
**Integrated Planning Act and Other Legislation Amendment Act, 2004 (no.20/2004)**

The *Integrated Planning Act and Other Legislation Amendment Act* 2004 (IPOLAA, 2004) significantly strengthened the IPA’s provisions for regional planning, especially in South East Queensland. It established a regional coordinating committee, comprising 18 councils in South East Queensland. The Committee advises the regional planning minister on the development and implementation of the South East Queensland (SEQ) Regional Plan (s.2.5A.3-4). The SEQ Regional Plan came into effect in 2005 and is accompanied by the SEQ Infrastructure Plan and Program, 2005-2026. The SEQ Regional Plan identifies desired future spatial structure for the SEQ region taking into account future land-use patterns, the provision of regional infrastructure and the future management of key regional environmental, economic and cultural resources (s.2.5A.11). All affected local governments are required to amend their planning schemes to reflect the SEQ Regional Plan (s.2.5A.22(2)). If there is a conflict between another planning instrument and the SEQ Regional Plan, the Regional Plan will prevail (s.2.5A.23(2)). Regulatory provisions are included in the SEQ Regional Plan. These serve to make the Office of Urban Management (OUM) a concurrence agency for any development application in the SEQ region on land outside the Urban Footprint and to severely restrict development in those areas.

**Integrated Planning Act and Other Legislation Amendment Act, 2003 (no.64/2003)**

All uncommenced sections of the *Integrated Planning Act and Other Legislation Amendment Act* (2003) (IPOLAA, 2003) commenced operation on 4 October 2004. The main reforms impact on the following chapters of the second edition:

**Chapter 3: Designation Procedures (pp.85-89)**

The IPOLAA amendments have replaced the previous schedules 6 & 7 with new ss.2.6.7-2.6.9. These sections deal with ministerial designations and state processes that qualify as adequate environmental assessment and public consultation for designating land. The new procedures are explained at p.87 of the second edition and are now operative.

**Chapter 4: IDAS Procedures (pp.112-131)**

**IDAS:** Chapter three of the IPA was re-written by the IPOLAA, 2003 and has now commenced operation. Some of the changes to IDAS:

- Allow an assessment manager to refuse or accept an application that is not properly made (s.3.2.1(8)(9)).
- Require additional documents be made available for public scrutiny – any acknowledgement notice; any information request; any properly made submission and any referral agency response (s.3.2.8(1)).
• Permanently extend referral coordination requirements to development that is assessable under a planning scheme and prescribed under a regulation (s.3.3.5(1)).
• Require assessment managers not to assess a coordinated part of an application (s.3.5.3A). A coordinated part of an application is the part which, were it a separate application, there would be a different assessment manager.
• Revise and clarify the decision-making criteria for code assessment (ss.3.5.4 and 3.5.13). State planning policies and priority infrastructure plans may now need to be taken into account (3.5.4(2)).
• Reword s.3.5.14(4) on the weight to be given to extraneous SPPs and the SEQ regional plan during impact assessment.
• Allow for a compliance assessment process for operational works not finally designed at the approval stage (3.5.31A).
• Clarify procedures in the decision stage (s.3.5.11).

These changes are all noted in chapter 4 of the second edition (pp.114-131) and have now commenced operation. Schedule 8A (Assessment Manager for Development Applications) and Schedule 9 (Development that is Exempt from Assessment Against a Planning Scheme) have also commenced operation.

**Preliminary approvals:** The IPA now makes applications for preliminary approvals that will override a local planning instrument subject to referral coordination (s.3.3.5(1)). The IPOLAA, 2003, also introduced additional assessment criteria for preliminary approvals involving a material change of use and a variation of a local planning instrument (3.5.5.14A) (see pp.112-114).

**Environmental impact statements:** Chapter 5, Part 8 introduces a new and additional process for environmental impact statements applying to development prescribed under a regulation and the subject of a development application; and development prescribed under a regulation if it is for community infrastructure intended to be carried out on land proposed to be designated for the infrastructure (s.5.8.1). The relevant procedures are outlined in the 2004 edition at pp.178-180. This procedure is one of three EIS procedures now recognised under the Environment Protection and Biodiversity and Conservation Act 1999 (Cth) as a bilateral assessment process for proposed actions that have, will have or are likely to have a significant impact on a matter of national environmental significance in Queensland.

All the main changes introduced by the IPOLAA, 2003, are described in the 2004 edition, including footnotes, but have now become operative.

**Chapter 6: Conditions and Charges (pp.201-206)**

The 2003 amendments replace the original IPA regime for charging for infrastructure development. Pages 201–206 of the second edition explain how the main changes will operate. All the relevant sections in the IPOLAA, 2003, are now operative.

Every local government is now required to prepare a priority infrastructure plan (PIP) (s.2.1.3(1)(d)). With respect to infrastructure charging, the IPA clearly distinguishes between trunk and non-trunk infrastructure. For trunk infrastructure,
local governments can now choose to make and follow their own infrastructure charges schedule (ICS) or to apply a regulated ICS prescribed by regulations under the IPA (s.5.1.4). Local governments may impose conditions for additional trunk infrastructure costs in prescribed situations (s.5.1.25). State infrastructure providers may also require financial contributions in prescribed circumstances (s.5.1.28). These reforms are discussed at pp. 200-206 of the second edition.

**Referral Agencies and IPA Roll-ins**

**Environmental Authorities:** The *Environmental Protection Legislation Amendment Act* 2003 commenced operation on 4 October 2004. This Act extinguishes the need for developers involved in environmentally relevant activities (ERAs) to apply for a development approval under the IPA as well as a separate authority under the *Environmental Protection Act* 1994 (Qld). Instead of a comprehensive licensing system, people operating ERAs must now be registered. These developments are noted at p.140 of the second edition.

**Other Rolled-in Legislation:** The roll-in of legislation affecting development approvals has continued. As at September 2005, 107 development activities had referral requirements. These are stated in the *Integrated Planning Regulation*, 1998 and explained in the Department’s *Guide to the IDAS Referral Agencies* (available on-line at www.ipa.qld.gov.au)