

Queensland



**INTEGRATED PLANNING
AND OTHER LEGISLATION
AMENDMENT ACT 1999**

Act No. 11 of 1999

Queensland



INTEGRATED PLANNING AND OTHER LEGISLATION AMENDMENT ACT 1999

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Queensland



**Integrated Planning and Other Legislation
Amendment Act 1999**

Act No. 11 of 1999

An Act to amend legislation about integrated planning

[Assented to 30 March 1999]

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 1999*.

Commencement

2.(1) Sections 4, 8, 14, 15, 16(2), 16(3), 26, 31 and 32, and parts 4 and 6 commence on assent.

(2) Section 11 and part 3 commence, or are taken to have commenced, on 30 March 1999.

(3) Sections 7 and 16(1) are taken to have commenced on 19 November 1998.

(4) Sections 3, 5 and 10 are taken to have commenced on 30 March 1998.

(5) The remaining provisions commence on a day to be fixed by proclamation.

PART 2—AMENDMENT OF INTEGRATED PLANNING ACT 1997

Act amended in pt 2

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

Amendment of s 1.4.6 (Lawful uses of premises protected)

4.(1) Section 1.4.6, first subsection—

number as section 1.4.6(1).

(2) Section 1.4.6, ‘under the repealed Act’—

omit.

Amendment of s 3.5.30 (Conditions must be relevant or reasonable)

5. Section 3.5.30(1), after ‘development’—

insert—

‘or use of premises as a consequence of the development’.

Amendment of s 3.5.35 (Limitations on conditions lessening cost impacts for infrastructure)

6.(1) Section 3.5.35(1)(a)—

omit, insert—

‘(a) for development that is inconsistent with—

- (i) the form or scale of development under the planning scheme, having regard to the provisions of the planning scheme about infrastructure; or
- (ii) the timing for infrastructure under the planning scheme; and’.

(2) Section 3.5.35(1)(c), ‘any’—

omit.

(3) Section 3.5.35—

insert—

‘**(2A)** If the development mentioned in subsection (1)(a) is development for residential (including rural residential) purposes, the development is inconsistent with the timing for infrastructure under the planning scheme only if—

- (a) the planning scheme includes a benchmark development sequence; and
- (b) all or part of the premises is not in the first stage for development shown in the benchmark development sequence.’.

Insertion of new s 4.3.1A

7. In chapter 4, part 3, division 1, before section 4.3.1—
insert—

‘Additional meanings for defined terms in div 1

‘4.3.1A. If a word used in this division, would apart from this section, have the meaning given by schedule 10, the word may, if the context requires, have the meaning given by section 6.1.1.’.

Amendment of s 4.3.20 (Magistrates Court may make orders)

8. Section 4.3.20(3)(h)—
renumber as section 4.3.20(3)(f).

Amendment of s 5.1.7 (Fixing a charge for an item not included in plan)

9.(1) Section 5.1.7(2)(b)—
omit, insert—

- ‘(b) for a development infrastructure item—
 - (i) that is a part of a network for which the local government is able to levy an infrastructure charge; and
 - (ii) the provision of which the local government considers is a minor departure from the infrastructure charges plan; and’.

(2) Section 5.1.7(2)(c)(i), ‘a similar network’ to ‘plan’—
omit, insert—
‘the network’.

(3) Section 5.1.7(3), ‘and amend’—

omit, insert—

‘and, if necessary, amend’.

Amendment of s 6.1.1 (Definitions for pt 1)

10.(1) Section 6.1.1, definition “**assessable development**”, paragraph (b)—

omit, insert—

‘(b) to the extent it is not inconsistent with schedule 8, part 1, development that—

(i) before the commencement of this section, would have required an application to be made—

(A) for a continuing approval; or

(B) under section 4.3(1)¹ of the repealed Act; or

(ii) because of an amendment of a transitional planning scheme, requires an application for development approval.’.

(2) Section 6.1.1, definition “**self-assessable development**”, paragraph (b)—

omit, insert—

‘(b) to the extent it is not inconsistent with schedule 8, part 2, development that—

(i) before the commencement of this section, would not have required an application to be made but would have required the development to comply with applicable codes; or

(ii) because of an amendment of a transitional planning scheme does not require an application for development approval but does require the development to comply with applicable codes.’.

¹ Section 4.3 (Amendment of a planning scheme etc. by an applicant) of the repealed Act

Amendment of s 6.1.35C (Applications requiring referral coordination)

11. Section 6.1.35C(4), ‘1999’—
omit, insert—
‘2000’.

Insertion of new s 6.1.54

12. After section 6.1.53—
insert—

‘Provisions applying for State controlled roads

‘**6.1.54.(1)** Subsections (2) to (6) apply if the local government has a transitional planning scheme for its area.

‘(2) Subsection (3) applies if the chief executive is a concurrence agency for a development application in the area with a jurisdiction about State-controlled roads.

‘(3) Despite sections 3.5.32(1) and 3.5.35, the chief executive may tell the assessment manager that a road condition must be attached to a development approval for the development application.

‘(4) Subsections (5) and (6) apply if the chief executive is an advice agency for a development application in the area with a jurisdiction about State-controlled roads.

‘(5) The chief executive may make an information request for the development application and for sections 3.3.5 to 3.3.14, the chief executive is taken to be a concurrence agency for the application.

‘(6) Despite sections 3.5.32(1) and 3.5.35, the chief executive may recommend the assessment manager attach a road condition to a development approval for the development application.

‘(7) Despite section 3.5.35(2A), if a planning scheme does not include a benchmark development sequence, the chief executive may, for development that is inconsistent with the timing for infrastructure under the planning scheme—

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- (a) if the chief executive is a concurrence agency for a development application in the area with a jurisdiction about State-controlled roads—tell the assessment manager to impose a condition to mitigate the cost impacts of the development; or
- (b) if the chief executive is an advice agency for a development application in the area with a jurisdiction about State-controlled roads—recommend the assessment manager attach a condition to mitigate the cost impacts of the development.

‘(8) In this section—

“**chief executive**” means the chief executive administering the *Transport Infrastructure Act 1994*.

“**road condition**” means a condition that could have been imposed under the *Transport Infrastructure Act 1994*, section 40(3) immediately before the commencement of this section.

“**State-controlled road**” see *Transport Infrastructure Act 1994*, schedule 3.².

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

13. Schedule 1, part 1, section 4—

insert—

‘(2A) In subsection (1)(b)—

“**infrastructure**” includes the following—

- (a) the extent and location of proposed infrastructure, having regard to existing infrastructure networks, their capacities and thresholds for augmentation;
- (b) when infrastructure is proposed to be provided.’.

² *Transport Infrastructure Act 1994*, schedule 3 (Dictionary)—

‘ “**State-controlled road**” means a road or land, or part of a road or land, declared under section 23 to be a State-controlled road, and, for chapter 5, part 5, division 2, subdivision 2, see section 50.’.

Amendment of sch 2 (Process for making temporary local planning instruments)

14. Schedule 2, part 2, section 4(d), ‘applies; and’—

omit, insert—

‘applies;’

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

15.(1) Schedule 8, part 3, section 10(a), ‘• *Alcan Queensland Pty Limited Agreement Act 1965*’—

omit, insert—

‘• *Alcan Queensland Pty. Limited Agreement Act 1965*’.

(2) Schedule 8, part 3, section 10(a), ‘• *Commonwealth Aluminium Corporation Pty Limited Agreement Act 1957*’—

omit, insert—

‘• *Commonwealth Aluminium Corporation Pty. Limited Agreement Act 1957*’.

(3) Schedule 8, part 3, section 10(a), ‘• *Queensland Cement and Lime Company Agreement Act 1977*’—

omit, insert—

‘• *Queensland Cement & Lime Company Limited Agreement Act 1977*’.

(4) Schedule 8, part 3, section 10(a), ‘• *Thiess Peabody Mitsui Pty Ltd Agreements Act 1962*’—

omit, insert—

‘• *Thiess Peabody Coal Pty. Ltd. Agreement Act 1962*’.

Amendment of sch 10 (Dictionary)

16.(1) Schedule 10, definition “**assessing authority**”, paragraph (f)—

omit, insert—

‘(f) for development for which a private certifier gave a development approval—the local government; or

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

(2) Schedule 10, definition “**benchmark development sequence**”—

omit, insert—

‘ “**benchmark development sequence**”, for a planning scheme, means a development sequence—

(a) applying to the areas in the planning scheme where residential development is preferred over a 15 year period (or other period agreed to by the Minister); and

(b) dividing the areas into 3 successive 5 year stages (or other stages agreed to by the Minister); and

(c) prepared having regard to any guidelines approved by the chief executive about the method of preparation and the contents of the sequence.’.

(3) Schedule 10, definition “**premises**”, after ‘building’—

insert—

‘or other structure’.

PART 3—AMENDMENT OF LOCAL GOVERNMENT ACT 1993

Act amended in pt 3

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

Amendment of s 938 (Regulation of levee banks etc.)

18. Section 938(1), ‘A local government’—

omit, insert—

‘Subject to section 854, a local government’.

Omission of ch 13, pt 5, div 5

19. Chapter 13, part 5, division 5—

omit.

PART 4—AMENDMENT OF STOCK ACT 1915

Act amended in pt 4

20. This part amends the *Stock Act 1915*.

Amendment of s 4 (Interpretation)

21. Section 4(1), definition “**cattle feedlot**”—

omit, insert—

‘ “**cattle feedlot**” means premises in which cattle are fed, in a confined area, prepared or manufactured stockfeed at levels greater than necessary for survival.’.

Omission of s 4A (Meaning of “cattle feedlot”)

22. Section 4A—

omit.

Omission of ss 28A–28I

23. Sections 28A to 28I—

omit.

Amendment of s 28J (Cattle Feedlot Advisory Committee)

24. Section 28J(8)(a), ‘in respect of the licensing and’—
omit, insert—
‘about the’.

Amendment of sch (Subject matter for regulations)

25. Schedule, sections 6B and 6C—
omit.

PART 5—AMENDMENT OF TRANSPORT INFRASTRUCTURE ACT 1994

Act amended in pt 5

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

Amendment of s 40 (Impact of certain local government decisions on State-controlled roads)

27.(1) Section 40(1)(a)—

omit, insert—

‘(a) it intends to carry out road works on a local government road or make changes to the management of a local government road; and’.

(2) Section 40(1)(b), ‘approval,’—

omit.

(3) Section 40—

insert—

‘**(1A)** Subsection (1) does not apply if the chief executive has considered

the works or changes as part of consideration of a development application under IDAS, within the meaning of the *Integrated Planning Act 1997*.’.

(4) Section 40(3) to (5), ‘subdivision, rezoning, development,’—

omit.

(5) Section 40(7) and (9A)—

omit.

Amendment of s 42 (Effect of decisions of Planning and Environment Court)

28.(1) Section 42, ‘the subdivision, rezoning, development,’—

omit, insert—

‘the’.

(2) Section 42(2)(a), ‘a subdivision, rezoning, development,’—

omit.

Replacement of s 188 (Recovery of amounts payable to the chief executive)

29. Section 188—

omit, insert—

‘Amounts payable to chief executive are debts owing to the State

‘188. An amount payable by a person to the chief executive under this Act or the *Integrated Planning Act 1997* is a debt owing to the State.’.

Amendment of s 189 (Power to require information from local governments)

30. Section 189(1), after ‘Act’—

insert—

‘or the *Integrated Planning Act 1997*’.

Amendment of s 233 (Continuation of certain by-laws and provisions of Harbours Act)

31. Section 233(9), ‘1 July 1999’—

omit, insert—

‘31 December 2000’.

Amendment of s 236 (Continuation of certain provisions of Harbours Act requiring approval for certain matters)

32. Section 236(8), ‘5 years after it commences’—

omit, insert—

‘on 31 December 1999’.

Insertion of new ch 10, pt 4, div 5

33. After section 260—

insert—

‘Division 5—Transitional provisions about the Integrated Planning Act 1997

‘Continuing application of previous provisions to non-IDAS applications

‘261.(1) This section applies if—

- (a) a local government would have had to apply under section 40 for the approval of a subdivision, rezoning or development of land (the **“work”**) under the section as in force immediately before its amendment by the *Integrated Planning and Other Legislation Amendment Act 1999*; and
- (b) a development approval for the same work is not required under the *Integrated Planning Act 1997*.

‘(2) Sections 40 and 42 and schedule 2, as in force immediately before

their amendment by the *Integrated Planning and Other Legislation Amendment Act 1999*, apply to the work.

‘Applications for approval of subdivisions, rezoning or development

‘**262.** If an approval was applied for under section 40(1)(a)(i), as in force immediately before its amendment by the *Integrated Planning and Other Legislation Amendment Act 1999*, processing of the application and all matters incidental to the processing, including any review or appeal made in relation to a decision about the application, must proceed as if that Act had not been enacted.’.

Amendment of sch 2 (Appeals)

34. Schedule 2, entry for section 40(1), ‘subdivision, rezoning, development,’—

omit.

PART 6—MISCELLANEOUS

Regulation repealed

35. The *Cattle Feedlot Regulation 1989* is repealed.