



Queensland

Sustainable Planning Amendment Regulation (No. 3) 2015

Subordinate Legislation 2015 No. 156

made under the

Sustainable Planning Act 2009

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[s 1]

1 Short title

This regulation may be cited as the *Sustainable Planning Amendment Regulation (No. 3) 2015*.

2 Commencement

This regulation commences on 23 November 2015.

3 Regulation amended

This regulation amends the *Sustainable Planning Regulation 2009*.

4 Amendment of sch 7 (Referral agencies and their jurisdictions)

(1) Schedule 7, table 3, item 1, column 1, after ‘premises’—
insert—

, other than an excluded material change of use,

(2) Schedule 7, table 3, item 14, column 1, paragraph (a)(i) and (ii)—

omit, insert—

(i) a material change of use of premises, other than an excluded material change of use; or

(ii) operational work (other than work associated with a material change of use of premises, reconfiguring a lot as mentioned in table 2, item 33 or government supported transport infrastructure) that—

(A) is associated with access to a public passenger transport corridor or a future public passenger corridor; or

(B) involves extracting, excavating or filling more than 50m³; and

- (3) Schedule 7, table 3, item 15A, column 1, after ‘premises’—
insert—
 , other than an excluded material change of use,

5 Amendment of sch 9 (Development impacting on State transport infrastructure and thresholds)

- (1) Schedule 9, item 1, columns 2 and 3, ‘dwellings’—
omit, insert—
 schedule 9 dwellings, whether of the same type or 2 or more types,
- (2) Schedule 9, item 19, column 1, after ‘industry’—
insert—
 (other than an abattoir)
- (3) Schedule 9, item 20, column 1, from ‘Noxious’ to ‘abattoir’—
omit, insert—
 Special industry
- (4) Schedule 9, item 22, column 1, from ‘Noxious’ to ‘industry’—
omit, insert—
 High impact industry
- (5) Schedule 9, item 27, columns 2 and 3, ‘dwellings’—
omit, insert—
 schedule 9 dwellings, whether of the same type or 2 or more types

6 Amendment of sch 26 (Dictionary)

- (1) Schedule 26, definitions *dwelling* and *relevant vehicular access*—

[s 6]

omit.

(2) Schedule 26—

insert—

caretaker's accommodation means caretaker's accommodation as defined under the standard planning scheme provisions.

domestic outbuilding means a domestic outbuilding as defined under the standard planning scheme provisions.

dual occupancy means a dual occupancy as defined under the standard planning scheme provisions.

dwelling means a dwelling house or dwelling unit.

dwelling house means a dwelling house as defined under the standard planning scheme provisions.

dwelling unit means a dwelling unit as defined under the standard planning scheme provisions.

excluded material change of use—

1 *Excluded material change of use*, for schedule 7, table 3, item 1, means a material change of use of premises that—

(a) does not involve new or changed access between the premises and a State-controlled road; and

(b) either—

(i) is for 1 or more of the following uses—

(A) a dwelling house;

(B) a secondary dwelling associated with a dwelling house on the premises;

-
- (C) a domestic outbuilding associated with a dwelling house on the premises; or
 - (ii) involves building work for which the GFA is 100m² or less, unless the building work is for a service station or fast food outlet.
 - 2 *Excluded material change of use*, for schedule 7, table 3, item 14, means a material change of use of premises that—
 - (a) does not involve new or changed access between the premises and a public passenger transport corridor on which light rail transport infrastructure is situated; and
 - (b) either—
 - (i) is for 1 or more of the following uses—
 - (A) a dwelling house;
 - (B) a secondary dwelling associated with a dwelling house on the premises;
 - (C) a domestic outbuilding associated with a dwelling house on the premises; or
 - (ii) involves building work for which the GFA is 250m² or less.
 - 3 *Excluded material change of use*, for schedule 7, table 3, item 15A, means a material change of use of premises that—
 - (a) is for 1 or more of the following uses—
 - (i) a dwelling house;
 - (ii) a secondary dwelling associated with a dwelling house on the premises;

[s 6]

- (iii) a domestic outbuilding associated with a dwelling house on the premises; or
- (b) involves building work for which the GFA is 250m² or less.

multiple dwelling means a multiple dwelling as defined under the standard planning scheme provisions.

new or changed access, between premises and a State-controlled road or public passenger transport corridor on which light rail transport infrastructure is situated, means—

- (a) the use of a new location as a relevant vehicular access between the premises and the State-controlled road or public passenger transport corridor; or
- (b) the construction of a new relevant vehicular access between the premises and the State-controlled road or public passenger transport corridor; or
- (c) an extension of an existing relevant vehicular access between the premises and the State-controlled road or public passenger transport corridor; or

Example for paragraph (c)—

widening a driveway to allow access by a wide-turning vehicle

- (d) an increase in the number of vehicles regularly using an existing relevant vehicular access between the premises and the State-controlled road or public passenger transport corridor; or
- (e) a change in the type of vehicles regularly using an existing relevant vehicular access between the premises and the State-controlled road or public passenger transport corridor.

relevant vehicular access, to a State-controlled road, or between premises and a State-controlled road or public passenger transport corridor, means—

- (a) a road, other than a pedestrian or bicycle path, that provides access to the State-controlled road, or between the premises and the State-controlled road or public passenger transport corridor; or
- (b) a driveway that provides access to the State-controlled road, or between the premises and the State-controlled road or public passenger transport corridor.

retirement facility means a retirement facility as defined under the standard planning scheme provisions.

schedule 9 dwelling means a dwelling of any of the following types—

- (a) a dwelling house;
- (b) a dwelling unit;
- (c) a self-contained residence in a dual occupancy;
- (d) a self-contained residence in a multiple dwelling;
- (e) caretaker's accommodation;
- (f) an independent accommodation unit in a retirement facility.

Examples for paragraph (f)—

- an independent living unit
- a serviced unit
- an on-site residence for the manager of a retirement facility

secondary dwelling means a secondary dwelling as defined under the standard planning scheme provisions.

[s 6]

service station means a service station as defined under the standard planning scheme provisions.

- (3) Schedule 26, definition *domestic housing activity*, example, ‘caretakers’—

omit, insert—

caretaker’s

- (4) Schedule 26, definition *State development assessment provisions*, ‘on 10 June 2015, dated 6 July 2015’—

omit, insert—

, dated 23 November 2015

ENDNOTES

- 1 Made by the Governor in Council on 19 November 2015.
- 2 Notified on the Queensland legislation website on 20 November 2015.
- 3 The administering agency is the Department of Infrastructure, Local Government and Planning.

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Authorised by the Parliamentary Counsel