



Queensland

# Sustainable Planning Amendment Regulation (No. 5) 2012

## Subordinate Legislation 2012 No. 118

made under the

*Sustainable Planning Act 2009*

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**1 Short title**

This regulation may be cited as the *Sustainable Planning Amendment Regulation (No. 5) 2012*.

**2 Regulation amended**

This regulation amends the *Sustainable Planning Regulation 2009*.

**3 Amendment of sch 3 (Assessable development, self-assessable development and type of assessment)**

- (1) Schedule 3, part 1, table 3, item 1, column 2, ‘schedule 18 or’—

*omit, insert—*

‘schedule 18, the reconfiguration is under a relevant instrument of lease or’.

- (2) Schedule 3, part 1, table 4, item 5, column 2, paragraph (b)(iii), (iv) and (viii)—

*omit.*

- (3) Schedule 3, part 1, table 4, item 5, column 2, paragraph (b)(v) to (ix)—

*renumber as* schedule 3, part 1, table 4, item 5, column 2, paragraph (b)(iii) to (vi).

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

Schedule 4, table 3, item 2, after ‘if’—

*insert—*

‘the reconfiguration is under a relevant instrument of lease or’.

## 5 Amendment of sch 6 (Assessment manager for development applications)

Schedule 6, table 1, column 1, item 1, paragraph (e), ‘item 5(b)(vi)’—

*omit, insert—*

‘item 5(b)(iv)’.

## 6 Amendment of sch 7 (Referral agencies and their jurisdictions)

(1) Schedule 7, table 2, items 43 and 44 to 46, and the headings to items 44 to 46—

*omit.*

(2) Schedule 7, table 3, items 3, 21 and 22 to 24, and the headings to items 3 and 22 to 24—

*omit.*

## 7 Amendment of sch 11 (Development impacting on State-controlled roads and thresholds)

(1) Schedule 11, items 3, 7, 19 and 35—

*omit.*

(2) Schedule 11, item 21—

*omit, insert—*

‘21	Tourist attraction, other than a totally indoor tourist attraction (including aquariums, theme parks or zoos)	5000m <sup>2</sup> TSA or for the indoor component	5000m <sup>2</sup> TSA or for the indoor component
21A	Major sport, recreation or entertainment facility	8000m <sup>2</sup> GFA	4000m <sup>2</sup> GFA’.

## 8 Amendment of sch 26 (Dictionary)

(1) Schedule 26—

*insert—*

***‘relevant instrument of lease*** means an instrument of lease for a grant of a residential lease over a part of a lot that—

- (a) was previously subject to a social housing lease; and
- (b) is the same part of the lot that was subject to—
  - (i) a partial surrender of the social housing lease; or
  - (ii) if the part of the lot is the last remaining part of the social housing lease—a whole surrender of the lease.

***residential lease*** means a residential lease under—

- (a) the *Aboriginal Land Act 1991*, section 147; or
- (b) the *Torres Strait Islander Land Act 1991*, section 112.

***social housing lease*** means—

- (a) a lease for the purposes of social housing under the *Aboriginal Land Act 1991*, section 121(2)(a)(i) or the *Torres Strait Islander Land Act 1991*, section 86(2)(a)(i); or
  - (b) a sublease under the *Aurukun and Mornington Shire Leases Act 1978*, section 29(a) for the purposes of social housing.’.
- (2) Schedule 26, definition *excluded work*, paragraph 2, ‘item 5(b)(i), (iii) and (ix),’—  
*omit, insert—*  
‘item 5(b)(i) and (vi),’.
- (3) Schedule 26, definition *watercourse*, paragraph 2—  
*omit.*
- (4) Schedule 26, definition *watercourse*, paragraph 3—  
*renumber* as schedule 26, definition *watercourse*, paragraph 2.

ENDNOTES

- 1 Made by the Governor in Council on 2 August 2012.
- 2 Notified in the gazette on 3 August 2012.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of State Development, Infrastructure and Planning.

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