

Integrated Planning and Other Legislation Amendment Bill 2006

Explanatory notes for Amendments to be moved during consideration in detail by The Honourable Desley Boyle MP

Title of the Bill

Integrated Planning and Other Legislation Amendment Bill 2006

Objectives of the Amendments

The amendments are intended to:

- Preserve arrangements about the length of public notification periods for development applications of a type requiring referral coordination, after the referral coordination process is removed; and
- Simplify the definition of “grounds” in the Bill by removing several examples from the definition.
- Correct 4 drafting errors in the Bill.

Consistency with Fundamental Legislative Principles

The amendments are designed to preserve existing rights, and clarify and simplify the provisions of the Bill, and are consistent with fundamental legislative principles.

Consultation

The Office of the Queensland Parliamentary Counsel has been consulted in preparing the amendments.

Notes on Provisions

Amendment 1 amends clause 76 to include a transitional provision preserving longer public notification periods for development applications of a type requiring referral coordination, notwithstanding the removal of the referral coordination process under the Bill.

Subsection (1) establishes the type of development application to which the amendment applies.

Paragraph (a) provides the amendment applies for applications requiring public notification under chapter 3, part 4 made after the commencement of clause 26 of the Bill. Clause 26 is the clause omitting section 3.3.5 of the Act (Referral coordination). Clause 2 of the Bill provides that clause 26 commences on a date to be fixed by proclamation).

Paragraph (b) provides this section applies despite section 3.4.5(a). Section 3.4.5(a) provides the notification period for development applications requiring public notification is 15 business days.

Paragraph (c) establishes the types of development application to which this section applies. These are the same types of development application currently triggering referral coordination under section 3.3.5. This includes development of a type prescribed under a regulation. Schedules 7 and 8 of the *Integrated Planning Regulation 1998* currently prescribe development for section 3.3.5 of the Act. It is proposed that the regulation will be amended in connection with the commencement of clause 26 of the Bill (removing referral coordination) so that schedules 7 and 8 of the regulation will prescribe development for this section instead of the current section 3.3.5

Subsection (2) states the notification period under section 3.4.5(a) for a development application stated in Subsection (1) is 30 business days. This effectively preserves the current notification arrangements under section 3.4.5(b), despite its removal.

It is intended that section 3.4.5(b) of the Act (establishing limitations on public notification over the Christmas-New Year period) will still apply to applications notified under this section.

Amendment 2 omits item 2 in the definition of “**grounds**” in the Bill. Item 2 contains a series of examples which were intended to illustrate the types of grounds to which the definition refers.

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Amendment 3 renumbers item 3 of the definition of “**grounds**” as item 2.

Amendment 4 corrects an error in clause 82 of the Bill.

Amendment 5 corrects an error in clause 82 of the Bill.

Amendment 6 corrects an error in clause 82 of the Bill.