



Queensland

Planning and Other Legislation (South East Queensland Regional Plan and Other Matters) Amendment Regulation 2017

Subordinate Legislation 2017 No. 141

made under the

Local Government Act 2009

Planning Act 2016

Regional Planning Interests Act 2014

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Part 1 Preliminary

1 Short title

This regulation may be cited as the *Planning and Other Legislation (South East Queensland Regional Plan and Other Matters) Amendment Regulation 2017*.

Part 2 Amendment of Planning Regulation 2017

Division 1 Preliminary

2 Regulation amended

This part amends the *Planning Regulation 2017*.

Division 2 Amendments relating to regional plans

3 Amendment of s 17 (Assessment benchmarks that local categorising instruments may not be inconsistent with—Act, s 43)

(1) Section 17(b), ‘section 30(1)(a)’—

omit, insert—

section 30(a)

(2) Section 17—

insert—

(g) an assessment benchmark stated in the regional plan for a region to which the local categorising instrument applies.

[s 4]

4 Amendment of s 30 (Assessment benchmarks generally—Act, s 45)

Section 30(2)(a)(i)—

omit, insert—

- (i) the regional plan for a region; and

5 Amendment of s 31 (Matters impact assessment must have regard to generally—Act, s 45)

Section 31(1)(d)(i)—

omit, insert—

- (i) the regional plan for a region; and

6 Amendment of s 32 (Assessing variation requests—Act, s 61)

Section 32(b)—

omit, insert—

- (b) the regional plan for a region;

7 Insertion of new s 36A

After section 36—

insert—

36A Fee for assessable development under sch 10, pt 16

- (1) This section applies in relation to the referral of a prescribed development application under schedule 10, part 16 if the referral is for more than 1 type of material change of use that is assessable development under that part.
- (2) The total of the fee payable to the referral agency for the referral is \$1,564.

Example—

For a development application for assessable development under schedule 10, part 16, sections 24 and 27, the total fee payable to the chief executive as referral agency for the application is \$1,564.

- (3) However, this section is subject to sections 37 and 38.

8 Replacement of s 41 (Deciding whether there is an overriding need in the public interest for development)

Section 41—

omit, insert—

41 Deciding whether development is consistent with future planning intent

- (1) This section applies if, under schedule 10, part 15, a referral agency is deciding whether or not development on premises completely or partly in an SEQ development area is consistent with the future planning intent for the area in which the premises are located.
- (2) Subsection (3) applies if—
- (a) the planning scheme applying to the premises, or a major amendment of the planning scheme, is made after the gazette notice identifying the SEQ development area is published; and
- (b) the planning scheme or amendment includes a land use and infrastructure plan for the SEQ development area.
- (3) The referral agency may decide the development is consistent with the future planning intent for the area only if the development is consistent with the land use and infrastructure plan.
- (4) If subsection (3) does not apply, the referral agency may decide the development is consistent

with the future planning intent for the area only if the development—

- (a) is consistent with the goals, elements and strategies stated in the SEQ regional plan; and
 - (b) does not compromise the intent for the area stated in—
 - (i) the SEQ regional plan; or
 - (ii) the gazette notice for the SEQ development area; and
 - (c) does not adversely affect the delivery and orderly sequencing of infrastructure for the SEQ development area or land adjacent to the SEQ development area; and
 - (d) is compatible with the use of other premises in the surrounding area; and
 - (e) avoids an area that involves a risk of serious harm to persons or property from natural events or processes, including, for example, bush fires, coastal erosion, flooding or landslides, or, if the area can not be avoided, minimises the risk.
- (5) In this section—

major amendment, of a planning scheme, see the Minister's guidelines and rules, schedule 1, section 4.

41A Deciding whether development is required to be outside SEQ urban footprint

- (1) This section applies if, under schedule 10, part 16, a referral agency is deciding whether or not the locational requirements or environmental impacts of development require it to be outside the SEQ urban footprint.

-
- (2) The referral agency may decide the locational requirements or environmental impacts of the development require it to be outside the SEQ urban footprint only if—
- (a) the premises have particular characteristics that are necessary for the carrying out of the development; and
 - (b) the development could not reasonably be located on premises in the SEQ urban footprint that have the particular characteristics.

41B Deciding whether there is an overriding need in the public interest for development

- (1) This section applies if, under schedule 10, part 16, a referral agency is deciding whether or not there is an overriding need, in the public interest, for development to be carried out.
- (2) The referral agency may decide there is an overriding need, in the public interest, for the development to be carried out only if the development application demonstrates that—
- (a) the development will have a social, economic or environmental benefit for the community that outweighs—
 - (i) any adverse impact of the development on a matter or thing stated in the SEQ regional plan, table 11b; and
 - (ii) the desirability of achieving the goals, elements and strategies stated in the SEQ regional plan, particularly the goals, elements and strategies about—
 - (A) consolidating urban development in the SEQ urban footprint; and

- (B) preventing land fragmentation in the SEQ regional landscape and rural production area; and
- (b) there will be a significant adverse economic, social or environmental impact on the community if the development is not carried out.
- (3) To remove any doubt, it is declared that there is not an overriding need, in the public interest, for the development to be carried out merely because—
 - (a) the applicant—
 - (i) owns the premises; or
 - (ii) has an interest in, or option over, the premises; or
 - (b) the premises are available for the carrying out of the development.

9 Amendment of sch 1 (Regions)

Schedule 1, table, entry for SEQ region, column 2, 'July 2009'—

omit, insert—

August 2017

10 Amendment of sch 3 (Use terms for local planning instruments)

Schedule 3, table, entry for renewable energy facility, column 2—

omit, insert—

renewable energy facility see the *Planning Regulation 2017*, schedule 24.

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

Schedule 8, table 2, column 1, item 1(b)(i), ‘or part 16’—
omit, insert—
, part 15 or 16

12 Amendment of sch 10 (Development assessment)

(1) Schedule 10, part 14, division 2, table 1, items 1 and 2—
omit, insert—

1 Category of assessment	Code assessment, if— (a) schedule 12 applies to the reconfiguration and either— (i) no part of the lot to be reconfigured is in an SEQ development area; or (ii) all or part of the lot to be reconfigured is in an SEQ development area, but the reconfiguration is an exempt subdivision; or (b) impact assessment is not required for the reconfiguration Impact assessment, if— (a) a local categorising instrument requires impact assessment for the reconfiguration and schedule 12 does not apply to the reconfiguration; or (b) all or part of the lot to be reconfigured is in an SEQ development area and the reconfiguration is a subdivision other than an exempt subdivision
2 Assessment benchmarks	For reconfiguring a lot that schedule 12 applies to and that requires code assessment—the assessment benchmarks prescribed in schedule 12 for the development

(2) Schedule 10, parts 15 and 16—

omit, insert—

Part 15

SEQ development area

Division 1 Reconfiguring a lot—referral agency’s assessment

Table 1—Reconfiguring a lot in SEQ development area	
Column 1	Column 2
1 Development application requiring referral	Development application for reconfiguring a lot that is completely or partly in an SEQ development area, if— (a) the reconfiguration is assessable development under section 21 and requires impact assessment; and (b) the reconfiguration is a subdivision other than an exempt subdivision
2 Referral agency	The chief executive
3 Limitations on referral agency’s powers	—
4 Matters referral agency’s assessment must be against	Whether the development is consistent with the future planning intent for the area in which the premises are located <i>Note—</i> See also section 41.
5 Matters referral agency’s assessment must have regard to	—
6 Matters referral agency’s assessment may be against	—
7 Matters referral agency’s assessment may have regard to	—
8 Fee for referral	\$1,564.00

Division 2 Material change of use

Subdivision 1 Assessable development

22 Assessable development—material change of use in SEQ development area

- (1) A material change of use of premises that are completely or partly in an SEQ development area is assessable development.
- (2) However, subsection (1) does not apply if—
 - (a) all of the following apply—
 - (i) the material change of use is accepted development, or assessable development requiring code assessment, under a local categorising instrument;
 - (ii) the use results in a gross floor area of not more than 10,000m²;
 - (iii) the premises have an area of not more than 10,000m²; or
 - (b) the material change of use is for—
 - (i) a dwelling house; or
 - (ii) a dwelling unit; or
 - (iii) a dual occupancy, if both dwellings are on a single lot; or
 - (iv) caretaker's accommodation; or
 - (c) the material change of use is excluded development.

Subdivision 2 Assessment by assessment manager

Table 1—Assessable development under s 22	
Column 1	Column 2
1 Category of assessment	Impact assessment
2 Assessment benchmarks	—
3 Matters code assessment must have regard to	—
4 Matters impact assessment must have regard to	—

Subdivision 3 Referral agency's assessment

Table 1—Assessable development under s 22	
Column 1	Column 2
1 Development application requiring referral	Development application for a material change of use of premises that is assessable development under section 22
2 Referral agency	The chief executive
3 Limitations on referral agency's powers	—
4 Matters referral agency's assessment must be against	Whether the development is consistent with the future planning intent for the area in which the premises are located <i>Note—</i> See also section 41.
5 Matters referral agency's assessment must have regard to	—
6 Matters referral agency's assessment may be against	—

Table 1—Assessable development under s 22	
Column 1	Column 2
7 Matters referral agency's assessment may have regard to	—
8 Fee for referral— (a) if the material change of use involves reconfiguring a lot for which the chief executive is a referral agency under division 1, table 1, item 1, column 2 (b) otherwise	Nil \$1,564.00

Part 16 SEQ regional landscape and rural production area and SEQ rural living area

Division 1 Reconfiguring a lot

23 Prohibited development—reconfiguring a lot in SEQ regional landscape and rural production area

- (1) Reconfiguring a lot is prohibited development to the extent the lot is in the SEQ regional landscape and rural production area, if the reconfiguration—
 - (a) is a subdivision; and
 - (b) is assessable development under section 21.
- (2) However, subsection (1) does not apply if—
 - (a) the reconfiguration is an exempt subdivision; or

- (b) the lot is in an SEQ rural subdivision precinct and the reconfiguration is consistent with the purpose statement, and minimum lot size, for the zone applying to the lot under a local planning instrument; or
 - (c) each lot created by the reconfiguration is at least 100ha; or
 - (d) the lot is in an area identified in a gazette notice by the Minister as having a rural residential purpose and an application for the reconfiguration was properly made under the old Act or the repealed IPA on or before 6 December 2010.
- (3) In this section—

SEQ rural subdivision precinct means an area in the SEQ region identified in a gazette notice by the Minister as a rural subdivision precinct.

Division 2 Tourist activity or sport and recreation activity

Subdivision 1 Assessable development

24 Assessable development—material change of use for tourist activity or sport and recreation activity

A material change of use of premises for a tourist activity or sport and recreation activity is assessable development if—

- (a) all or part of the premises are in—
 - (i) the SEQ regional landscape and rural production area; or
 - (ii) the SEQ rural living area; and

[s 12]

- (b) the use—
 - (i) results in a gross floor area of more than 5,000m² on the premises, excluding any part of the premises that is used for tourist accommodation or accommodation for employees; or
 - (ii) involves an ancillary commercial or retail activity with a gross floor area of more than 250m²; or
 - (iii) provides accommodation for more than 300 persons; and
- (c) the material change of use is not—
 - (i) excluded development; or
 - (ii) an exempt material change of use.

Subdivision 2 Assessment by assessment manager

Column 1	Column 2
1 Category of assessment	Impact assessment
2 Assessment benchmarks	—
3 Matters code assessment must have regard to	—
4 Matters impact assessment must have regard to	—

Subdivision 3 Referral agency's assessment

Table 1—Assessable development under s 24	
Column 1	Column 2
1 Development application requiring referral	Development application for a material change of use of premises that is assessable development under section 24
2 Referral agency	The chief executive
3 Limitations on referral agency's powers	—
4 Matters referral agency's assessment must be against	<p>(a) There is a community and economic need for the use</p> <p>(b) When the use starts—</p> <p>(i) the premises will have direct access to transport infrastructure that is reasonably required for, and adequate to service, the use; and</p> <p>(ii) the premises will be serviced by infrastructure (including, for example, infrastructure for electricity, stormwater, water supply and the treatment and disposal of waste) that is adequate for the use; and</p> <p>(iii) a workforce suitable for the carrying out of the use will be able to be sourced from the surrounding area</p> <p>(c) The provision of the infrastructure mentioned in paragraph (b)(i) and (ii) is practical and economically feasible having regard to the location and characteristics of the premises</p> <p>(d) The use is compatible with the physical characteristics of the premises</p> <p>(e) The use is compatible with the use of other premises in the surrounding area</p>

Table 1—Assessable development under s 24	
Column 1	Column 2
	<p>(f) The material change of use avoids adversely impacting on a matter or thing stated in the SEQ regional plan, table 11b or, if the adverse impact can not be avoided, the adverse impact is minimised</p> <p>(g) The material change of use avoids an area that involves a risk of serious harm to persons or property from natural events or processes, including, for example, bush fires, coastal erosion, flooding or landslides</p> <p>(h) If the material change of use can not avoid an area mentioned in paragraph (g), the material change of use minimises the risk of serious harm mentioned in that paragraph</p> <p>(i) The material change of use does not involve a residential use other than tourist accommodation or accommodation for employees</p> <p>(j) Any commercial, industrial or retail activity carried out as part of the use is ancillary to the use</p> <p>(k) The material change of use is consistent with the SEQ regional plan, including the goals, elements and strategies stated in the plan</p>
5 Matters referral agency's assessment must have regard to	—
6 Matters referral agency's assessment may be against	—
7 Matters referral agency's assessment may have regard to	—
8 Fee for referral	\$1,564.00

Division 3 Community activity

Subdivision 1 Prohibited development

25 Prohibited development—material change of use for residential care facility

A material change of use of premises for a residential care facility is prohibited development if—

- (a) all or part of the premises are in—
 - (i) the SEQ regional landscape and rural production area; or
 - (ii) the SEQ rural living area; and
- (b) the use results in a gross floor area of more than 5,000m² on the premises; and
- (c) the material change of use is not excluded development.

Subdivision 2 Assessable development

26 Assessable development—material change of use for residential care facility

A material change of use of premises for a residential care facility is assessable development if—

- (a) all or part of the premises are in—
 - (i) the SEQ regional landscape and rural production area; or
 - (ii) the SEQ rural living area; and
- (b) the use results in a gross floor area of not more than 5,000m² on the premises; and

- (c) the material change of use is not excluded development.

27 Assessable development—material change of use for another community activity

A material change of use of premises for a community activity, other than a residential care facility, is assessable development if—

- (a) all or part of the premises are in—
 - (i) the SEQ regional landscape and rural production area; or
 - (ii) the SEQ rural living area; and
- (b) the use—
 - (i) results in a gross floor area of more than 5,000m² on the premises, excluding any part of the premises that is used for tourist accommodation or accommodation for employees; or
 - (ii) involves an ancillary commercial or retail activity with a gross floor area of more than 250m²; or
 - (iii) provides accommodation for more than 300 persons; and
- (c) the material change of use is not—
 - (i) excluded development; or
 - (ii) an exempt material change of use.

Subdivision 3 Assessment by assessment manager

Table 1—Assessable development under s 26 or 27	
Column 1	Column 2
1 Category of assessment	Impact assessment
2 Assessment benchmarks	—
3 Matters code assessment must have regard to	—
4 Matters impact assessment must have regard to	—

Subdivision 4 Referral agency's assessment

Table 1—Assessable development under s 26 or 27	
Column 1	Column 2
1 Development application requiring referral	Development application for a material change of use of premises that is assessable development under section 26 or 27
2 Referral agency	The chief executive
3 Limitations on referral agency's powers	—

Table 1—Assessable development under s 26 or 27	
Column 1	Column 2
4 Matters referral agency's assessment must be against	<p>(a) There is a community and economic need for the use</p> <p>(b) When the use starts—</p> <p>(i) the premises will have direct access to transport infrastructure that is reasonably required for, and adequate to service, the use; and</p> <p>(ii) the premises will be serviced by infrastructure (including, for example, infrastructure for electricity, stormwater, water supply and the treatment and disposal of waste) that is adequate for the use; and</p> <p>(iii) a workforce suitable for the carrying out of the use will be able to be sourced from the surrounding area</p> <p>(c) The provision of the infrastructure mentioned in paragraph (b)(i) and (ii) is practical and economically feasible having regard to the location and characteristics of the premises</p> <p>(d) The use is compatible with the physical characteristics of the premises</p> <p>(e) The use is compatible with the use of other premises in the surrounding area</p> <p>(f) The material change of use avoids adversely impacting on a matter or thing stated in the SEQ regional plan, table 11b or, if the adverse impact can not be avoided, the adverse impact is minimised</p>

Table 1—Assessable development under s 26 or 27	
Column 1	Column 2
	<p>(g) The material change of use avoids an area that involves a risk of serious harm to persons or property from natural events or processes, including, for example, bush fires, coastal erosion, flooding or landslides</p> <p>(h) If the material change of use can not avoid an area mentioned in paragraph (g), the material change of use minimises the risk of serious harm mentioned in that paragraph</p> <p>(i) The material change of use does not involve residential development</p> <p>(j) Any commercial, industrial or retail activity carried out as part of the use is ancillary to the use</p> <p>(k) The material change of use is consistent with the SEQ regional plan, including the goals, elements and strategies stated in the plan</p> <p>(l) If the material change of use is for a residential care facility—the locational requirements or environmental impacts of the material change of use require it to be outside the SEQ urban footprint</p> <p><i>Note—</i> See also section 41A.</p>
5 Matters referral agency’s assessment must have regard to	—
6 Matters referral agency’s assessment may be against	—
7 Matters referral agency’s assessment may have regard to	—
8 Fee for referral	\$1,564.00

Division 4 Indoor recreation

Subdivision 1 Assessable development

27A Assessable development—material change of use for indoor recreation

A material change of use of premises for indoor recreation is assessable development if—

- (a) all or part of the premises are in—
 - (i) the SEQ regional landscape and rural production area; or
 - (ii) the SEQ rural living area; and
- (b) the use—
 - (i) results in a gross floor area of more than 3,000m² on the premises, excluding any part of the premises that is used for tourist accommodation or accommodation for employees; or
 - (ii) involves more than 250 persons, including employees, being on the premises at any time; or
 - (iii) provides accommodation for more than 100 persons; and
- (c) the material change of use is not—
 - (i) excluded development; or
 - (ii) an exempt material change of use.

Subdivision 2 Assessment by assessment manager

Table 1—Assessable development under s 27A	
Column 1	Column 2
1 Category of assessment	Impact assessment
2 Assessment benchmarks	—
3 Matters code assessment must have regard to	—
4 Matters impact assessment must have regard to	—

Subdivision 3 Referral agency's assessment

Table 1—Assessable development under s 27A	
Column 1	Column 2
1 Development application requiring referral	Development application for a material change of use of premises that is assessable development under section 27A
2 Referral agency	The chief executive
3 Limitations on referral agency's powers	—

Table 1—Assessable development under s 27A	
Column 1	Column 2
4 Matters referral agency's assessment must be against	<p>(a) When the use starts, the premises—</p> <ul style="list-style-type: none"> (i) will have direct access to transport infrastructure that is reasonably required for, and adequate to service, the use; and (ii) will be serviced by infrastructure (including, for example, infrastructure for electricity, stormwater, water supply and the treatment and disposal of waste) that is adequate for the use <p>(b) The provision of the infrastructure mentioned in paragraph (a)(i) and (ii) is practical and economically feasible having regard to the location and characteristics of the premises</p> <p>(c) The use is compatible with the physical characteristics of the premises</p> <p>(d) The use is compatible with the use of other premises in the surrounding area</p> <p>(e) The material change of use avoids an area that involves a risk of serious harm to persons or property from natural events or processes, including, for example, bush fires, coastal erosion, flooding or landslides</p> <p>(f) If the material change of use can not avoid an area mentioned in paragraph (e), the material change of use minimises the risk of serious harm mentioned in that paragraph</p>

Table 1—Assessable development under s 27A	
Column 1	Column 2
	<p>(g) The material change of use is consistent with the SEQ regional plan, including the goals, elements and strategies stated in the plan</p> <p>(h) The locational requirements or environmental impacts of the material change of use require it to be outside the SEQ urban footprint</p> <p><i>Note—</i> See also section 41A.</p> <p>(i) There is an overriding need, in the public interest, for the material change of use to be carried out</p> <p><i>Note—</i> See also section 41B.</p>
5 Matters referral agency's assessment must have regard to	—
6 Matters referral agency's assessment may be against	—
7 Matters referral agency's assessment may have regard to	—
8 Fee for referral	\$1,564.00

Division 5 Residential development

27B Prohibited development—material change of use for residential development

- (1) A material change of use of premises for a residential development is prohibited development to the extent the premises are in—
- (a) the SEQ regional landscape and rural production area; or

- (b) the SEQ rural living area.
- (2) However, subsection (1) does not apply if the material change of use is—
 - (a) excluded development; or
 - (b) an exempt material change of use.

Division 6 Urban activity

Subdivision 1 Prohibited development

27C Prohibited development—material change of use for shopping centre

- (1) A material change of use of premises for a shopping centre is prohibited development to the extent the premises are in—
 - (a) the SEQ regional landscape and rural production area; or
 - (b) the SEQ rural living area.
- (2) However, subsection (1) does not apply if the material change of use is excluded development.

Subdivision 2 Assessable development

27D Assessable development—material change of use for biotechnology industry

A material change of use of premises for a biotechnology industry is assessable development if—

- (a) all or part of the premises are in—
 - (i) the SEQ regional landscape and rural production area; or

-
- (ii) the SEQ rural living area; and
 - (b) either—
 - (i) the use results in a gross floor area of more than 800m² on the premises; or
 - (ii) the total area of all outdoor areas on the premises associated with the use is more than 1,500m²; and
 - (c) the material change of use is not—
 - (i) excluded development; or
 - (ii) an exempt material change of use.

27E Assessable development—material change of use for service station

- (1) This section applies to a material change of use of premises for a service station if—
 - (a) all or part of the premises are in—
 - (i) the SEQ regional landscape and rural production area; or
 - (ii) the SEQ rural living area; and
 - (b) the material change of use is not—
 - (i) excluded development; or
 - (ii) an exempt material change of use.
- (2) The material change of use is assessable development if—
 - (a) the premises are within 25m of a State-controlled road; and
 - (b) the use results in a gross floor area of more than 1,250m² on the premises, excluding any part of the premises that is a bathroom facility, or rest area, for the exclusive use of drivers of heavy vehicles; and

- (c) the total area of all outdoor areas on the premises associated with the use is more than 2,000m², excluding any outdoor area that is used exclusively for—
 - (i) a rest area; or
 - (ii) the manoeuvring of vehicles; or
 - (iii) the parking of vehicles for no more than 20 hours; or
 - (iv) another activity that is necessary for the carrying out of the use.
- (3) Also, the material change of use is assessable development if—
 - (a) the premises are more than 25m from a State-controlled road; and
 - (b) either—
 - (i) the use results in a gross floor area of more than 1,250m² on the premises; or
 - (ii) the total area of all outdoor areas on the premises associated with the use is more than 2,000m².

27F Assessable development—material change of use for another urban activity

A material change of use of premises for an urban activity, other than a biotechnology industry or service station, is assessable development if—

- (a) all or part of the premises are in—
 - (i) the SEQ regional landscape and rural production area; or
 - (ii) the SEQ rural living area; and
- (b) either—

- (i) the use results in a gross floor area of more than 800m² on the premises; or
- (ii) the total area of all outdoor areas on the premises associated with the use is more than 1,500m²; and
- (c) the material change of use is not—
 - (i) excluded development; or
 - (ii) an exempt material change of use.

Subdivision 3 Assessment by assessment manager

Column 1	Column 2
1 Category of assessment	Impact assessment
2 Assessment benchmarks	—
3 Matters code assessment must have regard to	—
4 Matters impact assessment must have regard to	—

Subdivision 4 Referral agency’s assessment

[s 12]

Table 1—Assessable development under s 27D	
Column 1	Column 2
1 Development application requiring referral	Development application for a material change of use of premises that is assessable development under section 27D
2 Referral agency	The chief executive
3 Limitations on referral agency's powers	—
4 Matters referral agency's assessment must be against	(a) There is a community and economic need for the use (b) When the use starts— (i) the premises will have direct access to transport infrastructure that is reasonably required for, and adequate to service, the use; and (ii) the premises will be serviced by infrastructure (including, for example, infrastructure for electricity, stormwater, water supply and the treatment and disposal of waste) that is adequate for the use; and (iii) a workforce suitable for the carrying out of the use will be able to be sourced from the surrounding area (c) The provision of the infrastructure mentioned in paragraph (b)(i) and (ii) is practical and economically feasible having regard to the location and characteristics of the premises (d) The use is compatible with the physical characteristics of the premises

Table 1—Assessable development under s 27D	
Column 1	Column 2
	<p>(e) The use is compatible with the use of other premises in the surrounding area</p> <p>(f) The material change of use avoids adversely impacting on a matter or thing stated in the SEQ regional plan, table 11b or, if the adverse impact can not be avoided, the adverse impact is minimised</p> <p>(g) The material change of use avoids an area that involves a risk of serious harm to persons or property from natural events or processes, including, for example, bush fires, coastal erosion, flooding or landslides</p> <p>(h) If the material change of use can not avoid an area mentioned in paragraph (g), the material change of use minimises the risk of serious harm mentioned in that paragraph</p> <p>(i) The material change of use does not involve a residential use other than tourist accommodation or accommodation for employees</p> <p>(j) Any commercial, industrial or retail activity carried out as part of the use is ancillary to the use</p> <p>(k) The material change of use is consistent with the SEQ regional plan, including the goals, elements and strategies stated in the plan</p> <p>(l) The locational requirements or environmental impacts of the material change of use require it to be outside the SEQ urban footprint</p> <p><i>Note—</i> See also section 41A.</p>

Table 1—Assessable development under s 27D	
Column 1	Column 2
5 Matters referral agency's assessment must have regard to	—
6 Matters referral agency's assessment may be against	—
7 Matters referral agency's assessment may have regard to	—
8 Fee for referral	\$1,564.00

Table 2—Assessable development under s 27E or 27F	
Column 1	Column 2
1 Development application requiring referral	Development application for a material change of use of premises that is assessable development under section 27E or 27F
2 Referral agency	The chief executive
3 Limitations on referral agency's powers	—
4 Matters referral agency's assessment must be against	<p>(a) When the use starts, the premises—</p> <ul style="list-style-type: none"> (i) will have direct access to transport infrastructure that is reasonably required for, and adequate to service, the use; and (ii) will be serviced by infrastructure (including, for example, infrastructure for electricity, stormwater, water supply and the treatment and disposal of waste) that is adequate for the use <p>(b) The provision of the infrastructure mentioned in paragraph (a)(i) and (ii) is practical and economically feasible having regard to the location and characteristics of the premises</p>

Table 2—Assessable development under s 27E or 27F	
Column 1	Column 2
	<p>(c) The use is compatible with the physical characteristics of the premises</p> <p>(d) The use is compatible with the use of other premises in the surrounding area</p> <p>(e) The material change of use avoids an area that involves a risk of serious harm to persons or property from natural events or processes, including, for example, bush fires, coastal erosion, flooding or landslides</p> <p>(f) If the material change of use can not avoid an area mentioned in paragraph (e), the material change of use minimises the risk of serious harm mentioned in that paragraph</p> <p>(g) The material change of use is consistent with the SEQ regional plan, including the goals, elements and strategies stated in the plan</p> <p>(h) The locational requirements or environmental impacts of the material change of use require it to be outside the SEQ urban footprint</p> <p><i>Note—</i> See also section 41A.</p> <p>(i) There is an overriding need, in the public interest, for the material change of use to be carried out</p> <p><i>Note—</i> See also section 41B.</p>
5 Matters referral agency's assessment must have regard to	—

[s 12]

Table 2—Assessable development under s 27E or 27F	
Column 1	Column 2
6 Matters referral agency's assessment may be against	—
7 Matters referral agency's assessment may have regard to	—
8 Fee for referral	\$1,564.00

Division 7 Combined uses

Subdivision 1 Assessable development

27G Assessable development—material change of use for combined use

- (1) A material change of use of premises is assessable development if—
 - (a) all or part of the premises are in—
 - (i) the SEQ regional landscape and rural production area; or
 - (ii) the SEQ rural living area; and
 - (b) the material change of use is for 2 or more of the following uses—
 - (i) a community activity;
 - (ii) indoor recreation;
 - (iii) a sport and recreation activity;
 - (iv) a tourist activity;
 - (v) an urban activity; and
 - (c) no part of the material change of use is assessable development under division 2, 3, 4 or 6; and

- (d) the use—
 - (i) results in a gross floor area of more than 5,000m² on the premises, excluding any part of the premises that is used for tourist accommodation or accommodation for employees; or
 - (ii) provides accommodation for more than 300 persons.
- (2) However, subsection (1) does not apply to the extent the material change of use—
 - (a) is excluded development; or
 - (b) is an exempt material change of use.
- (3) Subsection (4) applies if—
 - (a) the material change of use involves excluded development or an exempt material change of use; and
 - (b) because of the carrying out of the excluded development or exempt material change of use only, the use results in a gross floor area of more than 5,000m² on the premises, or provides accommodation for more than 300 persons.
- (4) The material change of use is not assessable development under subsection (1).

Subdivision 2 Assessment by assessment manager

[s 12]

Table 1—Assessable development under s 27G	
Column 1	Column 2
1 Category of assessment	Impact assessment
2 Assessment benchmarks	—
3 Matters code assessment must have regard to	—
4 Matters impact assessment must have regard to	—

Subdivision 3 Referral agency's assessment

Table 1—Assessable development under s 27G	
Column 1	Column 2
1 Development application requiring referral	Development application for a material change of use of premises that is assessable development under section 27G
2 Referral agency	The chief executive
3 Limitations on referral agency's powers	—
4 Matters referral agency's assessment must be against	To the extent the material change of use is for— (a) a sport and recreation activity or tourist activity—the matters stated in division 2, subdivision 3, table 1, item 4, column 2; or (b) a community activity—the matters stated in division 3, subdivision 4, table 1, item 4, column 2; or

Table 1—Assessable development under s 27G	
Column 1	Column 2
	(c) indoor recreation—the matters stated in division 4, subdivision 3, table 1, item 4, column 2; or (d) a biotechnology industry—the matters stated in division 6, subdivision 4, table 1, item 4, column 2; or (e) an urban activity other than a biotechnology industry—the matters stated in division 6, subdivision 4, table 2, item 4, column 2
5 Matters referral agency’s assessment must have regard to	—
6 Matters referral agency’s assessment may be against	—
7 Matters referral agency’s assessment may have regard to	—
8 Fee for referral	\$1,564.00

13 Amendment of sch 23 (Content of planning and development certificates)

Schedule 23, section 2—

insert—

(2) In this section—

declared master planned area means an area identified as a master planned area in a master planned area declaration.

master planned area declaration means a declaration made under the old Act, section 133, as in force before the commencement of the *Sustainable Planning and Other Legislation Amendment Act (No. 2) 2012*, section 29.

14 Amendment of sch 24 (Dictionary)

- (1) Schedule 24, definitions *community activity*, *declared master planned area*, *excluded development*, *indoor recreation*, *master planned area declaration*, *prescribed subdivision*, *repealed SEQ SPRP*, *residential development*, *SEQ development area*, *SEQ regional landscape and rural production area*, *SEQ rural living area*, *SEQ rural precinct*, *sport and recreation activity*, *tourist activity* and *urban activity*—

omit.

- (2) Schedule 24—

insert—

associated primary industry activity—

- (a) means the use of premises for an activity that is associated with 1 or more of the following uses carried out on the same premises or other premises in the surrounding area—

- (i) animal husbandry;
- (ii) animal keeping;
- (iii) aquaculture;
- (iv) cropping;
- (v) an extractive industry;
- (vi) an intensive animal industry;
- (vii) intensive horticulture;
- (viii) a permanent plantation;
- (ix) a rural industry;
- (x) a winery; but

Example for paragraph (a)—

the use of premises for storing vehicles that are used for a permanent plantation on adjoining premises

-
- (b) does not include—
- (i) a biotechnology industry; or
 - (ii) a community activity; or
 - (iii) indoor recreation; or
 - (iv) residential development; or
 - (v) a sport and recreation activity; or
 - (vi) a tourist activity.

biotechnology industry means the use of premises for the production of fuel, chemicals, plastic or other materials using, wholly or mainly, a product, waste product or by-product from a rural activity or utility installation.

community activity means—

- (a) a childcare centre; or
- (b) a community care centre; or
- (c) a community residence; or
- (d) a community use; or
- (e) a detention facility; or
- (f) an educational establishment; or
- (g) a place of worship; or
- (h) a residential care facility; or
- (i) tourist accommodation, or accommodation for employees, that is ancillary to a use stated in paragraphs (a) to (h); or
- (j) a commercial use that is ancillary to a use stated in paragraphs (a) to (h).

excluded development means development—

- (a) on premises in an SEQ rural enterprise precinct, if the development is consistent with the plan approved by the Minister by gazette notice for the precinct; or

- (b) carried out under a development permit, or that is consistent with a variation approval in effect for the premises on which the development is carried out, if the application for the permit or approval—
 - (i) was properly made under the repealed IPA before 28 July 2009; or
 - (ii) was assessed by a referral agency under the repealed SEQ SPRP, division 2; or
 - (iii) was assessed by a referral agency under schedule 10, part 15, division 1 or division 2, subdivision 3; or
- (c) that is consistent with a rezoning approval, as defined under the repealed SEQ SPRP, that relates to the premises on which the development is carried out, if the development entitlements under the rezoning approval are reflected in—
 - (i) a planning scheme; or
 - (ii) a development permit; or
 - (iii) a notice stated in the repealed SEQ SPRP, section 1.5(2)(e)(ii); or
- (d) stated in schedule 6; or
- (e) for a coordinated project; or
- (f) in a State development area; or
- (g) on premises wholly or partly in the SEQ regional landscape and rural production area or the SEQ rural living area, if—
 - (i) the premises are included in an urban zone under a local categorising instrument; or
 - (ii) the development is in a biodiversity development offset area declared by

gazette notice under the repealed koala State planning policy and is carried out before the date stated in the gazette notice for the declaration to lapse.

exempt material change of use means a material change of use of premises—

- (a) for—
 - (i) an air service; or
 - (ii) an associated primary industry activity; or
 - (iii) caretaker's accommodation; or
 - (iv) a cemetery; or
 - (v) a crematorium; or
 - (vi) a dual occupancy, if both dwellings are on a single lot; or
 - (vii) a dwelling house; or
 - (viii) a dwelling unit; or
 - (ix) emergency services; or
 - (x) an environment facility; or
 - (xi) an extractive industry; or
 - (xii) a landing; or
 - (xiii) major electricity infrastructure; or
 - (xiv) a park; or
 - (xv) a renewable energy facility other than a facility for generating electricity or energy from a source of bioenergy; or
 - (xvi) a rural activity; or
 - (xvii) a substation; or
 - (xviii) a telecommunications facility; or

- (xix) a utility installation other than a transport service; or
- (xx) a wind farm; or
- (b) that is consistent with a development approval in effect for the premises, if the application for the approval was assessed by a referral agency under schedule 10, part 16.

exempt subdivision means a subdivision that—

- (a) is excluded development; or
- (b) does not create a new lot; or
- (c) creates only 1 new lot, if the new lot is to be used for—
 - (i) a cemetery; or
 - (ii) a crematorium; or
 - (iii) a detention facility; or
 - (iv) emergency services; or
 - (v) an environment facility; or
 - (vi) major electricity infrastructure; or
 - (vii) a park; or
 - (viii) a renewable energy facility; or
 - (ix) a substation; or
 - (x) a telecommunications facility; or
 - (xi) a utility installation other than a transport service; or
- (d) divides 1 lot into 2 lots, if—
 - (i) the divided lot is severed by a road that was gazetted before 2 March 2006 or a State-controlled road; and
 - (ii) the road forms the whole of the boundary between the lots; or

-
- (e) is consistent with a material change of use approved under a development approval that applies to the lot being subdivided, if the application for the development approval was properly made under the repealed IPA before 31 October 2006; or
 - (f) is stated in an application for a development approval for a material change of use to be necessary for the material change of use, if—
 - (i) a development approval was given for the material change of use and is in effect; and
 - (ii) either—
 - (A) the material change of use was assessed by a referral agency under schedule 10, part 16; or
 - (B) the material change of use was assessed by a referral agency under the repealed SEQ SPRP, division 2.1 as complying with the assessment criteria stated in the division for the material change of use.

indoor recreation means—

- (a) a food and drink outlet; or
- (b) a hotel; or
- (c) indoor sport and recreation; or
- (d) a major sport, recreation and entertainment facility at which events are carried out mainly indoors; or
- (e) tourist accommodation, or accommodation for employees, that is ancillary to a use stated in paragraphs (a) to (d); or

- (f) a commercial use that is ancillary to a use stated in paragraphs (a) to (d).

outdoor area, for premises, means an area on the premises other than—

- (a) a driveway that is used only for providing access between the premises and a road; or
- (b) an area used only for protecting or enhancing the visual amenity of the premises; or

Example for paragraph (b)—

an area used for planting or ornaments

- (c) a part of a building that is relevant to calculating the gross floor area of the building.

renewable energy facility—

- (a) means the use of premises for the generation of electricity or energy from a renewable energy source, including, for example, sources of bioenergy, geothermal energy, hydropower, ocean energy, solar energy or wind energy; but
- (b) does not include the use of premises to generate electricity or energy to be used mainly on the premises.

repealed SEQ SPRP—

- (a) in relation to an application under the old Act or repealed IPA for a development approval, means the State planning regulatory provisions made under that repealed Act for the SEQ region and as in force when the application was properly made under that repealed Act; or
- (b) otherwise, means the State planning regulatory provisions made under the old Act for the SEQ region and as in force

immediately before the repeal of the old Act.

residential development—

- (a) means the use of premises for a residential purpose, including, for example, a relocatable home park or retirement facility; but
- (b) does not include—
 - (i) a community residence; or
 - (ii) a detention facility; or
 - (iii) a residential care facility; or
 - (iv) tourist accommodation; or
 - (v) accommodation for employees, including rural workers' accommodation.

rural activity means—

- (a) an agricultural supplies store; or
- (b) animal husbandry; or
- (c) animal keeping; or
- (d) aquaculture; or
- (e) cropping; or
- (f) an intensive animal industry; or
- (g) intensive horticulture; or
- (h) a permanent plantation; or
- (i) a roadside stall; or
- (j) a rural industry; or
- (k) rural workers' accommodation; or
- (l) a wholesale nursery; or
- (m) a winery.

SEQ development area means an area in the SEQ region identified in a gazette notice by the Minister as a major development area.

SEQ regional landscape and rural production area—

- (a) means an area in the SEQ region shown on the regulatory maps as a regional landscape and rural production area; but
- (b) does not include an SEQ development area.

SEQ rural enterprise precinct means an area in the SEQ region identified in a gazette notice by the Minister as a rural enterprise precinct.

SEQ rural living area—

- (a) means an area in the SEQ region shown on the regulatory maps as a rural living area; but
- (b) does not include an SEQ development area.

sport and recreation activity means—

- (a) a major sport, recreation and entertainment facility at which events are carried out mainly outdoors; or
- (b) a motor sport facility at which the motor sports are carried out mainly outdoors; or
- (c) outdoor sport and recreation; or
- (d) tourist accommodation, or accommodation for employees, that is ancillary to a use stated in paragraphs (a) to (c); or
- (e) a commercial use that is ancillary to a use stated in paragraphs (a) to (c).

tourist activity means—

- (a) nature-based tourism; or
- (b) a resort complex; or

-
- (c) a tourist attraction; or
 - (d) a tourist park; or
 - (e) tourist accommodation, or accommodation for employees, that is ancillary to a use stated in paragraphs (a) to (d); or
 - (f) a commercial use that is ancillary to a use stated in paragraphs (a) to (d).

urban activity—

- (a) means the use of premises for an urban purpose; but
- (b) does not include—
 - (i) a community activity; or
 - (ii) indoor recreation; or
 - (iii) residential development; or
 - (iv) a sport and recreation activity; or
 - (v) a tourist activity.

urban zone means—

- (a) any of the following zones stated in schedule 2—
 - (i) general residential zone, low density residential zone, low-medium density residential zone, medium density residential zone, high density residential zone or character residential zone;
 - (ii) centre zone, neighbourhood centre zone, local centre zone, district centre zone, major centre zone or principal centre zone;
 - (iii) industry zone, low impact industry zone, medium impact industry zone, high impact industry zone, special

industry zone, research and technology
industry zone, industry investigation
zone or waterfront and marine industry
zone;

(iv) emerging community zone;

(v) innovation zone;

(vi) mixed use zone;

(vii) specialised centre zone;

(viii) township zone; or

(b) a zone, other than a zone stated in schedule
2, that is of a substantially similar type to a
zone stated in paragraph (a).

(3) Schedule 24, definition *prescribed assessable development*,
paragraph (b), ‘part 16’—

omit, insert—

part 15 or 16

(4) Schedule 24, definition *regulatory maps*, ‘July 2009’—

omit, insert—

August 2017

Division 3 Other amendments

15 Amendment of s 21 (Assessment manager for development applications—Act, s 48)

Section 21(2)(b), after ‘use’—

insert—

for a wind farm

16 Replacement of s 44 (Development assessment rules—Act, s 68)

Section 44—

omit, insert—

44 Development assessment rules—Act, ss 68 and 69

- (1) For sections 68(4) and 69(2)(b) of the Act, the development assessment rules are contained in the document called ‘Development assessment rules’, made and amended by the Minister and published on the department’s website on 4 August 2017.
- (2) For section 69(4) of the Act, the amendment of the development assessment rules was published on the department’s website on 4 August 2017.

17 Amendment of sch 3 (Use terms for local planning instruments)

Schedule 3, entry for adult store, column 2—

omit, insert—

adult store see the *Planning Regulation 2017*, schedule 24.

18 Amendment of sch 9 (Building work under Building Act)

Schedule 9, part 3, division 3, tables 1, 2 and 3, item 8, column 2, note—

omit, insert—

Note—

However, see also the *Building Fire Safety Regulation 2008*, part 6 for fees that may apply, under that regulation, in relation to the development application.

[s 19]

19 Amendment of sch 10 (Development assessment)

- (1) Schedule 10, part 9, division 4, subdivision 2, table 3, item 8—

omit, insert—

8	Fee for referral—	
	(a) if the reconfiguration involves reconfiguring a lot stated in table 1, item 1, column 2	Nil
	(b) if paragraph (a) does not apply and the reconfiguration results in 50 lots or less	\$782.00
	(c) if paragraph (a) does not apply and the reconfiguration results in more than 50 lots, but no more than 200 lots	\$1,564.00
	(d) if paragraph (a) does not apply and the reconfiguration results in more than 200 lots	\$3,130.00

- (2) Schedule 10, part 9, division 4, subdivision 2, table 4, item 8(c)(i), column 2, '\$756.00'—

omit, insert—

\$782.00

- (3) Schedule 10, part 17, division 3, table 1, item 1, column 2—

insert—

(d) that the chief executive is the prescribed assessment manager for

- (4) Schedule 10, part 17, division 3, table 2, item 8(a) and (b), column 1, 'work is'—

omit, insert—

works are

- (5) Schedule 10, part 17, division 3, table 2, item 8(a)(i), column 1, from ‘private’ to ‘vessel’—

omit, insert—

pontoon with capacity for a single vessel

- (6) Schedule 10, part 17, division 3, table 2, item 8(b)(i), column 1, ‘pontoon’—

omit, insert—

pontoon with capacity

- (7) Schedule 10, part 17, division 3, table 4, item 8, column 2, note—

omit.

- (8) Schedule 10, part 18, table 1, item 1, column 2, paragraph (b)(ix), ‘husbandry’—

omit, insert—

industry

- (9) Schedule 10, part 18, table 1, item 1, column 2, paragraph (d), ‘that includes a variation approval’—

omit.

20 Replacement of sch 16 (Prescribed amount)

Schedule 16—

omit, insert—

Schedule 16 Prescribed amount

section 52

Table 1—Prescribed amount	
Column 1	Column 2
Use	Prescribed amount
Residential uses	
1 Dwelling house	1 \$20,239.95 for each dwelling with 2 or less bedrooms
2 Dual occupancy	
3 Caretaker's accommodation	2 \$28,335.90 for each dwelling with 3 or more bedrooms
4 Multiple dwelling	
Accommodation (short-term)	
1 Tourist park	1 If the tourist park has tent or caravan sites— (a) \$10,119.95 for each group of 2 sites or less (b) \$14,167.95 for each group of 3 sites
	2 If the tourist park has cabins— (a) \$10,119.95 for each cabin with 2 or less bedrooms (b) \$14,167.95 for each cabin with 3 or more bedrooms
2 Hotel	1 \$10,119.95 for each suite with 2 or less bedrooms
3 Short-term accommodation	2 \$14,167.95 for each suite with 3 or more bedrooms
4 Resort complex	3 \$10,119.95 for each bedroom that is not part of a suite
Accommodation (long-term)	
1 Relocatable home park	1 \$20,239.95 for each relocatable dwelling site for 2 or less bedrooms
	2 \$28,335.90 for each relocatable dwelling site for 3 or more bedrooms

Table 1—Prescribed amount	
Column 1	Column 2
Use	Prescribed amount
2 Community residence 3 Retirement facility 4 Rooming accommodation	1 \$20,239.95 for each suite with 2 or less bedrooms 2 \$28,335.90 for each suite with 3 or more bedrooms 3 \$20,239.95 for each bedroom that is not part of a suite
Places of assembly	
1 Club 2 Community use 3 Function facility 4 Funeral parlour 5 Place of worship	1 \$70.85 for each square metre of gross floor area 2 \$10.10 for each square metre impervious to stormwater
Commercial (bulk goods)	
1 Agricultural supplies store 2 Bulk landscape supplies 3 Garden centre 4 Hardware and trade supplies 5 Outdoor sales 6 Showroom	1 \$141.65 for each square metre of gross floor area 2 \$10.10 for each square metre impervious to stormwater
Commercial (retail)	
1 Adult store 2 Food and drink outlet 3 Service industry 4 Service station 5 Shop 6 Shopping centre	1 \$182.15 for each square metre of gross floor area 2 \$10.10 for each square metre impervious to stormwater
Commercial (office)	

Table 1—Prescribed amount	
Column 1	Column 2
Use	Prescribed amount
1 Office 2 Sales office	1 \$141.65 for each square metre of gross floor area 2 \$10.10 for each square metre impervious to stormwater
Educational facility	
1 Childcare centre 2 Community care centre 3 Educational establishment other than an educational establishment for the Flying Start for Queensland Children program	1 \$141.65 for each square metre of gross floor area 2 \$10.10 for each square metre impervious to stormwater
4 Educational establishment for the Flying Start for Queensland Children program	\$0
Entertainment	
1 Hotel 2 Nightclub entertainment facility 3 Theatre 4 Resort complex	1 \$202.40 for each square metre of gross floor area, other than areas for providing accommodation 2 \$10.10 for each square metre impervious to stormwater
Indoor sport and recreation	
1 Indoor sport and recreation	1 \$202.40 for each square metre of gross floor area, other than court areas 2 \$20.20 for each square metre of gross floor area that is a court area 3 \$10.10 for each square metre impervious to stormwater
High impact industry or special industry	
1 High impact industry 2 Special industry	1 \$70.85 for each square metre of gross floor area 2 \$10.10 for each square metre impervious to stormwater

Table 1—Prescribed amount	
Column 1	Column 2
Use	Prescribed amount
Other industry	
1 Low impact industry	1 \$50.60 for each square metre of gross floor area 2 \$10.10 for each square metre impervious to stormwater
2 Medium impact industry	
3 Research and technology industry	
4 Rural industry	
5 Warehouse	
6 Marine industry	
High impact rural	
1 Cultivating, in a confined area, aquatic animals or plants for sale	1 \$20.20 for each square metre of gross floor area
2 Intensive animal industry	
3 Intensive horticulture	
4 Wholesale nursery	
5 Winery	
Low impact rural	
1 Animal husbandry	\$0
2 Cropping	
3 Permanent plantation	
4 Wind farm	
Essential services	
1 Correctional facility	1 \$141.65 for each square metre of gross floor area 2 \$10.10 for each square metre impervious to stormwater
2 Emergency services	
3 Health care service	
4 Hospital	
5 Residential care facility	
6 Veterinary service	
Minor uses	

[s 21]

Table 1—Prescribed amount	
Column 1	Column 2
Use	Prescribed amount
1 Advertising device	\$0
2 Cemetery	
3 Home-based business	
4 Landing	
5 Market	
6 Outdoor lighting	
7 Park	
8 Roadside stall	
9 Telecommunications facility	
10 Temporary use	
Other uses	
1 Air service	The prescribed amount for another similar use listed in column 1 (other than in this row) that the local government or distributor-retailer decides to apply to the use
2 Animal keeping	
3 Car park	
4 Crematorium	
5 Extractive industry	
6 Major sport, recreation and entertainment facility	
7 Motor sport facility	
8 Non-resident workforce accommodation	
9 Outdoor sport and recreation	
10 Port service	
11 Tourist attraction	
12 Utility installation	
13 Any other use not listed in column 1, including a use that is unknown	

21 Amendment of sch 19 (Special fire services and matters for referral agency's assessment)

(1) Schedule 19, part 1, item 3—

omit, insert—

- 3 sound systems and intercom systems for emergency purposes
- (2) Schedule 19, part 2, ‘Emergency sound systems and intercom systems’—

omit, insert—

Sound systems and intercom systems for emergency purposes

22 Amendment of sch 22 (Publicly accessible documents)

- (1) Schedule 22, part 1, section 1(1)—

insert—

(zk) each superseded planning scheme request made to the local government under section 29 of the Act.

- (2) Schedule 22, part 4, section 11(1)—

insert—

(x) a notice given to the chief executive under the old Act, section 456(8), as continued in effect under the P&E Court Act, section 80(1).

- (3) Schedule 22, part 4, section 11—

insert—

(2A) The obligation under subsection (1)(q) applies in relation to a proposed call in notice for an application only until the Minister gives a call in notice for the application, or decides not to call in the application.

- (4) Schedule 22, part 4, section 11(2A) and (3)—

renumber as schedule 22, part 4, section 11(3) and (4).

23 Amendment of sch 23 (Content of planning and development certificates)

Schedule 23, section 2—

insert—

- (o) a copy of any decision notice given for a change application made under section 317 of the Act to change a rezoning condition that applies to the premises.

24 Amendment of sch 24 (Dictionary)

(1) Schedule 24—

insert—

adult store means the use of premises for the primary purpose of displaying or selling—

- (a) sexually explicit materials; or
- (b) products and devices that are associated with, or used in, a sexual practice or activity.

(2) Schedule 24, definition *prescribed land*, paragraph (c)—

insert—

(vi) non-tidal watercourse land.

(3) Schedule 24, definition *State development assessment provisions*, ‘3 July 2017’—

omit, insert—

11 August 2017

(4) Schedule 24, definition *wind farm*, paragraph (b)—

omit, insert—

- (b) includes the use of premises for any of the following, if the use relates, or is ancillary, to the use stated in paragraph (a)—
 - (i) a wind turbine, wind monitoring tower or anemometer;

- (ii) a building or structure, including, for example, a site office or temporary workers' accommodation;
- (iii) a storage area or maintenance facility, including, for example, a lay down area;
- (iv) infrastructure or works, including, for example, site access, foundations, electrical works, substations or landscaping.

Part 3

Amendment of Local Government (De-amalgamation Implementation) Regulation 2013

25 Regulation amended

This part amends the *Local Government (De-amalgamation Implementation) Regulation 2013*.

26 Amendment of s 46 (Planning instruments for new local government)

Section 46(4)(b), '*Sustainable Planning Act 2016*'—
omit, insert—

Sustainable Planning Act 2009

27 Amendment of schedule (Dictionary)

Schedule, definitions *planning instrument* and *planning scheme*, '*Sustainable Planning Act 2016*'—

omit, insert—

Sustainable Planning Act 2009

Part 4

Amendment of Regional Planning Interests Regulation 2014

28 Regulation amended

This part amends the *Regional Planning Interests Regulation 2014*.

29 Amendment of s 16 (Mitigation value)

Section 16(1)(a) to (e)—

omit, insert—

- (a) for land in the following sub-zones in the Western Cropping zone—
 - (i) Balonne—\$5,250;
 - (ii) Central Highlands Isaac—\$5,089;
 - (iii) Goondiwindi—\$5,624;
 - (iv) Maranoa—\$6,160;
 - (v) Western Downs—\$6,427;
- (b) for land in the eastern Darling Downs zone—\$8,035;
- (c) for land in the following sub-zones in the Coastal Queensland zone—
 - (i) Burdekin—\$12,052;
 - (ii) Burnett North and South—\$12,052;
 - (iii) Mackay Whitsunday—\$12,052;
 - (iv) Wide Bay Bundaberg—\$12,052;
 - (v) Central Queensland Coast—\$16,068;
 - (vi) South East Queensland—\$26,781;
- (d) for land in the Granite Belt zone—\$14,997;

(e) for land in the Wet Tropics zone—\$21, 425.

30 Amendment of sch 4 (Assessment application fees)

Schedule 4, parts 2 to 5—

omit, insert—

Part 2 Priority agricultural area

Nature of assessment application	Fee
	\$
1 for an application that states it complies with the prescribed solution for required outcome 1 stated in schedule 2, part 2, section 3(2)	3,131.00
2 otherwise—	
(a) for an application with an expected area of impact of less than 30 hectares	6,261.00
(b) for an application with an expected area of impact of 30 hectares or more, but less than 100 hectares	12,521.00
(c) for an application with an expected area of impact of 100 hectares or more	25,041.00

Part 3 Priority living area

Nature of assessment application	Fee
	\$
1 for an application with an expected area of impact of less than 30 hectares	6,261.00
2 for an application with an expected area of impact of 30 hectares or more, but less than 100 hectares	12,521.00

Nature of assessment application	Fee
	\$
3 for an application with an expected area of impact of 100 hectares or more	25,041.00

Part 4 Strategic cropping area

Nature of assessment application	Fee
	\$
1 for an application with an expected area of impact of less than 30 hectares	6,261.00
2 for an application with an expected area of impact of 30 hectares or more, but less than 100 hectares	12,521.00
3 for an application with an expected area of impact of 100 hectares or more	25,041.00

Part 5 Strategic environmental area

Nature of assessment application	Fee
	\$
1 for an application with an expected area of impact of less than 30 hectares	6,261.00
2 for an application with an expected area of impact of 30 hectares or more, but less than 100 hectares	12,521.00
3 for an application with an expected area of impact of 100 hectares or more	25,041.00

31 Amendment of sch 6 (Dictionary)

Schedule 6, definition *Cape York strategic environmental area*, from ‘identified’—

omit, insert—

shown on a map as a strategic environmental area in the regional plan for the region prescribed under the *Planning Regulation 2017*, schedule 1 as the Cape York region.

ENDNOTES

- 1 Made by the Governor in Council on 10 August 2017.
- 2 Notified on the Queensland legislation website on 11 August 2017.
- 3 The administering agency is the Department of Infrastructure, Local Government and Planning.

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