



Queensland

Planning (Contaminated Land) Amendment Regulation 2017

Subordinate Legislation 2017 No. 201

made under the

Planning Act 2016

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[s 1]

1 Short title

This regulation may be cited as the *Planning (Contaminated Land) Amendment Regulation 2017*.

2 Regulation amended

This regulation amends the *Planning Regulation 2017*.

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

(1) Section 21—

insert—

(2A) For a development application for—

- (a) a material change of use that is assessable development under schedule 10, part 4, division 1 and no other assessable development, the assessment manager is the chief executive; or
- (b) a material change of use that is assessable development under schedule 10, part 4, division 1 and other assessable development—
 - (i) if the other assessable development is prescribed assessable development only, the assessment manager is the chief executive; or
 - (ii) otherwise—the assessment manager is the entity decided by the Minister.

(2) Section 21(3), after ‘(2)’—

insert—

or (3)

(3) Section 21(2A) to (4)—

renumber as section 21(3) to (5).

4 Amendment of sch 10 (Development assessment)

(1) Schedule 10, part 4, division 1, heading, ‘Prohibited’—

omit, insert—

Assessable

(2) Schedule 10, part 4, division 1, section 6, heading, ‘Prohibited’—

omit, insert—

Assessable

(3) Schedule 10, part 4, division 1, section 6(1), ‘prohibited’—

omit, insert—

assessable

(4) Schedule 10, part 4, division 1, section 6(2)—

omit.

(5) Schedule 10, part 4—

insert—

Division 1A Assessment by assessment manager

Table 1—Assessable development under s 6	
Column 1	Column 2
1 Category of assessment	Code assessment
2 Assessment benchmarks	Whether the contaminated land register or the environmental management register states that the premises are suitable for the proposed use in accordance with a site suitability statement for the premises
3 Matters code assessment must have regard to	—

[s 4]

Table 1—Assessable development under s 6	
Column 1	Column 2
4 Matters impact assessment must have regard to	—
5 Fee for development application, if the chief executive is the assessment manager	Nil

(6) Schedule 10, part 4, divisions 1A and 2—

renumber as schedule 10, part 4, divisions 2 and 3.

(7) Schedule 10, part 10, division 1, section 16—

insert—

(3) In this section—

urban activity—

(a) means the use of premises for a residential, industrial, retail or commercial activity; but

(b) does not include—

(i) an aeronautical facility; or

(ii) animal keeping; or

(iii) an activity that relies on the tourist trade; or

(iv) a cemetery; or

(v) a childcare centre; or

(vi) a community hall; or

(vii) a crematorium; or

(viii) a detention facility; or

(ix) an educational establishment; or

(x) emergency services; or

(xi) a forestry or primary industry activity;
or

- (xii) an activity that is reasonably associated with a forestry or primary industry activity; or
- (xiii) a hospital; or
- (xiv) infrastructure for water, waste management, telecommunications or electricity; or
- (xv) outdoor sport and recreation; or
- (xvi) a clubhouse, grandstand or tourist accommodation relating to outdoor sport and recreation; or
- (xvii) a place of worship; or
- (xviii) tourist accommodation that is part of a use mentioned in subparagraph (v), (vi), (viii), (ix), (xiii) or (xvii); or
- (xix) a commercial or retail activity that is ancillary to a use mentioned in subparagraph (iii), (v), (vi), (viii), (ix), (xiii) or (xvii).

ENDNOTES

- 1 Made by the Governor in Council on 5 October 2017.
- 2 Notified on the Queensland legislation website on 6 October 2017.
- 3 The administering agency is the Department of Infrastructure, Local Government and Planning.

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