



Queensland

# Sustainable Planning Amendment Regulation (No. 2) 2012

## Subordinate Legislation 2012 No. 42

made under the

*Sustainable Planning Act 2009*

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[s 1]

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**1 Short title**

This regulation may be cited as the *Sustainable Planning Amendment Regulation (No. 2) 2012*.

**2 Regulation amended**

This regulation amends the *Sustainable Planning Regulation 2009*.

**3 Amendment of sch 2 (Community infrastructure)**

Schedule 2, part 2, after item 6—

*insert—*

*‘Examples—*

State schools and non-State schools’.

**4 Amendment of sch 4 (Development that can not be declared to be development of a particular type—Act, section 232(2))**

(1) Schedule 4, table 5—

*insert—*

‘10B	<p>All aspects of development for a public hospital on premises that, on 17 February 2012, were a part of the public hospital and were being used for the purposes of the public hospital, if each of the following apply in relation to the development—</p> <ul style="list-style-type: none"><li>(a) the development complies with—<ul style="list-style-type: none"><li>(i) the ‘State Planning Policy 1/02 Development in the Vicinity of Certain Airports and Aviation Facilities’; and</li><li>(ii) the ‘State Planning Policy 2/02 Planning and Managing Development Involving Acid Sulfate Soils’;</li></ul></li><li>(b) for development involving the installation of external floodlights, the installation of the floodlights complies with—<ul style="list-style-type: none"><li>(i) AS 4282-1997 ‘Control of the obtrusive effects of outdoor lighting’; and</li><li>(ii) AS 2560.1-2002 ‘Sports lighting—general principles’.</li></ul></li></ul>
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(2) Schedule 4, table 5, item 11(1), after ‘cultural facility’—

*insert—*

‘(other than development to which item 12A applies)’.

- (3) Schedule 4, table 5, item 12, after ‘cultural facility,’—

*insert—*

‘(other than development to which item 12A applies)’.

- (4) Schedule 4, table 5, item 12(c), after ‘school’—

*insert—*

‘or facility’.

- (5) Schedule 4, table 5, item 12A—

*omit, insert—*

‘12A	<p>All aspects of development for a school on premises that, on 17 February 2012, were a part of the school and were being used for the purposes of the school, if each of the following apply in relation to the development—</p> <ul style="list-style-type: none"> <li>(a) the development complies with—           <ul style="list-style-type: none"> <li>(i) the ‘State Planning Policy 1/02 Development in the Vicinity of Certain Airports and Aviation Facilities’; and</li> <li>(ii) the ‘State Planning Policy 2/02 Planning and Managing Development Involving Acid Sulfate Soils’;</li> </ul> </li> <li>(b) for development involving the installation of external floodlights, the installation of the floodlights complies with—           <ul style="list-style-type: none"> <li>(i) AS 4282-1997 ‘Control of the obtrusive effects of outdoor lighting’; and</li> <li>(ii) AS 2560.1-2002 ‘Sports lighting—general principles’.</li> </ul> </li> </ul>
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## 5 Amendment of sch 7 (Referral agencies and their jurisdictions)

Schedule 7, table 1—

[s 6]

*insert—*

'Building work for schools		
<p>'21A Building work for a building or structure at a school, if—</p> <p>(a) the building or structure is adjacent to a lot—</p> <p style="padding-left: 20px;">(i) on which a class 1, 2 or 3 building is erected; or</p> <p style="padding-left: 20px;">(ii) that is in a residential zone; and</p> <p>(b) the distance from the boundary of the lot to any external wall of the building or an upright support for the structure is less than—</p> <p style="padding-left: 20px;">(i) if the height of the external wall or support is not more than 4.5m—2m; or</p> <p style="padding-left: 20px;">(ii) if the height of the external wall or support is more than 4.5m but not more than 7.5m—3m; or</p> <p style="padding-left: 20px;">(iii) if the height of the external wall or support is more than 7.5m—3m plus 0.5m for every 3m, or part of 3m, that the height is over 7.5m.</p>	<p>The local government—as a concurrence agency</p>	<p>Whether the building—</p> <p>(a) adversely affects daylight or ventilation to habitable rooms of a building on the lot; or</p> <p>(b) adversely impacts on the amenity and privacy of residents on the lot.'</p>

## 6 Amendment of sch 26 (Dictionary)

- (1) Schedule 26, definitions *relevant program* and *residential land*—
- omit.*

- (2) Schedule 26—

*insert—*

**'public hospital** means premises operated by the State at which sick or injured persons receive medical or surgical treatment.

***relevant program***, for schedule 4, table 5, items 11 and 12, means the program established by the Commonwealth government in February 2009 that—

- (a) provides funding for new facilities and refurbishments in schools, including, for example, trade training centres; and
- (b) is known as the ‘Nation Building and Jobs Plan—Building the Education Revolution’.

***residential land***, for schedule 4, table 5, item 11, means land that—

- (a) is being used for residential purposes; or
  - (b) may or is intended to be used for residential purposes under—
    - (i) a development approval in effect on or before 24 April 2009; or
    - (ii) a planning scheme as in force on 24 April 2009.’.
- (3) Schedule 26, definition *cultural heritage significance*, ‘items 11 and 12A’—  
*omit, insert—*  
 ‘item 11’.
- (4) Schedule 26, definition *existing school campus*, ‘items 11 and 12A’—  
*omit, insert—*  
 ‘item 11’.
- (5) Schedule 26, definition *non-State school*, ‘, for schedule 4, table 5, items 11 and 12A,’—  
*omit.*
- (6) Schedule 26, definition *road frontage*, ‘items 11 and 12A’—  
*omit, insert—*  
 ‘item 11’.
- (7) Schedule 26, definition *school*, ‘, for schedule 4, table 5, items 11 and 12A,’—

[s 6]

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*omit.*

- (8) Schedule 26, definition *State school*, ‘, for schedule 4, table 5, items 11 and 12A,’—

*omit.*

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#### ENDNOTES

- 1 Made by the Governor in Council on 16 February 2012.
- 2 Notified in the gazette on 17 February 2012.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Local Government and Planning.

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