



Queensland

Planning (Spit Master Plan and Other Matters) Amendment Regulation 2019

Subordinate Legislation 2019 No. 243

made under the

Planning Act 2016

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[s 1]

1 Short title

This regulation may be cited as the *Planning (Spit Master Plan and Other Matters) Amendment Regulation 2019*.

2 Regulation amended

This regulation amends the *Planning Regulation 2017*.

3 Amendment of s 44 (Development assessment rules— Act, ss 68 and 69)

Section 44, ‘4 August 2017’—

omit, insert—

11 November 2019

4 Amendment of sch 6 (Development local categorising instrument is prohibited from stating is assessable development)

Schedule 6, part 3—

insert—

20A Operational work for necessary firebreaks or fire management lines

Operational work that is clearing native vegetation if—

(a) the clearing is necessary for—

(i) establishing or maintaining a necessary firebreak to protect infrastructure, other than a fence, road or vehicular track, and the maximum width of the firebreak is equal to 1.5 times the height of the tallest vegetation next to the infrastructure, or 20m, whichever is the wider; or

(ii) establishing a necessary fire management line, and the maximum

width of the clearing for the fire management line is 10m; and

- (b) the clearing—
 - (i) is on freehold land; or
 - (ii) is on indigenous land; or
 - (iii) is on land leased under the *Land Act 1994* for agriculture or grazing purposes; or
 - (iv) is on land leased under the *Land Act 1994*, other than for agriculture or grazing purposes, and is consistent with the purpose of the lease; or
 - (v) is on trust land under the *Land Act 1994*, other than indigenous land, is carried out, or allowed to be carried out, by the trustee and is consistent with achieving the purpose of the trust; or
 - (vi) is on unallocated State land and is carried out, or allowed to be carried out, by the chief executive of the department in which the *Land Act 1994* is administered; or
 - (vii) is on land that is subject to a licence or permit under the *Land Act 1994* and is carried out by the licensee or permittee.

5 Amendment of sch 7 (Accepted development)

Schedule 7, part 3—

insert—

13 Operational work for necessary firebreaks or fire management lines

Operational work in relation to which schedule 6, part 3, section 20A applies.

[s 6]

6 Insertion of new sch 10, pt 16A

Schedule 10—

insert—

Part 16A Southport Spit

Note—

Southport Spit is also known as The Spit.

Division 1 Prohibited development

27H Prohibited development—development in Spit building height control area

- (1) Development in the Spit building height control area is prohibited development to the extent the development results in a building or structure that has a building height of more than 3 storeys or 15m.
- (2) However, subsection (1) does not apply to development for an outdoor theme park ride at Sea World.
- (3) Also, subsection (1) does not apply to development for—
 - (a) the maintenance or repair of an existing, and lawfully constructed, building or structure; or
 - (b) the replacement of an existing, and lawfully constructed, building or structure with an equivalent or substantially similar building or structure.
- (4) In this section—

building height, of a building or structure, means—

- (a) for a building—the number of storeys in the building above ground level; or
- (b) the vertical distance, measured in metres, between the ground level of the building or structure and the highest point of the building or structure, other than a point that is part of an aerial, chimney, flagpole or load-bearing antenna.

outdoor theme park ride means a theme park ride that is not enclosed in a building.

Sea World—

- (a) means Lot 1 on CP846066; and
- (b) includes a lot created by the subdivision of the lot mentioned in paragraph (a).

Spit building height control area means the area shown as The Spit building height control area on the map in schedule 23A.

Division 2 Assessment by assessment manager

Table 1—Development in Spit master plan area	
Column 1	Column 2
1 Category of assessment	The category of assessment stated for the development in a local categorising instrument for the local government area of the Gold Coast City Council
2 Assessment benchmarks	—

[s 7]

Table 1—Development in Spit master plan area	
Column 1	Column 2
3 Matters code assessment must have regard to	For a development application for development in the Spit master plan area—the Spit master plan
4 Matters impact assessment must have regard to	For a development application for development in the Spit master plan area—the Spit master plan

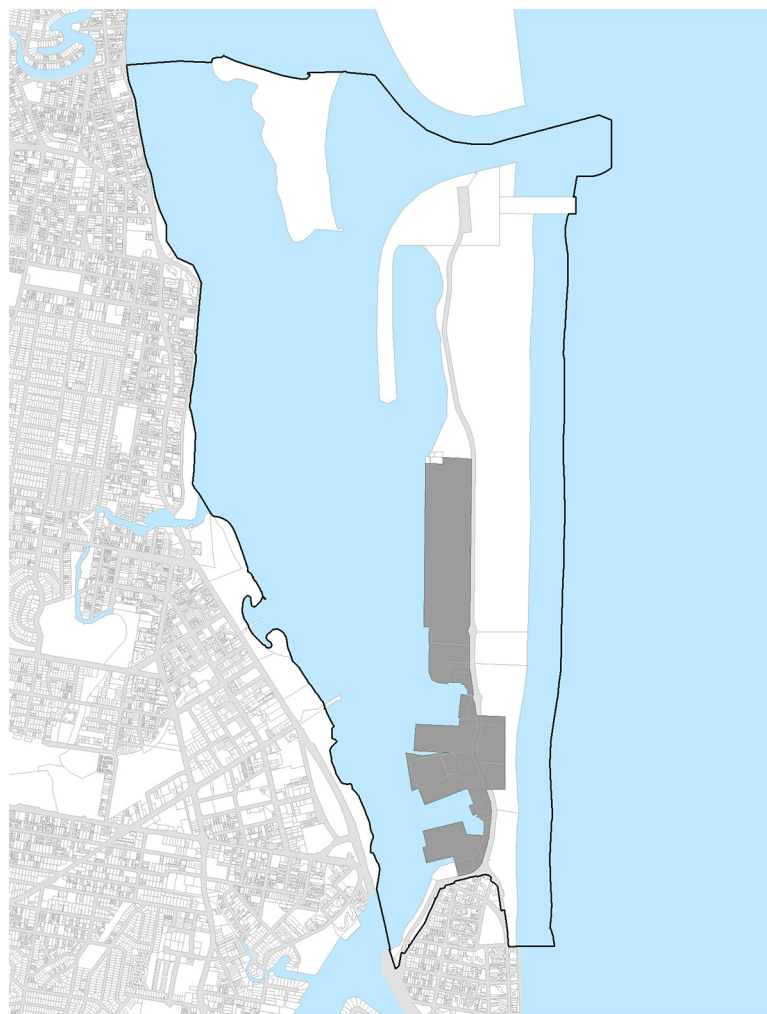
7 Insertion of new sch 23A

After schedule 23—

insert—

Schedule 23A Spit building height control and master plan areas

Schedule 10, part 16A, division 1, section 27H(4), definition *Spit building height control area* and schedule 24, definition *Spit master plan area*



Legend
 — Cadastre (October 2019)
 □ The Spit master plan area
 ■ The Spit building height control area

0 75 150 300 450 600
 Metres
 Map created at: A4
 Coordinate System: GDA2020 MGA Zone 56
 Projection: Transverse Mercator
 Datum: GDA2020

The Spit master plan area

Map produced by the Department of State Development,
 Manufacturing, Infrastructure and Planning
 Spatial Services Unit, 21/10/2019

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8 Amendment of sch 24 (Dictionary)

(1) Schedule 24—

insert—

[s 8]

Spit master plan means the document called ‘The Spit master plan’, dated May 2019 and published by the department.

Spit master plan area means the area shown as The Spit master plan area on the map in schedule 23A.

- (2) Schedule 24, definition *infrastructure*, after ‘, for’—
insert—
schedule 6, part 3, section 20A and

ENDNOTES

- 1 Made by the Governor in Council on 5 December 2019.
- 2 Notified on the Queensland legislation website on 6 December 2019.
- 3 The administering agency is the Department of State Development, Manufacturing, Infrastructure and Planning.

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