



Queensland

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





Queensland

# Integrated Planning and Other Legislation Amendment Bill 2006

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**2006**

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**A Bill**

for

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

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	<b>The Parliament of Queensland enacts—</b>	1
	 <b>Part 1 Preliminary</b>	 2
<b>Clause 1</b>	<b>Short title</b>	3
	This Act may be cited as the <i>Integrated Planning and Other Legislation Amendment Act 2006</i> .	4 5
<b>Clause 2</b>	<b>Commencement</b>	6
	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.	7 8
	 <b>Part 2 Amendment of Integrated Planning Act 1997</b>	 9 10
<b>Clause 3</b>	<b>Act amended in pt 2</b>	11
	This part and the schedule amend the <i>Integrated Planning Act 1997</i> .	12 13
<b>Clause 4</b>	<b>Amendment of s 2.1.2 (Area to which planning schemes apply)</b>	14 15
	Section 2.1.2(2), ‘under this Act’— <i>omit</i> .	16 17
<b>Clause 5</b>	<b>Replacement of s 2.1.8 (Consolidating planning schemes)</b>	18 19
	Section 2.1.8— <i>omit, insert—</i>	20 21

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	<b>‘2.1.8 Consolidating planning schemes</b>	1
	‘(1) A local government may prepare and adopt a consolidated planning scheme.	2 3
	‘(2) Schedule 1 does not apply to the preparation or adoption of the consolidated planning scheme.	4 5
	‘(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.	6 7 8 9
	‘(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.’.	10 11 12 13
<b>Clause 6</b>	<b>Amendment of s 2.1.8A (Amending planning scheme to state compliance with State planning policy)</b>	14 15
	Section 2.1.8A—	16
	<i>insert—</i>	17
	‘(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.’.	18 19 20
<b>Clause 7</b>	<b>Amendment of s 2.1.10 (Extent of effect of temporary local planning instrument)</b>	21 22
	Section 2.1.10(1)—	23
	<i>omit, insert—</i>	24
	‘(1) A temporary local planning instrument may suspend or otherwise affect the operation of a planning scheme for up to 1 year, but—	25 26 27
	(a) does not amend a planning scheme; and	28
	(b) is not a change to a planning scheme under section 5.4.1.’.	29 30

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<b>Clause 8</b>	<b>Amendment of s 2.1.18 (Adopting planning scheme policies in planning schemes)</b>	1 2
	Section 2.1.18—	3
	<i>insert</i> —	4
	‘(3) In this section—	5
	<i>document</i> does not include—	6
	(a) a development approval; or	7
	(b) a continuing approval under chapter 6; or	8
	(c) an approval for an application mentioned in section 6.1.26.’.	9 10
 <b>Clause 9</b>	 <b>Amendment of s 2.1.22 (Repealing planning scheme policies)</b>	 11 12
	Section 2.1.22(5) and (6)—	13
	<i>omit, insert</i> —	14
	‘(5) The repeal takes effect—	15
	(a) on the day the notice is first published in the newspaper; or	16 17
	(b) if the notice states a later day—on the later day.	18
	‘(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—	19 20 21 22
	(a) the day the adoption of the new planning scheme is notified in the gazette; or	23 24
	(b) if a later day for the commencement of the planning scheme is stated in the planning scheme—the later day.’.	25 26
 <b>Clause 10</b>	 <b>Amendment of s 2.2.1 (Local government must review planning scheme every 8 years)</b>	 27 28
	Section 2.2.1(2), all words from ‘scheme having regard’—	29

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*omit, insert—*

1

‘scheme.’.

2

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

3

4

5

Section 2.3.2—

6

*omit, insert—*

7

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

8

9

‘(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.

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‘(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.

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‘(3) Without limiting subsection (1), the direction may require the local government to—

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19

(a) review its planning scheme; or

20

(b) make a planning scheme or amend its planning scheme; or

21

22

(c) make or repeal a temporary local planning instrument; or

23

24

(d) make, amend or repeal a planning scheme policy.

25

‘(4) The Minister may direct a local government to prepare a consolidated planning scheme.’.

26

27

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

28

29

Section 2.5A.12(2)(c)—

30

*omit, insert—*

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

<b>Clause 13</b>	<b>Replacement of s 2.5A.20 (Minor amendments of SEQ regional plan)</b>	3 4
	Section 2.5A.20—	5
	<i>omit, insert—</i>	6
	<b>‘2.5A.20 Particular amendments of SEQ regional plan</b>	7
	‘(1) This section applies if—	8
	(a) the SEQ regional plan requires only a minor amendment; or	9 10
	(b) the regional planning Minister wishes to amend the SEQ regional plan to include only a local growth management strategy or a structure plan.	11 12 13
	‘(2) The regional planning Minister may make the amendment and division 4 does not apply to the making of the amendment.	14 15
	‘(3) If the regional planning Minister makes the amendment, the regional planning Minister must publish a notice about the making of the amendment—	16 17 18
	(a) in the gazette; and	19
	(b) at least once in a newspaper circulating generally in the region.	20 21
	‘(4) The notice must state the following—	22
	(a) the day the amendment was made;	23
	(b) where a copy of the SEQ regional plan, as amended, may be inspected and purchased.	24 25
	‘(5) In this section—	26
	<b><i>local growth management strategy</i></b> means a document—	27
	(a) prepared by a local government; and	28
	(b) that the regional planning Minister is satisfied—	29
	(i) demonstrates how the SEQ regional plan will be implemented at the local level; and	30 31

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	(ii) has been subject to adequate public consultation.	1
	<i>major development area</i> means an area that is a major greenfield area or a regionally significant redevelopment area identified—	2 3 4
	(a) in a local growth management strategy; or	5
	(b) in an IPA planning scheme; or	6
	(c) by the regional planning Minister in a written notice to the local government.	7 8
	<i>structure plan</i> means a document—	9
	(a) prepared by a local government; and	10
	(b) that the regional planning Minister is satisfied—	11
	(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	12 13 14 15 16
	(ii) has been subject to adequate public consultation.’.	17
<b>Clause 14</b>	<b>Insertion of new s 2.6.5A</b>	18
	After section 2.6.5—	19
	<i>insert—</i>	20
	<b>‘2.6.5A Relationship of designation to State Development and Public Works Organisation Act 1971</b>	21 22
	‘(1) Subsection (2) applies if land in a declared State development area under the <i>State Development and Public Works Organisation Act 1971</i> is designated under this part.	23 24 25
	‘(2) Despite section 84 of that Act, use of the land in accordance with the designation—	26 27
	(a) is taken to be a use of the land in accordance with the approved development scheme for the land under that Act; and	28 29 30
	(b) is not a use that contravenes section 84 of that Act.’.	31

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<b>Clause 15</b>	<b>Amendment of s 2.6.7 (Matters the Minister must consider before designating land)</b>	1 2
	(1) Section 2.6.7(1)—	3
	<i>insert</i> —	4
	‘(d) for land to which section 2.6.5A applies—adequate account has been taken of the approved development scheme mentioned in that section.’.	5 6 7
	(2) Section 2.6.7(2)(b) and (c)—	8
	<i>omit, insert</i> —	9
	‘(b) each relevant State planning policy; and	10
	(c) for land in the SEQ region—the SEQ regional plan; and	11
	(d) each relevant planning scheme.’.	12
	(3) Section 2.6.7(3)(e), ‘EIS for’—	13
	<i>omit, insert</i> —	14
	‘EIS for, or including.’.	15
<b>Clause 16</b>	<b>Amendment of s 2.6.15 (When designations do not cease)</b>	16
	Section 2.6.15, ‘the State’—	17
	<i>omit, insert</i> —	18
	‘a public sector entity’.	19
<b>Clause 17</b>	<b>Amendment of s 3.2.1 (Applying for development approval)</b>	20 21
	(1) Section 3.2.1(5), ‘taking, or interfering with,’—	22
	<i>omit</i> .	23
	(2) Section 3.2.1—	24
	<i>insert</i> —	25
	‘(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).’.	26 27 28 29



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- (3) Section 3.2.1(11)— 1  
*omit.* 2

<b>Clause 18</b>	<b>Amendment of s 3.2.3 (Acknowledgment notices generally)</b>	3 4
	(1) Section 3.2.3(2)(a)(vi)—	5
	<i>omit.</i>	6
	(2) Section 3.2.3(2)(f)—	7
	<i>omit.</i>	8
<b>Clause 19</b>	<b>Amendment of s 3.2.4 (Acknowledgment notices for development inconsistent with priority infrastructure plans)</b>	9 10 11
	(1) Section 3.2.4(1)(b)—	12
	<i>insert</i> —	13
	‘(iv) community and government purposes related to a purpose mentioned in subparagraphs (i) to (iii).’	14 15
	(2) Section 3.2.4(2)(a)—	16
	<i>omit, insert</i> —	17
	‘(a) specific details about the matters mentioned in subsection (1)(a); and’.	18 19
<b>Clause 20</b>	<b>Amendment of s 3.2.6 (Acknowledgment notices if there are referral agencies or referral coordination is required)</b>	20 21
	(1) Section 3.2.6, heading ‘or referral coordination is required’—	22
	<i>omit.</i>	23
	(2) Section 3.2.6(2)—	24
	<i>omit.</i>	25

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<b>Clause 21</b>	<b>Amendment of s 3.2.11 (Withdrawing an application)</b>	1
	Section 3.2.11(1)(c)—	2
	<i>omit.</i>	3
<b>Clause 22</b>	<b>Amendment of s 3.2.12 (Applications lapse in certain circumstances)</b>	4
	Section 3.2.12—	5
	<i>insert—</i>	6
	‘(4) Subsection (5) applies if—	7
	(a) under subsection (3) the applicant asks for an extension in relation to subsection (2)(b); and	8
	(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	9
	(c) the entity does not agree to the extension.	10
	‘(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.’.	11
		12
		13
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		15
		16
		17
		18
<b>Clause 23</b>	<b>Amendment of s 3.3.2 (Referral agency responses before application is made)</b>	19
	Section 3.3.2(2)—	20
	<i>omit, insert—</i>	21
	‘(2) However, a referral agency is not obliged to give a referral agency response mentioned in subsection (1) before the application is made.’.	22
		23
		24
		25
<b>Clause 24</b>	<b>Amendment of s 3.3.3 (Applicant gives material to referral agency)</b>	26
	Section 3.3.3(3)(c)—	27
	<i>omit, insert—</i>	28
		29

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‘(c) any conditions mentioned in paragraph (b)(ii) are  
satisfied.’. 1  
2

<b>Clause 25</b>	<b>Amendment of s 3.3.4 (Applicant advises assessment manager)</b>	3 4
	(1) Section 3.3.4(1)—	5
	<i>omit, insert—</i>	6
	‘(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).’.	7 8 9 10
	(2) Section 3.3.4(2), ‘(a)’—	11
	<i>omit.</i>	12
<b>Clause 26</b>	<b>Omission of s 3.3.5 (Referral coordination)</b>	13
	Section 3.3.5—	14
	<i>omit.</i>	15
<b>Clause 27</b>	<b>Replacement of ss 3.3.6 and 3.3.7</b>	16
	Sections 3.3.6 and 3.3.7—	17
	<i>omit, insert—</i>	18
	<b>‘3.3.6 Information requests to applicant</b>	19
	‘(1) The assessment manager and each concurrence agency may ask the applicant, by written request (an <i>information request</i> ), to give further information needed to assess the application.	20 21 22
	‘(2) A concurrence agency may only ask for information about a matter that is within its jurisdiction.	23 24
	‘(3) If the assessment manager makes the request, the request must be made—	25 26
	(a) for an application requiring an acknowledgment notice to be given—within 10 business days after giving the acknowledgment notice (the <i>information request period</i> ); and	27 28 29 30

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(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.’.

<b>Clause 28</b>	<b>Amendment of s 3.3.8 (Applicant responds to any information request)</b>	26 27
	Section 3.3.8(3)—	28
	<i>omit.</i>	29
<b>Clause 29</b>	<b>Omission of ch 3, pt 3, div 3 (Referral assistance)</b>	30
	Chapter 3, part 3, division 3—	31
	<i>omit.</i>	32

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<b>Clause 30</b>	<b>Amendment of s 3.3.14 (Referral agency assessment period)</b>	1 2
	(1) Section 3.3.14(7), ‘If referral coordination is not required, the’—	3 4
	<i>omit, insert—</i>	5
	‘The’.	6
	(2) Section 3.3.14(8)—	7
	<i>omit.</i>	8
 <b>Clause 31</b>	 <b>Amendment of s 3.3.18 (Concurrence agency’s response powers)</b>	 9 10
	Section 3.3.18(1)—	11
	<i>insert—</i>	12
	‘(d) a different period for section 3.5.21(1)(b), (2)(c) or (3)(b).’.	13 14
 <b>Clause 32</b>	 <b>Amendment of s 3.4.2 (When the notification stage applies)</b>	 15 16
	Section 3.4.2(3)(b)—	17
	<i>omit, insert—</i>	18
	‘(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—	19 20 21
	(i) to change development requiring code assessment to self-assessable development;	22 23
	(ii) to increase the level of assessment for development; and’.	24 25
 <b>Clause 33</b>	 <b>Amendment of s 3.4.5 (Notification period for applications)</b>	 26 27
	Section 3.4.5(a)—	28
	<i>omit, insert—</i>	29

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‘(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’.

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<b>Clause 34</b>	<b>Amendment of s 3.5.4 (Code assessment)</b>	4
	Section 3.5.4(4)—	5
	<i>insert—</i>	6
	‘(d) for section 6.1.31, the existing planning scheme policy or planning scheme provision applied.’.	7
		8
<b>Clause 35</b>	<b>Amendment of s 3.5.5 (Impact assessment)</b>	9
	Section 3.5.5(4)—	10
	<i>insert—</i>	11
	‘(d) for section 6.1.31, the existing planning scheme policy or planning scheme provision applied.’.	12
		13
<b>Clause 36</b>	<b>Amendment of s 3.5.13 (Decision if application requires code assessment)</b>	14
	Section 3.5.13(3), ‘enough grounds to justify the decision’—	15
	<i>omit, insert—</i>	16
	‘sufficient grounds to justify the decision despite the conflict’.	17
		18
<b>Clause 37</b>	<b>Amendment of s 3.5.14 (Decision if application requires impact assessment)</b>	19
	Section 3.5.14(2)(b), ‘sufficient planning grounds to justify the decision’—	20
	<i>omit, insert—</i>	21
	‘sufficient grounds to justify the decision despite the conflict’.	22
		23
		24
<b>Clause 38</b>	<b>Amendment of s 3.5.15 (Decision notice)</b>	25
	Section 3.5.15(2)(e) to (j)—	26
	<i>omit, insert—</i>	27

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| ‘(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; | 1<br>2<br>3<br>4<br>5 |
| (f) if the application is approved—whether the approval is a preliminary approval, a development permit or a combined preliminary approval and development permit;   | 6<br>7<br>8<br>9      |
| (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;   | 10<br>11<br>12<br>13  |
| (h) any other development permits necessary to allow the development to be carried out;  | 14<br>15              |
| (i) any code the applicant may need to comply with for self-assessable development related to the development approved;  | 16<br>17<br>18        |
| (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;  | 19<br>20<br>21<br>22  |
| (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—   | 23<br>24<br>25<br>26  |
| (i) applicable codes (other than concurrence agency codes the assessment manager does not apply);  | 27<br>28              |
| (ii) the planning scheme and any other relevant local planning instrument;   | 29<br>30              |
| (iii) if the following are not identified in the planning scheme as being appropriately reflected in the planning scheme—  | 31<br>32<br>33        |
| (A) State planning policies, or parts of State planning policies;  | 34<br>35              |

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- (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.’.

**Clause 39 Replacement of ss 3.5.21–3.5.23** 20

Sections 3.5.21 to 3.5.23— 21

*omit, insert—* 22

**‘3.5.21 When approval lapses if development not started** 23

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- ‘(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*)—



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| (a) for reconfiguration not requiring operational works—2                  | 1  |
| years starting the day the approval takes effect;                          | 2  |
| (b) for reconfiguration requiring operational works—4                      | 3  |
| years starting the day the approval takes effect;                          | 4  |
| (c) if the approval states a different period from when the                | 5  |
| approval takes effect—the stated period.                                   | 6  |
| ‘(3) To the extent a development approval is for development other         | 7  |
| than a material change of use of premises or reconfiguring a               | 8  |
| lot, the approval lapses if the development does not                       | 9  |
| substantially start within the following period (also the                  | 10 |
| <b><i>relevant period</i></b> )—   | 11 |
| (a) 2 years starting the day the approval takes effect;                    | 12 |
| (b) if the approval states a different period from when the                | 13 |
| approval takes effect—the stated period.                                   | 14 |
| ‘(4) Despite subsections (1) and (2), if there is 1 or more related        | 15 |
| approvals for a development approval mentioned in                          | 16 |
| subsection (1) or (2), the relevant period is taken to have                | 17 |
| started on the day the latest related approval takes effect.               | 18 |
| ‘(5) If a monetary security has been given in relation to any              | 19 |
| development approval, the security must be released if the                 | 20 |
| approval lapses under this section.  | 21 |
| ‘(6) The lapsing of a development approval for a material change           | 22 |
| of use of premises or reconfiguring a lot does not cause an                | 23 |
| approval mentioned in subsection (3) to lapse.                             | 24 |
| ‘(7) In this section—  | 25 |
| <b><i>related approval</i></b> , for a development approval for a material | 26 |
| change of use of premises (the <b><i>earlier approval</i></b> ), means—    | 27 |
| (a) the first development approval for a development                       | 28 |
| application made to a local government or private                          | 29 |
| certifier within 2 years of the start of the relevant period,              | 30 |
| that is—   | 31 |
| (i) to the extent the earlier approval is a preliminary                    | 32 |
| approval—a development permit for the material                             | 33 |
| change of use of premises; or  | 34 |

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- (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—

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- (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

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- (b) if the assessment manager is another public sector entity—prescribed under a regulation under this or another Act. 1  
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3
- ‘(7) A request under this section may not be withdrawn. 4
- ‘3.5.23 Deciding request under s 3.5.22 5**
- ‘(1) In deciding a request under section 3.5.22, the assessment manager must only have regard to— 6  
7
- (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 8  
9  
10  
11  
12  
13
- (b) the community’s current awareness of the development approval; and 14  
15
- (c) whether, if the request were refused— 16
- (i) further rights to make a submission may be available for a further development application; and 17  
18  
19
- (ii) the likely extent to which those rights may be exercised; and 20  
21
- (d) the views of any concurrence agency for the approval. 22
- ‘(2) If there was no concurrence agency, the assessment manager must approve or refuse the extension within 30 business days after receiving the request. 23  
24  
25
- ‘(3) If there was a concurrence agency, the assessment manager— 26
- (a) must not approve or refuse the extension until at least 20 business days after receiving the request; and 27  
28
- (b) must approve or refuse the extension within 30 business days after receiving the request. 29  
30
- ‘(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. 31  
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- ‘(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).’.

- Clause 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—*

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- ‘(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.’. 1  
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3
- (2) Section 3.5.24— 4  
*insert—* 5
- ‘(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. 6  
7  
8
- ‘(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).’ 9  
10  
11

- Clause 41 Amendment of s 3.5.26 (Request to cancel development approval)** 12  
13
- Section 3.5.26(2) and (3)— 14  
*omit, insert—* 15
- ‘(2) However, subsection (1) does not apply if development under the development approval has started. 16  
17
- ‘(3) Also, cancellation can not be requested under subsection (1) unless written consent to the cancellation is given by— 18  
19
- (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 20  
21  
22
- (b) if the application is for land the subject of a public utility easement—the entity in whose favour the easement is given; or 23  
24  
25
- (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.’. 26  
27  
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<b>Clause 42</b>	<b>Amendment of s 3.5.31 (Conditions generally)</b>	1
	Section 3.5.31(1)(c) and (2)—	2
	<i>omit.</i>	3
<b>Clause 43</b>	<b>Amendment of s 3.5.31A (Conditions requiring compliance)</b>	4
	Section 3.5.31A(1)—	5
	<i>omit, insert—</i>	6
	‘(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.’	7
		8
		9
		10
<b>Clause 44</b>	<b>Amendment of s 3.5.33 (Request to change or cancel conditions)</b>	11
	(1) Section 3.5.33(3)—	12
	<i>omit, insert—</i>	13
	‘(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.’	14
		15
		16
		17
	(2) Section 3.5.33—	18
	<i>insert—</i>	19
	‘(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.	20
		21
		22
	‘(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).’	23
		24
		25
<b>Clause 45</b>	<b>Amendment of s 3.7.2 (Plan for reconfiguring under development permit)</b>	26
	Section 3.7.2(2)—	27
	<i>omit, insert—</i>	28
		29

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‘(2) The plan must be given to the local government for its approval while the permit still has effect.’. 1  
2

**Clause 46 Amendment of s 4.1.27 (Appeals by applicants)** 3

Section 4.1.27(1)(d), ‘currency period’— 4

*omit, insert—* 5

‘period mentioned in section 3.5.21’. 6

**Clause 47 Amendment of s 4.1.28 (Appeals by submitters—general)** 7

Section 4.1.28(2)(b)(ii), ‘currency period’— 8

*omit, insert—* 9

‘period mentioned in section 3.5.21’. 10

**Clause 48 Amendment of s 4.1.30 (Appeals for matters arising after approval given (co-respondents))** 11  
12

Section 4.1.30(1)(a)— 13

*omit, insert—* 14

‘(a) a notice giving a decision on a request for an extension of a period mentioned in section 3.5.21;’. 15  
16

**Clause 49 Amendment of s 4.1.33 (Stay of operation of enforcement notice)** 17  
18

(1) Section 4.1.33(2)— 19

*insert—* 20

‘(f) development the assessing authority reasonably believes is causing erosion or sedimentation.’. 21  
22

(2) Section 4.1.33(2)— 23

*insert—* 24

‘(g) development the assessing authority reasonably believes is causing an environmental nuisance.’. 25  
26



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<b>Clause 50</b>	<b>Amendment of s 4.2.9 (Appeals by applicants)</b>	1
	Section 4.2.9(1)(d), ‘currency period’—	2
	<i>omit, insert—</i>	3
	‘period mentioned in section 3.5.21’.	4
<b>Clause 51</b>	<b>Amendment of s 4.2.11 (Appeals for matters arising after approval given (co-respondents))</b>	5
	Section 4.2.11(1)(a)—	6
	<i>omit, insert—</i>	7
	‘(a) a notice giving a decision on a request for an extension of a period mentioned in section 3.5.21;’.	8
		9
		10
<b>Clause 52</b>	<b>Amendment of s 4.3.1 (Carrying out assessable development without permit)</b>	11
	Section 4.3.1(2)—	12
	<i>omit, insert—</i>	13
	‘(2) Subsection (1)—	14
	(a) applies subject to sections 4.3.6 and 4.3.6A; and	15
	(b) does not apply to development carried out under section 3.5.21A(4).’.	16
		17
		18
<b>Clause 53</b>	<b>Amendment of s 4.3.2 (Self-assessable development must comply with codes)</b>	19
	Section 4.3.2(1), ‘when carrying out’—	20
	<i>omit, insert—</i>	21
	‘for’.	22
		23
<b>Clause 54</b>	<b>Replacement of s 4.3.7 (Giving a false or misleading notice)</b>	24
	Section 4.3.7—	25
	<i>omit, insert—</i>	26
		27

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<b>‘4.3.7 Giving a false or misleading document</b>	1
‘(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.	2 3
Maximum penalty—1665 penalty units.	4
‘(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.	5 6 7 8
Maximum penalty—1665 penalty units.	9
‘(3) Subsection (2) does not apply to a person who, when giving the document—	10 11
(a) informs the assessment manager or concurrence agency of the extent to which the document is false or misleading; and	12 13 14
(b) gives the correct information to the assessment manager or a concurrence agency if the person has, or can reasonably obtain, the correct information.	15 16 17
‘(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.’.	18 19 20
 <b>Clause 55 Amendment of s 4.3.8 (Application of div 2)</b>	 21
(1) Section 4.3.8—	22
<i>insert—</i>	23
‘(h) development the authority reasonably believes is causing erosion or sedimentation.’.	24 25
(2) Section 4.3.8—	26
<i>insert—</i>	27
‘(i) development the authority reasonably believes is causing an environmental nuisance.’.	28 29

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<b>Clause 56</b>	<b>Amendment of s 4.3.13 (Specific requirements of enforcement notice)</b>	1 2
	Section 4.3.13(1)—	3
	<i>insert</i> —	4
	‘(h) to prepare and submit to the assessing authority a compliance program demonstrating how compliance with the enforcement notice will be achieved.’.	5 6 7
 <b>Clause 57</b>	 <b>Amendment of s 5.1.4 (Funding trunk infrastructure for certain local governments)</b>	 8 9
	(1) Section 5.1.4(2)—	10
	<i>omit.</i>	11
	(2) Section 5.1.4(3), ‘(2)’—	12
	<i>omit, insert</i> —	13
	‘(1)’.	14
 <b>Clause 58</b>	 <b>Amendment of s 5.1.5 (Making or amending infrastructure charges schedules)</b>	 15 16
	(1) Section 5.1.5(1)(b)—	17
	<i>omit, insert</i> —	18
	‘(b) the process stated in—	19
	(i) schedule 1; or	20
	(ii) schedule 3, as if it were a planning scheme policy.’.	21
	(2) Section 5.1.5—	22
	<i>insert</i> —	23
	‘(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.’.	24 25 26 27

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<b>Clause 59</b>	<b>Amendment of s 5.1.6 (Key elements of an infrastructure charges schedule)</b>	1 2
	Section 5.1.6—	3
	<i>insert—</i>	4
	‘(3) For subsection (1)(a), an infrastructure charge may be stated as—	5 6
	(a) a monetary amount; or	7
	(b) a number of units ( <i>charge units</i> ).	8
	‘(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.	9 10 11
	‘(5) The current amount for a charge unit must be stated in the local government’s infrastructure charges register.	12 13
	‘(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.’.	14 15 16
 <b>Clause 60</b>	 <b>Amendment of s 5.1.10 (Application of infrastructure charges)</b>	 17 18
	Section 5.1.10—	19
	<i>insert—</i>	20
	‘(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.’.	21 22 23 24
 <b>Clause 61</b>	 <b>Amendment of s 5.1.24 (Conditions local governments may impose for necessary trunk infrastructure)</b>	 25 26
	(1) Section 5.1.24(1)(c), ‘crosses’—	27
	<i>omit, insert—</i>	28
	‘is located on’.	29
	(2) Section 5.1.24(3), ‘construct’—	30
	<i>omit, insert—</i>	31

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‘supply’.	1
(3) Section 5.1.24(4), ‘constructed’—	2
<i>omit, insert</i> —	3
‘supplied’.	4
(4) Section 5.1.24(5)(b), ‘network’—	5
<i>omit, insert</i> —	6
‘network for the premises’.	7

<b>Clause 62</b>	<b>Amendment of s 5.1.29 (Requirements for conditions about safety or efficiency)</b>	8 9
	Section 5.1.29—	10
	<i>insert</i> —	11
	‘(2) Subsection (3) applies if—	12
	(a) a development approval no longer has effect; and	13
	(b) a contribution for infrastructure for safety and efficiency has been made; and	14 15
	(c) construction of the infrastructure had not substantially commenced before the approval ceased to have effect.	16 17
	‘(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.’.	18 19 20 21 22 23

<b>Clause 63</b>	<b>Amendment of s 5.1.30 (Requirements for conditions about additional infrastructure costs)</b>	24 25
	(1) Section 5.1.30(4)(b), ‘had’—	26
	<i>omit, insert</i> —	27
	‘has’.	28
	(2) Section 5.1.30(5), ‘the infrastructure.’—	29
	<i>omit, insert</i> —	30

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‘the infrastructure before the provider is told the approval has  
ceased to have effect.’. 1  
2

<b>Clause 64</b>	<b>Amendment of s 5.4.4 (Limitations on compensation under ss 5.4.2 and 5.4.3)</b>	3 4
	(1) Section 5.4.4(1)(a), ‘in respect of’—	5
	<i>omit, insert</i> —	6
	‘other than a temporary local planning instrument, in relation to’.	7 8
	(2) Section 5.4.4(1)—	9
	<i>insert</i> —	10
	‘(ea) is about the matters comprising a planning scheme policy to which section 6.1.20 applies; or’.	11 12
<b>Clause 65</b>	<b>Amendment of s 5.4.9 (Calculating reasonable compensation involving changes)</b>	13 14
	Section 5.4.9(3), after ‘came into effect’—	15
	<i>insert</i> —	16
	‘, disregarding any temporary local planning instrument,’.	17
<b>Clause 66</b>	<b>Amendment of s 5.5.1 (Local government may take or purchase land)</b>	18 19
	Section 5.5.1(1)(b)(i), ‘the land’—	20
	<i>omit, insert</i> —	21
	‘land’.	22
<b>Clause 67</b>	<b>Amendment of s 5.7.2 (Documents local government must keep available for inspection and purchase)</b>	23 24
	(1) Section 5.7.2(1)(s), ‘2000’—	25
	<i>omit, insert</i> —	26
	‘2001’.	27

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- (2) Section 5.7.2(3), before paragraph (a)— 1  
*insert—* 2  
 ‘(aa) for the infrastructure charges register—the amount of a 3  
 charge unit decided by the local government under 4  
 section 5.1.6(3);’. 5

- Clause 68 Amendment of s 5.7.4 (Documents assessment manager 6  
 must keep available for inspection and purchase) 7**  
 Section 5.7.4— 8  
*insert—* 9  
 ‘(3) If the assessment manager has a website of a type stated in 10  
 guidelines approved by the chief executive, for subsection 11  
 (1)(a), the assessment manager must publish all decision 12  
 notices and negotiated decision notices given after the 13  
 commencement of this subsection on the website in the way 14  
 stated in the guidelines. 15  
 ‘(4) Subsection (3) does not apply to a decision notice or a 16  
 negotiated decision notice given by a private certifier.’. 17

- Clause 69 Amendment of s 5.8.14 (How IDAS applies for 18  
 development the subject of an EIS) 19**  
 Section 5.8.14(2)(b), ‘3.3.5 to 3.3.13’— 20  
*omit, insert—* 21  
 ‘3.3.6 to 3.3.9’. 22

- Clause 70 Amendment of s 5.9.9 (Chief executive may issue 23  
 guidelines) 24**  
 Section 5.9.9(1)— 25  
*insert—* 26  
 ‘(c) the type of assessment manager websites on which 27  
 decision notices and negotiated decision notices must be 28  
 published under section 5.7.4, and the way in which the 29  
 notices must be published; or 30

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- |     |   |             |
|-----|---|-------------|
| (d) | the form in which local planning instruments must be given to the chief executive under any of the following— | 1<br>2<br>3 |
|     | (i) schedule 1, section 21(b);  | 4           |
|     | (ii) schedule 2, section 5(b);  | 5           |
|     | (iii) schedule 3, section 8(b).’.   | 6           |

- |                  |   |                |
|------------------|---|----------------|
| <b>Clause 71</b> | <b>Amendment of s 6.1.20 (Planning scheme policies for infrastructure)</b>  | 7<br>8         |
|                  | (1) Section 6.1.20(2)—  | 9              |
|                  | <i>omit, insert—</i>  | 10             |
|                  | ‘(2) The planning scheme policy must state each of the following—   | 11<br>12       |
|                  | (a) a contribution (an <i>infrastructure contribution</i> ) for each development infrastructure network identified in the policy; | 13<br>14<br>15 |
|                  | (b) the estimated proportion of the establishment cost of each network to be funded by the contribution;                          | 16<br>17       |
|                  | (c) when it is anticipated the infrastructure forming part of the network will be provided;                                       | 18<br>19       |
|                  | (d) the estimated establishment cost of the infrastructure;   | 20             |
|                  | (e) each area in which the contribution applies;  | 21             |
|                  | (f) each type of lot or use for which the contribution applies;   | 22<br>23       |
|                  | (g) how the contribution must be calculated for—  | 24             |
|                  | (i) each area mentioned in paragraph (e); and   | 25             |
|                  | (ii) each type of lot or use mentioned in paragraph (f).  | 26             |
|                  | ‘(2A) An infrastructure contribution may apply to development infrastructure—   | 27<br>28       |
|                  | (a) despite section 2.1.2—that is not within, or completely within, the local government’s area; or                               | 29<br>30       |



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- (b) that is not owned by the local government, if the owner of the infrastructure agrees; or 1  
2
- (c) supplied by a local government on a State-controlled road.<sup>1</sup> 3  
4
- ‘(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. 5  
6  
7
- ‘(2C) The infrastructure contribution required under the policy may be calculated— 8  
9
- (a) in the way permitted under the repealed Act; or 10
- (b) as if it were an infrastructure charge under this Act. 11
- ‘(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— 12  
13  
14
- (a) separately accounted for; and 15
- (b) used to provide works on a State-controlled road.’. 16
- (2) Section 6.1.20(3), after ‘plan,’— 17  
18  
*insert—* 18  
19  
‘an infrastructure charges schedule or a regulated infrastructure charges schedule.’. 20
- (3) Section 6.1.20(3), ‘plan.’— 21  
22  
*omit, insert—* 22  
23  
‘plan, the infrastructure charges schedule or the regulated infrastructure charges schedule.’. 24
- (4) Section 6.1.20(4)— 25  
26  
*omit, insert—* 26
- ‘(4) This section expires on— 27
- (a) 30 June 2007; or 28
- (b) if the Minister, by gazette notice, nominates a later day for the planning scheme—the later day.’. 29  
30

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

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<b>Clause 72</b>	<b>Amendment of s 6.1.21 (IPA planning schemes cancel existing planning scheme policies)</b>	1 2
	Section 6.1.21, from ‘are cancelled from’—	3
	<i>omit, insert—</i>	4
	‘are cancelled from—	5
	(a) the day the adoption of the IPA planning scheme is notified in the gazette; or	6 7
	(b) if a later day for the commencement of the IPA planning scheme is stated in the IPA planning scheme—the later day.’.	8 9 10
 <b>Clause 73</b>	 <b>Amendment of s 6.1.31 (Conditions about infrastructure for applications)</b>	 11 12
	(1) Section 6.1.31(3)(b)(i), ‘31 March 2006’—	13
	<i>omit, insert—</i>	14
	‘30 June 2007’.	15
	(2) Section 6.1.31(4) and (5)—	16
	<i>omit.</i>	17
 <b>Clause 74</b>	 <b>Amendment of s 6.1.54 (Provisions applying for State-controlled roads)</b>	 18 19
	(1) Section 6.1.54(3) and (6), ‘sections 3.5.32(1) and 3.5.35’—	20
	<i>omit, insert—</i>	21
	‘section 3.5.32(1)’.	22
	(2) Section 6.1.54(5), ‘3.3.5’—	23
	<i>omit, insert—</i>	24
	‘3.3.6’.	25
 <b>Clause 75</b>	 <b>Amendment of s 6.5.1 (When particular development approvals lapse)</b>	 26 27
	(1) Section 6.5.1(2) and (3), ‘March’—	28

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*omit, insert—* 1

‘June’. 2

(2) Section 6.5.1(4) and (5)— 3

*omit, insert—* 4

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

(a) the currency period for the approval has lapsed; but 6

(b) subsection (2) still has effect. 7

‘(5) A person may apply to extend the date mentioned in 8

subsection (2) using sections 3.5.22 and 3.5.23 as if the date 9

were the day the currency period for the development 10

approval ended. 11

‘(6) For this section— 12

*currency period* has the same meaning it had immediately 13

before the commencement of the *Integrated Planning and* 14

*Other Legislation Amendment Act 2006*, section 39. 15

*works associated with the change of use* includes works, 16

including, for example, demolishing, excavating or filling, 17

carried out to prepare premises for carrying out other works 18

associated with the material change of use of premises.’. 19

**Clause 76 Insertion of new ch 6, pt 7** 20

After chapter 6, part 6— 21

*insert—* 22

**‘Part 7 Transitional provisions for** 23

**Integrated Planning and Other** 24

**Legislation Amendment Act** 25

**2006** 26

**‘6.7.1 Referral coordination required for undecided** 27  
**applications** 28

‘(1) This section applies to a development application if the 29

application— 30

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(a) has not been decided by the day the <i>Integrated Planning and Other Legislation Act 2006</i> , section 26 commences; and	1 2 3
(b) but for this section, would have required referral coordination.	4 5
‘(2) Despite the commencement, if referral coordination has not been carried out for the application, the application still requires referral coordination.	6 7 8
‘(3) In this section—	9
<i>referral coordination</i> means referral coordination under this Act, as it was before the commencement.	10 11
<b>‘6.7.2 Currency periods for development approvals that have not lapsed</b>	12 13
‘(1) Sections 3.5.21 to 3.5.23, as amended by the <i>Integrated Planning and Other Legislation Act 2006</i> , section 39, apply for a development approval—	14 15 16
(a) that has not lapsed; and	17
(b) whether or not the approval was given before or after the commencement of that section.	18 19
‘(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.	20 21 22 23
‘(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.	24 25 26
‘(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.	27 28 29 30
<b>‘6.7.3 Sufficient grounds for decisions</b>	31
‘(1) This section applies to a development application if the application was made, but not decided, before the <i>Integrated</i>	32 33

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*Planning and Other Legislation Act 2006*, section 36  
commenced. 1  
2

‘(2) Sections 3.5.13 and 3.5.14, as they were before the  
commencement, apply for the application. 3  
4

**‘6.7.4 Decision notices for applications made before  
commencement 5  
6**

‘(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. 7  
8  
9  
10

‘(2) Section 3.5.15, as it was before the commencement, applies  
for the application.’. 11  
12

**Clause 77 Amendment of sch 1 (Process for making or amending  
planning schemes) 13  
14**

(1) Schedule 1, part 1, section 8A(2), ‘resolution’— 15  
*omit, insert— 16*  
‘proposal’. 17

(2) Schedule 1, part 3, section 19— 18  
*insert— 19*

‘(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— 20  
21  
22  
23  
24

(a) the name of the local government; and 25

(b) that the local government has decided not to proceed  
with the proposed planning scheme; and 26  
27

(c) the reasons for the decision. 28

‘(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.’. 29  
30  
31

(3) Schedule 1, part 3, section 21(b), after ‘scheme’— 32

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*insert—* 1  
‘in the form mentioned in section 5.9.9(1)(d)’. 2

<b>Clause 78</b>	<b>Amendment of sch 2 (Process for making temporary local planning instruments)</b>	3 4
	Schedule 2, part 2, section 5(b), after ‘instrument’—	5
	<i>insert—</i>	6
	‘in the form mentioned in section 5.9.9(1)(d)’.	7
<b>Clause 79</b>	<b>Amendment of sch 3 (Process for making or amending planning scheme policies)</b>	8 9
	(1) Schedule 3, part 2—	10
	<i>insert—</i>	11
<b>‘4A</b>	<b>Consultation stage does not apply in certain circumstances</b>	12 13
	‘Sections 1(2) and 2 to 4 need not be complied with if the amendment is a minor amendment of a planning schedule policy.’.	14 15 16
	(2) Schedule 3, part 3, section 8(b), after ‘amendment’—	17
	<i>insert—</i>	18
	‘in the form mentioned in section 5.9.9(1)(d)’.	19
<b>Clause 80</b>	<b>Amendment of sch 8 (Assessable development and self-assessable development)</b>	20 21
	Schedule 8, part 2, tables 2 and 3—	22

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*omit, insert—*

1

**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.’.

<b>Clause</b>	<b>81</b>	<b>Amendment of sch 8A (Assessment manager for development applications)</b>	2
		(1) Schedule 8A, table 1, item 1(a)(i), ‘is’—	3
		<i>omit, insert—</i>	4
		‘any aspect of the development is’.	5
		(2) Schedule 8A, table 1, item 1(d), ‘local government area’—	6
			7

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- omit, insert—* 1
- ‘local government tidal area’. 2
- (3) Schedule 8A, table 3, item 6(a)(i)— 3
- omit, insert—* 4
- ‘(i) tidal work not in a port authority's strategic port 5  
        land tidal area or in local government's tidal area; 6  
        or’. 7
- (4) Schedule 8A, table 4, item 2— 8
- omit, insert—* 9

‘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>
----	--	--

- (5) Schedule 8A, table 4, item 3, ‘and the application is for’— 10
- omit, insert—* 11
- ‘and the application, whether or not the application is also for 12  
1 or more of the matters mentioned in item 2(a), is for’. 13
- (6) Schedule 8A, table 4, item 4(a), ‘; and’ 14
- omit, insert—* 15
- ‘, whether or not the application also involves operational 16  
work for waterway barrier works; and’. 17
- (7) Schedule 8A, table 4, after item 5— 18



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*insert—*

1

‘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> ’.
-----	---	--

(8) Schedule 8A, table 4, item 6(b), ‘either of the following’— 2

*omit, insert—* 3

‘either or both of the following, whether or not the application 4

also includes development mentioned in schedule 8, part 1, 5

table 4, items 6 to 8’.

(9) Schedule 8A, table 5, item 1, ‘The Minister’— 7

*omit, insert—* 8

‘The entity decided by the Minister’.

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

*omit, insert—* 11

‘3.3.18(1)(c)’.

**Clause 82 Amendment of sch 10 (Dictionary)** 13

(1) Schedule 10, definitions *applicant* (both definitions) and 14

*currency period—* 15

*omit.* 16

(2) Schedule 10, definitions *referral assistance* and *referral* 17

*coordination—* 18

*omit.* 19

(3) Schedule 10— 20

*insert—* 21

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<b>'applicant—</b>	1
(a) for chapter 3, means the applicant for a development application; or	2 3
(b) for a development application mentioned in chapter 4, includes the person in whom the benefit of the application vests.	4 5 6
<b>Commonwealth Environment Act</b> means the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cwlth).	7 8
<b>draft EIS</b> means a draft EIS for section 5.8.6.	9
<b>draft terms of reference</b> , for an EIS, means a document prepared by the chief executive under section 5.8.4(2).	10 11
<b>EIS process</b> means the process mentioned in chapter 5, part 8.	12
<b>environmental management plan</b> , 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.	13 14 15 16 17
<b>environmental nuisance</b> see the <i>Environmental Protection Act 1994</i> , section 15.	18 19
<b>grounds</b> , for sections 3.5.13 and 3.5.14—	20
1 <i>Grounds</i> means matters of public interest.	21
2 <i>Grounds</i> may include 1 or more of the following—	22
(a) the applicable code, laws or policies are, in terms of their underlying assumptions, significantly out of date or incorrect;	23 24 25
(b) the development is not addressed or adequately addressed by the applicable code, laws or policies;	26 27
(c) one or more constraints for the development have been identified by the assessment manager since the applicable code, laws or policies were made;	28 29 30
(d) the development—	31
(i) would satisfy an overriding need in the public interest that outweighs any adverse	32 33

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- economic, social or environmental effects; 1  
and 2
- (ii) could not be reasonably located elsewhere 3  
and still satisfy the need. 4
- 3 *Grounds* does not include the personal circumstances of 5  
an applicant, owner or interested party. 6
- IPA planning scheme*** means a planning scheme made under 7  
schedule 1. 8
- proponent*** means the person who proposes development to 9  
which chapter 5, part 8 applies. 10
- terms of reference***, for an EIS, means the terms of reference 11  
prepared by the chief executive under section 5.8.5.’. 12
- (4) Schedule 10, definition *deemed refusal*, paragraph (b), 13  
‘currency period’— 14  
*omit, insert*— 15  
‘period mentioned in section 3.5.21’. 16
- (5) Schedule 10, definition *development application (superseded 17  
planning scheme)*, paragraphs (a)(iii) and (b)(iii), ‘was 18  
adopted’— 19  
‘took effect’. 20
- (6) Schedule 10, definition *development infrastructure*, paragraph 21  
(a)(iii), ‘local public parks infrastructure’— 22  
*omit, insert*— 23  
‘public parks infrastructure supplied by a local government’. 24
- (7) Schedule 10, definition *establishment cost*, paragraphs (a) to 25  
(c)— 26  
*renumber* as paragraphs (b) to (d). 27
- (8) Schedule 10, definition *establishment cost*— 28  
*insert*— 29  
‘(a) the cost of preparing an infrastructure charges schedule, 30  
including the desired standards of service and plans for 31  
trunk infrastructure used to calculate the charges stated 32  
in the infrastructure charges schedule; and’. 33

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- |      |  |                |
|------|--|----------------|
| (9)  | Schedule 10, definition <i>establishment cost</i> , paragraphs (d)(iii),<br>as renumbered, from ‘—’—             | 1<br>2         |
|      | <i>omit, insert—</i>   | 3              |
|      | ‘—the value of the land at the time it was acquired, adjusted<br>for inflation.’.                                | 4<br>5         |
| (10) | Schedule 10, definition <i>freehold land</i> , second mention—   | 6              |
|      | <i>omit.</i>   | 7              |
| (11) | Schedule 10, definition <i>priority infrastructure area</i> , item<br>1(a)—                                      | 8<br>9         |
|      | <i>omit, insert—</i>   | 10             |
|      | ‘(a) that is used, or approved for use, for any or all of<br>the following—                                      | 11<br>12       |
|      | (i) residential purposes, other than rural<br>residential purposes;  | 13<br>14       |
|      | (ii) retail and commercial purposes;   | 15             |
|      | (iii) industrial purposes;   | 16             |
|      | (iv) community and government purposes related<br>to a purpose mentioned in subparagraphs (i)<br>to (iii); and’. | 17<br>18<br>19 |
| (12) | Schedule 10, definition <i>priority infrastructure plan</i> , paragraph<br>(b), after ‘infrastructure’—          | 20<br>21       |
|      | <i>insert—</i>   | 22             |
|      | ‘the local government intends to supply or for which<br>infrastructure charges will be levied’.                  | 23<br>24       |
| (13) | Schedule 10, definition <i>priority infrastructure plan</i> , paragraph<br>(d), ‘development’—                   | 25<br>26       |
|      | <i>omit, insert—</i>   | 27             |
|      | ‘growth’.  | 28             |
| (14) | Schedule 10, definition <i>urban area</i> , paragraph (a)—   | 29             |
|      | <i>omit, insert—</i>   | 30             |



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- |      |  |                  |
|------|--|------------------|
| (a)  | a development approval is given for building work for the building after the commencement of this section; and   | 1<br>2<br>3      |
| (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. | 4<br>5<br>6<br>7 |
| ‘(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.                    | 8<br>9<br>10     |
| ‘(3) | An inspection under subsection (2) may be made—  | 11               |
| (a)  | at any time the office of the local government is open for business; and   | 12<br>13         |
| (b)  | without notice.  | 14               |
| ‘(4) | The local government must keep—  | 15               |
| (a)  | a register of all buildings to which subsection (2) applies; and   | 16<br>17         |
| (b)  | a record of each inspection it makes under subsection (2); and   | 18<br>19         |
| (c)  | for each inspection—details about whether or not the owner is complying with this part.  | 20<br>21         |
| ‘(5) | The local government must not charge a fee for an inspection made under subsection (2).’.  | 22<br>23         |

<b>Part 4</b>	<b>Amendment of Coastal Protection and Management Act 1995</b>	24 25 26
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- |                  |  |          |
|------------------|--|----------|
| <b>Clause 86</b> | <b>Act amended in pt 4</b>   | 27       |
|                  | This part amends the <i>Coastal Protection and Management Act 1995</i> . | 28<br>29 |

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<b>Clause 87</b>	<b>Amendment of s 185 (Transition of coastal management plans)</b>	1 2
	Section 185—	3
	<i>insert—</i>	4
	‘(3) On the commencement of this subsection—	5
	(a) the approved Gold Coast scheme of works is taken to be a development permit; and	6 7
	(b) the works are taken to have been substantially started.	8
	‘(4) In this section—	9
	<b><i>Gold Coast scheme of works</i></b> means the document—	10
	(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	11 12 13 14 15 16
	(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).’.	17 18 19
 <b>Clause 88</b>	 <b>Amendment of s 188 (Applications to reconfigure a lot in a coastal management district)</b>	 20 21
	Section 188(4)(c)—	22
	<i>omit.</i>	23
 <b>Clause 89</b>	 <b>Amendment of schedule (Dictionary)</b>	 24
	(1) Schedule—	25
	<i>insert—</i>	26
	‘ <b><i>currency period</i></b> means the period mentioned in the <i>Integrated Planning Act 1997</i> , section 3.5.21.’.	27 28
	(2) Schedule, definition <i>tidal works</i> , paragraph 4(b), ‘building a drain’—	29 30





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	<b>Part 7</b>	<b>Fisheries Act 1994</b>	1
<b>Clause 94</b>	<b>Act amended in pt 7</b>		2
	This part amends the <i>Fisheries Act 1994</i> .		3
<b>Clause 95</b>	<b>Amendment of schedule (Dictionary)</b>		4
	Schedule, definition <i>currency period</i> —		5
	<i>omit, insert</i> —		6
	‘ <i>currency period</i> , for a development approval, means the period mentioned in the Planning Act, section 3.5.21.’		7
			8
	 <b>Part 8</b>	 <b>Liquor Act 1992</b>	 9
<b>Clause 96</b>	<b>Act amended in pt 8</b>		10
	This part amends the <i>Liquor Act 1992</i> .		11
<b>Clause 97</b>	<b>Amendment of s 4 (Definitions)</b>		12
	Section 4, definition <i>relevant period</i> , ‘ <i>currency</i> ’—		13
	<i>omit</i> .		14
	 <b>Part 9</b>	 <b>Nature Conservation Act 1992</b>	 15
<b>Clause 98</b>	<b>Act amended in pt 9</b>		16
	This part amends the <i>Nature Conservation Act 1992</i> .		17
<b>Clause 99</b>	<b>Insertion of new s 174AA—</b>		18
	After section 174A—		19



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	<b>Part 11</b>	<b>Prostitution Act 1999</b>	1
<b>Clause 102</b>	<b>Act amended in pt 11</b>		2
	This part amends the <i>Prostitution Act 1999</i> .		3
<b>Clause 103</b>	<b>Amendment of s 64K (Appeals by applicants)</b>		4
	Section 64K(1)(d), ‘currency period’—		5
	<i>omit, insert—</i>		6
	‘period mentioned in the Integrated Planning Act, section 3.5.21’.		7
			8
	<b>Part 12</b>	<b>Townsville City Council (Douglas Land Development) Act 1993</b>	9
			10
			11
<b>Clause 104</b>	<b>Act amended in pt 12</b>		12
	This part amends the <i>Townsville City Council (Douglas Land Development) Act 1993</i> .		13
			14
<b>Clause 105</b>	<b>Amendment of s 4 (Definitions)</b>		15
	(1) Section 4, definition <i>Townsville planning scheme—</i>		16
	<i>omit.</i>		17
	(2) Section 4—		18
	<i>insert—</i>		19
	‘ <i>Townsville IPA planning scheme</i> means the IPA planning scheme, under the <i>Integrated Planning Act 1997</i> , for the City of Townsville.’		20
			21
			22

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**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.’.

<b>Clause 106</b>	<b>Amendment of s 30 (Procedure for inclusion in planning scheme)</b>	10 11
	Section 30, heading—	12
	<i>omit, insert—</i>	13
<b>‘30</b>	<b>Procedure for inclusion in Townsville planning scheme until 31 December 2004’.</b>	14 15
<b>Clause 107</b>	<b>Insertion of new ss 30A and 30B</b>	16
	In part 5, after section 30—	17
	<i>insert—</i>	18
<b>‘30A</b>	<b>Procedure for inclusion in Townsville IPA planning scheme on and after 1 January 2005</b>	19 20
	‘(1) To include a stage in the Townsville IPA planning scheme the process set out in the <i>Integrated Planning Act 1997</i> , schedule 1 must be followed.	21 22 23
	‘(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.	24 25 26
	‘(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.	27 28 29
	‘(4) The person has the right to claim compensation for the reduction under the <i>Local Government (Planning and Environment) Act 1990</i> (repealed), as if that Act had not been repealed.	30 31 32 33

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<b>'30B</b>	<b>Validation</b>	1
	‘(1) The amendments are taken to have been validly made.	2
	‘(2) In this section—	3
	<i>amendments</i> 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—	4 5 6 7
	(a) 12 July 2002, at page 976;	8
	(b) 4 April 2003, at page 1140;	9
	(c) 12 August 2005, at pages 1288-1289.’.	10
 <b>Clause 108</b>	 <b>Amendment of s 35 (Conditions, requirements and restrictions attach to the land)</b>	 11 12
	Section 35(3), after ‘1990’—	13
	<i>insert</i> —	14
	‘or the <i>Integrated Planning Act 1997</i> ’.	15
 <b>Part 13</b>	 <b>Vegetation Management Act 1999</b>	 16 17
 <b>Clause 109</b>	 <b>Act amended in pt 13</b>	 18
	This part amends the <i>Vegetation Management Act 1999</i> .	19
 <b>Clause 110</b>	 <b>Amendment of schedule (Dictionary)</b>	 20
	Schedule, definition <i>currency period</i> , ‘currency period as worked out under’—	21 22
	<i>omit, insert</i> —	23
	‘period mentioned in’.	24

	<b>Part 14</b>	<b>Wet Tropics World Heritage Protection and Management Act 1993</b>	1 2 3
<b>Clause 111</b>	<b>Act amended in pt 14</b>		4
		<i>This part amends the Wet Tropics World Heritage Protection and Management Act 1993.</i>	5 6
<b>Clause 112</b>	<b>Amendment of s 14 (Composition of board)</b>		7
	(1)	Section 14, ‘6 directors’— <i>omit, insert—</i> ‘7 directors’.	8 9 10
	(2)	Section 14(a), ‘1 person’— <i>omit, insert—</i> ‘the chairperson,’.	11 12 13
	(3)	Section 14— <i>insert—</i> ‘(ab) 1 Aboriginal person appointed on the nomination of the Ministerial Council;’.	14 15 16 17
	(4)	Section 14— <i>insert—</i> ‘(2) The Aboriginal person appointed under subsection (1)(ab) must be particularly concerned with land in the wet tropics area.’ <sup>2</sup> .	18 19 20 21 22
<b>Clause 113</b>	<b>Omission of s 19 (Chairperson)</b>		23
		Section 19— <i>omit.</i>	24 25

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

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<b>Clause 114</b>	<b>Amendment of s 29 (Quorum and voting at meetings)</b>	1
	Section 29(a), '3'—	2
	<i>omit, insert—</i>	3
	'4'.	4

	<b>Schedule</b>	1
	<b>Minor amendments of Integrated Planning Act 1997</b>	2
	section 3	3
1	<b>Section 2.1.15(2), ‘(1)(c)’—</b> <i>omit.</i>	4 5
2	<b>Section 2.1.23(4)(b), ‘3.2.5’—</b> <i>omit, insert—</i> ‘3.2.7’.	6 7 8
3	<b>Section 2.5A.19(1)(b), ‘and a’—</b> <i>omit, insert—</i> ‘as if a’.	9 10 11
4	<b>Section 3.5.14A(2)(c), ‘subsection (1)(a) and (b) does’—</b> <i>omit, insert—</i> ‘paragraphs (a) and (b) do’.	12 13 14
5	<b>Section 6.1.1, definition <i>IPA planning scheme</i>—</b> <i>omit.</i>	15 16
6	<b>Chapter 6, part 5, heading, ‘provisions’—</b> <i>omit, insert—</i> ‘provision’.	17 18 19
7	<b>Schedule 3, part 3, section 5(2)—</b> <i>omit.</i>	20 21



Schedule (continued)

<b>8</b>	<b>Schedule 8, part 1, table 2, item 3, ‘171’—</b> <i>omit, insert—</i> ‘286’.	1 2 3
<b>9</b>	<b>Schedule 8, part 1, table 3, item 1(c), ‘42A’—</b> <i>omit, insert—</i> ‘41’.	4 5 6
<b>10</b>	<b>Schedule 8, part 1, table 3, item 1(d), ‘42C’—</b> <i>omit, insert—</i> ‘43’.	7 8 9
<b>11</b>	<b>Schedule 8A, table 4, items 4 to 9, ‘table 1,’—</b> <i>omit, insert—</i> ‘tables 1,’.	10 11 12
<b>12</b>	<b>Schedule 8A, table 4, items 8 and 9, ‘2 or 3’—</b> <i>omit, insert—</i> ‘2 and 3’.	13 14 15
<b>13</b>	<b>Schedule 8A, table 4, items 8 and 9, ‘does’—</b> <i>omit, insert—</i> ‘do’.	16 17 18
<b>14</b>	<b>Schedule 9, table 1, heading—</b> <i>insert—</i> ‘Building work’.	19 20 21

Schedule (continued)

<b>15</b>	<b>Schedule 9, table 3, item 2(c), ‘42A’—</b>	1
	<i>omit, insert—</i>	2
	‘41’.	3
<b>16</b>	<b>Schedule 9, table 3, item 2(d), ‘42C’—</b>	4
	<i>omit, insert—</i>	5
	‘43’.	6
<b>17</b>	<b>Schedule 9, table 4, heading before item 6, ‘, section 70’</b>	7
	<i>omit.</i>	8
<b>18</b>	<b>Schedule 9, table 5, item 1(a), second and sixth dot points—</b>	9
	<i>omit.</i>	10
		11
<b>19</b>	<b>Schedule 10, definition, <i>ancillary works and encroachments</i>, ‘schedule 3’—</b>	12
	<i>omit, insert—</i>	13
	‘schedule 6’.	14
		15
<b>20</b>	<b>Schedule 10, definition, <i>information request</i>, ‘sections 3.3.6 and 3.3.7’—</b>	16
	<i>omit, insert—</i>	17
	‘section 3.3.6’.	18
		19
<b>21</b>	<b>Schedule 10, definition, <i>life cycle cost</i>—</b>	20
	<i>omit.</i>	21

## Schedule (continued)

<b>22</b>	<b>Schedule 10, definition <i>reviewer's report</i>—</b>	1
	<i>omit.</i>	2
<b>23</b>	<b>Schedule 10, definition <i>strategic port land</i>, 'section 171(5)'—</b>	3
	<i>omit, insert—</i>	4
	'section 286(5)'.	5
		6