

Queensland Heritage and Other Legislation Amendment Bill 2014

Amendments during consideration in detail to be moved by
The Honourable the Minister for Environment and Heritage Protection

1 Clause 2 (Commencement)

Page 8, line 7, after ‘Act’—

insert—

, other than part 2A,

2 Clause 29 (Insertion of new pt 4, div 5A)

Page 23, line 15, ‘State;’—

omit, insert—

State heritage place;

3 Clause 37 (Amendment of s 72 (Application for exemption certificate))

Page 27, lines 13 to 15—

omit, insert—

(4) Section 72(2)(b)(iv) and (3)(b), after ‘impact’—

insert—

, or will only have a minimal detrimental impact,

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

Page 33, after line 14—

insert—

(3) A regulation may prescribe matters the Minister must consider in being satisfied that a local government has appropriate procedures in place.

5 Clause 80 (Insertion of new pt 15, div 4)

Page 55, line 7, ‘section 112(1)a’—

omit, insert—

section 112(1)(a)

6 After clause 81

Page 59, after line 10—

insert—

**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—

, 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—

- (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—

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

7 Long title

Long title, after ‘1992’—

insert—

and the *Sustainable Planning Act 2009*

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Authorised by the Parliamentary Counsel