



Queensland

Integrated Planning and Other Legislation Amendment Bill 2004



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Integrated Planning and Other Legislation Amendment Bill 2004

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2004

A BILL

for

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

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The Parliament of Queensland enacts— 1

Part 1 Preliminary 2

Clause 1 Short title 3

This Act may be cited as the *Integrated Planning and Other
Legislation Amendment Act 2004*. 4
5

Clause 2 Commencement 6

This Act commences on a day to be fixed by proclamation. 7

**Part 2 Amendment of Integrated
Planning Act 1997** 8
9

Clause 3 Act amended in pt 2 and sch 10

This part and the schedule amend the *Integrated Planning
Act 1997*.¹ 11
12

**Clause 4 Amendment of s 1.3.5 (Definitions for terms used in
development)** 13
14

(1) Section 1.3.5, definition *operational work*, item 1(f), after
vegetation— 15
16

insert— 17

‘, including vegetation’. 18

(2) Section 1.3.5, definition *operational work*, item 2(b)— 19

1 Before the amendments in part 2 and the schedule commence, the *Integrated Planning Act 1997* will be further amended by certain sections of the *Integrated Planning and Other Legislation Amendment Bill 2003* that have not yet commenced.

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<i>omit, insert—</i>	1
‘(b) clearing vegetation on—	2
(i) a forest reserve under the <i>Nature Conservation Act 1992</i> ; or	3 4
(ii) a protected area under the <i>Nature Conservation Act 1992</i> , section 28; or	5 6
(iii) an area declared as a state forest or timber reserve under the <i>Forestry Act 1959</i> ; or	7 8
(iv) a forest entitlement area under the <i>Land Act 1994</i> .’.	9 10

Clause 5	Insertion of new s 2.1.8A	11
	Chapter 2, part 1, division 3, after section 2.1.8—	12
	<i>insert—</i>	13
	‘2.1.8A Amending planning scheme to state compliance with State planning policy	14 15
	‘(1) This section applies if the Minister gives written notice to a local government identifying a State planning policy, or part of a State planning policy, the Minister is satisfied is appropriately reflected in the planning scheme.	16 17 18 19
	‘(2) The local government may amend the planning scheme by stating in the planning scheme the State planning policy, or part of a State planning policy, identified under subsection (1).	20 21 22 23
	‘(3) Schedule 1 does not apply for making the amendment.	24
	‘(4) An amendment under this section, has effect on and from the day the amendment is adopted by the local government.’.	25 26
Clause 6	Amendment of s 2.1.23 (Local planning instruments have force of law)	27 28
	Section 2.1.23(4)—	29
	<i>insert—</i>	30

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‘(e) include guidelines or advice about satisfying assessment criteria in the planning scheme.’. 1
2

Clause 7 Amendment of s 2.5.1 (What are regions) 3
Section 2.5.1(a), ‘regions’— 4
omit, insert— 5
‘regions, other than the SEQ region’. 6

Clause 8 Insertion of new ch 2, pt 5A 7
Chapter 2— 8
insert— 9

‘Part 5A Regional planning in the SEQ region 10
11

‘Division 1 Preliminary 12

‘2.5A.1 Application of part 13
‘This part only applies to the SEQ region. 14

‘2.5A.2 What is the SEQ region 15

‘(1) The *SEQ region* is the local government areas of the following local governments— 16
17

- Beaudesert Shire Council; 18
- Boonah Shire Council; 19
- Brisbane City Council; 20
- Caboolture Shire Council; 21
- Caloundra City Council; 22
- Esk Shire Council; 23
- Gatton Shire Council; 24
- Gold Coast City Council; 25

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• Ipswich City Council;	1
• Kilcoy Shire Council;	2
• Laidley Shire Council;	3
• Logan City Council;	4
• Maroochy Shire Council;	5
• Noosa Shire Council;	6
• Pine Rivers Shire Council;	7
• Redcliffe City Council;	8
• Redland Shire Council;	9
• Toowoomba City Council.	10
‘(2) The SEQ region also includes Queensland waters adjacent to any of the local government areas mentioned in subsection (1).	11 12 13
‘Division 2 SEQ regional coordination committee	14 15
‘2.5A.3 Establishment of SEQ regional coordination committee	16 17
‘The regional planning Minister must establish an SEQ regional coordination committee.	18 19
‘2.5A.4 Functions of SEQ regional coordination committee	20
‘The SEQ regional coordination committee’s function is to advise the Government, through the regional planning Minister, about the development and implementation of the SEQ regional plan.	21 22 23 24

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'2.5A.5 Membership of SEQ regional coordination committee	1 2
‘(1) The SEQ regional coordination committee has the membership decided by the regional planning Minister and published in the gazette.	3 4 5
‘(2) A member of the SEQ regional coordination committee must be—	6 7
(a) a Minister; or	8
(b) a mayor or councillor of a local government of the region; or	9 10
(c) an appropriately qualified person.	11
'2.5A.6 Dissolution of SEQ regional coordination committee	12
‘The regional planning Minister may dissolve the SEQ regional coordination committee at any time.	13 14
'2.5A.7 Quorum	15
‘A quorum for a meeting of the SEQ regional coordination committee is 1 more than half the number of members of the committee.	16 17 18
'2.5A.8 Presiding at meetings	19
‘(1) The regional planning Minister presides at all meetings of the SEQ regional coordination committee.	20 21
‘(2) If the regional planning Minister is absent, the member nominated by the Minister must preside.	22 23
'2.5A.9 Conduct of meetings	24
‘(1) Meetings of the SEQ regional coordination committee must be conducted at the time and place the regional planning Minister decides.	25 26 27

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- ‘(2) The SEQ regional coordination committee must conduct its business and proceedings at meetings in the way it decides from time to time. 1
2
3

‘Division 3 The SEQ regional plan 4

‘2.5A.10 What is the SEQ regional plan 5

- ‘(1) The SEQ regional plan is the instrument made by the regional planning Minister under section 2.5A.15(2). 6
7
- ‘(2) The SEQ regional plan is a statutory instrument under the *Statutory Instruments Act 1992* and has the force of law. 8
9

‘2.5A.11 Key elements of the SEQ regional plan 10

- ‘The regional planning Minister must be satisfied that the SEQ regional plan— 11
12
- (a) identifies— 13
- (i) the desired regional outcomes for the SEQ region; 14
and 15
- (ii) the policies and actions for achieving the desired regional outcomes; and 16
17
- (b) identifies the desired future spatial structure of the region including— 18
19
- (i) a future regional land use pattern; and 20
- (ii) provision for regional infrastructure to service the future regional land use pattern, to inform— 21
22
- (A) local governments when preparing priority infrastructure plans; and 23
24
- (B) the State, local governments and other entities about infrastructure plans and investments; and 25
26
27
- (iii) key regional environmental, economic and cultural resources— 28
29

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(A) to be preserved, maintained or developed; and	1 2
(B) the way the resources are to be preserved, maintained or developed; and	3 4
(iv) for paragraph (b)(iii), regional landscape areas; and	5 6
(c) includes any other relevant regional planning matter for this Act.	7 8
'2.5A.12 The SEQ regional plan may include regulatory provisions	9 10
‘(1) The SEQ regional plan may include regulatory provisions.	11
‘(2) The regulatory provisions may—	12
(a) declare development to be assessable or self-assessable development; and	13 14
(b) require impact or code assessment, or both impact and code assessment, for assessable development, including assessable development mentioned in paragraph (a); and	15 16 17
(c) include a code for IDAS; and	18
(d) otherwise regulate development by, for example, stating aspects of development that may not occur in stated localities; and	19 20 21
(e) state transitional arrangements for development applications affected by the regulatory provisions.	22 23
‘(3) To the extent the regulatory provisions do any of the matters mentioned in subsection (2)(a) to (c), the regulatory provisions—	24 25 26
(a) are taken to be a temporary local planning instrument; and	27 28
(b) despite section 2.1.10(1), continue to apply for a local government area until the planning scheme, or an amendment of the planning scheme, reflecting the	29 30 31

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matters mentioned in subsection (2)(a) to (c) takes effect. ²	1 2
‘Division 4 Preparing and making SEQ regional plan	3 4
‘2.5A.13 Regional planning Minister to prepare draft SEQ regional plan	5 6
‘(1) The regional planning Minister must prepare a draft SEQ regional plan.	7 8
‘(2) The regional planning Minister must consult the SEQ regional coordination committee about preparing the draft SEQ regional plan.	9 10 11
‘2.5A.14 Notice of and public consultation on draft SEQ regional plan	12 13
‘(1) When the regional planning Minister has prepared the draft SEQ regional plan, the regional planning Minister must publish a notice—	14 15 16
(a) in the gazette; and	17
(b) at least once in a newspaper circulating generally in the SEQ region.	18 19
‘(2) The notice must state the following—	20
(a) that the draft SEQ regional plan is available for inspection and purchase;	21 22
(b) where copies of the draft SEQ regional plan are available for inspection and purchase;	23 24
(c) a contact telephone number for information about the draft SEQ regional plan;	25 26
(d) that written submissions about any aspect of the draft SEQ regional plan may be given to the regional planning Minister by any person;	27 28 29

2 See also section 2.5A.24 (Effect of draft regulatory provisions).

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(e) the period (the <i>consultation period</i>) during which the submissions may be made;	1 2
(f) the requirements for a properly made submission for this section.	3 4
‘(3) The consultation period must be for at least 60 business days after the day the notice is published in the gazette.	5 6
‘(4) The regional planning Minister must send a copy of the notice and the draft SEQ regional plan to each local government in the SEQ region.	7 8 9
‘(5) The regional planning Minister may send a copy of the notice and the draft SEQ regional plan to any other entity the regional planning Minister considers appropriate.	10 11 12
‘(6) For all of the consultation period, the regional planning Minister must keep a copy of the draft SEQ regional plan available for inspection and purchase.	13 14 15
‘(7) The regional planning Minister may, during the consultation period, amend, replace or remove the draft regulatory provisions.	16 17 18
‘2.5A.15 Making SEQ regional plan	19
‘(1) The regional planning Minister must—	20
(a) consider every properly made submission about the draft SEQ regional plan; and	21 22
(b) consult with the SEQ regional coordination committee about making the SEQ regional plan.	23 24
‘(2) After the regional planning Minister has acted under subsection (1), the regional planning Minister may—	25 26
(a) make the SEQ regional plan as provided for in the draft SEQ regional plan as published; or	27 28
(b) make the SEQ regional plan and include any amendments of the draft SEQ regional plan the regional planning Minister considers appropriate.	29 30 31

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‘2.5A.16 Notice of making of SEQ regional plan	1
‘(1) After the regional planning Minister has made the SEQ regional plan, the regional planning Minister must publish a notice about the making of the plan—	2 3 4
(a) in the gazette; and	5
(b) at least once in a newspaper circulating generally in the region.	6 7
‘(2) The notice must state the following—	8
(a) the day the SEQ regional plan was made;	9
(b) where a copy of the plan may be inspected and purchased.	10 11
‘(3) The SEQ regional plan has effect on and from—	12
(a) the day the making of the SEQ regional plan is published in the gazette; or	13 14
(b) if a later day for the commencement of the SEQ regional plan is stated in the SEQ regional plan—the later day.	15 16
‘2.5A.17 Regulatory provisions to be ratified by Parliament	17
‘(1) The regional planning Minister must table a copy of the regulatory provisions in the Legislative Assembly within 14 sitting days of the making of the SEQ regional plan.	18 19 20
‘(2) If the regulatory provisions are not ratified by Parliament within 14 sitting days after the day the copy is tabled, the regulatory provisions cease to have effect.	21 22 23
‘Division 5 Amending or replacing SEQ regional plan	24 25
‘2.5A.18 Regional planning Minister may amend or replace SEQ regional plan	26 27
‘The regional planning Minister may—	28
(a) amend the SEQ regional plan; or	29

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- (b) replace the SEQ regional plan with a new SEQ regional plan. 1
2

‘2.5A.19 How SEQ regional plan is amended or replaced 3

- ‘(1) Division 4 applies for amending the SEQ regional plan— 4
- (a) as if a reference in the sections to the draft SEQ regional plan were a reference to the amendment; and 5
6
- (b) and a reference to 60 business days were a reference to 7
30 business days; and 8
- (c) with any other necessary changes. 9
- ‘(2) Division 4 also applies for making a new SEQ regional plan. 10
- ‘(3) If the SEQ regional plan is replaced by a new SEQ regional plan, the new SEQ regional plan has effect on and from— 11
12
- (a) the day the making of the new SEQ regional plan was published in the gazette; or 13
14
- (b) if a later day for the commencement of the new SEQ regional plan is stated in the new SEQ regional plan—the later day. 15
16
17
- ‘(4) However, when acting under section 2.5A.15, the regional planning Minister may also decide not to proceed with the amendment or replacement. 18
19
20
- ‘(5) If the regional planning Minister makes a decision under subsection (4), the regional planning Minister must publish a notice in the gazette stating the regional planning Minister has decided not to proceed with the amendment or replacement. 21
22
23
24

‘2.5A.20 Minor amendments of SEQ regional plan 25

- ‘(1) If the SEQ regional plan requires a minor amendment— 26
- (a) division 4 does not apply; and 27
- (b) the regional planning Minister may make the amendment. 28
29

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‘(2)	If the regional planning Minister makes a minor amendment, the regional planning Minister must publish a notice about the making of the amendment—	1 2 3
(a)	in the gazette; and	4
(b)	at least once in a newspaper circulating generally in the region.	5 6
‘(3)	The notice must state the following—	7
(a)	the day the minor amendment was made;	8
(b)	where a copy of the SEQ regional plan, as amended, may be inspected and purchased.	9 10
‘(4)	However, for a minor amendment of the regulatory provisions section 2.5A.17 does not apply.	11 12
‘Division 6	Effect of the SEQ regional plan	13
‘2.5A.21 State interest		14
	‘For this Act, the SEQ regional plan is taken to be a State interest.	15 16
‘2.5A.22 Local governments to amend planning schemes to reflect SEQ regional plan		17 18
‘(1)	This section applies to a local government mentioned in section 2.5A.2(1) unless the regional planning Minister gives the local government a written direction to the contrary.	19 20 21
‘(2)	The local government must amend its planning scheme under schedule 1 to reflect the SEQ regional plan as made, amended or replaced.	22 23 24
‘(3)	The regional planning Minister may amend the planning scheme if—	25 26
(a)	the regional planning Minister is satisfied a local government must amend its planning scheme under subsection (2); and	27 28 29

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- (b) the local government has not, within 90 business days of the day notice of the making of the SEQ regional plan was published in the gazette, complied with schedule 1, section 9(3) for the amendment. 1
2
3
4
- ‘(4) Schedule 1, sections 12 to 17 and 19 to 21 apply for amending the planning scheme under subsection (3). 5
6
- ‘(5) However, for subsection (4), and if the context requires, a reference in schedule 1 to— 7
8
- (a) the local government is a reference to the regional planning Minister; and 9
10
- (b) a decision of the local government is a reference to a decision of the regional planning Minister; and 11
12
- (c) a local government’s chief executive officer is a reference to the chief executive of the department; and 13
14
- (d) the local government’s public office is a reference to the department’s State office. 15
16
- ‘(6) Anything done by the regional planning Minister under subsection (3) is taken to have been done by the local government and has the same effect as it would have had if the local government had done it. 17
18
19
20
- ‘(7) An expense reasonably incurred by the regional planning Minister in taking an action under subsection (3) may be recovered from the local government as a debt owing to the State. 21
22
23
24
- ‘(8) The regional planning Minister may, in writing, extend the period mentioned in subsection (3)(b). 25
26
- ‘(9) Nothing in this section affects or is affected by part 3. 27
- ‘2.5A.23 Effect of SEQ regional plan on other plans, policies or codes 28
29**
- ‘(1) An entity responsible for preparing or amending a plan, policy or code under this or another Act that may affect a matter under section 2.5A.11 must— 30
31
32

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- (a) in preparing the plan, policy or code, or the amendment of the plan, policy or code, take account of the SEQ regional plan; and
- (b) state in the plan, policy or code how the plan, policy or code, or the amendment of the plan, policy or code, will reflect the SEQ regional plan for the matters under section 2.5A.11.
- ‘(2) For this Act, to the extent there is an inconsistency between the SEQ regional plan and any other plan, policy or code under this or another Act, including any other planning instrument, the SEQ regional plan prevails.

‘2.5A.24 Effect of draft regulatory provisions

- ‘(1) When a notice is published under section 2.5A.14(1)(a), any proposed regulatory provisions of the draft SEQ regional plan (the *draft regulatory provisions*) have effect until the SEQ regional plan comes into effect.
- ‘(2) If the regulatory provisions of the SEQ regional plan are proposed to be amended under division 5, the proposed amendments of the regulatory provisions (also the *draft regulatory provisions*) have effect from the day the notice for the proposed amendments is published under section 2.5A.14(1)(a) until—
- (a) if the amendments come into effect under section 2.5A.16(3)—the day the amendments come into effect; or
- (b) if the regional planning Minister decides under section 2.5A.19(4) not to proceed with the amendments—the day the notice is published in the gazette under section 2.5A.19(5).
- ‘(3) If the existing SEQ regional plan is proposed to be replaced by a new SEQ regional plan, the proposed regulatory provisions of the proposed new SEQ regional plan (also the *draft regulatory provisions*) have effect from the day the notice under section 2.5A.16(2)(a) is published for the proposed new SEQ regional plan until—

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- | | | |
|-----------------|--|----------------------|
| | (a) if the new SEQ regional plan comes into effect under section 2.5A.16(3)—the day the plan comes into effect; or | 1
2
3 |
| | (b) if the regional planning Minister decides under section 2.5A.19(4) not to proceed with the proposed new SEQ regional plan—the day the notice is published in the gazette under section 2.5A.19(5). | 4
5
6
7 |
| | ‘(4) During the consultation period the Minister may, by gazette notice, amend the draft regulatory provisions. | 8
9 |
| | ‘(5) To remove doubt it is declared that— | 10 |
| | (a) if subsection (2)(b) or (3)(b) applies, the regulatory provisions of the SEQ regional plan that applied before subsection (2) or (3) applied again apply after the day mentioned in subsection (2)(b) or (3)(b); and | 11
12
13
14 |
| | (b) draft regulatory provisions may state transitional arrangements for development applications affected by the draft regulatory provisions.’. | 15
16
17 |
| Clause 9 | Amendment of s 3.1.4 (When is a development permit necessary) | 18
19 |
| | (1) Section 3.1.4(3)(b), after ‘instruments’— | 20 |
| | <i>insert—</i> | 21 |
| | ‘, other than the regulatory provisions or the draft regulatory provisions’. ³ | 22
23 |
| | (2) Section 3.1.4— | 24 |
| | <i>insert—</i> | 25 |
| | ‘(4) Nothing in subsection (3)(b) stops a planning instrument or a development approval affecting exempt development if— | 26
27 |
| | (a) the development is the natural and ordinary consequence of another aspect of development that is assessable or self-assessable development; and | 28
29
30 |

³ See section 2.5A.12 (The SEQ regional plan may include regulatory provisions).

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- (b) the effect mitigates impacts of the assessable or self-assessable development. 1
2
- Example for subsection (4)—* 3
- A development approval for a material change of use may include conditions, including, for example, conditions about landscaping, parking or buildings that are the natural and ordinary consequence of the material change of use if the conditions would mitigate impacts, including, for example, visual amenity, noise or traffic generation, of the material change of use.’. 4
5
6
7
8
9
10

Clause	10	Amendment of s 3.2.1 (Applying for development approval)	11 12
	(1)	Section 3.2.1(7)—	13
		<i>insert—</i>	14
		‘(f) the development would not be contrary to the regulatory provisions or the draft regulatory provisions.’.	15 16
	(2)	Section 3.2.1(10)—	17
		<i>omit, insert—</i>	18
	‘(10)	Subsection (9) does not apply to an application—	19
	(a)	unless the application contains—	20
		(i) the written consent of the owner of any land to which the application applies; or	21 22
		(ii) any evidence required under subsection (5); or	23
	(b)	if the development would be contrary to the regulatory provisions or the draft regulatory provisions.’.	24 25
Clause	11	Amendment of s 3.3.15 (Referral agency assesses application)	26 27
		Section 3.3.15(1)(b)(ii)—	28
		<i>omit, insert—</i>	29
		‘(ii) each of the following, if they are not identified in the planning scheme as being appropriately reflected in the planning scheme—	30 31 32

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	(A) State planning policies, or parts of State planning policies; ⁴	1 2
	(B) for the planning scheme of a local government in the SEQ region—the SEQ regional plan.’	3 4 5
Clause 12	Amendment of s 3.4.2 (When the notification stage applies)	6 7
	Section 3.4.2(3)(b)(ii)—	8
	<i>omit, insert—</i>	9
	‘(ii) seeks only to change development requiring code assessment to self-assessable development; or	10 11
	(iii) seeks only to increase the level of assessment for the development; and’.	12 13
Clause 13	Amendment of s 3.5.4 (Code assessment)	14
	Section 3.5.4(2)(c)—	15
	<i>omit, insert—</i>	16
	‘(c) if they are not identified in the planning scheme as being appropriately reflected in the planning scheme—	17 18
	(i) State planning policies, or parts of State planning policies; ⁵ and	19 20
	(ii) for the planning scheme of a local government in the SEQ region—the SEQ regional plan; and’.	21 22
Clause 14	Amendment of s 3.5.5 (Impact assessment)	23
	Section 3.5.5(2)(c)—	24
	<i>omit, insert—</i>	25

4 See schedule 1, section 18(6) (Reconsidering proposed planning scheme for adverse effects on State interests).

5 See schedule 1, section 18(6) (Reconsidering proposed planning scheme for adverse effects on State interests).

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- | | | |
|--|---|--------|
| | ‘(c) if they are not identified in the planning scheme as being appropriately reflected in the planning scheme— | 1
2 |
| | (i) State planning policies, or parts of State planning policies; ⁶ and | 3
4 |
| | (ii) for the planning scheme of a local government in the SEQ region—the SEQ regional plan;’. | 5
6 |

Clause 15	Amendment of s 3.5.5A (Assessment for s 3.1.6 preliminary approvals that override a local planning instrument)	7 8 9
	Section 3.5.5A(2)(e)—	10
	<i>omit, insert—</i>	11
	‘(e) if they are not identified in the planning scheme as being appropriately reflected in the planning scheme—	12 13
	(i) State planning policies, or parts of State planning policies; ⁷ and	14 15
	(ii) for the planning scheme of a local government in the SEQ region—the SEQ regional plan;	16 17
	(f) the matters prescribed under a regulation (to the extent they apply to a particular proposal).’.	18 19
Clause 16	Amendment of s 3.5.11 (Decision generally)	20
	Section 3.5.11—	21
	<i>insert—</i>	22
	‘(4A) Despite subsections (2) and (3), the assessment manager’s decision must not be contrary to the regulatory provisions or the draft regulatory provisions.’.	23 24 25

6 See schedule 1, section 18(6) (Reconsidering proposed planning scheme for adverse effects on State interests).

7 See schedule 1, section 18(6) (Reconsidering proposed planning scheme for adverse effects on State interests).

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Clause	17 Amendment of s 3.5.13 (Decision if application requires code assessment)	1 2
	Section 3.5.13(3)(b)—	3
	<i>omit, insert—</i>	4
	‘(b) if they are not identified in the planning scheme as being appropriately reflected in the planning scheme—	5 6
	(i) State planning policies, or parts of State planning policies; ⁸ and	7 8
	(ii) for the planning scheme of a local government in the SEQ region—the SEQ regional plan.’.	9 10
Clause	18 Amendment of s 3.5.14 (Decision if application requires impact assessment)	11 12
	Section 3.5.14(4)—	13
	<i>omit, insert—</i>	14
	‘(4) Subsections (2)(a) and (3) do not apply if compromising the achievement of the desired environmental outcomes is necessary to further the outcomes of any of the following if they are not identified in the planning scheme as being appropriately reflected in the planning scheme—	15 16 17 18 19
	(a) State planning policies, or parts of State planning policies; ⁹	20 21
	(b) for the planning scheme of a local government in the SEQ region—the SEQ regional plan.’.	22 23
Clause	19 Amendment of s 3.5.14A (Decision if application under s 3.1.6 requires assessment)	24 25
	Section 3.5.14A(2)(c)—	26
	<i>omit, insert—</i>	27

8 See schedule 1, section 18(6) (Reconsidering proposed planning scheme for adverse effects on State interests).

9 See schedule 1, section 18(6) (Reconsidering proposed planning scheme for adverse effects on State interests).

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- ‘(c) subsection (1)(a) and (b) does not apply if
compromising the achievement of the desired
environmental outcomes is necessary to further the
outcomes of any of the following if they are not
identified in the planning scheme as being appropriately
reflected in the planning scheme—
- (i) State planning policies, or parts of State planning
policies;¹⁰
- (ii) for the planning scheme of a local government in
the SEQ region—the SEQ regional plan.’.

- Clause 20 Amendment of s 3.6.7 (Effect of call in)**
- Section 3.6.7—
- insert—*
- ‘(4) Subsection (5) applies despite subsection (1)(b) and (c), for an
application called in by the regional planning Minister.
- ‘(5) The regional planning Minister may, by written notice given
to the applicant and the relevant local government, suspend
the IDAS process until the number of days stated in the notice
after—
- (a) publication of a notice under section 2.5A.14 about the
draft SEQ regional plan; or
- (b) publication of a notice under section 2.5A.16 about the
SEQ regional plan.
- ‘(6) Despite subsection (1), the regional planning Minister may by
written notice, at the end of the suspension of the IDAS
process, refer the application to the original assessment
manager to assess and decide.
- ‘(7) The notice mentioned in subsection (6) must state the point in
the IDAS process from which, and the day on which, the
process must restart for the application.

10 See schedule 1, section 18(6) (Reconsidering proposed planning scheme for adverse effects on State interests).

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‘(8) For assessing the application, whether by the regional
planning Minister after acting under subsection (5) or the
original assessment manager, section 3.5.3 does not apply to
the SEQ regional plan or a planning scheme amendment
reflecting the SEQ regional plan.’.

Clause 21	Insertion of new s 4.3.5A	6
	After section 4.3.5—	7
	<i>insert—</i>	8
	‘4.3.5A Compliance with the SEQ regional plan	9
	‘Subject to chapter 1, part 4, a person must not carry out development contrary to the regulatory provisions or the draft regulatory provisions.	10 11 12
	Maximum penalty—1 665 penalty units.’.	13
Clause 22	Insertion of new s 5.6.3A	14
	After section 5.6.3—	15
	<i>insert—</i>	16
	‘5.6.3A How infrastructure charges apply for development under part 6	17 18
	If the State, or a statutory body representing the State, proposes or starts development under this part, the State or body is not required to pay any infrastructure charge under chapter 5, part 1 for the development.’.	19 20 21 22
Clause 23	Amendment of s 5.7.2 (Documents local government must keep available for inspection and purchase)	23 24
	Section 5.7.2(1)—	25
	<i>insert—</i>	26
	‘(m) for a local government in the SEQ region—a copy of the SEQ regional plan;’.	27 28

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Clause	24	Amendment of s 5.7.6 (Documents chief executive must keep available for inspection and purchase)	1 2
		Section 5.7.6—	3
		<i>insert</i> —	4
		‘(fa) a copy of the SEQ regional plan;’.	5
Clause	25	Amendment of s 5.7.9 (Limited planning and development certificates)	6 7
		(1) Section 5.7.9(b) and (c)—	8
		<i>renumber</i> as 5.7.9(c) and (d).	9
		(2) Section 5.7.9—	10
		<i>insert</i> —	11
		‘(b) if any of the regulatory provisions or the draft regulatory provisions apply to the premises—a description of the provisions that apply;’.	12 13 14
Clause	26	Amendment of s 5.8.1A (Delegation by Minister)	15
		Section 5.8.1A(2)—	16
		<i>omit, insert</i> —	17
		‘(2) The regional planning Minister may delegate his or her powers or functions under this Act to an appropriately qualified public service officer.	18 19 20
		‘(3) The Minister administering the <i>State Development and Public Works Organisation Act 1971</i> , if acting under chapter 3, part 6, division 2, may delegate his or her powers or functions under the division to an appropriately qualified public service officer.’.	21 22 23 24 25
Clause	27	Amendment of s. 5.8.3 (Application of State Development and Public Works Organisation Act 1971)	26 27
		Section 5.8.3—	28
		<i>insert</i> —	29

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‘(2) Nothing in chapter 2, part 5A affects in any way the *State Development and Public Works Organisation Act 1971*.’ 1
2

Clause 28	Amendment of s 6.1.25 (Effect of commencement on certain applications in progress)	3 4
	Section 6.1.25—	5
	<i>insert—</i>	6
	‘(3) Subsection (4) applies if—	7
	(a) an approval mentioned in subsection (1)(b) or (1A)(b) implies that a person has the right to use premises, the subject of the approval, for a particular purpose; and	8 9 10
	(b) when the approval was given, a material change of use for a use implied by the approval was self-assessable development or exempt development; and	11 12 13
	(c) after the approval was given, but before the use started, a new planning instrument or an amendment of a planning instrument—	14 15 16
	(i) declared the material change of use to be assessable development; or	17 18
	(ii) changed an applicable code for the material change of use.	19 20
	‘(4) The implied use is to be taken to be a use in existence immediately before the commencement of the new planning instrument or amendment if—	21 22 23
	(a) the rights (other than the implied right) under the approval are exercised within the time allowed for the rights to be exercised under the approval or this Act; and	24 25 26
	(b) the implied use is started within 5 years after the rights mentioned in paragraph (a) are exercised.’	27 28

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Clause 29	Amendment of s 6.1.35C (Future effect of approvals for applications mentioned in s 3.1.6)	1 2
	Section 6.1.35C(2)(b), ‘, as that section was immediately before the commencement of this section’—	3 4
	<i>omit.</i>	5
Clause 30	Insertion of new ch 6, pt 4	6
	After section 6.3.1—	7
	<i>insert—</i>	8
‘Part 4	Transitional provision for Integrated Planning and Other Legislation Amendment Act 2004	9 10 11 12
‘6.4.1	Effect of SEQ regional plan for assessing and deciding applications under transitional planning schemes	13 14 15
	‘(1) Subsections (2) and (3) apply—	16
	(a) for development on premises in the SEQ region; and	17
	(b) for assessing a development application to which section 6.1.29 applies.	18 19
	‘(2) In addition to the matters mentioned in section 6.1.29(3), the SEQ regional plan also applies for assessing the application.	20 21
	‘(3) To the extent of any inconsistency between the SEQ regional plan and a matter stated in section 6.1.29(3), the SEQ regional plan prevails.	22 23 24
	‘(4) A requirement under section 6.1.30 to refuse a development application because the application conflicts with any relevant strategic plan or development control plan under a transitional planning scheme only applies to the extent the requirement is consistent with the SEQ regional plan.’	25 26 27 28 29

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Clause	31	Amendment of sch 1 (Process for making or amending planning schemes)	1 2
	(1)	Schedule 1, section 3(2)—	3
		<i>insert—</i>	4
		‘(c) for a local government in the SEQ region—state how the local government anticipates the planning scheme will reflect the SEQ regional plan.’	5 6 7
	(2)	Schedule 1, section 10(1)(b)—	8
		<i>omit, insert—</i>	9
		‘(b) the Minister is satisfied that the proposed amendment reflects 1 or more of the following, and that there has already been adequate public consultation about the matter, the subject of the proposed amendment—	10 11 12 13
		(i) the recommendation of a regional planning advisory committee on a matter;	14 15
		(ii) the SEQ regional plan;	16
		(iii) another standard or policy of the State;	17
		(iv) a decision previously made by an assessment manager on a development application.’	18 19
	(3)	Schedule 1, section 18(5)—	20
		<i>omit, insert—</i>	21
	‘(5)	Subsection (5A) applies if the Minister—	22
		(a) advises the local government under subsection (4); and	23
		(b) is satisfied the following are appropriately reflected in the proposed planning scheme—	24 25
		(i) State planning policies, or parts of State planning policies;	26 27
		(ii) for the proposed planning scheme of a local government in the SEQ region—the SEQ regional plan.	28 29 30
	‘(5A)	The Minister must also advise the local government that he or she is satisfied under subsection (5)(b).’	31 32
	(4)	Schedule 1, section 18(7)(c)—	33

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omit, insert— 1
 ‘(c) state in the proposed planning scheme details of the 2
 advice given by the Minister under subsection (5A).’ 3

Clause 32	Amendment of sch 10 (Dictionary)	4
	(1) Schedule 10, definitions <i>Minister</i> and <i>planning instrument—</i>	5
	<i>omit.</i>	6
	(2) Schedule 10, definitions <i>development offence</i> and <i>tidal works—</i>	7
	<i>omit.</i>	8
	(3) Schedule 10—	10
	<i>insert—</i>	11
	‘draft regulatory provisions see section 2.5A.24.	12
	<i>Minister</i> means—	13
	(a) in chapter 2, part 6—any Minister of the Crown; and	14
	(b) in chapter 2, part 3, and chapter 3, part 6—	15
	(i) the Minister administering those parts; or	16
	(ii) for a matter the regional planning Minister is	17
	satisfied relates to chapter 2, part 5A—the regional	18
	planning Minister; and	19
	(c) in chapter 3, part 6, division 2, includes the Minister	20
	administering the <i>State Development and Public Works</i>	21
	<i>Organisation Act 1971</i> ; and	22
	(d) in any other provision of this Act—the Minister	23
	administering the provision. ¹¹	24
	<i>planning instrument</i> means a State planning policy, the SEQ	25
	regional plan, draft regulatory provisions, a planning scheme,	26
	a temporary local planning instrument or a planning scheme	27
	policy.	28

¹¹ Copies of the administrative arrangements are available from Goprint.

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- regional planning Minister** means the Minister administering chapter 2, part 5A. 1
2
- regulatory provisions** means regulatory provisions under section 2.5A.12. 3
4
- SEQ region** see section 2.5A.2. 5
- SEQ regional plan** see section 2.5A.10.’. 6
- (4) Schedule 10— 7
- insert*— 8
- ‘**appropriately qualified**, for the delegation of a power, includes having the qualifications, experience or standing appropriate to exercise the power. 9
10
11
- Example of standing*— 12
- a person’s classification level in the public service 13
- development offence** means an offence against section 4.3.1, 4.3.2, 4.3.2A, 4.3.3, 4.3.4, 4.3.5 or 4.3.5A. 14
15
- emergency work**, for schedule 8, part 1, table 5, item 2— 16
1. **Emergency work** means reversible work that is 17
18
19
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33
- necessary to give temporary support, shelter or security to a registered place, a protected area or protected object, as defined by the *Queensland Heritage Act 1992*—
- (a) because it has been, or is likely to be, damaged by fire or natural disaster; or
- (b) because of accidental or intentional damage.
2. **Emergency work** does not include demolition.
- tidal works** see the *Coastal Protection and Management Act 1995*.’.
- (5) Schedule 10, definition *assessing authority*, paragraph (f)—
- omit, insert*—
- ‘(f) for development to which the regulatory provisions or draft regulatory provisions apply—the chief executive; or
- (g) for any other matter—the local government.’.

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- (6) Schedule 10, definition *consultation period*, paragraph (d)— 1
omit, insert— 2
‘(d) for making the SEQ regional plan—see 3
section 2.5A.14(2)(e); or 4
(e) for amending the SEQ regional plan—see 5
section 2.5A.19(1)(b); or 6
(f) for making a ministerial designation of land—the period 7
for the making of submissions stated in any notice given 8
under section 2.6.7(4).’ 9
- (7) Schedule 10, definition *deemed refusal*, ‘means’— 10
omit, insert— 11
‘, for a proceeding under chapter 4, part 1 or 2, means’. 12
- (8) Schedule 10, definition *establishment cost*, paragraph (c)— 13
omit, insert— 14
‘(c) for existing infrastructure— 15
(i) the residual financing cost of the existing 16
infrastructure; and 17
(ii) the cost of reconstructing the same works using 18
contemporary materials, techniques and 19
technologies; and 20
(iii) if the land acquisition for the infrastructure was 21
completed after 1 January 1990—the present value 22
of the amount (if any) paid by the infrastructure 23
provider for acquiring the land.’ 24
- (9) Schedule 10, definition *properly made submission*, 25
paragraph (e)(iv)— 26
omit, insert— 27
‘(iv) if the submission is about the SEQ regional 28
plan—to the regional planning Minister.’ 29

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	Part 3	Amendment of Integrated Planning and Other Legislation Amendment Act 2003	1 2 3
Clause 33	Act amended in pt 3		4
		<i>This part amends the Integrated Planning and Other Legislation Amendment Act 2003.</i>	5 6
Clause 34	Amendment of s 94 (Insertion of new ch 5, pt 7A)		7
		Section 94, insertion of new section 5.7A.1(2)— <i>omit.</i>	8 9
Clause 35	Amendment of s 115 (Amendment of s 43B (Relationship of coastal plans with Integrated Planning Act 1997))		10 11
		(1) Section 115, heading ‘43B’— <i>omit, insert—</i> ‘50’.	12 13 14
		(2) Section 115, ‘43B’— <i>omit, insert—</i> ‘50’.	15 16 17
	Part 4	Amendment of Local Government Act 1993	18 19
Clause 36	Act amended in pt 4		20
		<i>This part amends the Local Government Act 1993.</i>	21

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Clause	37	Amendment of s 854 (Local laws and subordinate local laws about development)	1 2
		(1) Section 854(3), ‘deals with development, within the meaning of the <i>Integrated Planning Act 1997</i> ’—	3 4
		<i>omit, insert</i> —	5
		‘includes a process of the type mentioned in subsection (1)’.	6
		(2) Section 854—	7
		<i>insert</i> —	8
		‘(3A) Subsection (3) does not apply for local laws of the type mentioned in subsection (1A) until the local government makes a decision under the <i>Integrated Planning Act 1997</i> , schedule 1, section 1 to prepare its second IPA planning scheme.’.	9 10 11 12 13
		(3) Section 854(5), ‘subsections (1) and (3)’—	14
		<i>omit, insert</i> —	15
		‘subsection (1)’.	16
	 Part 5	 Amendment of Queensland Heritage Act 1992	 17 18
Clause	38	Act amended in pt 5	19
		This part amends the <i>Queensland Heritage Act 1992</i> .	20
Clause	39	Amendment of s 35 (Application for exemption certificate)	21 22
		(1) Section 35(1), after ‘registered place’—	23
		<i>insert</i> —	24
		‘, including the State.’.	25
		(2) Section 35(4)—	26
		<i>omit, insert</i> —	27

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‘The person must give the chief executive a notice about the
study stating.’. 1
2

Clause 42	Amendment of s 51 (Applying for permit to enter a protected area)	3 4
	Section 51(2)(c)—	5
	<i>omit, insert—</i>	6
	‘(c) supported by the written consent of the owner of the land to be entered within the protected area; and	7 8
	(d) accompanied by the fee prescribed under a regulation.’.	9
Clause 43	Amendment of s 55 (Functions of authorised persons)	10
	Section 55(1)(b)—	11
	<i>omit, insert—</i>	12
	‘(b) to conduct investigations and inspections to monitor and enforce compliance with—	13 14
	(i) this Act; and	15
	(ii) the <i>Integrated Planning Act 1997</i> , so far as it relates to assessable development completely or partly for a registered place.’.	16 17 18
Clause 44	Amendment of s 57H (Issue of warrant)	19
	Section 57H(1)(a), after ‘Act’—	20
	<i>insert—</i>	21
	‘or of a development offence under the <i>Integrated Planning Act 1997</i> ’.	22 23
Clause 45	Insertion of new s 67B	24
	After section 67A—	25
	<i>insert—</i>	26

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'67B	Delegation by Minister	1
	'(1) The Minister may delegate the Minister's powers under this Act to—	2 3
	(a) the chairperson of the council; or	4
	(b) a local government; or	5
	(c) an appropriately qualified public service officer.	6
	'(2) In this section—	7
	<i>appropriately qualified</i> includes having the qualifications, experience or standing appropriate to exercise the power.	8 9
	<i>Example of standing—</i>	10
	a person's classification level in the public service'.	11
Clause 46	Insertion of new pt 10	12
	After part 9—	13
	<i>insert—</i>	14
'Part 10	Transitional provisions for Queensland Heritage and Other Legislation Amendment Act 2003	15 16 17 18
'69	Assessing and deciding applications made before 28 November 2003	19 20
	'(1) Subsection (2) applies for the following—	21
	(a) an application lodged under section 34 of the previous Act and not decided before 28 November 2003;	22 23
	(b) an application for a review made under section 36 of the previous Act and not decided before 28 November 2003;	24 25
	(c) an appeal to the Planning and Environment Court made under section 36(6) of the previous Act and not decided before 28 November 2003.	26 27 28
	'(2) An application or appeal mentioned in subsection (1) must be dealt with under the previous Act.	29 30

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'70	Compliance with approval given under pt 5 of previous Act	1 2
	(1) Subsection (2) applies for an approval given under part 5 of the previous Act.	3 4
	(2) A person must comply with the approval, and any conditions of the approval, as required under the previous Act.’.	5 6
 Clause 47	 Amendment of sch (Dictionary)	 7
	(1) Schedule, definitions <i>emergency work</i> , <i>excluded work</i> and <i>minor repair work</i> —	8 9
	<i>omit</i> .	10
	(2) Schedule—	11
	<i>insert</i> —	12
	‘ <i>minor repair work</i> means work of a minor nature—	13
	(a) that will not cause detriment to the cultural heritage significance of a registered place; and	14 15
	(b) involving repairs to the materials, features, contents and setting that comprise a registered place; and	16 17
	(c) using the same types of materials and the same construction methods as were originally used on the registered place.	18 19 20
	<i>other minor work</i> means work that—	21
	(a) is not of a significant scale; and	22
	(b) will not cause detriment to the cultural heritage significance of a registered place.	23 24
	<i>previous Act</i> means this Act as in force before 28 November 2003.’.	25 26
	(3) Schedule, definition <i>maintenance work</i> , item 1—	27
	<i>omit, insert</i> —	28
	1. <i>Maintenance work</i> means work that—	29
	(a) will not cause detriment to the cultural heritage significance of a registered place; and	30 31

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- | | |
|--|---|
| (b) is performed for the protective care of a registered | 1 |
| place, including, for example, the protective care | 2 |
| of the materials, features, contents and setting | 3 |
| comprising the following— | 4 |
| (i) fences; | 5 |
| (ii) gardens and grounds; | 6 |
| (iii) roads and paths; | 7 |
| (iv) roof and drainage systems; | 8 |
| (v) services and utilities.’. | 9 |

Part 6	Amendment of Primary Industries and Other Legislation Amendment Act 2003	10 11 12 13
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Clause 48	Act amended in pt 6	14
	<i>This part amends the Primary Industries and Other Legislation Amendment Act 2003.</i>	15 16

Clause 49	Amendment of s 80 (Amendment of sch 8)	17
	Section 80(2), inserted item 5—	18
	<i>renumber</i> as item 8.	19

Clause 50	Amendment of s 81 (Amendment of sch 8A(Assessment manager for development applications))	20 21
	(1) Section 81, inserted items 8 and 9, ‘table 1 or 2 does’—	22
	<i>omit, insert—</i>	23
	‘tables 1 and 2 do’.	24

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- (2) Section 81(1), inserted items 8 and 9— 1
renumber as items 9 and 10. 2

Schedule	Minor amendments	1
	section 3	2
	Integrated Planning Act 1997	3
1	Section 2.6.8(1)(b)— <i>omit, insert—</i> '(b) each local government the Minister is satisfied the designation affects; and'.	4 5 6 7
2	Section 2.6.18(5)— <i>insert—</i> '(c) the chief executive.'	8 9 10
3	Section 3.2.1(6), '(3)(b)— <i>omit, insert—</i> '(3)'.	11 12 13
4	Section 3.5.3A(1), 'a development'— <i>omit, insert—</i> 'an'.	14 15 16
5	Section 3.5.28(1), 'owners'— <i>omit, insert—</i> 'owner's'.	17 18 19

Schedule (continued)

6	Sections 4.1.5(2) and (4), and 4.1.48 (1) and (3)(c), ‘District Courts Act 1967’—	1 2
	<i>omit, insert—</i>	3
	‘District Court of Queensland Act 1967’.	4
7	Section 5.2.1, definition <i>infrastructure agreement</i>—	5
	<i>insert—</i>	6
	• section 5.1.6’.	7
8	Section 6.1.20(4), ‘2005’—	8
	<i>omit, insert—</i>	9
	‘2006’.	10
9	Section 6.1.26(4), after ‘repealed Act’—	11
	<i>insert—</i>	12
	‘, part 4,’.	13
10	Section 6.1.31(3)(b)(i), ‘2005’—	14
	<i>omit, insert—</i>	15
	‘2006’.	16
11	Chapter 6, part 1, division 11—	17
	<i>omit.</i>	18
12	Schedule 1, section 9, heading, ‘Resolution proposing’—	19
	<i>omit, insert—</i>	20
	‘Proposing’.	21

Schedule (continued)

13	Schedule 1, section 9(3), ‘makes a resolution’— <i>omit, insert—</i> ‘proposes a planning scheme’.	1 2 3
14	Schedule 1, section 19, heading, ‘Resolution about adopting’— <i>omit, insert—</i> ‘Adopting’.	4 5 6 7
15	Schedule 1, section 19, ‘makes a resolution’— <i>omit, insert—</i> ‘proposes a planning scheme’.	8 9 10
16	Schedule 2, section 1, heading, ‘Resolution’— <i>omit, insert—</i> ‘Proposal’.	11 12 13
17	Schedule 2, section 3, heading, ‘Resolution about adopting’— <i>omit, insert—</i> ‘Adopting’.	14 15 16 17
18	Schedule 2, section 3(1), ‘makes a resolution under section 1 and’— <i>omit.</i>	18 19 20
19	Schedule 2, section 3(2), ‘a copy of the resolution and’— <i>omit, insert—</i> ‘written notice of’.	21 22 23

Schedule (continued)

20	Schedule 4, section 7, heading, ‘Resolution about adopting’— <i>omit, insert—</i> ‘Adopting’.	1 2 3 4
21	Schedule 8, heading— <i>omit, insert—</i>	5 6
	‘Schedule 8 Assessable development and self-assessable development	7 8
	schedule 10, definitions <i>assessable development</i> and <i>self-assessable development</i> ’.	9 10
22	Schedule 8, part 1, table 3, item 1— <i>insert—</i> ‘(i) is for the <i>Transport Infrastructure Act 1994</i> , section 240.’.	11 12 13 14
23	Schedule 8, part 1, table 5, item 2(b), ‘or excluded under that Act’— <i>omit.</i>	15 16 17
24	Schedule 8A, table 3, items 1 to 7, ‘table 1 or 2 does’— <i>omit, insert—</i> ‘tables 1 and 2 do’.	18 19 20
25	Schedule 8A, table 4, items 1, 2 and 3, ‘table 1, 2 or 3 does’— <i>omit, insert—</i> ‘tables 1, 2 and 3 do’.	21 22 23 24

Schedule (continued)

26	Schedule 9, table 3, item 2—	1
	<i>insert—</i>	2
	‘(h) is for the <i>Transport Infrastructure Act 1994</i> , section 240.’.	3 4
27	Schedule 9, table 4, item 6, ‘70’—	5
	<i>omit, insert—</i>	6
	‘134’.	7
28	Schedule 9, table 4, item 9(c), ‘Authority’—	8
	<i>omit, insert—</i>	9
	‘Service’.	10
29	Schedule 10, definition <i>artificial waterway</i>, ‘5B’—	11
	<i>omit, insert—</i>	12
	‘8’.	13
30	Schedule 10, definition <i>coastal management district</i>, ‘47(2)’—	14 15
	<i>omit, insert—</i>	16
	‘54(2)’.	17
31	Schedule 10, definition <i>core matter</i>—	18
	<i>omit, insert—</i>	19
	‘ <i>core matter</i> , for the preparation of a planning scheme, see section 2.1.3A.’.	20 21

Schedule (continued)

32	Schedule 10, definition <i>development application</i> (<i>superseded planning scheme</i>), paragraph (a)(iii), 'adopted.'—	1
		2
		3
	<i>omit, insert—</i>	4
	'adopted; or'.	5
33	Schedule 10, definition <i>State coastal land</i>, '12A'—	6
	<i>omit, insert—</i>	7
	'17'.	8