



Queensland

# Queensland Heritage and Other Legislation Amendment Bill 2014

**Includes amendments agreed during Consideration**





## Queensland

# Queensland Heritage and Other Legislation Amendment Bill 2014

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# 2014

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## A Bill

for

**An Act to amend the *Queensland Heritage Act 1992* and the *Sustainable Planning Act 2009* for particular purposes, and to make consequential amendments of other Acts as stated in schedule 1 for purposes related to those particular purposes**

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[s 1]

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**The Parliament of Queensland enacts—**

## **Part 1 Preliminary**

### **1 Short title**

This Act may be cited as the *Queensland Heritage and Other Legislation Amendment Act 2014*.

### **2 Commencement**

This Act, other than part 2A, commences on a day to be fixed by proclamation.

## **Part 2 Amendment of Queensland Heritage Act 1992**

### **3 Act amended**

This part amends the *Queensland Heritage Act 1992*.

### **4 Amendment of s 2 (Object of this Act)**

(1) Section 2(2)(b) and (c)—

*omit, insert—*

(b) keeping a register of places and areas of State cultural heritage significance called the Queensland heritage register; and

(ba) requiring the reporting of the discovery of archaeological artefacts and underwater cultural heritage artefacts; and

- (c) providing for the identification and management of places of local cultural heritage significance by local governments; and

(2) Section 2(2)(ba) to (f)—

*renumber* as section 2(2)(c) to (g).

## **5 Amendment of s 8 (Functions of council)**

Section 8(1)(b)—

*omit, insert*—

- (b) to encourage interest in, and understanding of, Queensland's cultural heritage, including, for example, by—
  - (i) providing information to the community; and
  - (ii) promoting or supporting events relating to Queensland's cultural heritage;

## **6 Insertion of new s 8A**

After section 8—

*insert*—

### **8A Council's powers**

The council has the powers—

- (a) necessary or convenient to perform its functions; or
- (b) given to it under another provision of this Act or under another Act.

## **7 Amendment of s 13 (Eligibility for membership)**

Section 13(3)—

*omit.*

[s 8]

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## **8 Insertion of new ss 13A and 13B**

After section 13—

*insert—*

### **13A Minister's power to obtain criminal history**

- (1) The Minister may ask the commissioner of the police service for—
  - (a) a written report about the criminal history of a person who is being considered for appointment as a member; and
  - (b) a brief description of the circumstances of a conviction mentioned in the report.
- (2) However, the Minister may make the request only if the person has given the Minister written consent for the request.
- (3) The commissioner of the police service must comply with the request.
- (4) However, subsection (3) applies only in relation to information in the commissioner's possession or to which the commissioner has access.
- (5) The Minister must ensure the report is destroyed as soon as practicable after it is no longer needed for the purpose for which it was requested.

### **13B Criminal history is confidential**

- (1) A person must not, directly or indirectly, disclose to anyone else a report about a person's criminal history or information contained in the report given under section 13A, unless the disclosure is permitted under subsection (2).

Maximum penalty—50 penalty units.
- (2) The person may make the disclosure to someone else—

- (a) to the extent necessary to perform the person's functions under this Act; or
- (b) for the purpose of the other person performing a function under this Act; or
- (c) if the disclosure is authorised under an Act; or
- (d) if the disclosure is otherwise required or permitted by law; or
- (e) if the person to whom the information relates consents to the disclosure.

**9 Amendment of s 27 (Disclosure of interests of members)**

Section 27(3)—

*insert—*

- (c) if the matter is a heritage recommendation—make an oral representation to the council under part 4, division 5, subdivision 2 about the recommendation.

**10 Amendment of s 28 (Disclosure of interests of committee members)**

Section 28(3)—

*insert—*

- (c) if the matter is a heritage recommendation—make an oral representation to the council under part 4, division 5, subdivision 2 about the recommendation.

**11 Amendment of s 31 (The Queensland heritage register)**

(1) Section 31(2)(b) and (c)—

[s 12]

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*omit, insert—*

(b) protected areas.

(2) Section 31(3)(f) and (g)—

*omit, insert—*

(f) for a protected area—include a statement about the cultural heritage significance of the place relevant to the declaration of the protected area.

(3) Section 31—

*insert—*

(3A) An entry in the Queensland heritage register for a place or area that is the subject of a heritage agreement may include—

(a) if the person or entity who entered into the agreement with the chief executive is required to carry out work or do something else under the agreement—information about the work or thing; or

(b) if development is permitted to be carried out in the place or area under the agreement—information about the development.

(4) Section 31(3A) and (4)—

*renumber* as section 31(4) and (5).

## **12 Replacement of s 32 (Register to be available for public inspection)**

Section 32—

*omit, insert—*

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### **32 Register to be available online**

- (1) The chief executive must publish a copy of the Queensland heritage register on the department's website.
- (2) The chief executive must ensure that the copy is available for inspection on the department's website during business hours, free of charge, at—
  - (a) the department's head office; and
  - (b) other places the chief executive considers appropriate.

### **13 Amendment of s 33 (Extracts from register)**

- (1) Section 33, heading, after 'register'—

*insert—*

#### **and certificate about certain matters**

- (2) Section 33(1)(b)(i), ', an archaeological place'—

*omit.*

- (3) Section 33(1)(b)—

*insert—*

(iii) is the subject of an application to have the place entered in or removed from the register; or

(iv) is an excluded place.

### **14 Amendment of s 34 (Changing entries in register)**

- (1) Section 34(2)(a), after 'subsection (1)(b)'—

*insert—*

, unless the change is a minor change

- (2) Section 34(2)(b)—

[s 15]

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*omit, insert—*

- (b) change a statement mentioned in section 31(3)(e) or (f) under subsection (1)(c), unless the change is a minor change.

(3) Section 34—

*insert—*

(3) In this section—

***minor change*** means a change that is only to correct a minor error or make another change that is not a change of substance.

## **15 Amendment of s 35 (Criteria for entry in register)**

Section 35(1)(c)—

*insert—*

*Example of a place for paragraph (c)—*

a place that has potential to contain an archaeological artefact that is an important source of information about Queensland's history

## **16 Amendment of s 36 (Applying to enter place in, or remove place from, register)**

(1) Section 36(2)(c) and (d)—

*omit, insert—*

- (c) for an application to enter a place in the register, be accompanied by—
  - (i) a written statement, that is based on and refers to historical research, about how the place satisfies each of the cultural heritage criteria the applicant considers relevant for the place; and
  - (ii) information about the history of the place that is based on and refers to historical research; and



- (iii) copies or details of material used for the historical research, including, for example, photographs, maps, plans and historical titles information; and
  - (iv) a description of the features of the place that contribute to its cultural heritage significance, supported by photographs, drawings or other documents showing the features; and
  - (v) a plan showing the relationship between the place's cadastral boundaries, features mentioned in subparagraph (iv) and the boundary proposed for the place; and
- (d) for an application to remove a State heritage place from the register, be accompanied by—
- (i) a written statement, that is based on and refers to the following, about how the place does not satisfy each of the cultural heritage criteria the applicant considers relevant for the place—
    - (A) information in the entry for the place in the register;
    - (B) historical research; and
  - (ii) copies or details of material used for the historical research, including, for example, photographs, maps, plans and historical titles information.
- (2A) An application to remove part of a State heritage place must also include—
- (a) a description of the features of the part proposed for removal, supported by photographs, drawings or other documents showing the features; and

[s 17]

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- (b) a plan showing the relationship between the place's cadastral boundaries, features mentioned in paragraph (a) and the part proposed for removal.

- (2) Section 36(2A) to (5)—  
*renumber* as section 36(3) to (6).

## 17 Insertion of new s 36A

After section 36—

*insert*—

### **36A Non-complying application**

- (1) This section applies if the chief executive considers an application about a place under section 36(1) does not comply with section 36(2) or (3) (a *non-complying application*).
- (2) The chief executive must, within 10 business days after receiving the application, give the applicant a notice stating—
  - (a) the application does not comply with section 36(2) or (3); and
  - (b) the reasons the chief executive considers it does not comply; and
  - (c) the applicant may make a new application about the place under section 36(1) that addresses the matters mentioned in paragraph (b).
- (3) For this Act, a non-complying application is taken not to have been received by the chief executive.

## 18 Amendment of s 37 (Particular restriction on application)

Section 37, '1 year'—

*omit, insert*—

---

5 years

**19 Amendment of s 38 (Initial notice of application)**

Section 38(1)(c)(v) and (vi)—

*omit, insert—*

- (v) information about the period in which the submission may be given;

*Note—*

See section 41 for the period in which a submission may be given.

- (vi) that the owner may give the council a written response to the chief executive's heritage recommendation about the place;

- (vii) information about the period in which the response may be given.

*Note—*

See section 50B for the period in which a response may be given.

**20 Amendment of s 39 (Chief executive to publish notice of application)**

Section 39(2)(b)(ii) and (iv), 'the place'—

*omit.*

**21 Replacement of s 40 (Chief executive to keep applications available for inspection)**

Section 40—

*omit, insert—*

**40 Applications to be available online**

- (1) The chief executive must publish a copy of each application on the department's website.

[s 22]

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- (2) However, a copy of an application must not include the applicant's personal information, unless the applicant has given written consent to its inclusion.
- (3) The chief executive must ensure that a copy of each application is available for inspection on the department's website during business hours, free of charge, at—
  - (a) the department's head office; and
  - (b) other places the chief executive considers appropriate.

## **22 Amendment of s 41 (When submission about application may be given to chief executive)**

- (1) Section 41—

*insert—*

- (2A) Also, if the later day agreed to by the chief executive and a person or entity (the *parties*) under subsection (2) is less than 40 business days after the notice of the application is published, the parties may, at any time before the end of the later day, agree in writing on another day (the *latest day*) by which the submission may be given.

- (2) Section 41(3), after 'later day'—

*insert—*

or latest day

- (3) Section 41(2A) and (3)—

*renumber* as section 41(3) and (4).

## **23 Amendment of s 46 (Notice of heritage recommendation)**

Section 46(2)—

*omit, insert—*

- (2) The copy of the heritage recommendation must be accompanied by a notice stating the person or entity to whom it is given may, within 10 business days after its receipt—
  - (a) ask in writing to make oral representations to the council about the recommendation; and
  - (b) if the person or entity is the owner—tell the council in writing that the person or entity will be giving the council a written response to the recommendation.

**24 Amendment of s 46A (Chief executive may give destroyed place recommendation)**

- (1) Section 46A(1), ‘, whether or not on application by a person,’—

*omit.*

- (2) Section 46A(1)(a)(ii), ‘71(6)’—

*omit, insert—*

71(7)

**25 Insertion of new pt 4, div 5, sdiv 2A**

Part 4, division 5—

*insert—*

## **Subdivision 2A Heritage responses to heritage recommendations**

### **50A Notice about making heritage response to heritage recommendation**

- (1) This section applies if the owner of a place is given a notice under section 46(2) for a heritage recommendation about the place.
- (2) The owner may, by notice given to the council, tell the council that the owner will be giving the council a written response (a *heritage response*) to the heritage recommendation.
- (3) The owner must give the notice to the council within 10 business days after receiving the notice mentioned in subsection (1).

### **50B When heritage response must be given to council**

- (1) This section applies if the owner of a place gives the council a notice under section 50A(2).
- (2) The owner must give the heritage response to the council within 20 business days after the owner gives the notice to the council.
- (3) However, the owner and council may, at any time before the end of the period mentioned in subsection (2), agree in writing on a day (the *later day*) by which the heritage response must be given.
- (4) The later day must not be more than 30 business days after the owner gives the notice to the council.

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**26 Amendment of s 51 (Council to make decision on heritage recommendation)**

(1) Section 51(1)(b)—

*omit, insert—*

- (b) if the owner of the place the subject of the recommendation gives the council a notice under section 50A(2), or if the council and the owner agree under section 52 to extend the day for making the decision—100 business days after receiving the recommendation.

(2) Section 51(2)(a)—

*insert—*

- (v) if the owner of the place gives the council a heritage response for the recommendation—the heritage response; and

(3) Section 51—

*insert—*

(4) Also, without limiting subsection (2)(b), the council may, in making the decision, have regard to—

- (a) whether the cultural heritage significance of the place is mainly because of its natural features; and
- (b) whether the place or its natural features are protected or conserved under another law of the State or Commonwealth, and the extent of the protection or conservation under that law.

*Examples of places for subsection (4)—*

- 1 a national park under the *Nature Conservation Act 1992*

[s 27]

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2 a place on the national heritage list under the  
*Environment Protection and Biodiversity  
Conservation Act 1999* (Cwlth)

**27 Amendment of s 55 (When council is taken to have made decision)**

Section 55(5), definition *relevant period*, paragraph (b)—  
*omit, insert—*

- (b) if the owner of the place the subject of the recommendation has given the council a notice under section 50A(2), or if the council and the owner have agreed, under section 52, to extend the day for making the decision on the recommendation—100 business days after the council receives the recommendation.

**28 Amendment of s 56A (Council to make decision on destroyed place recommendation)**

Section 56A(2)(a)(ii), ‘71(6)’—  
*omit, insert—*

71(7)

**29 Insertion of new pt 4, div 5A**

Part 4—  
*insert—*

**Division 5A Excluded places**

**56B Place excluded from entry in Queensland heritage register as State heritage place**

- (1) The owner of a place may apply to the chief executive to have the place excluded from entry



in the Queensland heritage register as a State heritage place.

- (2) This part applies in relation to the place and the application—
- (a) as if the place were a State heritage place and the application were an application under section 36 to have the place removed from the register; and
  - (b) as if a reference in the part to remove a place from the register were a reference to exclude the place from entry in the register as a State heritage place; and
  - (c) as if a reference in section 44 to a place staying on the register were a reference to entering the place in the register as a State heritage place; and
  - (d) as if the reference in section 53(2) to a place no longer satisfying any of the cultural heritage criteria were a reference to the place not satisfying any of the cultural heritage criteria; and
  - (e) as if the reference in section 53(4) to a decision to leave a place in the register were a reference to a decision (an *entry decision*) to enter the place in the register as a State heritage place; and
  - (f) as if the reference in section 54(3) to a decision mentioned in section 53(4)(a) or (b) included a reference to an entry decision; and
  - (g) as if the reference in section 55(3) to the council being taken to have decided to leave a place in the register were a reference to the council being taken to have excluded the place from entry in the register as a State heritage place; and

[s 30]

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(h) with other necessary changes.

*Note—*

If the council decides to remove a State heritage place from the Queensland heritage register, or enter a place in the register, application can not be made to have the place entered in, or removed from, the register for at least 5 years—see section 37.

**30 Omission of s 57 (Certificate of immunity)**

Section 57—

*omit.*

**31 Omission of pt 5 (Matters about registration of archaeological places in Queensland heritage register)**

Part 5—

*omit.*

**32 Amendment of pt 6, hdg (Development in Queensland heritage places)**

Part 6, heading, after ‘places’—

*insert—*

**and local heritage places**

**33 Amendment of s 68 (Assessing development applications under the Planning Act—State heritage places)**

(1) Section 68, heading, after ‘places’—

*insert—*

**other than archaeological State heritage places**

(2) Section 68—

*insert—*

(4) In this section—

---

*State heritage place* does not include an archaeological State heritage place.

**34 Amendment of s 69 (Assessing development applications under the Planning Act—archaeological places)**

(1) Section 69, heading, ‘archaeological places’—

*omit, insert—*

**archaeological State heritage places**

(2) Section 69(1), ‘archaeological place’—

*omit, insert—*

archaeological State heritage place

**35 Amendment of s 71 (Development by the State)**

(1) Section 71(4)—

*omit, insert—*

(4) Subsection (5) applies if—

(a) the place is a State heritage place, other than an archaeological State heritage place, and the council is satisfied the development would substantially affect the cultural heritage significance of the place; or

(b) the place is an archaeological State heritage place and the council is satisfied the development would have a detrimental impact on any archaeological artefact on the place.

(4A) The council must publish a public notice stating the following—

(a) details of the development;

(b) that a person or other entity may give the council a written submission about the development;



**37 Amendment of s 72 (Application for exemption certificate)**

- (1) Section 72(1), from ‘Queensland’ to ‘chief executive’—  
*omit, insert—*  
heritage place may apply to the decision-maker for the place
- (2) Section 72(2)(b)(i), ‘chief executive’—  
*omit, insert—*  
decision-maker
- (3) Section 72(2)(b)(iii) and (3)(a), after ‘heritage agreement’—  
*insert—*  
or local heritage agreement
- (4) Section 72(2)(b)(iv) and (3)(b), after ‘impact’—  
*insert—*  
, or will only have a minimal detrimental impact,
- (5) Section 72(3), ‘Queensland’—  
*omit.*
- (6) Section 72(4), definition *relevant person*, ‘Queensland’—  
*omit.*

**38 Amendment of s 73 (Inquiry about application)**

Section 73, ‘chief executive’—  
*omit, insert—*  
decision-maker

**39 Amendment of s 74 (Deciding application for exemption certificate)**

Section 74, ‘chief executive’—  
*omit, insert—*

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decision-maker

**40 Amendment of s 75 (Chief executive may give exemption certificate without application)**

(1) Section 75, heading, ‘Chief executive may give’—

*omit, insert—*

**Giving**

(2) Section 75(1)—

*omit, insert—*

(1) The decision-maker for a heritage place may give a person an exemption certificate to carry out development mentioned in section 72(3) on the place.

(3) Section 75—

*insert—*

(2A) The power of the chief executive officer of a local government to give an exemption certificate under this section includes the power to give a certificate (also a **general exemption certificate**) in relation to all local heritage places in the local government’s area or a class of local heritage places in the area.

(4) Section 75—

*insert—*

(5) The chief executive officer of a local government may give a general exemption certificate under this section by publishing a notice in a newspaper circulating generally in the local government’s area that—

(a) states the general exemption certificate has been given; and

(b) includes a brief description of the exemption; and

- 
- (c) states where the general exemption certificate may be viewed.
- (6) The chief executive officer must ensure that a copy of a general exemption certificate is available for inspection during business hours, free of charge, at the local government's public office.
- (7) A general exemption certificate may be made available in written or electronic form.
- (5) Section 75(2A) to (7)—  
*renumber* as section 75(3) to (8).

**41 Amendment of s 76 (Compliance with conditions of exemption certificate)**

- (1) Section 76, 'Queensland'—  
*omit.*
- (2) Section 76, penalty—  
*omit, insert—*
- Maximum penalty—
- (a) for an exemption certificate given by the chief executive—1000 penalty units; or
- (b) for an exemption certificate given by the chief executive officer of a local government—100 penalty units.

**42 Amendment of pt 7, hdg (Heritage agreements)**

Part 7, heading, after 'agreements'—  
*insert—*

**and local heritage agreements**

[s 43]

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**43 Amendment of s 80 (Heritage agreements)**

- (1) Section 80, heading, after ‘agreements’—

*insert—*

**or local heritage agreements**

- (2) Section 80(1), ‘a heritage agreement’—

*omit, insert—*

an agreement (a ***heritage agreement***)

- (3) Section 80—

*insert—*

- (1A) The chief executive officer of a local government may enter into an agreement (a ***local heritage agreement***) for a local heritage place with—

- (a) the owner of the place; or
- (b) with the owner’s consent, another person or entity who has an interest in the place.

- (4) Section 80(2), after ‘heritage agreement’—

*insert—*

or local heritage agreement

- (5) Section 80—

*insert—*

- (4) The chief executive officer of a local government may change or end a local heritage agreement for a local heritage place—

- (a) if the agreement was entered into with the owner of the place—by agreement with the owner; or
- (b) if the agreement was entered into with another person or entity—by agreement with the person or entity and owner.

- (6) Section 80(1A) to (4)—



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*renumber* as section 80(2) to (5).

#### **44 Replacement of s 81 (Provisions of heritage agreement)**

Section 81—

*omit, insert—*

##### **81 Provisions of heritage agreement or local heritage agreement**

- (1) A heritage agreement or local heritage agreement may contain any provision to promote—
  - (a) the conservation and appropriate management of the heritage place; or
  - (b) for a Queensland heritage place—public appreciation of the importance of the place to Queensland’s cultural heritage; or
  - (c) for a local heritage place—public appreciation of the importance of the place to local cultural heritage.
- (2) A heritage agreement or local heritage agreement may, for example—
  - (a) restrict the use of the heritage place; or
  - (b) require specified work or work of a specified kind to be carried out in accordance with specified standards in the heritage place; or
  - (c) restrict the nature of work that may be carried out in the heritage place; or
  - (d) provide that the heritage place is to be available for public inspection at specified times and regulate charges that may be made for admission to the heritage place; or
  - (e) provide for financial, technical or other professional advice or assistance to the

[s 45]

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owner with respect to the maintenance or conservation of the heritage place; or

(f) provide for a review of the valuation of the heritage place; or

(g) specify development that may be carried out in the heritage place for which an exemption certificate will be issued.

(3) In this section—

*heritage place* means a Queensland heritage place or local heritage place.

**45 Amendment of s 82 (Enforcement of heritage agreement—Planning and Environment Court order)**

(1) Section 82, heading, after ‘agreement’—

*insert—*

**or local heritage agreement**

(2) Section 82(1)(a), after ‘agreement’—

*insert—*

or local heritage agreement

**46 Replacement of pt 8 (Interim protection orders and notices about maintaining State heritage places)**

Part 8—

*omit, insert—*

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## Part 8                      Notices about essential    repair and maintenance    of State heritage places    and local heritage    places

### 83 Application of pt 8

- (1) This part applies to a local government prescribed by regulation.
- (2) The Minister may recommend to the Governor in Council the making of a regulation under subsection (1) only if the Minister is satisfied the local government has appropriate procedures in place for exercising a power under section 84 in relation to the local government.
- (3) A regulation may prescribe matters the Minister must consider in being satisfied that a local government has appropriate procedures in place.

### 84 Decision-maker may give notice about essential repair or maintenance work

- (1) This section applies if the decision-maker for a heritage place reasonably believes—
  - (a) it is necessary to carry out essential repair or maintenance work on the place; and
  - (b) the work is required to be carried out to protect the place from damage or deterioration caused by weather, fire, vandalism or insects.
- (2) The decision-maker may give the owner of the place a notice (a *repair and maintenance notice*) requiring the owner to carry out the essential repair or maintenance work stated in the notice.

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- (3) Before giving the repair and maintenance notice, the decision-maker must take reasonable steps to consult with the owner of the place about the essential repair or maintenance work the decision-maker believes necessary to carry out.
- (4) The repair and maintenance notice must state the following—
  - (a) the essential repair or maintenance work the decision-maker requires to be carried out on the heritage place;
  - (b) that the decision-maker believes the work is necessary to prevent damage to, or deterioration of, the place;
  - (c) the reasons for the decision-maker's belief;
  - (d) that the owner of the place must carry out the stated work within the stated reasonable period;
  - (e) that it is an offence to fail to comply with the notice unless the owner has a reasonable excuse.
- (5) The stated period for subsection (4)(d) must not be less than 20 business days after the owner receives the repair and maintenance notice.
- (6) The owner of the place must comply with the repair and maintenance notice unless the owner has a reasonable excuse.

Maximum penalty—

- (a) for a repair and maintenance notice given by the chief executive—
  - (i) for an individual—100 penalty units;  
or
  - (ii) for a corporation—1000 penalty units;  
or

- 
- (b) for a repair and maintenance notice given by the chief executive officer of a local government—
- (i) for an individual—75 penalty units; or
  - (ii) for a corporation—750 penalty units.

*Note—*

If a corporation commits an offence against this provision, an executive officer of the corporation may be taken, under section 160A, to have also committed the offence.

- (7) In this section—

***decision-maker*** means—

- (a) for a State heritage place—the chief executive; or
- (b) for a local heritage place—the chief executive officer of the local government for the local government area in which the place is situated.

***essential repair or maintenance work***, in relation to a heritage place, means work of a minor nature that, if carried out on the place, would help to prevent damage to, or deterioration of, the place.

*Examples—*

- repairing wall or roof frames
- re-fixing loose wall or roof boards
- removing potential fire hazards
- maintaining existing fire management systems
- putting locks on doors and windows
- boarding up insecure openings in an unoccupied building
- shutting down electricity or gas services to an unoccupied building
- taking steps for managing or eradicating termites or other insects

[s 47]

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- cleaning and repairing gutters and downpipes

*heritage place* means a State heritage place or local heritage place.

### **85 Report to chief executive about repair and maintenance notice**

- (1) This section applies if the chief executive officer of a local government has given the owner of a local heritage place a repair and maintenance notice under section 84 in a financial year.
- (2) The chief executive officer must give the chief executive a notice stating the following before 1 August in the next financial year—
  - (a) that it gave the repair and maintenance notice to the owner;
  - (b) whether the owner complied with the notice.

### **47 Amendment of pt 9, hdg (Discovery and protection of archaeological artefacts)**

Part 9, heading, after ‘artefacts’—

*insert—*

**and underwater cultural heritage artefacts**

### **48 Amendment of pt 9, div 1, hdg (Offences relating to archaeological artefacts and shipwrecks)**

Part 9, division 1, heading, ‘shipwrecks’—

*omit, insert—*

**underwater cultural heritage artefacts**

### **49 Amendment of s 89 (Requirement to give notice about discovery of archaeological artefact)**

- (1) Section 89, heading, ‘of archaeological artefact’—

---

*omit.*

- (2) Section 89(1), after ‘artefact’—

*insert—*

or underwater cultural heritage artefact

- (3) Section 89(2)(a) to (c)—

*renumber* as section 89(2)(b) to (d).

- (4) Section 89(2)—

*insert—*

(a) be in the approved form; and

**50 Amendment of s 90 (Offence about interfering with discovery)**

- (1) Section 90, heading, ‘discovery’—

*omit, insert—*

**archaeological artefact**

- (2) Section 90(1), ‘a thing’—

*omit, insert—*

an archaeological artefact

- (3) Section 90(2), ‘thing’—

*omit, insert—*

archaeological artefact

**51 Amendment of s 91 (Offence about interfering with shipwreck)**

- (1) Section 91, heading, ‘shipwreck’—

*omit, insert—*

**underwater cultural heritage artefact**

- (2) Section 91(1), ‘a shipwreck’—

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*omit, insert—*

an underwater cultural heritage artefact

(3) Section 91(2)—

*omit.*

**52 Amendment of pt 9, div 2, hdg (Provisions about ownership of particular archaeological artefacts)**

Part 9, division 2, heading, ‘archaeological’—

*omit.*

**53 Replacement of pt 9, div 2, sdiv 1, hdg (Declaration of ownership)**

Part 9, division 2, subdivision 1, heading—

*omit, insert—*

**Subdivision 1 Preliminary**

**91A Definition for div 2**

In this division—

*artefact* means an archaeological artefact or underwater cultural heritage artefact.

**Subdivision 1A Declaration of ownership**

**54 Amendment of s 92 (Declaration about ownership of particular archaeological artefacts)**

Section 92, ‘archaeological’—

*omit.*



**55 Renumbering of pt 9, div 2, sdivs 1A to 3**

Part 9, division 2, subdivisions 1A to 3—

*renumber* as part 9, division 2, subdivisions 2 to 4.

**56 Replacement of pt 11, div 1 (Preliminary)**

Part 11, division 1—

*omit, insert*—

**Division 1 Identifying places of local  
cultural heritage  
significance**

**112 Local government to identify places in  
planning scheme or local heritage register**

- (1) A local government must identify places in its local government area that are of cultural heritage significance for the area—
  - (a) in its planning scheme; or
  - (b) in a register (a *local heritage register*) kept by the local government.
- (2) Subsection (1)(a) applies despite the Planning Act, section 88(1)(a).

**Division 1A Chief executive's  
recommendation about a  
place**

**112A Chief executive may recommend place  
becomes a local heritage place**

- (1) This section applies if the chief executive is satisfied a place is of cultural heritage significance for a local government area.

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- (2) The chief executive may, by notice given to the local government for the area, recommend the local government take the action mentioned in section 112(1) the local government considers appropriate to conserve the cultural heritage significance of the place.
- (3) The notice must include—
  - (a) enough information to identify the location and boundaries of the place; and
  - (b) a statement about the cultural heritage significance of the place; and
  - (c) information to support the statement.

### **112B Local government to act on chief executive's recommendation**

- (1) This section applies if—
  - (a) the chief executive gives a local government a notice about a place under section 112A(2); and
  - (b) the local government keeps a local heritage register.
- (2) The local government must propose to enter the place in the register.

## **57 Replacement of s 113 (Local government to keep register)**

Section 113—

*omit, insert—*

### **113 Form and availability of local heritage register**

- (1) A local government may keep its local heritage register in the form, including electronic form, it considers appropriate.

- (2) A local government must ensure its local heritage register, or a copy of its local heritage register, is available for inspection during business hours, free of charge, at the local government's public office.

**58 Omission of s 115 (Chief executive may recommend entering place in local heritage register)**

Section 115—

*omit.*

**59 Amendment of s 116 (Local government to propose entry of place in, or removal of place from, local heritage register)**

Section 116(2)—

*omit.*

**60 Amendment of s 117 (Notice of proposal)**

Section 117(2)(b)(iv), 'the place'—

*omit.*

**61 Amendment of s 118 (Local government to consider submissions and other information)**

- (1) Section 118(a)(ii)—

*omit, insert—*

- (ii) if the chief executive gave a notice to the local government under section 112A(2)—the information about the place included in the notice; and

- (2) Section 118(b), 'to the application'—

*omit.*

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**62 Replacement of pt 11, div 4, hdg (Code for IDAS for local heritage places)**

Part 11, division 4, heading, after ‘places’—

*insert—*

**on local heritage registers**

**63 Amendment of s 121 (Code for IDAS)**

Section 121(1), after ‘place’—

*insert—*

on a local heritage register

**64 Amendment of s 122 (Changing entries in register)**

(1) Section 122(2)(a), after ‘subsection (1)(b)’—

*insert—*

, unless the change is a minor change

(2) Section 122(2)(b), after ‘subsection (1)(c)’—

*insert—*

, unless the change is a minor change

(3) Section 122—

*insert—*

(3) In this section—

***minor change*** means a change that is only to correct a minor error or make another change that is not a change of substance.

**65 Amendment of s 124 (Provision about entitlement to claim compensation)**

(1) Section 124(1) and (2), ‘on’—

*omit, insert—*

---

in

(2) Section 124—

*insert—*

- (5) However, an owner is not entitled to claim compensation under the Planning Act, section 704 in relation to the change more than once.

## 66 Insertion of new s 154AA

Part 12, division 3, before section 154—

*insert—*

### 154AA Definition for div 3

In this division—

*current entry application*, for a place, means an application—

- (a) to have the place entered in the Queensland heritage register as a State heritage place; and
- (b) in relation to which the council has not made a decision, and is not taken to have made a decision, under section 53 or 55.

## 67 Replacement of s 154 (Stop orders)

Section 154—

*omit, insert—*

### 154 Minister may make stop order

- (1) The Minister may make an order (a *stop order*) requiring a person to stop stated work or an activity, or prohibiting a person from starting stated work or an activity, at a place that is not a State heritage place.
- (2) The Minister may make the order—

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- (a) if the Minister is satisfied on reasonable grounds that—
    - (i) the place is likely to satisfy 1 or more of the cultural heritage criteria; and
    - (ii) the work or activity would destroy or substantially reduce the cultural heritage significance of the place; and
  - (b) whether or not there is a current entry application for the place.
- (3) If the Minister makes a stop order in relation to a place for which there is not a current entry application, the chief executive must make an application to enter the place in the register under section 36.
- (4) The Minister may make an order (also a ***stop order***) requiring a person to stop stated work or an activity, or prohibiting a person from starting stated work or an activity, at a State heritage place if the Minister is satisfied on reasonable grounds that—
- (a) the work or activity is not authorised by a development approval; and
  - (b) the work or activity would destroy or substantially reduce the cultural heritage significance of the place.
- (5) A stop order must be served personally or by affixing it in a prominent position in the place.
- (6) However, the Minister must not make a stop order in relation to an excluded place in the period mentioned in section 37 that an application can not be made to have the place entered in the register.

### **154A Form and content of stop order**

A stop order in relation to a place must—

- (a) include enough information to identity the place; and
- (b) state the following—
  - (i) the work or activity to which the order relates;
  - (ii) the name of the owner of the place (if known);
  - (iii) the reasons for making the order;
  - (iv) when the order takes effect;
  - (v) if there is a current entry application or application by the chief executive mentioned in section 154(3) for the place—that the order ends on the date stated in the notice, or the day the council makes (or is taken to make) a decision in relation to the application, whichever happens first;
  - (vi) if the place is a State heritage place—that the order ends on the date stated in the notice.

### **154B Duration of stop order**

- (1) A stop order takes effect when it is served.
- (2) A stop order in relation to a place for which there is a current entry application or application by the chief executive mentioned in section 154(3) ends on the earlier of the following—
  - (a) the day, not more than 60 business days after the day the order is served, stated in the order;

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- (b) the day the council makes a decision, or is taken to have made a decision, under section 53 or 55 in relation to the application.
- (3) A stop order in relation to a State heritage place ends on the day, not more than 60 business days after the day the order is served, stated in the order.

**68 Amendment of s 160A (Executive officer may be taken to have committed offence)**

Section 160A(4), definition *deemed executive liability provision*, dot points—

*omit, insert—*

- section 84(6)
- section 104(1)
- section 164B(4)
- section 164C(8).

**69 Amendment of s 161 (Who may appeal)**

(1) Section 161(1)(c)—

*omit.*

(2) Section 161—

*insert—*

- (3) To remove any doubt, it is declared that—
  - (a) for a decision on a heritage recommendation for an application to enter a place in the Queensland heritage register as a part of a State heritage place, the person may appeal only about the decision relating to the part; and
  - (b) for a decision on a heritage recommendation for an application to remove part of a State



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heritage place from the Queensland heritage register, the person may appeal only about the decision relating to the part.

**70 Amendment of s 162 (Grounds for appeal)**

(1) Section 162(1), after ‘satisfy’—

*insert—*

at least 1 of

(2) Section 162(2)—

*omit.*

**71 Insertion of new pt 13A**

After part 13—

*insert—*

**Part 13A Evidence and particular court orders**

**164A Evidence**

- (1) In a proceeding for an offence against this Act, a certificate purporting to be signed by the Minister stating any of the following matters is evidence of the matter—
  - (a) a place or thing is in Queensland waters;
  - (b) a place is in a stated protected area.
- (2) In a proceeding for an offence against this Act, a certificate purporting to be signed by the chief executive stating any of the following matters is evidence of the matter—
  - (a) a stated document is—
    - (i) a copy of a part of, or an extract from, the Queensland heritage register; or

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- (ii) an order, decision or requirement, or a copy of an order, decision or requirement, given or made under this Act; or
  - (iii) a notice, or a copy of a notice, given under this Act; or
  - (iv) a record or document, or a copy of a record or document, kept under this Act;
- (b) on a stated day, a stated person was given a stated notice, order or requirement under this Act.

#### **164C Non-development orders**

- (1) This section applies if the owner of a Queensland heritage place is convicted of an offence involving the destruction of, or damage to, the place.
- (2) The court may, on application by the prosecution, make an order prohibiting the carrying out of development on the place for the period of not more than 10 years stated in the order.
- (3) The order is in addition to the imposition of a penalty and any other order under this Act.
- (4) The registrar of the court must give a copy of an order under this section to the registrar of titles.
- (5) The registrar of titles must keep records that show the land is subject to the order.
- (6) The registrar of titles must keep the records in a way that a search of the freehold land register will show the land is subject to the order.
- (7) An order under this section—
  - (a) attaches to the land; and
  - (b) binds the owner, the owner's successors in title and any occupier of the land.

- 
- (8) A person must not contravene an order under this section.

Maximum penalty—17,000 penalty units.

*Note—*

If a corporation commits an offence against this provision, an executive officer of the corporation may be taken, under section 160A, to have also committed the offence.

- (9) This section does not limit the court's powers under the *Penalties and Sentences Act 1992* or any other law.
- (10) In this section—  
**offence** means—
- (a) an offence against this Act; or
  - (b) an offence against the Planning Act, section 578 or 580 in relation to development on a Queensland heritage place.

### **164D Education and public benefit orders**

- (1) If a person is convicted of an offence, the court may, on application by the prosecution, make either or both of the following orders against the person—
- (a) an education order;
  - (b) a public benefit order.
- (2) The order must state the period within which the person must comply with the order.
- (3) The order is in addition to the imposition of a penalty and any other order under this Act.
- (4) This section does not limit the court's powers under the *Penalties and Sentences Act 1992* or any other law.
- (5) In this section—

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***education order*** means an order requiring the person against whom it is made to conduct a stated advertising or education campaign to promote compliance with this Act or the Planning Act, section 578 or 580.

***offence*** means—

- (a) an offence against the following—
- section 76
  - section 84(6)
  - section 89
  - section 90
  - section 91
  - section 104
  - section 155; or
- (b) an offence against the Planning Act, section 578 or 580 in relation to development on a Queensland heritage place.

***public benefit order*** means an order requiring the person against whom it is made to carry out a stated activity—

- (a) to restore or enhance a Queensland heritage place; or
- (b) for the public benefit.

## 72 Omission of s 167 (Evidence)

Section 167—

*omit.*

---

**73 Amendment, relocation and renumbering of s 169  
(Restoration orders)**

(1) Section 169(1), ‘, in addition to imposing a penalty for the offence,’—

*omit.*

(2) Section 169—

*insert—*

(1A) The order must state the period within which the person must comply with the order.

(1B) The order is in addition to the imposition of a penalty and any other order under this Act.

(3) Section 169—

*insert—*

(3A) This section does not limit the court’s powers under the *Penalties and Sentences Act 1992* or any other law.

(4) Section 169—

*relocate* to part 13A and *renumber* as section 164B(1) to (7).

**74 Omission of s 170 (Non-development order)**

Section 170—

*omit.*

**75 Amendment of s 171 (Immunity)**

Section 171—

*insert—*

(3) This section does not apply to a person who is a State employee within the meaning of the *Public Service Act 2008*, section 26B(4).

*Note—*

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For protection from civil liability in relation to State employees—see the *Public Service Act 2008*, section 26C.

**76 Amendment of s 173 (Chief executive may make guidelines)**

(1) Section 173(1)(c), after ‘division 2’—

*insert—*

by the chief executive

(2) Section 173—

*insert—*

(1A) The chief executive may, after consultation with the council and local governments, make guidelines to provide guidance to local governments about identifying or managing local heritage places.

(3) Section 173(1A) and (2)—

*renumber* as section 173(2) and (3).

**77 Amendment of s 174 (Recording of particular matters)**

(1) Section 174(1)(a), (4)(a) and (5)(a), ‘or an archaeological place’—

*omit.*

(2) Section 174(1)(c), ‘section 80(3)’—

*omit, insert—*

section 80(4)

**78 Amendment of s 175 (Delegation by Minister or chief executive)**

Section 175(2), ‘83, 87’—

*omit, insert—*

**79 Insertion of new s 175A**

After section 175—

*insert—*

**175A Chief executive officer of local government  
may not delegate power under pt 8**

The chief executive officer of a local government may not delegate the officer's powers under part 8.

**80 Insertion of new pt 15, div 4**

Part 15—

*insert—*

**Division 4 Transitional provisions for  
Queensland Heritage and  
Other Legislation  
Amendment Act 2014**

**196 Definitions for div 4**

In this division—

*amending Act* means the *Queensland Heritage and Other Legislation Amendment Act 2014*.

*pre-amended Act* means this Act as in force immediately before the commencement.

**197 Archaeological place taken to be State  
heritage place etc.**

- (1) Subsection (2) applies to a place if, immediately before the commencement—
  - (a) the place is an archaeological place under the pre-amended Act; and

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- (b) the entry in the Queensland heritage register for the place includes a statement mentioned in the pre-amended Act, section 31(3)(f) (the *original statement*).
- (2) The place is taken to be a State heritage place.
- (3) As soon as practicable after the commencement, the chief executive must—
  - (a) enter the place in the Queensland heritage register as a State heritage place; and
  - (b) include in the entry for the place the original statement as the statement mentioned in section 31(3)(e).
- (4) However, the place is taken to have been entered in the Queensland heritage register as a State heritage place on the day it was entered in the register as an archaeological place.
- (5) This section applies in relation to the place despite section 34.

### **198 Local governments prescribed under the pre-amended Act, s 112**

- (1) This section applies to a local government that, immediately before the commencement, was prescribed by regulation for the pre-amended Act, section 112.
- (2) The requirement under section 112(1)(a) for the local government to identify places of cultural heritage significance in its planning scheme does not apply to the local government until the earlier of the following happens—
  - (a) the local government amends its planning scheme under the Planning Act;



- (b) the local government reviews its planning scheme under the Planning Act, chapter 3, part 2, division 4.

### **199 Non-application of particular provisions to local governments**

- (1) This section applies to a local government if—
- (a) because of section 198 the requirement under section 112(1)(a) for the local government to identify places of cultural heritage significance in its planning scheme does not apply to the local government; or
  - (b) the local government identifies, under section 112(1)(a), places of cultural heritage significance in its planning scheme.
- (2) Section 112B and part 11, divisions 2 to 5 do not apply in relation to the local government.

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

- (1) Schedule, definitions *archaeological criteria*, *archaeological place*, *archaeological submission*, *heritage agreement*, *interim protection order*, *local heritage place*, *maintenance notice* and *stop order*—

*omit.*

- (2) Schedule—

*insert—*

***aircraft*** includes any marine concretions and accretions that are attached to the aircraft.

***archaeological State heritage place*** means a State heritage place in relation to which the statement in the Queensland heritage register about the place's cultural heritage significance relates only to the place's potential to contain an archaeological artefact or underwater cultural heritage artefact.

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**artefact**, for part 9, division 2, see section 91A.

**criminal history**, of a person, means the person's criminal history as defined under the *Criminal Law (Rehabilitation of Offenders) Act 1986* to the extent the criminal history relates to indictable offences or offences against this Act, other than spent convictions.

**current entry application**, for a place, for part 12, division 3, see section 154AA.

**decision-maker**, for part 6, division 2, see section 71A.

**enter**—

- (a) in relation to entering a place in the Queensland heritage register, includes enter the place in the register as part of a State heritage place; and
- (b) in relation to entering a place in a local heritage register, includes enter the place in the register as part of a local heritage place.

**excluded place** means a place that, under part 4 as applied by section 56B, is excluded from entry in the Queensland heritage register as a State heritage place.

**heritage agreement** see section 80(1).

**heritage place**, for part 6, division 2, see section 71A.

**heritage response** see section 50A(2).

**historic aircraft wreck** means the remains of an aircraft or part of the remains of an aircraft that—

- (a) is in Queensland waters; and
- (b) has been in the waters for at least 75 years.

**historic shipwreck** means the remains of a ship or part of the remains of a ship that—

- (a) is in Queensland waters; and
- (b) has been in the waters for at least 75 years.

***historic underwater article***—

1 *Historic underwater article* means an article—

- (a) that appears to have—
  - (i) formed part of an aircraft or ship; or
  - (ii) been installed or carried on an aircraft or ship; or
  - (iii) been constructed or used by a person associated with an aircraft or ship; and
- (b) that—
  - (i) is in Queensland waters; and
  - (ii) has been in the waters for at least 75 years.

2 An article is an *historic underwater article* whether or not the article—

- (a) is attached to the remains of an aircraft or ship, a reef or anything else; or
- (b) is located in, on or below the surface of a seabed or other land.

***local heritage agreement*** see section 80(2).

***local heritage place*** means a place that—

- (a) is of cultural heritage significance for a local government area; and
- (b) is identified as a place of cultural heritage significance in the local government's planning scheme or on the local government's local heritage register.

[s 81]

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**public office**, of a local government, means the local government's public office under the *Local Government Act 2009*.

**remove**—

- (a) in relation to removing a State heritage place from the Queensland heritage register, includes remove part of the State heritage place from the register; and
- (b) in relation to removing a place from a local heritage register, includes remove part of the place from the register.

**repair and maintenance notice** see 84(2).

**ship** includes—

- (a) any vessel used in navigation by water; and
- (b) any marine concretions and accretions that are attached to the ship.

**spent conviction** means a conviction—

- (a) for which the rehabilitation period under the *Criminal Law (Rehabilitation of Offenders) Act 1986* has expired under that Act; and
- (b) that is not revived as prescribed by section 11 of that Act.

**stop order** see section 154(1) and (4).

**underwater cultural heritage artefact** means—

- (a) an historic aircraft wreck; or
- (b) an historic shipwreck; or
- (c) an historic underwater article.

(3) Schedule, definition *archaeological artefact*—

*insert*—

- 3 *Archaeological artefact* does not include an underwater cultural heritage artefact.

- 
- (4) Schedule, definition *feature*, paragraph (b), after ‘archaeological artefact’—  
*insert—*  
and underwater cultural heritage artefact
- (5) Schedule, definition *local heritage register*, ‘113(1)’—  
*omit, insert—*  
112(1)(b)
- (6) Schedule, definition *party*, after ‘heritage agreement’—  
*insert—*  
or local heritage agreement
- (7) Schedule, definition *Queensland heritage place*, ‘, an archaeological place’—  
*omit.*

## **Part 2A                      Amendment of Sustainable    Planning Act 2009**

### **81A    Act amended**

This part amends the *Sustainable Planning Act 2009*.

### **81B    Amendment of s 88 (Key elements of planning scheme)**

Section 88(1)(e)—

*omit.*

### **81C    Amendment of s 313 (Code assessment—generally)**

Section 313(2)(f), after ‘LGIP’—

*insert—*

[s 81D]

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, if any

**81D Amendment of s 314 (Impact assessment—generally)**

Section 314(2)(i), after ‘LGIP’—

*insert—*

, if any

**81E Insertion of new ch 8, pt 2, div 1A**

Chapter 8, part 2, before division 1—

*insert—*

**Division 1A Preliminary**

**628A Application of pt 2**

This part, other than section 629 and division 4, applies to a local government only if the local government’s planning scheme includes an LGIP.

**81F Amendment of s 635 (When charge may be levied and recovered)**

(1) Section 635(3), ‘may give the notice only’—

*omit, insert—*

must give the notice

(2) Section 635(3)(a)(i)—

*omit, insert—*

- (i) if it is the assessment manager—at the same time as, or as soon as practicable after, the development approval is given; or

**81G Amendment of s 636 (Limitation of levied charge)**

Section 636—

*insert—*

- (3A) Also, the demand generated by development mentioned in subsection (2)(c) may be included if—
- (a) an infrastructure requirement applies to the land on which the development will be carried out; and
  - (b) the infrastructure requirement was imposed on the basis of development of a lower scale or intensity being carried out on the land.

**81H Amendment of s 637 (Requirements for infrastructure charges notice)**

Section 637(1)(f), ‘details of’—

*omit, insert—*

information about

**81I Amendment of s 647 (Necessary infrastructure condition for other infrastructure)**

Section 647(3)—

*omit, insert—*

- (3) However, a local government may impose a condition under subsection (2) only if the development infrastructure services development consistent with the assumptions stated in the LGIP about the type, scale, location or timing of future development.

**81J Amendment of s 649 (Offset or refund requirements)**

Section 649(3)(b)—

*omit, insert—*

[s 81K]

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- (b) the local government must refund the applicant an amount equal to the difference between the establishment cost of the trunk infrastructure and the amount worked out by applying the adopted charge to the development.

**81K Amendment of s 652 (Restriction if development completely in PIA)**

Section 652(2)(a)—

*omit, insert—*

- (a) for trunk infrastructure to be provided earlier than planned in the LGIP—the additional establishment cost that would be incurred by the local government in providing the trunk infrastructure earlier than planned;

**81L Amendment of s 724 (Documents local government must keep available for inspection and purchase—general)**

- (1) Section 724(1)(a), ‘, and its LGIP’—

*omit.*

- (2) Section 724(1)(ab)—

*omit, insert—*

- (ab) if the local government’s planning scheme includes an LGIP—all supporting material used to draft the LGIP;

- (3) Section 724(1)(p), ‘LGIP’—

*omit, insert—*

local government’s LGIP, if any, that was



**81M Amendment of s 761A (Special requirement to amend or make planning scheme)**

Section 761A—

*insert—*

- (3A) The local government is taken to have complied with subsection (2)(a) or (3)(b)(i) if—
- (a) the Minister is satisfied the amended or new planning scheme, to the extent it applies to the declared master planned area—
    - (i) is consistent with the strategic intent of the structure plan; and
    - (ii) does not affect development entitlements or development obligations stated in the structure plan in an adverse and material way; and
  - (b) the Minister gives written notice to the local government that the Minister is satisfied of the matters mentioned in paragraph (a).

**81N Amendment of s 976 (Deferment of LGIP requirement for existing planning schemes)**

Section 976—

*insert—*

- (3) This section ceases to have effect on the commencement of section 628A.

**81O Amendment of s 976B (Existing development approvals)**

Section 976B—

*insert—*

- (4) Subsections (5) and (6) apply to the development approval if—

[s 81P]

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- (a) the development approval is subject to a condition imposed under section 848; and
- (b) either or both of the following is approved for the development approval—
  - (i) a request under section 369(1) to change the development approval;
  - (ii) a request under section 383 to extend the period of the development approval.
- (5) Despite subsections (2) and (3), an infrastructure charges notice may be given for the development approval under the amended Act.
- (6) However—
  - (a) the infrastructure charges notice must relate only to the change to, or extension of, the development approval; and
  - (b) section 626(3)(a) and (b) does not apply to the approval of the request to change or extend the development approval.

**81P Amendment of s 979 (Charges resolutions until 1 July 2016)**

- (1) Section 979(5), ‘2016’—  
*omit, insert—*  
2015
- (2) Section 979(6), after ‘may,’—  
*insert—*  
before 1 July 2016 and
- (3) Section 979(8), after ‘provision’—  
*insert—*  
included in a charges resolution under subsection (6)

**81Q Insertion of new ch 10, pt 13**

Chapter 10—

*insert—*

**Part 13 Transitional provision  
for Queensland  
Heritage and Other  
Legislation  
Amendment Act 2014**

**996 Provision for planning schemes in effect  
before 4 July 2014 that do not include an LGIP  
or PIP**

- (1) This section applies in relation to a planning scheme that—
  - (a) does not include an LGIP; and
  - (b) before 4 July 2014, did not include a PIP.
- (2) Despite section 628A, the local government for the local government area to which the planning scheme applies may do the following until the stated day—
  - (a) adopt charges under section 630;
  - (b) give an infrastructure charges notice under section 635;
  - (c) impose conditions about trunk infrastructure under section 646, 647 or 650.
- (3) In this section—

**PIP** see section 975.

**stated day** means the day that is the earlier of the following—
  - (a) 1 July 2016;
  - (b) the day the local government amends its existing planning scheme to include an

[s 82]

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LGIP or adopts a new planning scheme that includes an LGIP.

## **Part 3                      Consequential amendments**

### **82        Acts amended in sch 1**

Schedule 1 amends the Acts it mentions.

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## Schedule 1 Consequential amendments

section 82

### Airport Assets (Restructuring and Disposal) Act 2008

**1 Section 54(3)—**

*omit, insert—*

(3) In this section—

*local heritage place* means a place on a local heritage register within the meaning of the *Queensland Heritage Act 1992*.

### Neighbourhood Disputes (Dividing Fences and Trees) Act 2011

**1 Section 73(2)(c), ‘registered place’—**

*omit, insert—*

Queensland heritage place

### Public Interest Disclosure Act 2010

**1 Schedule 2, entry for Queensland Heritage Act 1992, third dot point—**

*omit, insert—*

- section 164B(4) (Restoration orders)

## **Sustainable Planning Act 2009**

**1 Section 10(1), definition *building work*, paragraph 2(b), after 'artefacts'—**

*insert—*

or underwater cultural heritage artefacts

**2 Schedule 3, definition *local heritage place*—**

*omit, insert—*

*local heritage place* means a place on a local heritage register within the meaning of the *Queensland Heritage Act 1992*.

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