendment of s 40A (Application of pt 4)**

**70.** Section 40A(1)(d), ‘approval’—

*omit, insert—*

‘permit for a schedule 8 development for carrying out the activity’.

**Amendment of s 60F (Application of pt 4A)**

**71.** Section 60F, ‘approval’—

*omit, insert—*

‘permit for a schedule 8 development for carrying out the activity’.

**Amendment of s 60Z (Application of pt 4B)**

**72.** Section 60Z, from ‘development prescribed’ to ‘Planning Act’—

*omit, insert—*

‘a schedule 8 development’.

**Amendment of s 60ZA (Assessing application)**

**73.** Section 60ZA(1), from ‘and (iv)’—

*omit, insert—*

‘and (iv)) as if it were an application for a new part 4 environmental authority for carrying out the activity.

*Example of how application is assessed—*

If an environmentally relevant activity is carried out on premises and a development application is made because of a proposed intensification of the activity, the application is assessed on the basis of the activity as intensified.’.

**Amendment of s 60ZB (Conditions of development approval)**

**74.(1)** Section 60ZB(1), ‘part 4 environmental authority’—

*omit, insert—*

‘new part 4 environmental authority for carrying out the activity’.

**(2)** Section 60ZB(1)—

*insert—*

*‘Example of how conditions decided—*

If an environmentally relevant activity is carried out on premises and a

development application is made because of a proposed intensification of the activity, conditions are to be decided on the basis of the activity as intensified.’.

### **Replacement of ch 3, pt 4B, div 3**

**75.** Chapter 3, part 4B, division 3—

*omit, insert—*

*‘Division 3—Effect of issue of certain development permits*

#### **‘Development permits continue to have effect**

**‘60ZC.(1)** This section applies if—

- (a) the development to which this part applies is a material change in the intensity or scale of the use of premises under the Integrated Planning Act; and
- (b) the development application for the development is made by or for the holder of 1 or more part 4 environmental authorities to carry out 1 or more environmentally relevant activities; and
- (c) a development permit takes effect for carrying out the activity or activities to which the permit relates.

**‘(2)** The part 4 environmental authority or authorities are cancelled to the extent they authorise the carrying out of the activity or activities to which the permit relates.

**‘(3)** Also, if the currency period under the Integrated Planning Act for the permit ends, the permit continues to have effect for this Act subject to the development conditions applying to the carrying out of the activity or activities to which the permit relates immediately before the period ends.

**‘(4)** Subsection (3) applies despite section 3.5.21 of the Integrated Planning Act.<sup>8</sup>’.

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<sup>8</sup> Section 3.5.21 of Integrated Planning Act (When approval lapses)

**Amendment of s 62 (Administering authority may require additional information)**

**76.** Section 62(a), ‘this part’—  
*omit, insert—*  
‘part 4 or 4A’.

**Amendment of s 64 (Authority may call conference)**

**77.** Section 64(1), ‘this part’—  
*omit, insert—*  
‘part 4 or 4A’.

**Amendment of s 65 (Extensions of time for decision on applications)**

**78.** Section 65(1), ‘this part’—  
*omit, insert—*  
‘part 4 or 4A’.

**Amendment of s 67 (Failure to decide applications taken to be refusal)**

**79.** Section 67, ‘this part’—  
*omit, insert—*  
‘part 4 or 4A’.

**Amendment of sch 1 (Original decisions)**

**80.(1)** Schedule 1, ‘60C(2)’—  
*omit, insert—*  
‘60B’.

**(2)** Schedule 1, ‘60E(5)(b)’—  
*omit, insert—*



‘60E(2)’.

(3) Schedule 1, ‘60K’—

*omit, insert—*

‘60J’.

(4) Schedule 1, ‘60U’—

*omit, insert—*

‘60V(2)’.

#### **Amendment of sch 4 (Dictionary)**

81. Schedule 4—

*insert—*

‘ **“schedule 8 development”** means development prescribed under a regulation under this Act for schedule 8, part 1, section 6 of the Integrated Planning Act.’.

## **PART 6—LAND TITLE ACT 1994**

#### **Act amended in pt 6**

82. This part amends the *Land Title Act 1994*.

#### **Amendment of s 65 (Requirements of instrument of lease)**

83. Section 65—

*insert—*

‘(3A) If the instrument of lease (other than a lease of all or part of a building) is for the reconfiguration of a lot within the meaning of the *Integrated Planning Act 1997*, the instrument must have been approved by the local government.’.

## PART 7—LOCAL GOVERNMENT ACT 1993

### Act amended in pt 7

**84.** This part amends the *Local Government Act 1993*.

### Amendment of s 854 (Local laws and local law policies about development)

**85.(1)** Section 854(1)—

*omit, insert—*

‘(1) A local government must not, on or after 30 March 1998, pass a resolution to propose to make a local law, or a local law policy, establishing a process about development, within the meaning of the *Integrated Planning Act 1997*, if the process would be similar to or duplicate all or part of the processes in chapter 3 of that Act.<sup>9</sup>’

**(2)** Section 854(3)—

*omit, insert—*

‘(3) If a provision of a local law or a local law policy deals with development, within the meaning of the *Integrated Planning Act 1997*—

- (a) until a new planning scheme (other than a transitional planning scheme within the meaning of chapter 6 of that Act) has effect in the local government’s area, the provision may be amended or repealed; or
- (b) on or after a new planning scheme (other than a transitional planning scheme within the meaning of chapter 6 of that Act) has effect in the local government’s area, the provision may not be amended but may be repealed.

**(4)** Subsection (3) also applies to a local law of a local government if—

- (a) the area or part of the area of the local government (the “**first**

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<sup>9</sup> See *Local Government Act 1993*, sections 866 (Step 1—Propose a law) and 877 (Step 1—Propose a policy).

**local government”)** has been amalgamated with another local government’s area; and

- (b) the local law—
- (i) under a regulation, continues to apply in what was the first local government’s area; or
  - (ii) has, by another local law, been applied, with or without amendment, to the entire area of the amalgamated local government areas.’.

## **PART 8—TRANSPORT INFRASTRUCTURE ACT 1994**

### **Act amended in pt 8**

**86.** This part amends the *Transport Infrastructure Act 1994*.

### **Replacement of s 172 (Strategic port land not subject to zoning requirements)**

**87.** Section 172—

*omit, insert—*

#### **‘Strategic port land not subject to zoning requirements**

**‘172.(1)** Subject to subsection (2), strategic port land is not subject to the *Integrated Planning Act 1997*.

**‘(2)** The *Integrated Planning Act 1997* applies only to the extent building work on strategic port land is assessable or self-assessable against the *Standard Building Regulation 1993*.’.