



Queensland

Sustainable Planning Amendment Regulation (No. 4) 2016

Subordinate Legislation 2016 No. 210

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. 4) 2016*.

2 Commencement

This regulation commences on 5 December 2016.

3 Regulation amended

This regulation amends the *Sustainable Planning Regulation 2009*.

4 Amendment of sch 1 (Designated regions)

Schedule 1, part 1—

insert—

Noosa

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

(1) Schedule 3, part 1, table 2—

insert—

Adjoining a Queensland heritage place		
12	Making a material change of use of premises, other than an excluded material change of use, on a lot that— (a) shares a common boundary with a lot that is or contains a Queensland heritage place; or (b) contains a Queensland heritage place.	Code assessment

(2) Schedule 3, part 1, table 4, item 4 and heading—

omit, insert—

For referable dams

4	Operational work that is the construction of a dam, or is carried out in relation to a dam, if— (a) because of the work, the dam must be failure impact assessed; and (b) the accepted failure impact assessment for the dam states the dam has, or will have, a category 1 or category 2 failure impact rating	Code assessment, if the chief executive is the assessment manager
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- (3) Schedule 3, part 1, table 5, item 3, column 2, definition *local heritage place*, after ‘includes a place’—
insert—

, other than a Queensland heritage place,

6 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, items 11 to 12A—

omit.

7 Amendment of sch 5 (Applicable codes, laws, policies and prescribed matters for particular development)

- (1) Schedule 5, part 1, table 2—

insert—

Adjoining a Queensland heritage place	
10 Development requiring code assessment under schedule 3, part 1, table 2, item 12	The relevant provisions of the State development assessment provisions

- (2) Schedule 5, part 1, table 4, item 5, heading, ‘Particular’—
omit, insert—

Referable

8 Amendment of sch 6 (Assessment manager for development applications)

Schedule 6, table 3, item 3A—

[s 9]

omit, insert—

Referable dams	
<p>3A If tables 1 and 2 do not apply and the application is for—</p> <p>(a) operational work for the construction of a dam, or that is carried out in relation to a dam, if—</p> <p style="padding-left: 20px;">(i) because of the work, the dam must be failure impact assessed; and</p> <p style="padding-left: 20px;">(ii) the accepted failure impact assessment for the dam states the dam has, or will have, a category 1 or category 2 failure impact rating; and</p> <p>(b) no other assessable development</p>	<p>The chief executive</p>

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

- (1) Schedule 7, table 2, item 11, heading, ‘Particular’—

omit, insert—

Referable

- (2) Schedule 7, table 2, item 15, column 1, after ‘transport infrastructure’—

insert—

, or work carried out by the Gold Coast Waterways Authority under the *Gold Coast Waterways Authority Act 2012*

- (3) Schedule 7, table 2, item 15, column 1, paragraph (a)—

insert—

(iv) a revetment wall associated with a thing mentioned in subparagraphs (i) to (iii); or

- (4) Schedule 7, table 2—

insert—

Adjoining a Queensland heritage place

19AA material change of use of premises made assessable under schedule 3, part 1, table 2, item 12	The chief executive—as a concurrence agency	The purpose of the Act
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(5) Schedule 7, table 3, item 2, column 1—

insert—

- (c) for development in LGA population 1—is not for accommodation activities at premises wholly or partly in the excluded area.

10 Amendment of sch 7A (Particular assessment manager and concurrence agency application fees)

(1) Schedule 7A, part 1, item 6—

omit, insert—

Referable dams		
6	Operational work mentioned in schedule 6, table 3, item 3A(a)—	
	(a) if the accepted failure impact assessment for the dam states the dam has, or will have, a category 1 failure impact rating and the dam is, or is intended to be—	6048.00
	(i) more than 20m high; and	
	(ii) capable of impounding 5000ML or more of water	
	(b) if the accepted failure impact assessment for the dam states the dam has, or will have, a category 2 failure impact rating	12,095.00
	(c) otherwise	3024.00

(2) Schedule 7A, part 2—

insert—

Adjoining a Queensland heritage place		
9A	Development for which a referral agency is stated in schedule 7, table 2, item 19A—	
	(a) if the material change of use would result in the premises being comprised of at least 1 dwelling but not more than 4 dwellings	nil

[s 11]

	(b) otherwise	1511.00
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(3) Schedule 7A, part 2, item 24 and heading—
omit, insert—

Referable dams		
24	Operational work for which a referral agency is stated in schedule 7, table 2, item 11—	
	(a) if the accepted failure impact assessment for the dam states the dam has, or will have, a category 1 failure impact rating and the dam is, or is intended to be—	6048.00
	(i) more than 20m high;	
	(ii) capable of impounding 5000ML or more of water	
	(b) if the accepted failure impact assessment for the dam states the dam has, or will have, a category 2 failure impact rating	12,095.00
	(c) otherwise	3024.00

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

(1) Schedule 9, item 1—
omit, insert—

1	A purpose that is 1, or any combination, of the following accommodation activities—	200 dwellings	50 dwellings
	(a) a dual occupancy;		
	(b) a dwelling house;		
	(c) a multiple dwelling;		
	(d) non-resident workforce accommodation;		
	(e) a relocatable home park;		
	(f) a retirement facility;		
	(g) rooming accommodation;		
	(h) rural workers' accommodation		

<p>1A A purpose that is 1, or any combination, of the following accommodation activities—</p> <ul style="list-style-type: none"> (a) nature-based tourism; (b) a resort complex; (c) short-term accommodation; (d) a tourist park 	Premises designed to accommodate 300 people	Premises designed to accommodate 75 people
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(2) Schedule 9, item 27—

omit, insert—

<p>27 A purpose that is 1, or any combination, of the following accommodation activities—</p> <ul style="list-style-type: none"> (a) a dual occupancy; (b) a dwelling house; (c) a multiple dwelling; (d) non-resident workforce accommodation; (e) a relocatable home park; (f) a retirement facility; (g) rooming accommodation; (h) rural workers' accommodation 	200 dwellings	50 dwellings
<p>27A A purpose that is 1, or any combination, of the following accommodation activities—</p> <ul style="list-style-type: none"> (a) nature-based tourism; (b) a resort complex; (c) short-term accommodation; (d) a tourist park 	Premises designed to accommodate 300 people	Premises designed to accommodate 75 people

12 Amendment of sch 26 (Dictionary)

(1) Schedule 26, definitions *accepted failure impact assessment*, *background level*, *dam*, *dwelling*, *excluded material change of use*, *existing school campus*, *non-State school*, *railway*,

[s 12]

relevant program, residential land, road frontage, schedule 9 dwelling, school and State school—

omit.

(2) Schedule 26—

insert—

accepted failure impact assessment, for a dam or a proposed dam, means a failure impact assessment of the dam or proposed dam that has been accepted under the Water Supply Act, section 349.

category 1 failure impact rating see the Water Supply Act, schedule 3.

category 2 failure impact rating see the Water Supply Act, schedule 3.

community residence means a community residence as defined in the standard planning scheme provisions.

dam—

- (a) has the meaning given by the *Water Act 2000*, schedule 4; and
- (b) for schedule 3, part 1, table 4, item 4, schedule 6, table 3, item 3A, schedule 7, table 2, item 11 and schedule 7A, part 1, item 6 and part 2, item 24, includes a proposed dam.

dwelling means—

- (a) for schedule 9, items 1 and 27—a dwelling as defined in the standard planning scheme provisions; or
- (b) otherwise—a dwelling house or dwelling unit.

excluded area, for schedule 7, table 3, item 2, means the part of the local government area of the Brisbane City Council or the Gold Coast City

Council that is under the threshold exemption areas layer of the department's development assessment mapping system.

Note—

The development assessment mapping system can be accessed on the department's website.

excluded material change of use—

- 1 *Excluded material change of use*, for schedule 3, part 1, table 2, item 12, means a material change of use of premises—
 - (a) if the premises adjoins an archaeological State heritage place within the meaning of the *Queensland Heritage Act 1992*, schedule; or
 - (b) that is for—
 - (i) a dwelling house more than 25m from the boundary of a lot that is or contains a Queensland heritage place; or
 - (ii) any use more than 75m from the boundary of a lot that is or contains a Queensland heritage place; or
 - (c) that involves single storey buildings or structures only; or
 - (d) that does not involve building work, other than—
 - (i) the internal alteration of existing buildings or structures; or
 - (ii) minor building work that is the external alteration of existing buildings or structures.
- 2 *Excluded material change of use*, for schedule 7, table 3, items 1, 14 and 15A,

means a material change of use of premises that—

- (a) does not involve new or changed access between the premises and any of the following—
 - (i) a State transport corridor;
 - (ii) a road that intersects with a State-controlled road;
 - (iii) a road that intersects with a railway crossing; and
- (b) is for—
 - (i) 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;
 - (D) a dwelling unit;
 - (E) a dual occupancy;
 - (F) caretaker's accommodation;
 - (G) a community residence; or
 - (ii) a use, other than as a food and drink outlet, a service station or a use mentioned in subparagraph (i), and all of the following apply—
 - (A) the premises have a gross floor area of 100m² or less and the material change of use does not increase the gross floor area;

- (B) the material change of use does not involve building work, other than internal alterations;
- (C) if the material change of use involves building or extending a hardstanding area—the hardstanding area or extension is not more than 25m².

external alteration, of a building or structure, means building work that is not an internal alteration.

internal alteration, of a building or structure, means building work that is wholly inside the building or structure.

minor building work means minor building work as defined in the standard planning scheme provisions.

nature-based tourism means nature-based tourism as defined in the standard planning scheme provisions.

non-resident workforce accommodation means non-resident workforce accommodation as defined in the standard planning scheme provisions.

railway means land on which—

- (a) rail transport infrastructure or other rail infrastructure is situated; or
- (b) railway works are being done, if the works relate to transport infrastructure to which paragraph (a) applies; or
- (c) other services, relating to the maintenance or operation of infrastructure mentioned in paragraph (a), are being provided.

railway crossing see the *Transport Infrastructure*

Act 1994, schedule 6.

referable dam see the Water Supply Act, section 341.

relocatable home park means a relocatable home park as defined in the standard planning scheme provisions.

resort complex means a resort complex as defined in the standard planning scheme provisions.

rooming accommodation means rooming accommodation as defined in the standard planning scheme provisions.

rural workers' accommodation means rural workers' accommodation as defined in the standard planning scheme provisions.

short-term accommodation means short-term accommodation as defined in the standard planning scheme provisions.

State transport corridor means—

- (a) a busway corridor; or
- (b) a light rail corridor; or
- (c) a railway corridor; or
- (d) a State-controlled road.

tourist park means a tourist park as defined in the standard planning scheme provisions.

- (3) Schedule 26, definition *cultural heritage significance*, 'and schedule 4, table 5, items 11 and 12A'—

omit.

- (4) Schedule 26, definition *public passenger transport corridor*, paragraphs (a)(iii) and (b)(iii)—

omit.

- (5) Schedule 26, definition *State development assessment provisions*, '22 July'—

omit, insert—

5 December

ENDNOTES

- 1 Made by the Governor in Council on 24 November 2016.
- 2 Notified on the Queensland legislation website on 25 November 2016.
- 3 The administering agency is the Department of Infrastructure, Local Government and Planning.

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