

Queensland



**INTEGRATED PLANNING
AND OTHER LEGISLATION
AMENDMENT BILL
(No. 2) 1998**

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Amendment (No. 2)*

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1998

A BILL

FOR

An Act to amend legislation about integrated planning

*Integrated Planning and Other Legislation
Amendment (No. 2)*

The Parliament of Queensland enacts—

1

PART 1—PRELIMINARY

2

Short title

3

Clause **1.** This Act may be cited as the *Integrated Planning and Other Legislation Amendment Act (No. 2) 1998*.

4

5

Commencement

6

Clause **2.(1)** Sections 3, 4, 8, 11, 12, 13(2), 13(3) and parts 3 and 5 commence on assent.

7

8

(2) Sections 7 and 13(1) are taken to have commenced on 19 November 1998.

9

10

(3) Sections 5 and 9 are taken to have commenced on 30 March 1998.

11

(4) The remaining provisions commence on a day to be fixed by proclamation.

12

13

**PART 2—AMENDMENT OF INTEGRATED
PLANNING ACT 1997**

14

15

Act amended in pt 2

16

Clause **3.** This part amends the *Integrated Planning Act 1997*.

17

Amendment of s 1.4.6 (Lawful uses of premises protected)

18

Clause **4.(1)** Section 1.4.6, first subsection—
number as section 1.4.6(1).

19

20

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	(2) Section 1.4.6, ‘under the repealed Act’—	1
	<i>omit.</i>	2
	Amendment of s 3.5.30 (Conditions must be relevant or reasonable)	3
Clause	5. Section 3.5.30(1), after ‘development’—	4
	<i>insert—</i>	5
	‘or use of premises as a consequence of the development’.	6
	Amendment of s 3.5.35 (Limitations on conditions lessening cost impacts for infrastructure)	7
		8
Clause	6.(1) Section 3.5.35(1)(a)(ii), ‘sequence; and’—	9
	<i>omit, insert—</i>	10
	‘sequence; or’.	11
	(2) Section 3.5.35(1)(a)—	12
	<i>insert—</i>	13
	‘(iii) if the payment is for lessening cost impacts for	14
	State-controlled roads infrastructure—prescribed under a	15
	regulation; and’.	16
	Insertion of new s 4.3.1A	17
Clause	7. In chapter 4, part 3, division 1, before section 4.3.1—	18
	<i>insert—</i>	19
	‘Additional meanings for defined terms in div 1	20
	‘4.3.1A. If a word used in this division, would apart from this section,	21
	have the meaning given by schedule 10, the word may, if the context	22
	requires, have the meaning given by section 6.1.1.’.	23

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Amendment of s 4.3.20 (Magistrates Court may make orders)

Clause	8. Section 4.3.20(3)(h)—	2
	<i>renumber</i> as section 4.3.20(3)(f).	3

Amendment of s 6.1.1 (Definitions for pt 1)

Clause	9.(1) Section 6.1.1, definition “ assessable development ”, paragraph (b)—	5
	<i>omit, insert</i> —	6
	‘(b) to the extent it is not inconsistent with schedule 8, part 1, development that—	7
	(i) before the commencement of this section, would have required an application to be made—	8
	(A) for a continuing approval; or	9
	(B) under section 4.3(1) ¹ of the repealed Act; or	10
	(ii) because of an amendment of a transitional planning scheme, requires an application for development approval.’.	11
	(2) Section 6.1.1, definition “ self-assessable development ”, paragraph (b)—	12
	<i>omit, insert</i> —	13
	‘(b) to the extent it is not inconsistent with schedule 8, part 2, development that—	14
	(i) before the commencement of this section, would not have required an application to be made but would have required the development to comply with applicable codes; or	15
	(ii) because of an amendment of a transitional planning scheme does not require an application for development approval but does require the development to comply with applicable codes.’.	16
		17
		18
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		20
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		23
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		25
		26
		27

¹ Section 4.3 (Amendment of a planning scheme etc. by an applicant) of the repealed Act

*Integrated Planning and Other Legislation
Amendment (No. 2)*

	Insertion of new s 6.1.54	1
Clause	10. After section 6.1.53—	2
	<i>insert—</i>	3
	‘Provisions applying until benchmark development sequence included in planning schemes	4
		5
	‘6.1.54.(1) This section applies if a planning scheme for an area does not include a benchmark development sequence.	6
		7
	‘(2) In addition to a condition that may be imposed under 3.5.35(1)(a), a condition requiring a monetary payment for lessening the cost impacts for infrastructure may also be imposed for development that is inconsistent with details of existing State controlled roads for the area and the roads implementation program for the area.	8
		9
		10
		11
		12
	‘(3) This section expires on 30 March 2003.’.	13
		14
	Amendment of sch 2 (Process for making temporary local planning instruments)	15
Clause	11. Schedule 2, part 2, section 4(d), ‘applies; and’—	16
	<i>omit, insert—</i>	17
	‘applies;’	18
		19
	Amendment of sch 8 (Assessable, self-assessable and exempt development)	20
Clause	12.(1) Schedule 8, part 3, section 10(a), ‘ <i>• Alcan Queensland Pty Limited Agreement Act 1965</i> ’—	21
		22
	<i>omit, insert—</i>	23
	‘<i>• Alcan Queensland Pty. Limited Agreement Act 1965</i>’.	24
	(2) Schedule 8, part 3, section 10(a), ‘ <i>• Commonwealth Aluminium Corporation Pty Limited Agreement Act 1957</i> ’—	25
		26
	<i>omit, insert—</i>	27

*Integrated Planning and Other Legislation
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• *Commonwealth Aluminium Corporation Pty. Limited Agreement Act 1957.* 1
2

(3) Schedule 8, part 3, section 10(a), ‘• *Queensland Cement and Lime Company Agreement Act 1977*’— 3
4

omit, insert— 5

• *Queensland Cement & Lime Company Limited Agreement Act 1977.* 6
7

(4) Schedule 8, part 3, section 10(a), ‘• *Thiess Peabody Mitsui Pty Ltd Agreements Act 1962*’— 8
9

omit, insert— 10

• *Thiess Peabody Coal Pty. Ltd. Agreement Act 1962.* 11

Amendment of sch 10 (Dictionary) 12

Clause **13.(1)** Schedule 10, definition “**assessing authority**”, paragraph (f)— 13
omit, insert— 14

‘(f) for development for which a private certifier gave a development approval—the local government; or 15
16

(g) for any other matter—the local government.’. 17

(2) Schedule 10, definition “**benchmark development sequence**”— 18

omit, insert— 19

‘ “**benchmark development sequence**”, for a planning scheme, means a development sequence— 20
21

(a) applying to the areas in the planning scheme where residential development is preferred over a 15 year period (or other period agreed to by the Minister); and 22
23
24

(b) dividing the areas into 3 successive 5 year stages (or other stages agreed to by the Minister); and 25
26

(c) prepared having regard to any guidelines approved by the chief executive about the method of preparation and the contents of the sequence.’. 27
28
29

*Integrated Planning and Other Legislation
Amendment (No. 2)*

- (3) Schedule 10, definition “**premises**”, after ‘building’— 1
insert— 2
‘or other structure’. 3

PART 3—AMENDMENT OF STOCK ACT 1915 4

Act amended in pt 3 5

- Clause **14.** This part amends the *Stock Act 1915*. 6

Amendment of s 4 (Interpretation) 7

- Clause **15.** Section 4(1), definition “**cattle feedlot**”— 8
omit, insert— 9
‘ “**cattle feedlot**” means premises in which cattle are fed, in a confined 10
area, prepared or manufactured stockfeed at levels greater than 11
necessary for survival.’. 12

Omission of s 4A (Meaning of “cattle feedlot”) 13

- Clause **16.** Section 4A— 14
omit. 15

Omission of ss 28A–28I 16

- Clause **17.** Sections 28A to 28I— 17
omit. 18

Amendment of s 28J (Cattle Feedlot Advisory Committee) 19

- Clause **18.** Section 28J(8)(a), ‘in respect of the licensing and’— 20

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omit, insert— 1

‘about the’. 2

Amendment of sch (Subject matter for regulations) 3

Clause **19.** Schedule, sections 6B and 6C— 4

omit. 5

PART 4—AMENDMENT OF TRANSPORT 6

INFRASTRUCTURE ACT 1994 7

Act amended in pt 4 8

Clause **20.** This part amends the *Transport Infrastructure Act 1994*. 9

Amendment of s 40 (Impact of certain local government decisions on 10

State-controlled roads) 11

Clause **21.(1)** Section 40(1)(a)— 12

omit, insert— 13

‘(a) it intends to carry out road works on a local government road or 14

make changes to the management of a local government road; 15

and’. 16

(2) Section 40(1)(b), ‘approval,’— 17

omit. 18

(3) Section 40— 19

insert— 20

‘**(1A)** Subsection (1) does not apply if the chief executive has considered 21

the works or changes as part of consideration of a development application 22

under IDAS, within the meaning of the *Integrated Planning Act 1997*.’ 23

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	(4) Section 40(3) to (5), ‘subdivision, rezoning, development,’—	1
	<i>omit.</i>	2
	(5) Section 40(7) and (9A)—	3
	<i>omit.</i>	4
	Amendment of s 42 (Effect of decisions of Planning and Environment Court)	5
		6
Clause	22.(1) Section 42, ‘the subdivision, rezoning, development,’—	7
	<i>omit, insert—</i>	8
	‘the’.	9
	(2) Section 42(2)(a), ‘a subdivision, rezoning, development,’—	10
	<i>omit.</i>	11
	Replacement of s 188 (Recovery of amounts payable to the chief executive)	12
		13
Clause	23. Section 188—	14
	<i>omit, insert—</i>	15
	‘Amounts payable to chief executive are debts owing to the State	16
	‘188. An amount payable by a person to the chief executive under this Act or the <i>Integrated Planning Act 1997</i> is a debt owing to the State.’.	17
		18
	Amendment of s 189 (Power to require information from local governments)	19
		20
Clause	24. Section 189(1), after ‘Act’—	21
	<i>insert—</i>	22
	‘or the <i>Integrated Planning Act 1997</i> ’.	23

*Integrated Planning and Other Legislation
Amendment (No. 2)*

	Insertion of new ch 10, pt 4, div 5	1
Clause	25. After section 260—	2
	<i>insert—</i>	3
	<i>‘Division 5—Transitional provisions about the Integrated Planning Act 1997</i>	4 5
	‘Continuing application of previous provisions to non-IDAS applications	6 7
	‘261.(1) This section applies if—	8
	(a) a local government would have had to apply under section 40 for the approval of a subdivision, rezoning or development of land (the “work”) under the section as in force immediately before its amendment by the <i>Integrated Planning and Other Legislation Amendment Act (No. 2) 1998</i> ; and	9 10 11 12 13
	(b) a development approval for the same work is not required under the <i>Integrated Planning Act 1997</i> .	14 15
	‘(2) Sections 40 and 42 and schedule 2, as in force immediately before their amendment by the <i>Integrated Planning and Other Legislation Amendment Act (No. 2) 1998</i> , apply to the work.	16 17 18
	‘Applications for approval of subdivisions, rezoning or development	19
	‘262. If an approval was applied for under section 40(1)(a)(i), as in force immediately before its amendment by the <i>Integrated Planning and Other Legislation Amendment Act (No. 2) 1998</i> , processing of the application and all matters incidental to the processing, including any review or appeal made in relation to a decision about the application, must proceed as if that Act had not been enacted.’.	20 21 22 23 24 25
	Amendment of sch 2 (Appeals)	26
Clause	26. Schedule 2, entry for section 40(1), ‘subdivision, rezoning,	27

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development,'—

omit.

1

2

PART 5—MISCELLANEOUS

3

Regulation repealed

4

Clause **27.** The *Cattle Feedlot Regulation 1989* is repealed.

5

6