



Queensland

# **Integrated Planning and Other Legislation Amendment Act 2006**

**Act No. 11 of 2006**





## Queensland

# Integrated Planning and Other Legislation Amendment Act 2006

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# **Integrated Planning and Other Legislation Amendment Act 2006**

## **Act No. 11 of 2006**

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**An Act to amend the *Integrated Planning Act 1997*, and for  
other purposes**

**[Assented to 30 March 2006]**

**The Parliament of Queensland enacts—**

**Part 1 Preliminary**

**1 Short title**

This Act may be cited as the *Integrated Planning and Other Legislation Amendment Act 2006*.

**2 Commencement**

Sections 18, 20, 21 to 30, 33, 41, 42, 45, 49(2), 55(2), 70, 75 and 82(2) commence on a day to be fixed by proclamation.

**Part 2 Amendment of Integrated Planning Act 1997**

**3 Act amended in pt 2**

This part and the schedule amend the *Integrated Planning Act 1997*.

**4 Amendment of s 2.1.2 (Area to which planning schemes apply)**

Section 2.1.2(2), ‘under this Act’—  
*omit.*

**5 Replacement of s 2.1.8 (Consolidating planning schemes)**

Section 2.1.8—  
*omit, insert—*

### **‘2.1.8 Consolidating planning schemes**

- ‘(1) A local government may prepare and adopt a consolidated planning scheme.
- ‘(2) Schedule 1 does not apply to the preparation or adoption of the consolidated planning scheme.
- ‘(3) The consolidated planning scheme is, in the absence of evidence to the contrary, taken to be the local government’s planning scheme on and from the day the consolidated planning scheme is adopted by the local government.
- ‘(4) As soon as practicable after the local government adopts the consolidated planning scheme, the local government must give the chief executive a certified copy of the consolidated planning scheme.’.

### **6 Amendment of s 2.1.8A (Amending planning scheme to state compliance with State planning policy)**

Section 2.1.8A—

*insert—*

- ‘(5) As soon as practicable after the local government adopts the amendment, the local government must give the chief executive a certified copy of the amendment.’.

### **7 Amendment of s 2.1.10 (Extent of effect of temporary local planning instrument)**

Section 2.1.10(1)—

*omit, insert—*

- ‘(1) A temporary local planning instrument may suspend or otherwise affect the operation of a planning scheme for up to 1 year, but—
  - (a) does not amend a planning scheme; and
  - (b) is not a change to a planning scheme under section 5.4.1.’.

**8 Amendment of s 2.1.18 (Adopting planning scheme policies in planning schemes)**

Section 2.1.18—

*insert—*

‘(3) In this section—

*document* does not include—

- (a) a development approval; or
- (b) a continuing approval under chapter 6; or
- (c) an approval for an application mentioned in section 6.1.26.’.

**9 Amendment of s 2.1.22 (Repealing planning scheme policies)**

Section 2.1.22(5) and (6)—

*omit, insert—*

‘(5) The repeal takes effect—

- (a) on the day the notice is first published in the newspaper;  
or
- (b) if the notice states a later day—on the later day.

‘(6) Also, if a new planning scheme (other than an amendment of a planning scheme) is made for a planning scheme area, all existing planning scheme policies for the area are repealed on—

- (a) the day the adoption of the new planning scheme is notified in the gazette; or
- (b) if a later day for the commencement of the planning scheme is stated in the planning scheme—the later day.’.

**10 Amendment of s 2.2.1 (Local government must review planning scheme every 8 years)**

Section 2.2.1(2), all words from ‘scheme having regard’—

*omit, insert—*

‘scheme.’.

**11 Replacement of s 2.3.2 (Power of Minister to direct local government to take action about local planning instrument)**

Section 2.3.2—

*omit, insert—*

**‘2.3.2 Power of Minister to direct local government to take action about local planning instrument**

- ‘(1) If the Minister is satisfied that it is necessary to give a direction to protect or give effect to a State interest, the Minister may direct a local government to take an action in relation to a local planning instrument or a proposed local planning instrument.
- ‘(2) The direction may be as general or specific as the Minister considers appropriate and must state the reasonable time by which the local government must comply with the direction.
- ‘(3) Without limiting subsection (1), the direction may require the local government to—
- (a) review its planning scheme; or
  - (b) make a planning scheme or amend its planning scheme; or
  - (c) make or repeal a temporary local planning instrument; or
  - (d) make, amend or repeal a planning scheme policy.
- ‘(4) The Minister may direct a local government to prepare a consolidated planning scheme.’.

**12 Amendment of s 2.5A.12 (The SEQ regional plan may include regulatory provisions)**

Section 2.5A.12(2)(c)—

*omit, insert—*

‘(c) include a code for IDAS, or other criteria for the assessment of development applications; and’.

### **13 Replacement of s 2.5A.20 (Minor amendments of SEQ regional plan)**

Section 2.5A.20—

*omit, insert—*

#### **‘2.5A.20 Particular amendments of SEQ regional plan**

- ‘(1) This section applies if—
- (a) the SEQ regional plan requires only a minor amendment; or
  - (b) the regional planning Minister wishes to amend the SEQ regional plan to include only a local growth management strategy or a structure plan.
- ‘(2) The regional planning Minister may make the amendment and division 4 does not apply to the making of the amendment.
- ‘(3) If the regional planning Minister makes the amendment, the regional planning Minister must publish a notice about the making of the amendment—
- (a) in the gazette; and
  - (b) at least once in a newspaper circulating generally in the region.
- ‘(4) The notice must state the following—
- (a) the day the amendment was made;
  - (b) where a copy of the SEQ regional plan, as amended, may be inspected and purchased.
- ‘(5) In this section—
- local growth management strategy*** means a document—
- (a) prepared by a local government; and
  - (b) that the regional planning Minister is satisfied—
    - (i) demonstrates how the SEQ regional plan will be implemented at the local level; and

(ii) has been subject to adequate public consultation.

**major development area** means an area that is a major greenfield area or a regionally significant redevelopment area identified—

- (a) in a local growth management strategy; or
- (b) in an IPA planning scheme; or
- (c) by the regional planning Minister in a written notice to the local government.

**structure plan** means a document—

- (a) prepared by a local government; and
- (b) that the regional planning Minister is satisfied—
  - (i) is an integrated land use plan setting out the broad environmental, land use, infrastructure and development intent to guide detailed site planning for major development areas in the local government's area; and
  - (ii) has been subject to adequate public consultation.’.

## 14 Insertion of new s 2.6.5A

After section 2.6.5—

*insert—*

### **‘2.6.5A Relationship of designation to State Development and Public Works Organisation Act 1971**

- ‘(1) Subsection (2) applies if land in a declared State development area under the *State Development and Public Works Organisation Act 1971* is designated under this part.
- ‘(2) Despite section 84 of that Act, use of the land in accordance with the designation—
  - (a) is taken to be a use of the land in accordance with the approved development scheme for the land under that Act; and
  - (b) is not a use that contravenes section 84 of that Act.’.

**15 Amendment of s 2.6.7 (Matters the Minister must consider before designating land)**

(1) Section 2.6.7(1)—

*insert—*

‘(d) for land to which section 2.6.5A applies—adequate account has been taken of the approved development scheme mentioned in that section.’.

(2) Section 2.6.7(2)(b) and (c)—

*omit, insert—*

‘(b) each relevant State planning policy; and

(c) for land in the SEQ region—the SEQ regional plan; and

(d) each relevant planning scheme.’.

(3) Section 2.6.7(3)(e), ‘EIS for’—

*omit, insert—*

‘EIS for, or including.’.

**16 Amendment of s 2.6.15 (When designations do not cease)**

Section 2.6.15, ‘the State’—

*omit, insert—*

‘a public sector entity’.

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

(1) Section 3.2.1(5), ‘taking, or interfering with,’—

*omit.*

(2) Section 3.2.1—

*insert—*

‘(5A) The document containing the evidence may state a day, not less than 6 months after the date of the document, after which the evidence in the document may not be used under subsection (5).’.



- (3) Section 3.2.1(11)—  
*omit.*

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

- (1) Section 3.2.3(2)(a)(vi)—  
*omit.*
- (2) Section 3.2.3(2)(f)—  
*omit.*

**19 Amendment of s 3.2.4 (Acknowledgment notices for development inconsistent with priority infrastructure plans)**

- (1) Section 3.2.4(1)(b)—  
*insert—*  
‘(iv) community and government purposes related to a purpose mentioned in subparagraphs (i) to (iii).’.
- (2) Section 3.2.4(2)(a)—  
*omit, insert—*  
‘(a) specific details about the matters mentioned in subsection (1)(a); and’.

**20 Amendment of s 3.2.6 (Acknowledgment notices if there are referral agencies or referral coordination is required)**

- (1) Section 3.2.6, heading ‘or referral coordination is required’—  
*omit.*
- (2) Section 3.2.6(2)—  
*omit.*

**21 Amendment of s 3.2.11 (Withdrawing an application)**

Section 3.2.11(1)(c)—

*omit.*

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

Section 3.2.12—

*insert—*

‘(4) Subsection (5) applies if—

(a) under subsection (3) the applicant asks for an extension in relation to subsection (2)(b); and

(b) the entity making the information request does not respond to the request by the applicant until 5 days before the period mentioned in subsection (2)(b) ends, or later; and

(c) the entity does not agree to the extension.

‘(5) The period mentioned in subsection (2)(b) does not end until 10 business days after the response, advising that the entity does not agree to the extension, is received.’.

**23 Amendment of s 3.3.2 (Referral agency responses before application is made)**

Section 3.3.2(2)—

*omit, insert—*

‘(2) However, a referral agency is not obliged to give a referral agency response mentioned in subsection (1) before the application is made.’.

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

Section 3.3.3(3)(c)—

*omit, insert—*

‘(c) any conditions mentioned in paragraph (b)(ii) are satisfied.’.

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

(1) Section 3.3.4(1)—

*omit, insert—*

‘(1) After complying with section 3.3.3, the applicant must give the assessment manager written notice of the day the applicant gave each referral agency the things mentioned in section 3.3.3(1)(a), (b) and (c).’.

(2) Section 3.3.4(2), ‘(a)’—

*omit.*

**26 Omission of s 3.3.5 (Referral coordination)**

Section 3.3.5—

*omit.*

**27 Replacement of ss 3.3.6 and 3.3.7**

Sections 3.3.6 and 3.3.7—

*omit, insert—*

**‘3.3.6 Information requests to applicant**

‘(1) The assessment manager and each concurrence agency may ask the applicant, by written request (an *information request*), to give further information needed to assess the application.

‘(2) A concurrence agency may only ask for information about a matter that is within its jurisdiction.

‘(3) 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*).
- ‘(4) 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*).
- ‘(5) If an information request is made by a concurrence agency, the concurrence agency must—
  - (a) give the assessment manager a copy of the request; and
  - (b) advise the assessment manager of the day the request was made.
- ‘(6) The assessment manager or a concurrence agency may, by written notice given to the applicant and without the applicant’s agreement, extend the information request period by not more than 10 business days.
- ‘(7) Only 1 notice may be given by each entity under subsection (6) and the notice must be given before the entity’s information request period ends.
- ‘(8) The information request period may be further extended if the applicant, at any time, gives written agreement to the extension.
- ‘(9) If the information request period is extended for a concurrence agency, the concurrence agency must advise the assessment manager of the extension.’.

**28 Amendment of s 3.3.8 (Applicant responds to any information request)**

Section 3.3.8(3)—  
*omit.*

**29 Omission of ch 3, pt 3, div 3 (Referral assistance)**

Chapter 3, part 3, division 3—  
*omit.*

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

- (1) Section 3.3.14(7), ‘If referral coordination is not required, the’—

*omit, insert—*

‘The’.

- (2) Section 3.3.14(8)—

*omit.*

**31 Amendment of s 3.3.18 (Concurrence agency’s response powers)**

Section 3.3.18(1)—

*insert—*

‘(d) a different period for section 3.5.21(1)(b), (2)(c) or (3)(b).’.

**32 Amendment of s 3.4.2 (When the notification stage applies)**

Section 3.4.2(3)(b)—

*omit, insert—*

‘(b) the application does not seek to change the type of assessment for the development or, if it does, it seeks only 1 or both of the following—

(i) to change development requiring code assessment to self-assessable development;

(ii) to increase the level of assessment for development; and’.

**33 Amendment of s 3.4.5 (Notification period for applications)**

Section 3.4.5(a)—

*omit, insert—*

‘(a) must be not less than 15 business days starting on the day after the last action under section 3.4.4(1) is carried out; and’.

**34 Amendment of s 3.5.4 (Code assessment)**

Section 3.5.4(4)—

*insert—*

‘(d) for section 6.1.31, the existing planning scheme policy or planning scheme provision applied.’.

**35 Amendment of s 3.5.5 (Impact assessment)**

Section 3.5.5(4)—

*insert—*

‘(d) for section 6.1.31, the existing planning scheme policy or planning scheme provision applied.’.

**36 Amendment of s 3.5.13 (Decision if application requires code assessment)**

Section 3.5.13(3), ‘enough grounds to justify the decision’—

*omit, insert—*

‘sufficient grounds to justify the decision despite the conflict’.

**37 Amendment of s 3.5.14 (Decision if application requires impact assessment)**

Section 3.5.14(2)(b), ‘sufficient planning grounds to justify the decision’—

*omit, insert—*

‘sufficient grounds to justify the decision despite the conflict’.

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

Section 3.5.15(2)(e) to (j)—

*omit, insert—*

- (e) if the application is refused—whether the assessment manager was directed to refuse the application and, if so, the name of the concurrence agency directing refusal and whether the refusal is solely because of the concurrence agency’s direction;
- (f) if the application is approved—whether the approval is a preliminary approval, a development permit or a combined preliminary approval and development permit;
- (g) if all or part of the application is for a preliminary approval mentioned in section 3.1.6 and the assessment manager has approved a variation to an applicable local planning instrument—the variation;
- (h) any other development permits necessary to allow the development to be carried out;
- (i) any code the applicant may need to comply with for self-assessable development related to the development approved;
- (j) whether or not there were any properly made submissions about the application and for each properly made submission, the name and address of the principal submitter;
- (k) whether the assessment manager considers the assessment manager’s decision conflicts with any of the following if relevant to its assessment under section 3.5.4 or 3.5.5—
  - (i) applicable codes (other than concurrence agency codes the assessment manager does not apply);
  - (ii) the planning scheme and any other relevant local planning instrument;
  - (iii) if the following are not identified in the planning scheme as being appropriately reflected in the planning scheme—
    - (A) State planning policies, or parts of State planning policies;

- (B) for the planning scheme of a local government in the SEQ region—the SEQ regional plan;
  - (iv) if the assessment manager is an infrastructure provider—the priority infrastructure plan;
  - (v) if the assessment manager is not a local government—the laws that are administered by, and the policies that are reasonably identifiable as policies applied by, the assessment manager and that are relevant to the application;
  - (l) if the assessment manager is satisfied the decision conflicts with any of the matters stated in paragraph (k)—the reasons for the decision, including a statement of the sufficient grounds mentioned in sections 3.5.13(3) and 3.5.14(2)(b);
  - (m) the rights of appeal for the applicant and any submitters.
- ‘(2A) To remove doubt, it is declared that subsection (2)(l) does not require the assessment manager to give reasons for each condition of approval.’.

### **39 Replacement of ss 3.5.21–3.5.23**

Sections 3.5.21 to 3.5.23—

*omit, insert—*

#### **‘3.5.21 When approval lapses if development not started**

- ‘(1) To the extent a development approval is for a material change of use of premises, the approval lapses if the first change of use under the approval does not happen within the following period (the *relevant period*)—
  - (a) 4 years starting the day the approval takes effect; or
  - (b) if the approval states a different period from when the approval takes effect— the stated period.
- ‘(2) To the extent a development approval is for reconfiguring a lot, the approval lapses if a plan for the reconfiguration is not given to the local government under section 3.7.2(2) within the following period (also the *relevant period*)—



- (a) for reconfiguration not requiring operational works—2 years starting the day the approval takes effect;
  - (b) for reconfiguration requiring operational works—4 years starting the day the approval takes effect;
  - (c) if the approval states a different period from when the approval takes effect—the stated period.
- ‘(3) To the extent a development approval is for development other than a material change of use of premises or reconfiguring a lot, the approval lapses if the development does not substantially start within the following period (also the *relevant period*)—
- (a) 2 years starting the day the approval takes effect;
  - (b) if the approval states a different period from when the approval takes effect—the stated period.
- ‘(4) Despite subsections (1) and (2), if there is 1 or more related approvals for a development approval mentioned in subsection (1) or (2), the relevant period is taken to have started on the day the latest related approval takes effect.
- ‘(5) If a monetary security has been given in relation to any development approval, the security must be released if the approval lapses under this section.
- ‘(6) The lapsing of a development approval for a material change of use of premises or reconfiguring a lot does not cause an approval mentioned in subsection (3) to lapse.
- ‘(7) In this section—
- related approval*, for a development approval for a material change of use of premises (the *earlier approval*), means—
- (a) the first development approval for a development application made to a local government or private certifier within 2 years of the start of the relevant period, that is—
    - (i) to the extent the earlier approval is a preliminary approval—a development permit for the material change of use of premises; or

- (ii) to the extent the earlier approval is a development permit or a preliminary approval for development mentioned in section 3.1.6(3)(a)(ii) or (iii)—a development permit for building work or operational work necessary for the material change of use of premises to take place; and
- (b) each further development permit, for a development application made to a local government or private certifier within 2 years of the day the last related approval takes effect, that is for building work or operational work necessary for the material change of use of premises to take place.

*related approval*, for a development approval for reconfiguring a lot (also the *earlier approval*), means—

- (a) the first development permit for a development application made to a local government within 2 years of the start of the relevant period, that is—
  - (i) to the extent the earlier approval is a preliminary approval—for the reconfiguration; or
  - (ii) to the extent the earlier approval is a development permit for reconfiguring a lot—for operational work related to the reconfiguration; and
- (b) each further development permit, for a development application made to a local government within 2 years of the day the last related approval takes effect, that is for operational work related to the reconfiguration.

### **‘3.5.21A When approval lapses if development started but not completed**

- ‘(1) A condition under division 6 may require—
  - (a) development, or an aspect of development, to be completed within a particular time; and
  - (b) the payment of security under an agreement under section 3.5.34 to support the condition.
- ‘(2) Subsection (3) applies if—

- (a) a condition requires assessable development, or an aspect of assessable development, to be completed within a particular time; and
  - (b) the assessable development, or aspect, is started but not completed within the time.
- ‘(3) The approval, to the extent it relates to the assessable development or aspect not completed, lapses.
- ‘(4) However, even though the approval has lapsed, any security paid under subsection (1)(b) may be used in a way stated by the approval, including, for example, to finish the development.

### **‘3.5.22 Request to extend period in s 3.5.21**

- ‘(1) If, before a development approval lapses under section 3.5.21, a person wants to extend a period mentioned in that section, the person must, by written notice—
- (a) advise each entity that was a concurrence agency that the person is asking for an extension of the period; and
  - (b) ask the assessment manager to extend the period.
- ‘(2) The notices must be given at about the same time, and the notice to the assessment manager must include a copy of each notice given under subsection (1)(a).
- ‘(3) If the person is not the owner of the land to which the approval attaches, the request must be accompanied by the owner’s consent.
- ‘(4) Subsection (5) applies if an application for the approval were made at the time the request is made and evidence under section 3.2.1(5) would be required to support the application.
- ‘(5) The request must also be accompanied by the written agreement of the chief executive from whom evidence would need to be obtained under section 3.2.1(5).
- ‘(6) If the assessment manager has a form for the request, the request must be in the form and be accompanied by the fee—
- (a) if the assessment manager is a local government—set by a resolution of the local government; or

- (b) if the assessment manager is another public sector entity—prescribed under a regulation under this or another Act.
- ‘(7) A request under this section may not be withdrawn.

### **‘3.5.23 Deciding request under s 3.5.22**

- ‘(1) In deciding a request under section 3.5.22, the assessment manager must only have regard to—
- (a) the consistency of the approval, including its conditions, with the current laws and policies applying to the development, including, for example, the amount and type of infrastructure contributions, or infrastructure charges payable under an infrastructure charges schedule; and
  - (b) the community’s current awareness of the development approval; and
  - (c) whether, if the request were refused—
    - (i) further rights to make a submission may be available for a further development application; and
    - (ii) the likely extent to which those rights may be exercised; and
  - (d) the views of any concurrence agency for the approval.
- ‘(2) If there was no concurrence agency, the assessment manager must approve or refuse the extension within 30 business days after receiving the request.
- ‘(3) If there was a concurrence agency, the assessment manager—
- (a) must not approve or refuse the extension until at least 20 business days after receiving the request; and
  - (b) must approve or refuse the extension within 30 business days after receiving the request.
- ‘(4) The assessment manager and the person making the request may agree to extend the period within which the assessment manager must decide the request.

- ‘(5) A concurrence agency given a notice under section 3.5.22(1)(a) may give the assessment manager a written notice—
- (a) stating it has no objection to the extension being approved; or
  - (b) stating it objects to the extension being approved and giving reasons for the objection.
- ‘(6) If the assessment manager does not receive a written notice within 20 business days after the day the request was received by the assessment manager, the assessment manager must decide the request as if the concurrence agency had no objection to the request.
- ‘(7) Despite subsection (6), if the development approval is subject to a concurrence agency condition about the period mentioned in section 3.5.21, the assessment manager must not approve the request unless the concurrence agency advises it has no objection to the extension being approved.
- ‘(8) If the assessment manager receives a written notice from a concurrence agency within 20 business days after the day the request was received by the assessment manager, the assessment manager must have regard to the notice when deciding the request.
- ‘(9) The assessment manager may make a decision under this section even if the development approval was granted by the court.
- ‘(10) Despite section 3.5.21, the development approval does not lapse until the assessment manager decides the request.
- ‘(11) After deciding the request, the assessment manager must give written notice of the decision to the person asking for the extension and any concurrence agency that gave the assessment manager a notice under subsection (5).’.

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

- (1) Section 3.5.24(3)—  
*omit, insert—*

- ‘(3) If the person is not the owner of the land to which the approval attaches, the request must be accompanied by the owner’s consent.’.
- (2) Section 3.5.24—  
*insert—*
- ‘(3B) Subsection (3C) applies if an application for the approval were made at the time the request is made and evidence under section 3.2.1(5) would be required to support the application.
- ‘(3C) The request must also be accompanied by the written agreement of the chief executive from whom evidence would need to be obtained under section 3.2.1(5).’.

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

Section 3.5.26(2) and (3)—

*omit, insert—*

- ‘(2) However, subsection (1) does not apply if development under the development approval has started.
- ‘(3) Also, cancellation can not be requested under subsection (1) unless written consent to the cancellation is given by—
  - (a) if there is a written arrangement between the owner and another person under which the other person proposes to buy the land—the person proposing to buy the land; or
  - (b) if the application is for land the subject of a public utility easement—the entity in whose favour the easement is given; or
  - (c) if an application for the approval were made at the time the request is made and evidence under section 3.2.1(5) would be required to support the application—the chief executive from whom evidence would need to be obtained under that section.’.

**42 Amendment of s 3.5.31 (Conditions generally)**

Section 3.5.31(1)(c) and (2)—

*omit.*

**43 Amendment of s 3.5.31A (Conditions requiring compliance)**

Section 3.5.31A(1)—

*omit, insert—*

- ‘(1) Subsection (2) applies if, for a matter prescribed under a regulation, a condition requires a document or work to be assessed for compliance with a condition.’.

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

- (1) Section 3.5.33(3)—

*omit, insert—*

- ‘(3) If the person is not the owner of the land to which the approval attaches, the request must be accompanied by the owner’s consent.’.

- (2) Section 3.5.33—

*insert—*

- ‘(3B) Subsection (3C) applies if an application for the approval were made at the time the request is made and evidence under section 3.2.1(5) would be required to support the application.

- ‘(3C) The request must also be accompanied by the written agreement of the chief executive from whom evidence would need to be obtained under section 3.2.1(5).’.

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

Section 3.7.2(2)—

*omit, insert—*

‘(2) The plan must be given to the local government for its approval while the permit still has effect.’.

**46 Amendment of s 4.1.27 (Appeals by applicants)**

Section 4.1.27(1)(d), ‘currency period’—

*omit, insert—*

‘period mentioned in section 3.5.21’.

**47 Amendment of s 4.1.28 (Appeals by submitters—general)**

Section 4.1.28(2)(b)(ii), ‘currency period’—

*omit, insert—*

‘period mentioned in section 3.5.21’.

**48 Amendment of s 4.1.30 (Appeals for matters arising after approval given (co-respondents))**

Section 4.1.30(1)(a)—

*omit, insert—*

‘(a) a notice giving a decision on a request for an extension of a period mentioned in section 3.5.21;’.

**49 Amendment of s 4.1.33 (Stay of operation of enforcement notice)**

(1) Section 4.1.33(2)—

*insert—*

‘(f) development the assessing authority reasonably believes is causing erosion or sedimentation.’.

(2) Section 4.1.33(2)—

*insert—*

‘(g) development the assessing authority reasonably believes is causing an environmental nuisance.’.



**50 Amendment of s 4.2.9 (Appeals by applicants)**

Section 4.2.9(1)(d), ‘currency period’—

*omit, insert—*

‘period mentioned in section 3.5.21’.

**51 Amendment of s 4.2.11 (Appeals for matters arising after approval given (co-respondents))**

Section 4.2.11(1)(a)—

*omit, insert—*

‘(a) a notice giving a decision on a request for an extension of a period mentioned in section 3.5.21;’.

**52 Amendment of s 4.3.1 (Carrying out assessable development without permit)**

Section 4.3.1(2)—

*omit, insert—*

‘(2) Subsection (1)—

(a) applies subject to sections 4.3.6 and 4.3.6A; and

(b) does not apply to development carried out under section 3.5.21A(4).’.

**53 Amendment of s 4.3.2 (Self-assessable development must comply with codes)**

Section 4.3.2(1), ‘when carrying out’—

*omit, insert—*

‘for’.

**54 Replacement of s 4.3.7 (Giving a false or misleading notice)**

Section 4.3.7—

*omit, insert—*

#### **‘4.3.7 Giving a false or misleading document**

- ‘(1) A person must not give an assessment manager a notice under section 3.3.4, 3.4.7 or 5.8A.7 that is false or misleading.

Maximum penalty—1665 penalty units.

- ‘(2) A person must not give to the assessment manager or a concurrence agency a document containing information that the person knows is false or misleading in a material particular.

Maximum penalty—1665 penalty units.

- ‘(3) Subsection (2) does not apply to a person who, when giving the document—

(a) informs the assessment manager or concurrence agency of the extent to which the document is false or misleading; and

(b) gives the correct information to the assessment manager or a concurrence agency if the person has, or can reasonably obtain, the correct information.

- ‘(4) A complaint against a person for an offence against subsection (2) is sufficient if it states that the document was false or misleading to the person’s knowledge.’.

#### **55 Amendment of s 4.3.8 (Application of div 2)**

- (1) Section 4.3.8—

*insert—*

‘(h) development the authority reasonably believes is causing erosion or sedimentation.’.

- (2) Section 4.3.8—

*insert—*

‘(i) development the authority reasonably believes is causing an environmental nuisance.’.

**56 Amendment of s 4.3.13 (Specific requirements of enforcement notice)**

Section 4.3.13(1)—

*insert—*

‘(h) to prepare and submit to the assessing authority a compliance program demonstrating how compliance with the enforcement notice will be achieved.’.

**57 Amendment of s 5.1.4 (Funding trunk infrastructure for certain local governments)**

(1) Section 5.1.4(2)—

*omit.*

(2) Section 5.1.4(3), ‘(2)’—

*omit, insert—*

‘(1)’.

**58 Amendment of s 5.1.5 (Making or amending infrastructure charges schedules)**

(1) Section 5.1.5(1)(b)—

*omit, insert—*

‘(b) the process stated in—

(i) schedule 1; or

(ii) schedule 3, as if it were a planning scheme policy.’.

(2) Section 5.1.5—

*insert—*

‘(4) To remove any doubt, it is declared that an infrastructure charges schedule prepared or amended under subsection (1)(b)(ii) is part of the planning scheme and not a planning scheme policy.’.

**59 Amendment of s 5.1.6 (Key elements of an infrastructure charges schedule)**

Section 5.1.6—

*insert—*

- ‘(3) For subsection (1)(a), an infrastructure charge may be stated as—
- (a) a monetary amount; or
  - (b) a number of units (*charge units*).
- ‘(4) If an infrastructure charge is stated as a number of charge units, the local government must set the amount for each charge unit by resolution.
- ‘(5) The current amount for a charge unit must be stated in the local government’s infrastructure charges register.
- ‘(6) The method for indexing the amount for a charge unit and the indicies used in setting the amount for the charge unit must be identified in the infrastructure charges schedule.’.

**60 Amendment of s 5.1.10 (Application of infrastructure charges)**

Section 5.1.10—

*insert—*

- ‘(2) However, if the local government and the State infrastructure provider for State-controlled roads agree, the infrastructure charge may be used to provide works for the local government road network.’.

**61 Amendment of s 5.1.24 (Conditions local governments may impose for necessary trunk infrastructure)**

- (1) Section 5.1.24(1)(c), ‘crosses’—

*omit, insert—*

‘is located on’.

- (2) Section 5.1.24(3), ‘construct’—

*omit, insert—*

‘supply’.

- (3) Section 5.1.24(4), ‘constructed’—

*omit, insert—*

‘supplied’.

- (4) Section 5.1.24(5)(b), ‘network’—

*omit, insert—*

‘network for the premises’.

**62 Amendment of s 5.1.29 (Requirements for conditions about safety or efficiency)**

Section 5.1.29—

*insert—*

- ‘(2) Subsection (3) applies if—

- (a) a development approval no longer has effect; and
- (b) a contribution for infrastructure for safety and efficiency has been made; and
- (c) construction of the infrastructure had not substantially commenced before the approval ceased to have effect.

- ‘(3) The State infrastructure provider must repay, to the person who made the contribution, any part of the contribution the State infrastructure provider has not spent, or contracted to spend, on the design and construction of the infrastructure before the provider is told the approval has ceased to have effect.’.

**63 Amendment of s 5.1.30 (Requirements for conditions about additional infrastructure costs)**

- (1) Section 5.1.30(4)(b), ‘had’—

*omit, insert—*

‘has’.

- (2) Section 5.1.30(5), ‘the infrastructure.’—

*omit, insert—*

‘the infrastructure before the provider is told the approval has ceased to have effect.’.

**64 Amendment of s 5.4.4 (Limitations on compensation under ss 5.4.2 and 5.4.3)**

(1) Section 5.4.4(1)(a), ‘in respect of’—

*omit, insert—*

‘other than a temporary local planning instrument, in relation to’.

(2) Section 5.4.4(1)—

*insert—*

‘(ea) is about the matters comprising a planning scheme policy to which section 6.1.20 applies; or’.

**65 Amendment of s 5.4.9 (Calculating reasonable compensation involving changes)**

Section 5.4.9(3), after ‘came into effect’—

*insert—*

‘, disregarding any temporary local planning instrument,’.

**66 Amendment of s 5.5.1 (Local government may take or purchase land)**

Section 5.5.1(1)(b)(i), ‘the land’—

*omit, insert—*

‘land’.

**67 Amendment of s 5.7.2 (Documents local government must keep available for inspection and purchase)**

(1) Section 5.7.2(1)(s), ‘2000’—

*omit, insert—*

‘2001’.

(2) Section 5.7.2(3), before paragraph (a)—

*insert—*

‘(aa) for the infrastructure charges register—the amount of a charge unit decided by the local government under section 5.1.6(3);’.

**68 Amendment of s 5.7.4 (Documents assessment manager must keep available for inspection and purchase)**

Section 5.7.4—

*insert—*

‘(3) If the assessment manager has a website of a type stated in guidelines approved by the chief executive, for subsection (1)(a), the assessment manager must publish all decision notices and negotiated decision notices given after the commencement of this subsection on the website in the way stated in the guidelines.

‘(4) Subsection (3) does not apply to a decision notice or a negotiated decision notice given by a private certifier.’.

**69 Amendment of s 5.8.14 (How IDAS applies for development the subject of an EIS)**

Section 5.8.14(2)(b), ‘3.3.5 to 3.3.13’—

*omit, insert—*

‘3.3.6 to 3.3.9’.

**70 Amendment of s 5.9.9 (Chief executive may issue guidelines)**

Section 5.9.9(1)—

*insert—*

‘(c) the type of assessment manager websites on which decision notices and negotiated decision notices must be published under section 5.7.4, and the way in which the notices must be published; or

- (d) the form in which local planning instruments must be given to the chief executive under any of the following—
  - (i) schedule 1, section 21(b);
  - (ii) schedule 2, section 5(b);
  - (iii) schedule 3, section 8(b).’.

**71 Amendment of s 6.1.20 (Planning scheme policies for infrastructure)**

- (1) Section 6.1.20(2)—  
*omit, insert—*
- ‘(2) The planning scheme policy must state each of the following—
  - (a) a contribution (an *infrastructure contribution*) for each development infrastructure network identified in the policy;
  - (b) the estimated proportion of the establishment cost of each network to be funded by the contribution;
  - (c) when it is anticipated the infrastructure forming part of the network will be provided;
  - (d) the estimated establishment cost of the infrastructure;
  - (e) each area in which the contribution applies;
  - (f) each type of lot or use for which the contribution applies;
  - (g) how the contribution must be calculated for—
    - (i) each area mentioned in paragraph (e); and
    - (ii) each type of lot or use mentioned in paragraph (f).
- ‘(2A) An infrastructure contribution may apply to development infrastructure—
  - (a) despite section 2.1.2—that is not within, or completely within, the local government’s area; or



- (b) that is not owned by the local government, if the owner of the infrastructure agrees; or
  - (c) supplied by a local government on a State-controlled road.<sup>1</sup>
- ‘(2B) The infrastructure contribution must be for a development infrastructure network that services, or is planned to service, premises and is identified in the policy.
- ‘(2C) The infrastructure contribution required under the policy may be calculated—
- (a) in the way permitted under the repealed Act; or
  - (b) as if it were an infrastructure charge under this Act.
- ‘(2D) If a policy prepared under this section requires an infrastructure contribution for works for the local function of a State-controlled road, the contribution must be—
- (a) separately accounted for; and
  - (b) used to provide works on a State-controlled road.’.

(2) Section 6.1.20(3), after ‘plan,’—

*insert—*

‘an infrastructure charges schedule or a regulated infrastructure charges schedule.’.

(3) Section 6.1.20(3), ‘plan.’—

*omit, insert—*

‘plan, the infrastructure charges schedule or the regulated infrastructure charges schedule.’.

(4) Section 6.1.20(4)—

*omit, insert—*

‘(4) This section expires on—

    - (a) 30 June 2007; or
    - (b) if the Minister, by gazette notice, nominates a later day for the planning scheme—the later day.’.

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<sup>1</sup> See the *Transport Infrastructure Act 1994*, sections 32 and 41.

**72 Amendment of s 6.1.21 (IPA planning schemes cancel existing planning scheme policies)**

Section 6.1.21, from ‘are cancelled from’—

*omit, insert—*

‘are cancelled from—

- (a) the day the adoption of the IPA planning scheme is notified in the gazette; or
- (b) if a later day for the commencement of the IPA planning scheme is stated in the IPA planning scheme—the later day.’.

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

- (1) Section 6.1.31(3)(b)(i), ‘31 March 2006’—

*omit, insert—*

‘30 June 2007’.

- (2) Section 6.1.31(4) and (5)—

*omit.*

**74 Amendment of s 6.1.54 (Provisions applying for State-controlled roads)**

- (1) Section 6.1.54(3) and (6), ‘sections 3.5.32(1) and 3.5.35’—

*omit, insert—*

‘section 3.5.32(1)’.

- (2) Section 6.1.54(5), ‘3.3.5’—

*omit, insert—*

‘3.3.6’.

**75 Amendment of s 6.5.1 (When particular development approvals lapse)**

- (1) Section 6.5.1(2) and (3), ‘March’—

*omit, insert—*

‘June’.

- (2) Section 6.5.1(4) and (5)—

*omit, insert—*

- ‘(4) Subsection (5) applies if, for a development approval—

- (a) the currency period for the approval has lapsed; but  
 (b) subsection (2) still has effect.

- ‘(5) A person may apply to extend the date mentioned in subsection (2) using sections 3.5.22 and 3.5.23 as if the date were the day the currency period for the development approval ended.

- ‘(6) For this section—

*currency period* has the same meaning it had immediately before the commencement of the *Integrated Planning and Other Legislation Amendment Act 2006*, section 39.

*works associated with the change of use* includes works, including, for example, demolishing, excavating or filling, carried out to prepare premises for carrying out other works associated with the material change of use of premises.’.

## 76 Insertion of new ch 6, pt 7

After chapter 6, part 6—

*insert—*

### ‘Part 7 Transitional provisions for Integrated Planning and Other Legislation Amendment Act 2006

#### ‘6.7.1 Referral coordination required for undecided applications

- ‘(1) This section applies to a development application if the application—

- (a) has not been decided by the day the *Integrated Planning and Other Legislation Act 2006*, section 26 commences; and
  - (b) but for this section, would have required referral coordination.
- ‘(2) Despite the commencement, if referral coordination has not been carried out for the application, the application still requires referral coordination.
- ‘(3) In this section—
- referral coordination*** means referral coordination under this Act, as it was before the commencement.

#### **‘6.7.1A Notification period for particular applications**

- ‘(1) This section applies to a development application if—
- (a) it requires public notification under chapter 3, part 4; and
  - (b) it is made after the commencement of the *Integrated Planning and Other Legislation Amendment Act 2006*, section 26; and
  - (c) any of the following apply for the application—
    - (i) there are 3 or more concurrence agencies;
    - (ii) all or part of the development—
      - (A) is assessable under a planning scheme; and
      - (B) is prescribed under a regulation;
    - (iii) all or part of the development is the subject of an application for a preliminary approval mentioned in section 3.1.6.
- ‘(2) Despite section 3.4.5(a), the notification period, under that section, for the application is 30 business days starting on the day after the last action under section 3.4.4(1) is carried out.

### **‘6.7.2 Currency periods for development approvals that have not lapsed**

- ‘(1) Sections 3.5.21 to 3.5.23, as amended by the *Integrated Planning and Other Legislation Act 2006*, section 39, apply for a development approval—
  - (a) that has not lapsed; and
  - (b) whether or not the approval was given before or after the commencement of that section.
- ‘(2) A reference to the currency period in a development approval given before the commencement is taken to be a reference to the relevant period mentioned in section 3.5.21 after the commencement.
- ‘(3) However, a request made under section 3.5.22 but not decided before the commencement must be decided as if the amendment had not commenced.
- ‘(4) Despite subsection (1), if the approval had not lapsed only because section 6.5.1, as it applied before the commencement, stopped it from lapsing, only section 6.5.1, as it applies after the commencement, applies for the approval.

### **‘6.7.3 Sufficient grounds for decisions**

- ‘(1) This section applies to a development application if the application was made, but not decided, before the *Integrated Planning and Other Legislation Act 2006*, section 36 commenced.
- ‘(2) Sections 3.5.13 and 3.5.14, as they were before the commencement, apply for the application.

### **‘6.7.4 Decision notices for applications made before commencement**

- ‘(1) This section applies to a development application if the application was made, but not decided, before the *Integrated Planning and Other Legislation Act 2006*, section 38 commenced.

- ‘(2) Section 3.5.15, as it was before the commencement, applies for the application.’.

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

- (1) Schedule 1, part 1, section 8A(2), ‘resolution’—  
*omit, insert—*  
‘proposal’.
- (2) Schedule 1, part 3, section 19—  
*insert—*
- ‘(2) If the local government decides not to proceed with the proposed planning scheme, it must, as soon as practicable after making the decision publish, at least once in both a newspaper circulating generally in the local government’s area and in the gazette, a notice stating—
- (a) the name of the local government; and
  - (b) that the local government has decided not to proceed with the proposed planning scheme; and
  - (c) the reasons for the decision.
- ‘(3) On the day the local government publishes the notice (or as soon as practicable after the day), the local government must give the chief executive a copy of the notice.’.
- (3) Schedule 1, part 3, section 21(b), after ‘scheme’—  
*insert—*  
‘in the form mentioned in section 5.9.9(1)(d)’.

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

- Schedule 2, part 2, section 5(b), after ‘instrument’—  
*insert—*  
‘in the form mentioned in section 5.9.9(1)(d)’.

**79 Amendment of sch 3 (Process for making or amending planning scheme policies)**

(1) Schedule 3, part 2—

*insert—*

**‘4A Consultation stage does not apply in certain circumstances**

‘Sections 1(2) and 2 to 4 need not be complied with if the amendment is a minor amendment of a planning schedule policy.’.

(2) Schedule 3, part 3, section 8(b), after ‘amendment’—

*insert—*

‘in the form mentioned in section 5.9.9(1)(d)’.

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

Schedule 8, part 2, tables 2 and 3—

*omit, insert—*

**Table 2: Material change of use of premises**

For aquaculture	
1	<p>For assessing a material change of use of premises against the <i>Fisheries Act 1994</i>, making a material change of use of premises for aquaculture, other than in a wild river area, if the change of use of premises does not cause the discharge of waste into Queensland waters and the aquaculture—</p> <p>(a) is—</p> <p style="padding-left: 20px;">(i) of indigenous freshwater fish species listed in the <i>Fisheries (Freshwater) Management Plan 1999</i>, schedule 6; and</p> <p style="padding-left: 20px;">(ii) in a catchment listed in that schedule for that species for aquarium display or human consumption only; and</p> <p style="padding-left: 20px;">(iii) carried out in ponds, or using above-ground tanks, that have a total water surface area of no more than 5ha; or</p> <p>(b) is of indigenous freshwater fish for aquarium display or human consumption only, or nonindigenous freshwater fish for aquarium display only, and is carried out using only above-ground tanks that have—</p> <p style="padding-left: 20px;">(i) a floor area, excluding water storage area, of no more than 50m<sup>2</sup>; and</p> <p style="padding-left: 20px;">(ii) a roof impervious to rain water; or</p> <p>(c) is of indigenous marine fish for aquarium display only and is carried out using only above-ground tanks that have a total floor area, excluding water storage areas, of no more than 50m<sup>2</sup>.</p>

**Table 3: Reconfiguring a lot**

1	Table not used.’.

**81 Amendment of sch 8A (Assessment manager for development applications)**

- (1) Schedule 8A, table 1, item 1(a)(i), ‘is’—

*omit, insert—*

‘any aspect of the development is’.

- (2) Schedule 8A, table 1, item 1(d), ‘local government area’—



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*omit, insert—*

‘local government tidal area’.

- (3) Schedule 8A, table 3, item 6(a)(i)—

*omit, insert—*

‘(i) tidal work not in a port authority's strategic port land tidal area or in local government's tidal area; or’.

- (4) Schedule 8A, table 4, item 2—

*omit, insert—*

‘2	<p>If tables 1, 2 and 3 do not apply and the application is for—</p> <p>(a) 2 or more of the following—</p> <ul style="list-style-type: none"> <li>(i) operational work for the clearing of native vegetation under the <i>Vegetation Management Act 1999</i>;</li> <li>(ii) operational work for the taking or interfering with, water under the <i>Water Act 2000</i>;</li> <li>(iii) operational work for the construction of a referable dam under the <i>Water Act 2000</i> or that will increase the storage capacity of a referable dam by more than 10%;</li> <li>(iv) development for removing quarry material from a watercourse or lake as defined under the <i>Water Act 2000</i> if an allocation notice is required under that Act; and</li> </ul> <p>(b) no other assessable development.</p>	<p>The chief executive administering the <i>Vegetation Management Act 1999</i> and the <i>Water Act 2000</i>’.</p>
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- (5) Schedule 8A, table 4, item 3, ‘and the application is for’—

*omit, insert—*

‘and the application, whether or not the application is also for 1 or more of the matters mentioned in item 2(a), is for’.

- (6) Schedule 8A, table 4, item 4(a), ‘; and’

*omit, insert—*

‘, whether or not the application also involves operational work for waterway barrier works; and’.

- (7) Schedule 8A, table 4, after item 5—

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*insert—*

‘5A	If tables 1, 2 and 3 do not apply and the application is for— (a) operational work that is the construction or raising of a waterway barrier works; and (b) operational work for the clearing of native vegetation under the <i>Vegetation Management Act 1999</i> ; and (c) one or more of the matters stated in item 2(a)(ii) to (iv); and (d) no other assessable development.	The chief executive administering the <i>Vegetation Management Act 1999</i> and the <i>Water Act 2000</i> ’.
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- (8) Schedule 8A, table 4, item 6(b), ‘either of the following’—

*omit, insert—*

‘either or both of the following, whether or not the application also includes development mentioned in schedule 8, part 1, table 4, items 6 to 8’.

- (9) Schedule 8A, table 5, item 1, ‘The Minister’—

*omit, insert—*

‘The entity decided by the Minister’.

- (10) Schedule 8A, table 6, item 1(a), ‘3.3.20(1)’

*omit, insert—*

‘3.3.18(1)(c)’.

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

- (1) Schedule 10, definitions *applicant* (both definitions) and *currency period*—

*omit.*

- (2) Schedule 10, definitions *referral assistance* and *referral coordination*—

*omit.*

- (3) Schedule 10—

*insert—*

**'applicant—**

- (a) for chapter 3, means the applicant for a development application; or
- (b) for a development application mentioned in chapter 4, includes the person in whom the benefit of the application vests.

***Commonwealth Environment Act*** means the *Environment Protection and Biodiversity Conservation Act 1999* (Cwlth).

***draft EIS*** means a draft EIS for section 5.8.6.

***draft terms of reference***, for an EIS, means a document prepared by the chief executive under section 5.8.4(2).

***EIS process*** means the process mentioned in chapter 5, part 8.

***environmental management plan***, for development to which the EIS process applies, means a document prepared by the proponent that proposes conditions and mechanisms to manage the potential environmental impacts of the development.

***environmental nuisance*** see the *Environmental Protection Act 1994*, section 15.

***grounds***, for sections 3.5.13 and 3.5.14—

- 1 *Grounds* means matters of public interest.
- 2 *Grounds* does not include the personal circumstances of an applicant, owner or interested party.

***IPA planning scheme*** means a planning scheme made under schedule 1.

***proponent*** means the person who proposes development to which chapter 5, part 8 applies.

***terms of reference***, for an EIS, means the terms of reference prepared by the chief executive under section 5.8.5.'.

- (4) Schedule 10, definition *deemed refusal*, paragraph (b), 'currency period'—

*omit, insert—*

'period mentioned in section 3.5.21'.

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- (5) Schedule 10, definition *development application (superseded planning scheme)*, paragraphs (a)(iii) and (b)(iii), ‘was adopted’—  
*omit, insert—*  
‘took effect’.
- (6) Schedule 10, definition *development infrastructure*, paragraph (a)(iii), ‘local public parks infrastructure’—  
*omit, insert—*  
‘public parks infrastructure supplied by a local government’.
- (7) Schedule 10, definition *establishment cost*, paragraphs (a) to (c)—  
*renumber* as paragraphs (b) to (d).
- (8) Schedule 10, definition *establishment cost*, paragraph (a)—  
*omit, insert—*  
‘(a) the cost of preparing an infrastructure charges schedule, including the desired standards of service and plans for trunk infrastructure used to calculate the charges stated in the infrastructure charges schedule; and’.
- (9) Schedule 10, definition *establishment cost*, paragraphs (d)(iii), as renumbered, from ‘—’—  
*omit, insert—*  
‘—the value of the land at the time it was acquired, adjusted for inflation.’.
- (10) Schedule 10, definition *freehold land*, second mention—  
*omit*.
- (11) Schedule 10, definition *priority infrastructure area*, item 1(a)—  
*omit, insert—*  
‘(a) that is used, or approved for use, for any or all of the following—  
(i) residential purposes, other than rural residential purposes;

- (ii) retail and commercial purposes;
  - (iii) industrial purposes;
  - (iv) community and government purposes related to a purpose mentioned in subparagraphs (i) to (iii); and’.
- (12) Schedule 10, definition *priority infrastructure plan*, paragraph (b), after ‘infrastructure’—  
*insert—*  
‘the local government intends to supply or for which infrastructure charges will be levied’.
- (13) Schedule 10, definition *priority infrastructure plan*, paragraph (d), ‘development’—  
*omit, insert—*  
‘growth’.
- (14) Schedule 10, definition *urban area*, paragraph (a)—  
*omit, insert—*  
‘(a) an area, other than a rural residential or future rural residential area, identified as a priority infrastructure area in a priority infrastructure plan; or’.

## **Part 3                      Building Act 1975**

### **83      Act amended in pt 3**

This part amends the *Building Act 1975*.

### **84      Amendment of s 12Q (Development approval for building work for budget accommodation buildings)**

Section 12Q(4)(b)—

*insert—*

‘(iii) the building work involves an alternative solution, within the meaning of the BCA, that includes a fire safety management procedure as a condition of the use and occupation of the building and the fire safety management plan does not adequately reflect the procedure.

*Editor’s note—*

Under the BCA, part A1 (Interpretation), section A1.1 (Definitions)—

*Alternative Solution* means a *Building Solution* which complies with the *Performance Requirements* other than by reason of satisfying the *Deemed-to-Satisfy Provisions*.’.

**85 Replacement of s 12R (Annual inspection of buildings for which development approval is given)**

Section 12R—

*omit, insert—*

**‘12R Random inspection of buildings for which development approval is given**

- ‘(1) This section applies to a budget accommodation building if—
- (a) a development approval is given for building work for the building after the commencement of this section; and
  - (b) the building work involves an alternative solution, within the meaning of the BCA, that includes fire safety management procedures as a condition of the use and occupation of the building.
- ‘(2) The local government must, at least once every 3 years, inspect the building to ensure the owner of the building is complying with this part in relation to the building.
- ‘(3) An inspection under subsection (2) may be made—
- (a) at any time the office of the local government is open for business; and
  - (b) without notice.
- ‘(4) The local government must keep—

- (a) a register of all buildings to which subsection (2) applies; and
  - (b) a record of each inspection it makes under subsection (2); and
  - (c) for each inspection—details about whether or not the owner is complying with this part.
- ‘(5) The local government must not charge a fee for an inspection made under subsection (2).’

## **Part 4**

# **Amendment of Coastal Protection and Management Act 1995**

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

This part amends the *Coastal Protection and Management Act 1995*.

### **87 Amendment of s 185 (Transition of coastal management plans)**

Section 185—

*insert—*

- ‘(3) On the commencement of this subsection—
- (a) the approved Gold Coast scheme of works is taken to be a development permit; and
  - (b) the works are taken to have been substantially started.

- ‘(4) In this section—

***Gold Coast scheme of works*** means the document—

- (a) titled ‘Scheme Prepared by the Beach Protection Authority Pursuant to the Beach Protection Act 1968-1970 for the Protection of all Beaches Situated at the Gold Coast within Beach Erosion Control District

Nos 2 and 11 Against Both Erosion and Encroachment by the Sea', as amended from time to time; and

- (b) originally approved in March 1973 as a coastal management plan under the Beach Protection Act, section 38 and continued in force under subsection (2).'

**88 Amendment of s 188 (Applications to reconfigure a lot in a coastal management district)**

Section 188(4)(c)—

*omit.*

**89 Amendment of schedule (Dictionary)**

- (1) Schedule—

*insert—*

'*currency period* means the period mentioned in the *Integrated Planning Act 1997*, section 3.5.21.'

- (2) Schedule, definition *tidal works*, paragraph 4(b), 'building a drain'—

*omit, insert—*

'building an open drain'.

**Part 5 Currumbin Bird Sanctuary Act 1976**

**90 Act amended in pt 5**

This part amends the *Currumbin Bird Sanctuary Act 1976*.

**91 Amendment of s 2 (Meaning of terms)**

Section 2, definition *National Trust*, after '1963'—

*insert—*



‘, and any wholly owned subsidiary of it established for the purpose of conducting and operating the Currumbin bird sanctuary’.

## **Part 6                      Environmental Protection Act 1994**

### **92      Act amended in pt 6**

This part amends the *Environmental Protection Act 1994*.

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

Schedule 1, part 1, division 2—

*insert—*

‘145P(6)              Decision to require the giving of financial assurance’.

## **Part 7                      Fisheries Act 1994**

### **94      Act amended in pt 7**

This part amends the *Fisheries Act 1994*.

### **95      Amendment of schedule (Dictionary)**

Schedule, definition *currency period*—

*omit, insert—*

‘*currency period*, for a development approval, means the period mentioned in the Planning Act, section 3.5.21.’.

## **Part 8                      Liquor Act 1992**

### **96      Act amended in pt 8**

This part amends the *Liquor Act 1992*.

### **97      Amendment of s 4 (Definitions)**

Section 4, definition *relevant period*, ‘currency’—  
*omit*.

## **Part 9                      Nature Conservation Act 1992**

### **98      Act amended in pt 9**

This part amends the *Nature Conservation Act 1992*.

### **99      Insertion of new s 174AA—**

After section 174A—  
*insert—*

#### **‘174AA Operation of 2005 SL No. 138**

- ‘(1) The amending regulation provisions are taken to have had effect as if the references in the provisions to the *Nature Conservation (Wildlife) Regulation 1994*, schedule 5, sections 6, 7, 8 and 9 had been references to sections 7, 8, 9 and 10 respectively of that schedule.
- ‘(2) In this section—  
*amending regulation provisions* means the *Nature Conservation and Other Legislation Amendment Regulation (No. 2) 2005*, section 31(9) to (11).
- ‘(3) This section expires the day after it commences.
- ‘(4) This section is a law to which the *Acts Interpretation Act 1954*, section 20A applies.’.

## **Part 10                      Plumbing and Drainage Act 2002**

### **100    Act amended in pt 10**

This part amends the *Plumbing and Drainage Act 2002*.

### **101    Amendment of schedule (Dictionary)**

Schedule, definition *greywater application area*, ‘subsurface’  
*omit, insert—*  
‘subsurface or surface’.

## **Part 11                      Prostitution Act 1999**

### **102    Act amended in pt 11**

This part amends the *Prostitution Act 1999*.

### **103    Amendment of s 64K (Appeals by applicants)**

Section 64K(1)(d), ‘currency period’—  
*omit, insert—*

‘period mentioned in the Integrated Planning Act, section  
3.5.21’.

## **Part 12                      Townsville City Council (Douglas Land Development) Act 1993**

### **104      Act amended in pt 12**

This part amends the *Townsville City Council (Douglas Land Development) Act 1993*.

### **105      Amendment of s 4 (Definitions)**

(1) Section 4, definition *Townsville planning scheme*—  
*omit.*

(2) Section 4—  
*insert—*

*‘Townsville IPA planning scheme* means the IPA planning scheme, under the *Integrated Planning Act 1997*, for the City of Townsville.

*Townsville planning scheme* means—

- (a) until 31 December 2004—the planning scheme for the City of Townsville in force under the *Local Government (Planning and Environment) Act 1990* and continued in force under the *Integrated Planning Act 1997*, including any by-laws that had effect as if they were part of the planning scheme; and
- (b) on and from 1 January 2005—the Townsville IPA planning scheme.’.

### **106      Amendment of s 30 (Procedure for inclusion in planning scheme)**

Section 30, heading—  
*omit, insert—*

**‘30 Procedure for inclusion in Townsville planning scheme until 31 December 2004’.**

**107 Insertion of new ss 30A and 30B**

In part 5, after section 30—

*insert—*

**‘30A Procedure for inclusion in Townsville IPA planning scheme on and after 1 January 2005**

- ‘(1) To include a stage in the Townsville IPA planning scheme the process set out in the *Integrated Planning Act 1997*, schedule 1 must be followed.
- ‘(2) In acting under subsection (1), the council must have regard to all matters contained in the master plan or plans and any agreements under part 3.
- ‘(3) Subsection (4) applies if a person has an interest in land and the value of the interest is reduced when a stage is included in the Townsville IPA planning scheme.
- ‘(4) The person has the right to claim compensation for the reduction under the *Local Government (Planning and Environment) Act 1990* (repealed), as if that Act had not been repealed.

**‘30B Validation**

- ‘(1) The amendments are taken to have been validly made.
- ‘(2) In this section—

*amendments* means the amendments of the Townsville planning scheme made, or purported to have been made, under part 5 and published in the gazette on the following dates—

- (a) 12 July 2002, at page 976;
- (b) 4 April 2003, at page 1140;
- (c) 12 August 2005, at pages 1288-1289.’.

**108 Amendment of s 35 (Conditions, requirements and restrictions attach to the land)**

Section 35(3), after ‘1990’—

*insert—*

‘or the *Integrated Planning Act 1997*’.

**Part 13                      Vegetation Management Act  
1999**

**109 Act amended in pt 13**

This part amends the *Vegetation Management Act 1999*.

**110 Amendment of schedule (Dictionary)**

Schedule, definition *currency period*, ‘currency period as worked out under’—

*omit, insert—*

‘period mentioned in’.

**Part 14                      Wet Tropics World Heritage  
Protection and Management  
Act 1993**

**111 Act amended in pt 14**

This part amends the *Wet Tropics World Heritage Protection and Management Act 1993*.

**112 Amendment of s 14 (Composition of board)**

(1) Section 14, ‘6 directors’—

*omit, insert—*

‘7 directors’.

- (2) Section 14(a), ‘1 person’—

*omit, insert—*

‘the chairperson,’.

- (3) Section 14—

*insert—*

‘(ab) 1 Aboriginal person appointed on the nomination of the Ministerial Council;’.

- (4) Section 14—

*insert—*

- ‘(2) The Aboriginal person appointed under subsection (1)(ab) must be particularly concerned with land in the wet tropics area.<sup>2</sup>’.

### **113 Omission of s 19 (Chairperson)**

Section 19—

*omit.*

### **114 Amendment of s 29 (Quorum and voting at meetings)**

Section 29(a), ‘3’—

*omit, insert—*

‘4’.

---

<sup>2</sup> For when an aboriginal person is particularly concerned with the land, see section 5 (Aboriginal people particularly concerned with land).

## **Schedule**                      **Minor amendments of Integrated Planning Act 1997**

section 3

- 1**        **Section 2.1.15(2), ‘(1)(c)’—**  
*omit.*
  
- 2**        **Section 2.1.23(4)(b), ‘3.2.5’—**  
*omit, insert—*  
*‘3.2.7’.*
  
- 3**        **Section 2.5A.19(1)(b), ‘and a’—**  
*omit, insert—*  
*‘as if a’.*
  
- 4**        **Section 3.5.14A(2)(c), ‘subsection (1)(a) and (b) does’—**  
*omit, insert—*  
*‘paragraphs (a) and (b) do’.*
  
- 5**        **Section 6.1.1, definition *IPA planning scheme*—**  
*omit.*
  
- 6**        **Chapter 6, part 5, heading, ‘provisions’—**  
*omit, insert—*  
*‘provision’.*
  
- 7**        **Schedule 3, part 3, section 5(2)—**  
*omit.*



Schedule (continued)

- 8**      **Schedule 8, part 1, table 2, item 3, ‘171’—**  
*omit, insert—*  
‘286’.
- 9**      **Schedule 8, part 1, table 3, item 1(c), ‘42A’—**  
*omit, insert—*  
‘41’.
- 10**     **Schedule 8, part 1, table 3, item 1(d), ‘42C’—**  
*omit, insert—*  
‘43’.
- 11**     **Schedule 8A, table 4, items 4 to 9, ‘table 1,’—**  
*omit, insert—*  
‘tables 1,’.
- 12**     **Schedule 8A, table 4, items 8 and 9, ‘2 or 3’—**  
*omit, insert—*  
‘2 and 3’.
- 13**     **Schedule 8A, table 4, items 8 and 9, ‘does’—**  
*omit, insert—*  
‘do’.
- 14**     **Schedule 9, table 1, heading—**  
*insert—*  
‘Building work’.

Schedule (continued)

- 15**    **Schedule 9, table 3, item 2(c), ‘42A’—**  
*omit, insert—*  
‘41’.
- 16**    **Schedule 9, table 3, item 2(d), ‘42C’—**  
*omit, insert—*  
‘43’.
- 17**    **Schedule 9, table 4, heading before item 6, ‘, section 70’**  
*omit.*
- 18**    **Schedule 9, table 5, item 1(a), second and sixth dot points—**  
*omit.*
- 19**    **Schedule 10, definition, *ancillary works and encroachments*, ‘schedule 3’—**  
*omit, insert—*  
‘schedule 6’.
- 20**    **Schedule 10, definition, *information request*, ‘sections 3.3.6 and 3.3.7’—**  
*omit, insert—*  
‘section 3.3.6’.
- 21**    **Schedule 10, definition, *life cycle cost*—**  
*omit.*

Schedule (continued)

- 22**    **Schedule 10, definition *reviewer's report*—**  
*omit.*
- 23**    **Schedule 10, definition *strategic port land*, 'section  
171(5)'—**  
*omit, insert—*  
'section 286(5)'.