



Queensland

Sustainable Planning Amendment Regulation (No. 1) 2013

Subordinate Legislation 2013 No. 28

made under the

Sustainable Planning Act 2009

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1 Short title

This regulation may be cited as the *Sustainable Planning Amendment Regulation (No. 1) 2013*.

2 Commencement

The following provisions commence on 25 March 2013—

- (a) section 10(1) to (5), (10) to (12), (14), (17) and (18);
- (b) sections 11, 14 and 15;
- (c) section 16(1) to the extent it omits definitions *land relating to a State-controlled road* and *State-controlled road*;
- (d) section 16(2) other than to the extent it inserts definitions *excluded work*, *potentially affected premises* and *potentially sensitive material change of use of premises*;
- (e) section 16(3) to (5), (7) and (8).

3 Regulation amended

This regulation amends the *Sustainable Planning Regulation 2009*.

4 Omission of s 14 (State resources—Act, s 264)

Section 14—

omit.

5 Omission of s 17 (Development for which particular applications require public notification—Act, s 298)

Section 17—

omit.

[s 6]

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

(1) Schedule 3, part 1, table 2, item 4, column 3, ‘Code assessment’—

omit, insert—

Code assessment, unless the land use plan requires impact assessment

Impact assessment, if the land use plan requires impact assessment

(2) Schedule 3, part 1, table 2, items 6 to 9—

omit, insert—

6	<p>Making a material change of use of a potentially affected premises unless—</p> <p>(a) all of the following apply—</p> <p>(i) a suitability statement has been given for the premises;</p> <p>(ii) a site management plan has been approved in relation to the proposed use;</p> <p>(iii) the material change of use only involves—</p> <p>(A) the fit-out of a building; or</p> <p>(B) minor site excavation, including, for example, post holes for open-sided non-habitable structures; or</p> <p>(b) the proposed use is industrial and only involves minor site excavation, including, for example, post holes for open-sided non-habitable structures</p>	Code assessment, if the administering authority is the assessment manager
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7	<p>Making a potentially sensitive material change of use of premises if all or part of the premises is—</p> <p>(a) used for, or if there is no existing use, was last used for, an industrial activity (other than a mining activity or a chapter 5A activity); or</p> <p>(b) in an area for which an area management advice has been given for natural mineralisation or industrial activity (other than for a mining activity or a chapter 5A activity)</p>	Code assessment, if the administering authority is the assessment manager
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- (3) Schedule 3, part 1, table 4, item 5, heading, ‘works’—
omit, insert—
works,
- (4) Schedule 3, part 1, table 4, item 5, column 2, after ‘excluded work’—
insert—
, work that is self-assessable development under part 2, table 4, item 8
- (5) Schedule 3, part 1, table 4, item 5, column 2, paragraph (b)(iii) to (v)—
omit, insert—
(iii) constructing an artificial waterway;
- (6) Schedule 3, part 1, table 4, item 5, column 2, paragraph (b)(vi)—
renumber as paragraph (b)(iv).
- (7) Schedule 3, part 1, table 5, item 7, column 3, ‘Code assessment’—
omit, insert—
Code assessment, unless the land use plan requires impact assessment
Impact assessment, if the land use plan requires impact assessment

[s 7]

(8) Schedule 3, part 2, table 4—

insert—

For tidal works, or works within a coastal management district	
8	Operational work mentioned in part 1, table 4, item 5(a) or (b)(i) if— <ul style="list-style-type: none"> (a) the work is undertaken by a local government or the Gold Coast Waterways Authority under the <i>Gold Coast Waterways Authority Act 2012</i>, or undertaken by or on behalf of the department administering the Transport Infrastructure Act or the <i>Transport Planning and Coordination Act 1994</i>; and (b) the work is mentioned in a code for the self-assessable operational work declared under the <i>Coastal Protection and Management Regulation 2003</i> to be a code for IDAS

7 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, item 8, column 2, paragraphs (b) to (d)—
renumber as paragraphs (c) to (e).

(2) Schedule 4, table 5, item 8, column 2—
insert—

(b) other rail infrastructure; or

8 Amendment of sch 5 (Applicable codes, laws and policies for particular development)

(1) Schedule 5, part 1, table 2, item 5, column 1, after ‘code’—
insert—

or impact

(2) Schedule 5, part 1, table 2, item 7, column 1, ‘items 6 to 9’—
omit, insert—

item 6 or 7.

(3) Schedule 5, part 1, table 5, item 2, column 1, after ‘code’—
insert—

or impact

(4) Schedule 5, part 2, table 4—

insert—

For tidal works, or works within a coastal management district	
8	Operational work made self-assessable under schedule 3, part 2, table 4, item 8
	The code for the self-assessable operational work declared under the <i>Coastal Protection and Management Regulation 2003</i> to be a code for IDAS

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

(1) Schedule 6, table 1, item 1, column 1, paragraph (e), ‘item 5(b)(iv)’—

omit, insert—

item 5(b)(iii) and the work is associated with reconfiguring a lot

(2) Schedule 6, table 3, item 9, column 1, paragraph (a), ‘item 6, 7, 8 or 9’—

omit, insert—

item 6 or 7

(3) Schedule 6, table 4—

insert—

12	If tables 1, 2 and 3 do not apply and the application is for— (a) operational work for clearing native vegetation; and (b) an environmentally relevant activity; and (c) no other assessable development	The chief executive administering the Environmental Protection Act
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10 Amendment of sch 7 (Referral agencies and their jurisdictions)

(1) Schedule 7, table 1, item 8 and heading—

[s 10]

omit, insert—

State-controlled road			
8	<p>Building work if—</p> <p>(a) any part of the land is—</p> <p style="padding-left: 20px;">(i) within 25m of a State-controlled road; or</p> <p style="padding-left: 20px;">(ii) future State-controlled road; and</p> <p>(b) the building work is not associated with—</p> <p style="padding-left: 20px;">(i) a material change of use mentioned in table 3, item (1)(b); or</p> <p style="padding-left: 20px;">(ii) reconfiguring a lot mentioned in table 2, item 2; or</p> <p style="padding-left: 20px;">(iii) government supported transport infrastructure; and</p> <p>(c) the building work is for a non-residential purpose; and</p> <p>(d) the building work involves the redirection or intensification of site stormwater from the land, through a pipe with a cross-sectional area greater than 625cm², to a State-controlled road or future State-controlled road</p>	<p>The chief executive administering the Transport Infrastructure Act—as a concurrence agency</p>	<p>The purposes of the Transport Infrastructure Act</p>

- (2) Schedule 7, table 1, items 14 and 15 and the heading to items 14 and 15—

omit, insert—

Public passenger transport			
14	<p>Building work on future public passenger transport corridor, if the building work is not associated with—</p> <p>(a) reconfiguring a lot mentioned in table 2, item 33 or 33A; or</p> <p>(b) a material change of use mentioned in table 3, item 14 or 14A; or</p> <p>(c) government supported transport infrastructure</p>	<p>The chief executive administering the <i>Transport Planning and Coordination Act 1994</i>—as a concurrence agency</p>	<p>The object mentioned in the <i>Transport Planning and Coordination Act 1994</i>, section 8A</p>
Airports			
15	<p>Building work that is within the obstacle limitation surface of an airport and at least 12m high, if the building work is not associated with a material change of use mentioned in table 3, item 15</p>	<p>The chief executive administering the <i>Transport Planning and Coordination Act 1994</i>—as a concurrence agency</p>	<p>The object mentioned in the <i>Transport Planning and Coordination Act 1994</i>, section 8A</p>

- (3) Schedule 7, table 1, item 16, column 1—

omit, insert—

- 16 Building work on future railway land, if the building work is not associated with—
- (a) reconfiguring a lot mentioned in table 2, item 34; or
- (b) a material change of use mentioned in table 3, item 15A; or
- (c) government supported transport infrastructure
- (4) Schedule 7, table 2, items 2 and 3 and the headings to items 2 and 3—

[s 10]

omit, insert—

State-controlled road		
<p>2</p> <p>Reconfiguring a lot if—</p> <p>(a) any part of the land—</p> <p style="padding-left: 20px;">(i) is within 25m of a State-controlled road; or</p> <p style="padding-left: 20px;">(ii) is future State-controlled road; or</p> <p style="padding-left: 20px;">(iii) abuts a road that intersects with a State-controlled road that is within 100m of the land; and</p> <p>(b) 1 or more of the following apply—</p> <p style="padding-left: 20px;">(i) the total number of lots is increased;</p> <p style="padding-left: 20px;">(ii) the total number of lots abutting the State-controlled road is increased;</p> <p style="padding-left: 20px;">(iii) there is a new or changed access between the land and the State-controlled road</p>	<p>The chief executive administering the Transport Infrastructure Act—as a concurrence agency</p>	<p>The purposes of the Transport Infrastructure Act</p>
<p>3</p> <p>Operational work, other than work associated with a material change of use mentioned in table 3, item 1(b), operational work associated with reconfiguring a lot mentioned in item 2 of this table, or work for government supported transport infrastructure, if—</p> <p>(a) any part of the land—</p> <p style="padding-left: 20px;">(i) is within 25m of a State-controlled road; or</p> <p style="padding-left: 20px;">(ii) is future State-controlled road; and</p>	<p>The chief executive administering the Transport Infrastructure Act—as a concurrence agency</p>	<p>The purposes of the Transport Infrastructure Act</p>

<p>(b) the work—</p> <p>(i) is associated with access to the State-controlled road or future State-controlled road; or</p> <p>(ii) is for filling or excavation; or</p> <p>(iii) involves the redirection or intensification of site stormwater from the land, through a pipe with a cross-sectional area greater than 625cm², to a State-controlled road or future State-controlled road</p>		
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(5) Schedule 7, table 2, item 7 and heading—
omit, insert—

Airports		
7 A material change of use of premises on airport land made assessable under schedule 3, part 1, table 2, item 4	The Minister under the Transport Infrastructure Act—as a concurrence agency	The purposes of the Transport Infrastructure Act
<p>7A Reconfiguring a lot if any part of the land is within—</p> <p>(a) the 25 ANEF contour for an airport and an accommodation activity is proposed; or</p> <p>(b) the public safety area of an airport</p>	The chief executive administering the <i>Transport Planning and Coordination Act 1994</i> —as a concurrence agency	The object mentioned in the <i>Transport Planning and Coordination Act 1994</i> , section 8A

(6) Schedule 7, table 2, item 13, column 1—
omit, insert—

- 13 Operational work made assessable under schedule 3, part 1, table 4, item 5, other than—
- (a) prescribed tidal work in a canal; or
- (b) work that is for the installation, maintenance or repair of overhead cables or lines that extend over tidal water; or

[s 10]

- (c) work that is for the construction, installation, maintenance or repair of pipelines, cables or lines under tidal water
- (7) Schedule 7, table 2, item 18, column 1, paragraph (b), ‘*Transport Operations (Marine Pollution) Regulation 2008*’—
omit, insert—
Transport Operations (Marine Pollution) Act 1995
- (8) Schedule 7, table 2, item 22, column 1, paragraph (a)—
omit, insert—
(a) potentially affected premises; or
- (9) Schedule 7, table 2, item 23, column 1, ‘items 6 to 9’—
omit, insert—
item 6 or 7
- (10) Schedule 7, table 2, item 33—
omit, insert—

33	Reconfiguring a lot if any part of the land is— (a) within 25m of a public passenger transport corridor and 1 or both of the following apply— (i) the total number of lots is increased; (ii) an easement abutting the corridor is created; or (b) future public passenger transport corridor	The chief executive administering the <i>Transport Planning and Coordination Act 1994</i> —as a concurrence agency	The object mentioned in the <i>Transport Planning and Coordination Act 1994</i> , section 8A
‘33A	Reconfiguring a lot if— (a) any part of the land is within 400m of a public passenger transport facility or a future public passenger transport facility; and (b) the total site is equal to or more than 5000m ²	The chief executive administering the <i>Transport Planning and Coordination Act 1994</i> —as a concurrence agency	The object mentioned in the <i>Transport Planning and Coordination Act 1994</i> , section 8A

- (11) Schedule 7, table 2, item 34—

omit, insert—

34	Reconfiguring a lot if any part of the land is— (a) within 25m of a railway or future railway land and 1 or both of the following apply— (i) the total number of lots is increased; (ii) an easement abutting the railway or future railway land is created; or (b) future railway land	The chief executive administering the Transport Infrastructure Act—as a concurrence agency	The purpose mentioned in the Transport Infrastructure Act, section 258(2)
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(12) Schedule 7, table 2, after item 34—

insert—

State-controlled transport tunnels			
34A	Reconfiguring a lot if any part of the land is, or is within 50m of— (a) a State-controlled transport tunnel; or (b) a future State-controlled transport tunnel	The chief executive administering the Transport Infrastructure Act and the <i>Transport Planning and Coordination Act 1994</i> —as a concurrence agency	The purposes of the Transport Infrastructure Act, the purpose mentioned in the Transport Infrastructure Act, section 258(2) and the object mentioned in the <i>Transport Planning and Coordination Act 1994</i> , section 8A

(13) Schedule 7, table 2, items 40, 40A and 40B—

omit.

(14) Schedule 7, table 3, items 1 and 2 and the headings to items 1 and 2—

[s 10]

omit, insert—

State-controlled road			
1	<p>Making a material change of use of premises if any part of the land—</p> <ul style="list-style-type: none"> (a) is within 25m of a State-controlled road; or (b) is future State-controlled road; or (c) abuts a road that intersects with a State-controlled road within 100m of the land 	<p>The chief executive administering the Transport Infrastructure Act—as a concurrence agency</p>	<p>The purposes of the Transport Infrastructure Act</p>
1A	<p>Operational work, other than work associated with a material change of use mentioned in item 1 of this table, operational work associated with reconfiguring a lot mentioned in table 2, item 2, or work for government supported transport infrastructure, if—</p> <ul style="list-style-type: none"> (a) any part of the land— <ul style="list-style-type: none"> (i) is within 25m of a State-controlled road; or (ii) is future State-controlled road; and (b) the work— <ul style="list-style-type: none"> (i) is associated with access to the State-controlled road or future State-controlled road; or (ii) is for filling or excavation; or (iii) involves the redirection or intensification of site stormwater from the land, through a pipe with a cross-sectional area greater than 625cm², to a State-controlled road or future State-controlled road 	<p>The chief executive administering the Transport Infrastructure Act—as a concurrence agency</p>	<p>The purposes of the Transport Infrastructure Act</p>

Development impacting on State transport infrastructure		
<p>2 An aspect of development identified in schedule 9 that—</p> <p>(a) is for a purpose mentioned in schedule 9, column 1; and</p> <p>(b) meets or exceeds the threshold—</p> <p style="padding-left: 20px;">(i) for development in LGA population 1—mentioned in schedule 9, column 2 for the purpose; or</p> <p style="padding-left: 20px;">(ii) for development in LGA population 2—mentioned in schedule 9, column 3 for the purpose.</p> <p>However, if the development is for a combination of purposes mentioned in the same item of schedule 9, the threshold is for the combination of purposes and not for each purpose individually.</p>	<p>The chief executive administering the Transport Infrastructure Act and the <i>Transport Planning and Coordination Act 1994</i>—as a concurrence agency</p>	<p>The purposes of the Transport Infrastructure Act, the purpose mentioned in the Transport Infrastructure Act, section 258(2) and the object mentioned in the <i>Transport Planning and Coordination Act 1994</i>, section 8A</p>

(15) Schedule 7, table 3, item 5, column 1, paragraph (a), after ‘work’—

insert—

, other than excluded work,

(16) Schedule 7, table 3, items 13, 13A and 13B—

omit.

(17) Schedule 7, table 3, item 14—

[s 10]

omit, insert—

<p>14 Development—</p> <p>(a) that is either—</p> <p>(i) a material change of use of premises; or</p> <p>(ii) operational work not associated with—</p> <p>(A) a material change of use of premises; or</p> <p>(B) reconfiguring a lot as mentioned in table 2, item 33 or 33A; or</p> <p>(C) government supported transport infrastructure; and</p> <p>(b) if any part of the land is—</p> <p>(i) within 25m of a public passenger transport corridor; or</p> <p>(ii) future public passenger transport corridor</p>	<p>The chief executive administering the <i>Transport Planning and Coordination Act 1994</i>—as a concurrence agency</p>	<p>The object mentioned in the <i>Transport Planning and Coordination Act 1994</i>, section 8A</p>
<p>14A A material change of use of premises if—</p> <p>(a) any part of the land is within 400m of an existing or future public passenger transport facility; and</p> <p>(b) the total site is equal to or more than 5000m²</p>	<p>The chief executive administering the <i>Transport Planning and Coordination Act 1994</i>—as a concurrence agency</p>	<p>The object mentioned in the <i>Transport Planning and Coordination Act 1994</i>, section 8A</p>

(18) Schedule 7, table 3, item 15 and heading—
omit, insert—

Airports			
15	<p>A material change of use of premises if—</p> <p>(a) work associated with the material change of use is, or will be—</p> <p style="padding-left: 20px;">(i) carried out within the obstacle limitation surface of an airport; and</p> <p style="padding-left: 20px;">(ii) at least 12m high; or</p> <p>(b) any part of the land is—</p> <p style="padding-left: 20px;">(i) within an airport’s public safety area; or</p> <p style="padding-left: 20px;">(ii) within the 25 ANEF contour for an airport and the development proposed is an accommodation activity (other than a single house on a vacant residential lot, short-term accommodation or hostel), a residential care facility, hospital, health care service, educational establishment or child care centre; or</p> <p style="padding-left: 20px;">(iii) within the 30 ANEF contour for an airport and the development proposed is an accommodation activity, a residential care facility, hospital, health care service, educational establishment, child care centre or community use</p>	<p>The chief executive administering the <i>Transport Planning and Coordination Act 1994</i>—as a concurrence agency</p>	<p>The object mentioned in the <i>Transport Planning and Coordination Act 1994</i>, section 8A</p>
Railways			
15A	<p>A material change of use of premises if any part of the land is—</p> <p>(a) within 25m of a railway or future railway land; or</p> <p>(b) future railway land</p>	<p>The chief executive administering the <i>Transport Infrastructure Act</i>—as a concurrence agency</p>	<p>The purpose mentioned in the <i>Transport Infrastructure Act</i>, section 258(2)</p>

[s 11]

<p>15B Operational work involving extracting, excavating or filling more than 50m³, other than work associated with a material change of use mentioned in item 15A(a) of this table, reconfiguring a lot mentioned in table 2, item 34, or government supported transport infrastructure, if the land is—</p> <p>(a) within 25m of a railway or future railway land; or</p> <p>(b) future railway land</p>	<p>The chief executive administering the Transport Infrastructure Act—as a concurrence agency</p>	<p>The purpose mentioned in the Transport Infrastructure Act, section 258(2)</p>
State-controlled transport tunnels		
<p>15C A material change of use of premises, or operational work other than work associated with a material change of use of premises or reconfiguring a lot as mentioned in table 2, item 34A, if the land is—</p> <p>(a) a State-controlled transport tunnel; or</p> <p>(b) a future State-controlled transport tunnel; or</p> <p>(c) within 50m of a State-controlled transport tunnel or future State-controlled transport tunnel</p>	<p>The chief executive administering the Transport Infrastructure Act and the <i>Transport Planning and Coordination Act 1994</i>—as a concurrence agency</p>	<p>The purposes of the Transport Infrastructure Act, the purpose mentioned in the Transport Infrastructure Act, section 258(2) and the object mentioned in the <i>Transport Planning and Coordination Act 1994</i>, section 8A</p>

(19) Schedule 7, table 3, item 30—

*omit.***11 Replacement of schs 9–13**

Schedules 9 to 13—

omit, insert—

Schedule 9 Development impacting on State transport infrastructure and thresholds

schedule 7, table 3, item 2

Column 1 Purpose	Column 2 Threshold for LGA population 1	Column 3 Threshold for LGA population 2
Material change of use made assessable under a planning scheme, temporary local planning instrument or preliminary approval to which section 242 of the Act applies		
1 Accommodation activities, other than a hotel or residential care facility	200 dwellings or premises designed to accommodate 300 people	50 dwellings or premises designed to accommodate 75 people
2 Club	8000m ² GFA or seating capacity for 1500 people	4000m ² GFA or seating capacity for 1500 people
3 Hotel		
4 Function facility		
5 Theatre		
6 Shop	8000m ² GFA	4000m ² GFA
7 Showroom		
8 Shopping centre (including theatres, food and drink outlets and offices)		
9 Food and drink outlet	600m ² GFA	600m ² GFA
10 Office	5000m ² TSA	5000m ² TSA
11 Health care services	1200m ² GFA	1200m ² GFA
12 Hospital	100 beds	50 beds
13 Residential care facility		
14 Mixed use—any combination of accommodation activities, business activities, entertainment activities or recreation activities	16000m ² GFA (combined total)	8000m ² GFA (combined total)

[s 11]

Column 1 Purpose	Column 2 Threshold for LGA population 1	Column 3 Threshold for LGA population 2
15 Educational establishment that is 1, or a combination, of the following— (a) a primary school; (b) a secondary school; (c) a college; (d) a university; (e) a technical institute	All new establishments and extensions to existing establishments likely to accommodate an additional 100 students or 4 classrooms	All new establishments and extensions to existing establishments likely to accommodate an additional 100 students or 4 classrooms
16 Tourist attraction	5000m ² TSA	5000m ² TSA
17 Major sport, recreation and entertainment facility	or if totally indoor 8000m ² GFA	or if totally indoor 4000m ² GFA
18 Extractive industry	Using machinery having an annual throughput of product of 10000t	Using machinery having an annual throughput of product of 10000t
19 High impact industry		
20 Noxious and hazardous industries (other than an abattoir)		
21 Intensive animal industries	Total facility capacity of— (a) for cattle—2000 head; or (b) for pigs—3000 head; or (c) for sheep—10000 head; or (d) for poultry—200000 birds	Total facility capacity of— (a) for cattle—2000 head; or (b) for pigs—3000 head; or (c) for sheep—10000 head; or (d) for poultry—200000 birds
22 Noxious and hazardous industry that is an abattoir		
23 One, or a combination, of the following— (a) warehouse; (b) medium impact industry; (c) low impact industry	16000m ² GFA (combined total)	8000m ² GFA (combined total)
24 Car park (including heavy vehicle parking)	5000m ² TSA	5000m ² TSA
25 Airport, bus or ferry terminal	All	All
26 Marina	600 berths	600 berths

Column 1 Purpose	Column 2 Threshold for LGA population 1	Column 3 Threshold for LGA population 2
Reconfiguring a lot		
27 Accommodation activities	200 dwellings	50 dwellings
28 Business activities	12000m ² TSA (combined total)	3000m ² TSA (combined total)
29 Industry activities	32000m ² TSA (combined total)	16000m ² TSA (combined total)
Operational works		
30 Filling or excavation not associated with a material change of use or reconfiguring a lot	10000t	10000t

12 Omission of sch 14 (State resources)

Schedule 14—

*omit.***13 Omission of schs 16 and 17**

Schedules 16 and 17—

*omit.***14 Amendment of sch 18 (Compliance assessment of particular development)**

Schedule 18, table 1, item 1, column 2, paragraph (e)—

omit, insert—

(e) the reconfiguration is on any of the following land and the total number of lots abutting the State-controlled road is increased—

(i) land that is within 25m of a State-controlled road;

[s 15]

- (ii) land that abuts a road that intersects with a State-controlled road within 100m of the land; or

15 Amendment of sch 24 (Clearing of native vegetation—not assessable development under schedule 3, part 1, table 4, item 1)

- (1) Schedule 24, part 1, section 1(11)—

omit, insert—

- (11) For a State-controlled road or future State-controlled road—

- (a) road works carried out on the State-controlled road or future State-controlled road; or
- (b) ancillary works and encroachments carried out under the Transport Infrastructure Act, section 50.

- (2) Schedule 24, part 1, section 1(12), ‘existing rail corridor land, new rail corridor land’—

omit, insert—

rail corridor land

16 Amendment of sch 26 (Dictionary)

- (1) Schedule 26, definitions *excluded work*, *land relating to a State-controlled road*, *State-controlled road* and *wetland management area*—

omit.

- (2) Schedule 26—

insert—

accommodation activities means the group of uses identified as accommodation activities under the standard planning scheme provisions.

ANEF contour, for an airport, means a contour marked with a number and shown on a document known as the airport's ANEF chart that has been prepared by the airport's operator and endorsed by Airservices Australia.

Example—

The 25 ANEF contour means the contour marked with the number 25 and shown on an airport's ANEF chart.

business activities means the group of uses identified as business activities under the standard planning scheme provisions.

car park means a car park as defined under the standard planning scheme provisions.

club means a club as defined under the standard planning scheme provisions.

educational establishment means an educational establishment as defined under the standard planning scheme provisions.

entertainment activities means the group of uses identified as entertainment activities under the standard planning scheme provisions.

excluded work—

- 1 *Excluded work*, for schedule 3, part 1, table 4, item 5, means maintenance work on a lawful work.
- 2 *Excluded work*, for schedule 3, part 1, table 4, item 5(a) also means carrying out alterations to existing lawful boat ramps, bridges, pontoons, slipways, wharves and jetties (the ***existing structures***) other than alterations—
 - (a) creating roofed structures, including sheds and gazebos; or
 - (b) that change the footprint of the existing structures; or

- (c) to the dimensions or structural capacity of the existing structures; or
 - (d) that may affect safe navigable access to or from tidal water or to or from properties adjoining tidal water, including alterations to clearance heights or lighting.
- 3 *Excluded work*, for schedule 3, part 1, table 4, item 5(b)(i) and (iv) also means—
- (a) minor work that—
 - (i) has an insignificant impact on coastal management; and
 - (ii) is reversible or expendable; or
 - (b) work for which an exemption certificate under the Coastal Protection and Management Act has been issued.
- 4 *Excluded work*, for schedule 7, table 3, item 5 also means work for which an exemption certificate under the Coastal Protection and Management Act has been issued.
- 5 *Excluded work* does not include work to which section 584 of the Act applies.

extractive industry means an extractive industry as defined under the standard planning scheme provisions.

food and drink outlet means a food and drink outlet as defined under the standard planning scheme provisions.

function facility means a function facility as defined under the standard planning scheme provisions.

future State-controlled transport tunnel means a tunnel that forms part of—

- (a) future State-controlled road; or

(b) future railway land; or

(c) a future public passenger transport corridor.

health care services means health care services as defined under the standard planning scheme provisions.

high impact industry means high impact industry as defined under the standard planning scheme provisions.

hospital means a hospital as defined under the standard planning scheme provisions.

hotel means a hotel as defined under the standard planning scheme provisions.

industry activities means the group of uses identified as industry activities under the standard planning scheme provisions.

intensive animal industries means intensive animal industries as defined under the standard planning scheme provisions.

low impact industry means low impact industry as defined under the standard planning scheme provisions.

major sport, recreation and entertainment facility means a major sport, recreation and entertainment facility as defined under the standard planning scheme provisions.

medium impact industry means medium impact industry as defined under the standard planning scheme provisions.

noxious and hazardous industries means noxious and hazardous industries as defined under the standard planning scheme provisions.

obstacle limitation surface means an obstacle limitation surface established under the *Civil Aviation Safety Regulations 1998* (Cwlth).

office means an office as defined under the standard planning scheme provisions.

potentially affected premises—

- 1 *Potentially affected premises* means premises—
 - (a) all or part of which is on the environmental management register or the contaminated land register; or
 - (b) used for, or if there is no existing use, last used for, a notifiable activity or an industrial activity (other than a mining activity or a chapter 5A activity).
- 2 However, *potentially affected premises* does not include—
 - (a) premises used or previously used for a notifiable activity if all of the following apply—
 - (i) the land on which the premises is located has been removed from the environmental management register;
 - (ii) a suitability statement has been given for the intended use;
 - (iii) no new notifiable activity has occurred on the premises since the suitability statement was given;
 - (iv) the land is not otherwise contaminated by a hazardous contaminant; or
 - (b) premises on the environmental management register or contaminated land register if there is a notifiable activity on the premises that is continuing; or

- (c) premises in a priority development area.

potentially sensitive material change of use of premises, for schedule 3, part 1, table 2, item 7, means a material change of use of premises for any of the following, unless the premises is in a priority development area—

- (a) child care;
- (b) education and care service premises;
- (c) educational, recreational or residential (including caretakers' accommodation on industrial land) purposes.

railway means land on which railway transport infrastructure or other rail infrastructure is situated.

recreation activities means the group of uses identified as recreation activities under the standard planning scheme provisions.

residential care facility means a residential care facility as defined under the standard planning scheme provisions.

shop means a shop as defined under the standard planning scheme provisions.

shopping centre means a shopping centre as defined under the standard planning scheme provisions.

showroom means a showroom as defined under the standard planning scheme provisions.

State-controlled road means—

- (a) a State-controlled road within the meaning of the Transport Infrastructure Act, schedule 6; or
- (b) State toll road corridor land.

State-controlled transport tunnel means—

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- (a) a tunnel that forms part of a—
 - (i) State-controlled road; or
 - (ii) railway; or
 - (iii) public passenger transport corridor; or
- (b) a railway tunnel easement.

theatre means a theatre as defined under the standard planning scheme provisions.

tourist attraction means a tourist attraction as defined under the standard planning scheme provisions.

warehouse means a warehouse as defined under the standard planning scheme provisions.

- (3) Schedule 26, definition *future public passenger transport facility*, paragraphs (b) and (c)—

omit, insert—

- (b) a future railway passenger station;
- (c) a future light rail station;
- (d) a future passenger transport interchange facility.

- (4) Schedule 26, definition *future public transport corridor*, after ‘public’—

insert—

passenger

- (5) Schedule 26, definition *future State-controlled road*, from ‘has’ to ‘road’—

omit, insert—

has, by written notice given to a local government and published in the gazette, indicated is intended to become a State-controlled road under that Act, section 42

- (6) Schedule 26, definition *high impact earthworks*, item 2, paragraph (d), after ‘excavating’, second mention—

insert—

or filling.

- (7) Schedule 26, definition *public passenger transport facility*, paragraphs (b) and (c)—

omit, insert—

(b) a railway passenger station;

(c) a light rail station;

(d) a passenger transport interchange facility identified in a guideline made under the *Transport Planning and Coordination Act 1994*, section 8E.

- (8) Schedule 26, definition *public transport corridor*, after ‘*public*’—

insert—

passenger

ENDNOTES

- 1 Made by the Governor in Council on 14 March 2013.
- 2 Notified in the gazette on 15 March 2013.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of State Development, Infrastructure and Planning.

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Authorised by the Parliamentary Counsel