Queensland

Sustainable Planning Amendment Regulation (No. 7) 2011

Subordinate Legislation 2011 No. 266

made under the

Sustainable Planning Act 2009

Contents

1 Short title

This regulation may be cited as the *Sustainable Planning Amendment Regulation (No. 7) 2011*.

2 Regulation amended

This regulation amends the *Sustainable Planning Regulation 2009*.

3 Amendment of sch 4 (Development that can not be declared to be development of a particular type—Act, section 232(2))

Schedule 4, table 5, after item 12—

insert—

'12A	(1)	All aspects of development for an educational facility funded under the relevant program, if all of the following apply in relation to the development—
		(a) at least 50% of the total funding for the development is provided under the relevant program;
		(b) at least 10 business days before the development is started, an entity representing the school at which the development is to be carried out gives the local government for the area in which the school is located written notice of the proposed development;
		(c) the height of any building or covered outdoor area for the facility is not more than the higher of—
		(i) the height of the tallest building on the existing school campus on which the facility is located; or
		(ii) 15m above ground level;
		(d) for development on land that shares a boundary with residential land—
		(i) if any existing building on the land on which the facility is to be located is less than 6m from the boundary—any new building is at least the same distance from the boundary as the building closest to it; or
		(ii) otherwise—
		(A) any single storey building for the facility is located at least 3m from the boundary; and

          (B) any multistorey building for the facility is located at least 6m from the boundary;

    (e) all buildings for the facility are located—

        (i) if any existing building on the land on which the facility is to be located is less than 6m from a road frontage—at least the same distance from the road frontage as the building closest to it; or

        (ii) otherwise—at least 6m from a road frontage;

    (f) for a facility that involves the installation of external floodlights, the installation of the floodlights complies with each of the following—

        (i) AS 4282-1997 'Control of the obtrusive effects of outdoor lighting';

        (ii) AS 2560.1-2002 'Sports lighting—general principles';

    (g) the facility is completely within an existing school campus;

    (h) the development does not involve the construction or extension of any vehicular access to the premises, other than a vehicular access for persons with a disability, emergency service vehicles or other service vehicles;

    (i) the development does not reduce the number of dedicated vehicle parking spaces on the land on which the facility is located;

    (j) the development complies with each of the following—

        (i) the 'State Planning Policy 1/02 Development in the Vicinity of Certain Airports and Aviation Facilities';

        (ii) the 'State Planning Policy 2/02 Planning and Managing Development Involving Acid Sulfate Soils'.

(2) However, development to which subsection (1) would otherwise apply is not prescribed for section 232(2) of the Act to the extent the development—

    (a) is in a coastal management district; or

    (b) is in an area for which an area management advice has been given for unexploded ordnance; or

    (c) for development at a non-State school—

        (i) is in an assessable development area or in an identified koala broad-hectare area under the SEQ Koala Conservation State Planning Regulatory Provisions; or

        (ii) involves the clearing of native vegetation—

           (A) in a category A area or category B area shown on a PMAV; or

> (B) if there is no PMAV for the lot on which the development is carried out—shown on the regional ecosystem map or remnant map as remnant vegetation.
>
> (3) Also, development to which subsection (1) would otherwise apply is not prescribed for section 232(2) of the Act if—
>
> (a) any of the following matters apply to the development—
>
> (i) the development is on a place in a planning scheme area that on or before 9 June 2011 was a local heritage place, or a place identified under the local government's planning scheme as a place of cultural heritage significance;
>
> (ii) the development interferes with vegetation identified under the local government's planning scheme on or before 9 June 2011 as vegetation that is protected;
>
> (iii) the land on which the development is to be carried out is identified under the local government's planning scheme as affected or potentially affected by subsidence caused by underground mining; and
>
> (b) within 10 business days after receiving notice of the development under subsection (1)(b), the local government advises the school by written notice that—
>
> (i) a matter mentioned in paragraph (a) applies to the development; and
>
> (ii) the local government is satisfied that the development may—
>
> (A) affect the local heritage place, place of cultural heritage significance or protected vegetation; or
>
> (B) be affected by subsidence.'.

4   Amendment of sch 26 (Dictionary)

(1) Schedule 26—

insert—

'*SEQ Koala Conservation State Planning Regulatory Provisions* means the SEQ Koala Conservation State Planning Regulatory Provisions published in May 2010.'.

(2) Schedule 26, definition *cultural heritage significance*, 'item 11'—

omit, insert—

'items 11 and 12A'.

(3) Schedule 26, definition *existing school campus*, 'item 11'—

omit, insert—

'items 11 and 12A'.

(4)   Schedule 26, definition *non-State school*, 'item 11'—

omit, insert—

'items 11 and 12A'.

(5)   Schedule 26, definition *relevant program*—

omit, insert—

'*relevant program*—

1   *Relevant program*, for schedule 4, table 5, items 11 and 12, means the program established by the Commonwealth government in February 2009 that—

(a)   provides funding for new facilities and refurbishments in schools, including, for example, trade training centres; and

(b)   is known as the 'Nation Building and Jobs Plan—Building the Education Revolution'.

2   *Relevant program*, for schedule 4, table 5, item 12A, means the program established by the State in June 2011 that—

(a)   provides funding for new educational facilities and refurbishments in schools; and

(b)   is known as the 'Transition of Year 7, from the last year of primary schooling to the first year of secondary schooling, as outlined in the Education White Paper - A Flying Start for Queensland Children'.'.

(6)   Schedule 26, definition *residential land*—

omit, insert—

'*residential land*—

1   *Residential land*, for schedule 4, table 5, item 11, means land that—

(a)   is being used for residential purposes; or

        (b)   may or is intended to be used for residential purposes under—

            (i)   a development approval in effect on or before 24 April 2009; or

            (ii)   a planning scheme as in force on 24 April 2009.

    2   *Residential land*, for schedule 4, table 5, item 12A, means land that—

        (a)   is being used for residential purposes; or

        (b)   may or is intended to be used for residential purposes under—

            (i)   a development approval in effect on or before 9 June 2011; or

            (ii)   a planning scheme as in force on 9 June 2011.'.

(7)   Schedule 26, definition *road frontage*, 'item 11'—

    omit, insert—

    'items 11 and 12A'.

(8)   Schedule 26, definition *school*, 'item 11'—

    omit, insert—

    'items 11 and 12A'.

(9)   Schedule 26, definition *State school*, 'item 11'—

    omit, insert—

    'items 11 and 12A'.

ENDNOTES

1   Made by the Governor in Council on 8 December 2011.
2   Notified in the gazette on 9 December 2011.
3   Laid before the Legislative Assembly on . . .
4   The administering agency is the Department of Local Government and Planning.

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