

Disallowance notice

Information about the disallowance of the Sustainable Planning Amendment Regulation (No. 2) 2012

Subordinate Legislation 2012 No. 42

The above regulation was disallowed by resolution of the Legislative Assembly passed on 11 July 2012—see Hansard 11 July 2012, pages 1173–6.



Queensland

Sustainable Planning Amendment Regulation (No. 2) 2012

Subordinate Legislation 2012 No. 42

made under the

Sustainable Planning Act 2009

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DISALLOWED

1 Short title

This regulation may be cited as the *Sustainable Planning Amendment Regulation (No. 2) 2012*.

2 Regulation amended

This regulation amends the *Sustainable Planning Regulation 2009*.

3 Amendment of sch 2 (Community infrastructure)

Schedule 2, part 2, after item 6—

insert—

‘Examples—

State schools and non-State schools’.

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

(1) Schedule 4, table 5—

insert—

‘10B	<p>All aspects of development for a public hospital on premises that, on 17 February 2012, were a part of the public hospital and were being used for the purposes of the public hospital, if each of the following apply in relation to the development—</p> <ul style="list-style-type: none"> (a) the development complies with— <ul style="list-style-type: none"> (i) the ‘State Planning Policy 1/02 Development in the Vicinity of Certain Airports and Aviation Facilities’; and (ii) the ‘State Planning Policy 2/02 Planning and Managing Development Involving Acid Sulfate Soils’; (b) for development involving the installation of external floodlights, the installation of the floodlights complies with— <ul style="list-style-type: none"> (i) AS 4282-1997 ‘Control of the obtrusive effects of outdoor lighting’; and (ii) AS 2560.1-2002 ‘Sports lighting—general principles’.
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(2) Schedule 4, table 5, item 11(1), after ‘cultural facility’—

DISALLOWED

[s 5]

insert—

‘(other than development to which item 12A applies)’.

- (3) Schedule 4, table 5, item 12, after ‘cultural facility,’—

insert—

‘(other than development to which item 12A applies)’.

- (4) Schedule 4, table 5, item 12(c), after ‘school’—

insert—

‘or facility’.

- (5) Schedule 4, table 5, item 12A—

omit, insert—

DISALLOWED

‘12A	<p>All aspects of development for a school on premises that, on 17 February 2012, were a part of the school and were being used for the purposes of the school, if each of the following apply in relation to the development—</p> <ul style="list-style-type: none"> (a) the development complies with— <ul style="list-style-type: none"> (i) the ‘State Planning Policy 1/02 Development in the Vicinity of Certain Airports and Aviation Facilities’; and (ii) the ‘State Planning Policy 2/02 Planning and Managing Development Involving Acid Sulfate Soils’; (b) for development involving the installation of external floodlights, the installation of the floodlights complies with— <ul style="list-style-type: none"> (i) AS 4282-1997 ‘Control of the obtrusive effects of outdoor lighting’; and (ii) AS 2560.1-2002 ‘Sports lighting—general principles’.
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5 Amendment of sch 7 (Referral agencies and their jurisdictions)

Schedule 7, table 1—

insert—

'Building work for schools		
'21A Building work for a building or structure at a school, if— <ul style="list-style-type: none"> (a) the building or structure is adjacent to a lot— <ul style="list-style-type: none"> (i) on which a class 1, 2 or 3 building is erected; or (ii) that is in a residential zone; and (b) the distance from the boundary of the lot to any external wall of the building or an upright support for the structure is less than— <ul style="list-style-type: none"> (i) if the height of the external wall or support is not more than 4.5m—2m; or (ii) if the height of the external wall or support is more than 4.5m but not more than 7.5m—3m; or (iii) if the height of the external wall or support is more than 7.5m—3m plus 0.5m for every 3m, or part of 3m, that the height is over 7.5m. 	The local government—as a concurrence agency	Whether the building— <ul style="list-style-type: none"> (a) adversely affects daylight or ventilation to habitable rooms of a building on the lot; or (b) adversely impacts on the amenity and privacy of residents on the lot.'

DISALLOWED

6 Amendment of sch 26 (Dictionary)

- (1) Schedule 26, definitions *relevant program* and *residential land*—

omit.

- (2) Schedule 26—

insert—

'public hospital means premises operated by the State at which sick or injured persons receive medical or surgical treatment.

[s 6]

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’.

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.’.
- (3) Schedule 26, definition *cultural heritage significance*, ‘items 11 and 12A’—
omit, insert—
‘item 11’.
- (4) Schedule 26, definition *existing school campus*, ‘items 11 and 12A’—
omit, insert—
‘item 11’.
- (5) Schedule 26, definition *non-State school*, ‘, for schedule 4, table 5, items 11 and 12A,’—
omit.
- (6) Schedule 26, definition *road frontage*, ‘items 11 and 12A’—
omit, insert—
‘item 11’.
- (7) Schedule 26, definition *school*, ‘, for schedule 4, table 5, items 11 and 12A,’—

DISALLOWED

omit.

- (8) Schedule 26, definition *State school*, ‘, for schedule 4, table 5, items 11 and 12A,’—

omit.

ENDNOTES

- 1 Made by the Governor in Council on 16 February 2012.
- 2 Notified in the gazette on 17 February 2012.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Local Government and Planning.

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