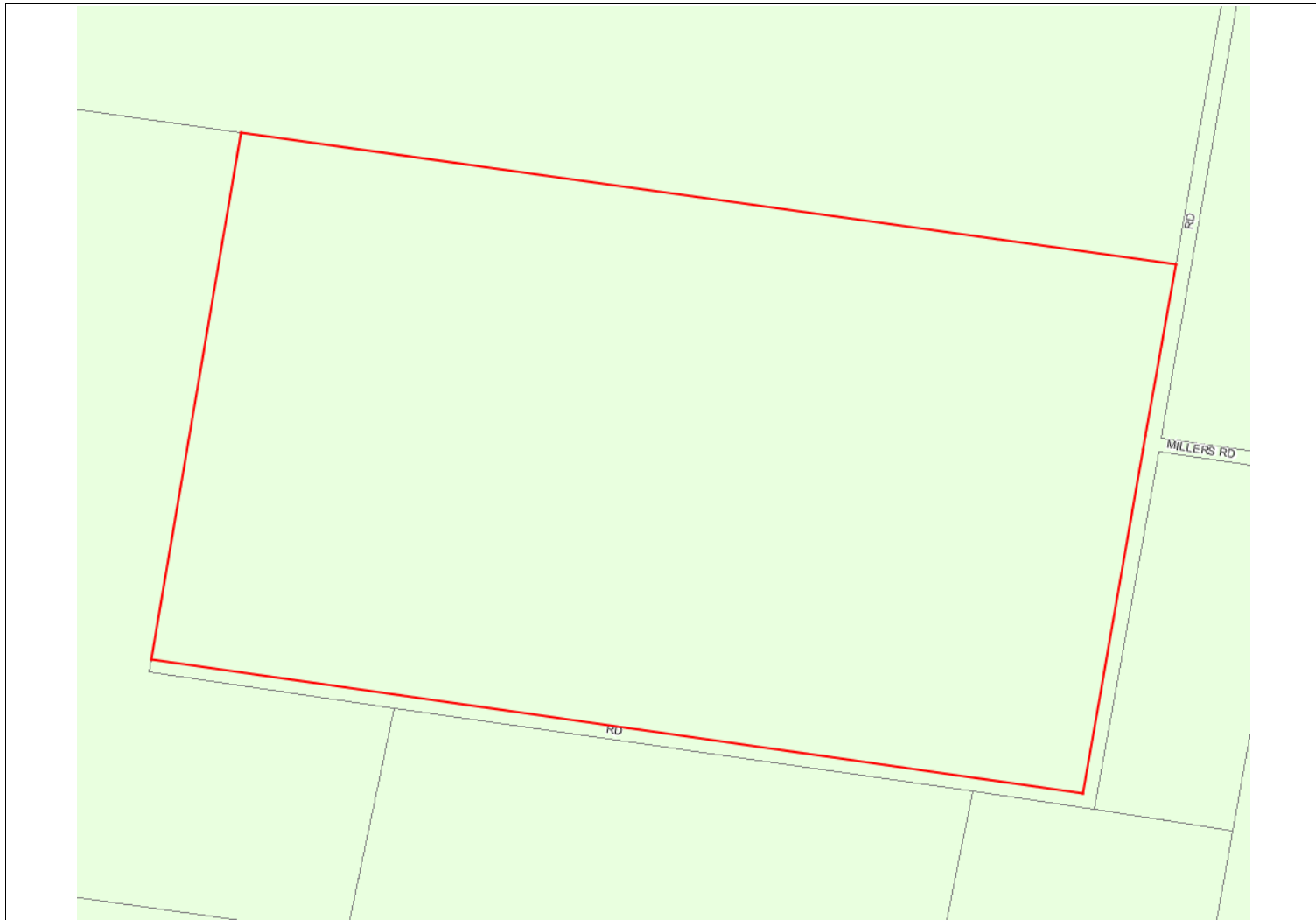


SEQ Regional Plan 2005 - 2026, Amendment 1, Regional land use categories



1.236 km

242CA31612, ADARE

Land use category: Regional Landscape and Rural Production Area

The information provided in the mapping is indicative only and reference to particular parcels should be checked against endorsed versions of the SEQ Regional Plan 2005 - 2026, Amendment 1, Major Development Areas and Regulatory Provisions, Including Schedule 1 - Regulatory Maps, October 2006, Maps SEQRP1 to SEQRP33.

All the information contained within the mapping is derived from the Digital Cadastral Database (DCDB), May 2005, as supplied to the Office of Urban Management, The Coordinator-General, by the Department of Natural Resources and Water.

While every care is taken to ensure the accuracy of this product The Coordinator-General and the Department of Natural Resources and Water make no representations or warranties about the accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs you may incur as a result of the product being inaccurate or incomplete in any way or for any reason. (C) The State of Queensland 2006

- Regional Landscape and Rural Production Area
- Urban Footprint
- Rural Living Area
- Investigation Area
- Mt Lindesay/North Beaudesert Study Area
- Major Development Area (MDA)

Land use category - general description

Regional Landscape and Rural Production Area - identifies areas with values that should be protected from urban and rural residential development.

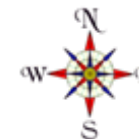
Urban Footprint - identifies areas to accommodate urban growth to 2026.

Rural Living Area - identifies areas predominantly for continuing rural residential development.

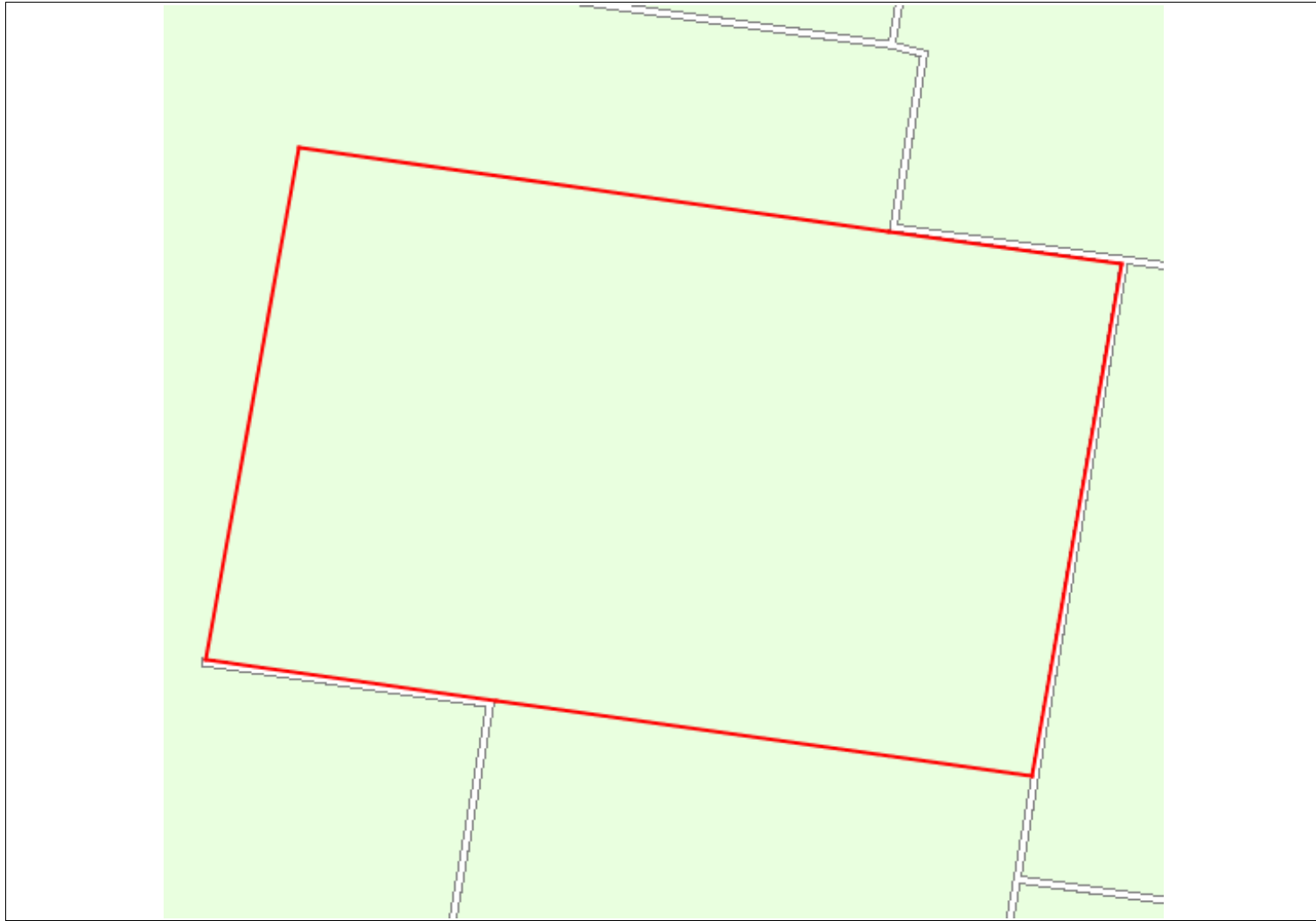
Investigation Area - identifies areas that are relatively unconstrained by regional landscape values. Subject to further investigation, parts of these areas may be suitable for longer term urban development.

Mt Lindesay/North Beaudesert Study Area - identifies an area where rural residential zoned land within the regional landscape and rural production or investigation area may be developed for rural residential uses by 2 March 2008.

Major Development Area (MDA) - identifies key sites being considered for future residential and economic development.



SEQ Regional Plan 2005 - 2026, Amendment 1, Regional land use categories



1.439 km

240CA31519: KRUGERS RD, VINEGAR HILL

Land use category: Regional Landscape and Rural Production Area

The information provided in the mapping is indicative only and reference to particular parcels should be checked against endorsed versions of the SEQ Regional Plan 2005 - 2026, Amendment 1, Major Development Areas and Regulatory Provisions, Including Schedule 1 - Regulatory Maps, October 2006, Maps SEQRP1 to SEQRP33.

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- Regional Landscape and Rural Production Area
- Urban Footprint
- Rural Living Area
- Investigation Area
- Mt Lindesay/North Beaudesert Study Area
- Major Development Area (MDA)

Land use category - general description

Regional Landscape and Rural Production Area - identifies areas with values that should be protected from urban and rural residential development.

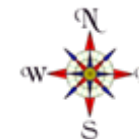
Urban Footprint - identifies areas to accommodate urban growth to 2026.

Rural Living Area - identifies areas predominantly for continuing rural residential development.

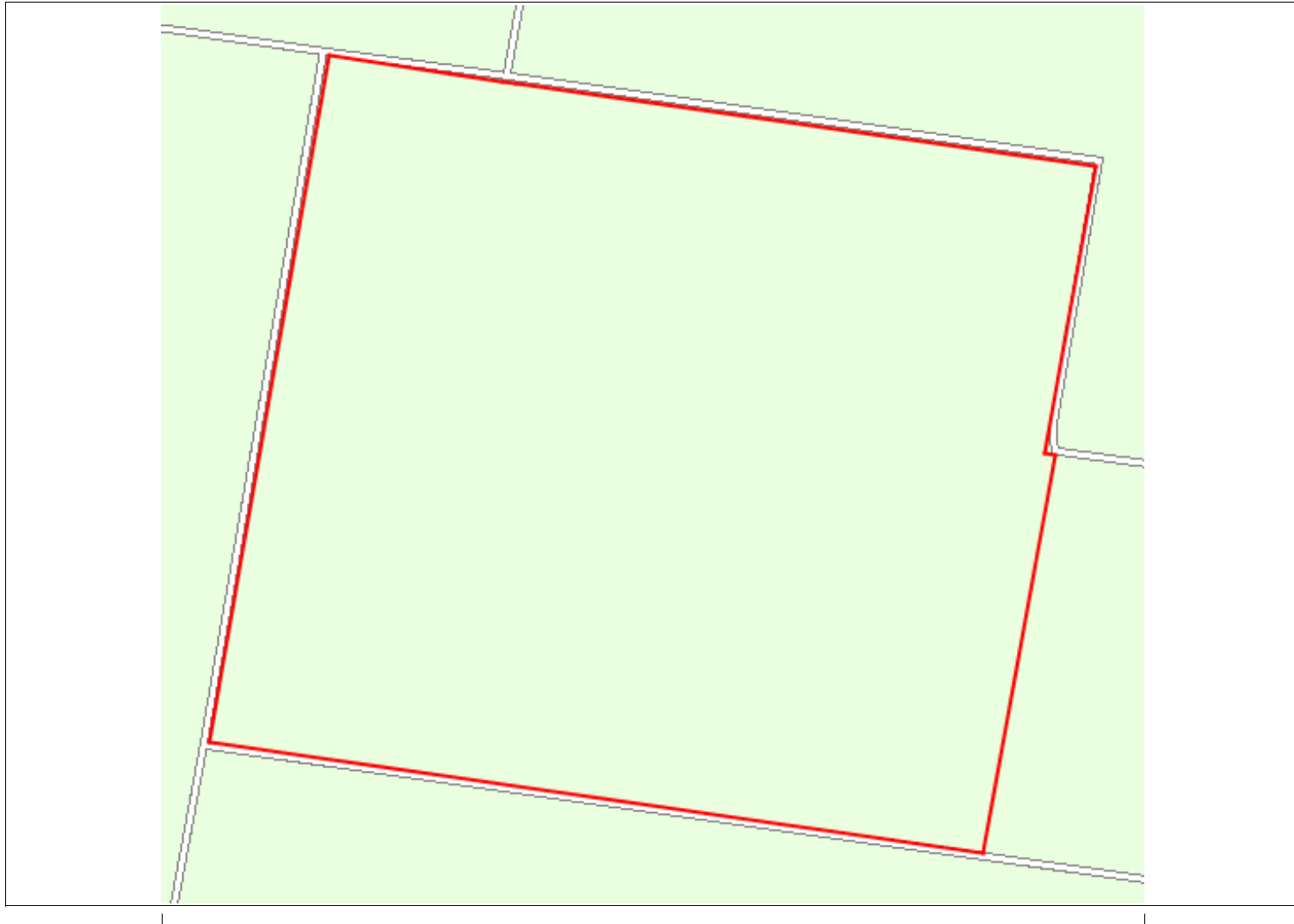
Investigation Area - identifies areas that are relatively unconstrained by regional landscape values. Subject to further investigation, parts of these areas may be suitable for longer term urban development.

Mt Lindesay/North Beaudesert Study Area - identifies an area where rural residential zoned land within the regional landscape and rural production or investigation area may be developed for rural residential uses by 2 March 2008.

Major Development Area (MDA) - identifies key sites being considered for future residential and economic development.



SEQ Regional Plan 2005 - 2026, Amendment 1, Regional land use categories



1.259 km

238CA31519, SPRING CREEK

Land use category: Regional Landscape and Rural Production Area

The information provided in the mapping is indicative only and reference to particular parcels should be checked against endorsed versions of the SEQ Regional Plan 2005 - 2026, Amendment 1, Major Development Areas and Regulatory Provisions, Including Schedule 1 - Regulatory Maps, October 2006, Maps SEQRP1 to SEQRP33.

All the information contained within the mapping is derived from the Digital Cadastral Database (DCDB), May 2005, as supplied to the Office of Urban Management, The Coordinator-General, by the Department of Natural Resources and Water.

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- Regional Landscape and Rural Production Area
- Urban Footprint
- Rural Living Area
- Investigation Area
- Mt Lindesay/North Beaudesert Study Area
- Major Development Area (MDA)

Land use category - general description

Regional Landscape and Rural Production Area - identifies areas with values that should be protected from urban and rural residential development.

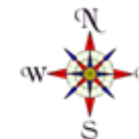
Urban Footprint - identifies areas to accommodate urban growth to 2026.

Rural Living Area - identifies areas predominantly for continuing rural residential development.

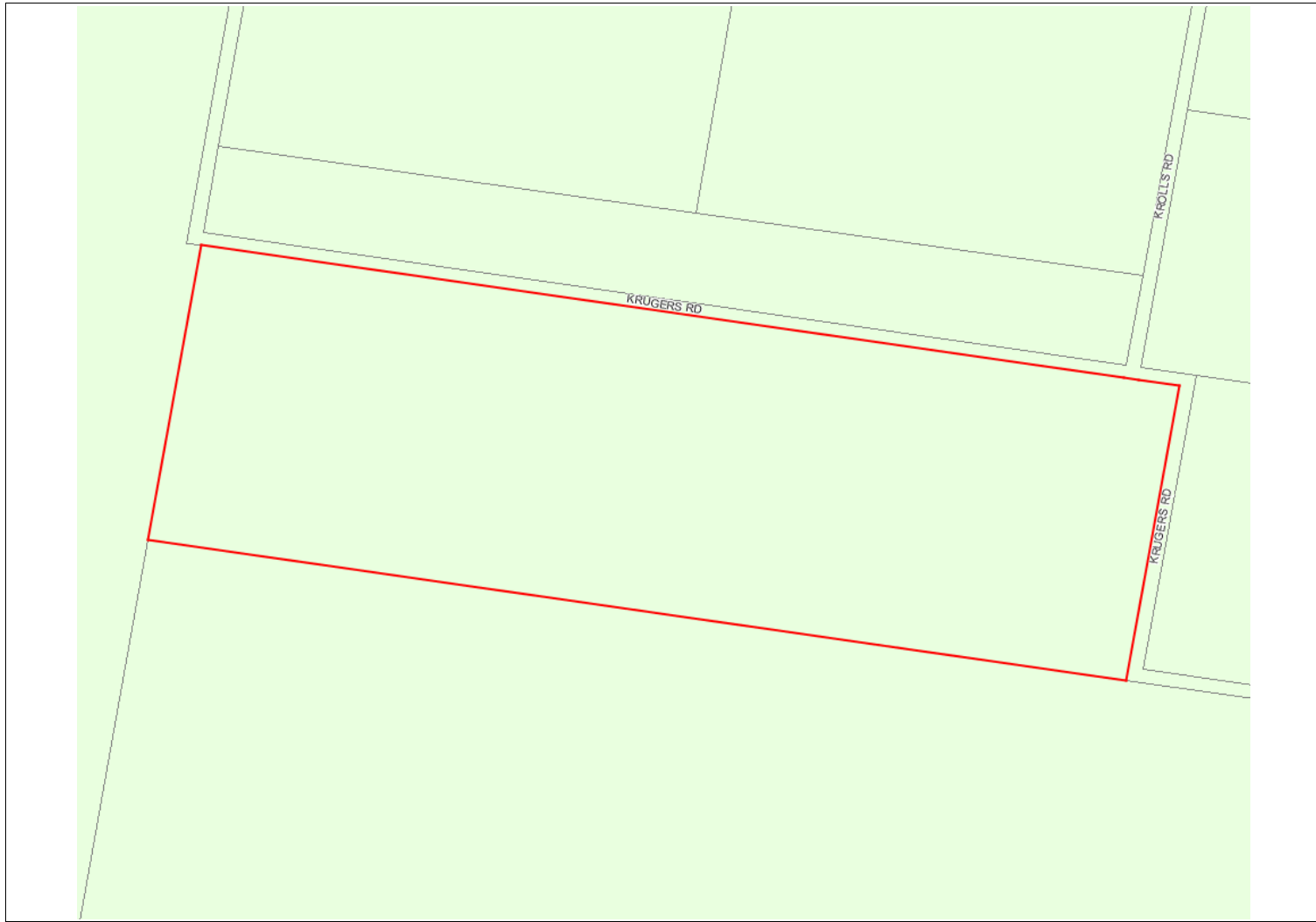
Investigation Area - identifies areas that are relatively unconstrained by regional landscape values. Subject to further investigation, parts of these areas may be suitable for longer term urban development.

Mt Lindesay/North Beaudesert Study Area - identifies an area where rural residential zoned land within the regional landscape and rural production or investigation area may be developed for rural residential uses by 2 March 2008.

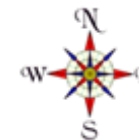
Major Development Area (MDA) - identifies key sites being considered for future residential and economic development.



SEQ Regional Plan 2005 - 2026, Amendment 1, Regional land use categories



1.301 km



244CA31710: KRUGERS RD, VINEGAR HILL

Land use category: Regional Landscape and Rural Production Area

The information provided in the mapping is indicative only and reference to particular parcels should be checked against endorsed versions of the SEQ Regional Plan 2005 - 2026, Amendment 1, Major Development Areas and Regulatory Provisions, Including Schedule 1 - Regulatory Maps, October 2006, Maps SEQRP1 to SEQRP33.

All the information contained within the mapping is derived from the Digital Cadastral Database (DCDB), May 2005, as supplied to the Office of Urban Management, The Coordinator-General, by the Department of Natural Resources and Water.

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- Regional Landscape and Rural Production Area
- Urban Footprint
- Rural Living Area
- Investigation Area
- Mt Lindesay/North Beaudesert Study Area
- Major Development Area (MDA)

Land use category - general description

Regional Landscape and Rural Production Area - identifies areas with values that should be protected from urban and rural residential development.

Urban Footprint - identifies areas to accommodate urban growth to 2026.

Rural Living Area - identifies areas predominantly for continuing rural residential development.

Investigation Area - identifies areas that are relatively unconstrained by regional landscape values. Subject to further investigation, parts of these areas may be suitable for longer term urban development.

Mt Lindesay/North Beaudesert Study Area - identifies an area where rural residential zoned land within the regional landscape and rural production or investigation area may be developed for rural residential uses by 2 March 2008.

Major Development Area (MDA) - identifies key sites being considered for future residential and economic development.

The background of the page is a photograph of a beach at sunset. The sky and water are a deep, vibrant orange-red. In the foreground, the silhouettes of five people are visible. On the right, a person stands looking out at the water. In the center, a man and a woman are interacting; the man is leaning over, holding the woman's hands as she sits on the sand. To the left, another woman stands looking towards the group. The overall mood is serene and captures a moment of family or community time.

Part H

South East Queensland Regional Plan 2005 - 2026

Amendment 1 Regulatory Provisions

3. SEQ Regional Plan Amendment 1 - Regulatory Provisions

Part H Regulatory Provisions (page 125)

The following Regulatory Provisions fully replace the Regulatory Provisions of the Regional Plan.

DELETE

Part H Regulatory Provisions

INSERT

Part H
South East Queensland Regional Plan Amendment 1 Regulatory Provisions

DIVISION 1 PRELIMINARY

1.1 Short title

These regulatory provisions may be cited as the SEQ Regional Plan 2005 – 2026 Amendment 1 Regulatory Provisions.

1.2 Regulatory provisions apply in addition to planning scheme

These regulatory provisions apply in addition to any relevant matters applying under a planning scheme for assessing and deciding a development application.

1.3 Definitions

Unless otherwise defined by the dictionary in schedule 2 of these regulatory provisions the *Integrated Planning Act 1997*, chapter 2, part 5A and schedule 10 define particular words used in these regulatory provisions.

1.4 When these regulatory provisions do not apply

- (1) These regulatory provisions do not apply to –
 - (a) development carried out under a development approval for a development application that was made before 27 October 2004; or
 - (b) development that is exempt from assessment against a planning scheme under the *Integrated Planning Act 1997*, schedule 9; or
 - (c) development that is generally in accordance with a current rezoning approval given under the *Local Government (Planning and Environment) Act 1990* (repealed), section 4.5(6), 4.8(6), 4.10(6) or 8.10(9A); or
 - (d) development that is generally in accordance with a current rezoning approval given under the *Local Government Act 1936* (repealed), section 33(5)(k), to which section 33(5)(m) also applied; or

- (e) development that is –
 - (i) declared to be a significant project or located in a State development area; and
 - (ii) confirmed in writing by the regional planning Minister to be exempt from these regulatory provisions: or
- (f) development that is consistent with a preliminary approval obtained under the Integrated Planning Act 1997, section 3.1.5 that –
 - (i) was given for development made assessable under section 2.1 or 2.2, 2.4, 2.6, 2.8, 2.10, 2.12, or 2.14; and
 - (ii) has not lapsed.
- (2) Subsection (1)(a) and (f) apply even if further development permits are needed to facilitate an approval mentioned in either subsection.
- (3) An approval mentioned in subsection (1)(c) includes an approval resulting from the application of the *Integrated Planning Act 1997*, section 6.1.26.
- (4) Subsection (1)(c) applies even if further development permits are needed to facilitate the development generally in accordance with the current rezoning approval.
- (5) Subsection (1)(c) to (d) does not apply for premises zoned for a rural residential purpose.
- (6) In this section *current rezoning approval* means –
 - (a) an approval for which the resulting zone still exists under a transitional planning scheme; or
 - (b) if the resulting zone no longer exists –
 - (i) the development rights conferred by the resulting zone have been preserved under an IPA planning scheme; or
 - (ii) there is for the premises –
 - (A) a development permit given for a development application (superseded planning scheme) in relation to the resulting zone; or
 - (B) an acknowledgement notice mentioned in the *Integrated Planning Act 1997*, section 3.2.5(1)(a) in relation to the resulting zone.

1.5 SEQ region divided into categories

- (1) The SEQ Regional Plan allocates all land in the SEQ region into one of the following categories –
 - (a) Regional Landscape and Rural Production Area;
 - (b) Urban Footprint;
 - (c) Rural Living Area;
 - (d) Investigation Area.
- (2) The maps referred to in Schedule 1 show these areas.

DIVISION 2 MATERIAL CHANGE OF USE¹

SUBDIVISION 2.1 - MATERIAL CHANGE OF USE IN A MAJOR DEVELOPMENT AREA LOCATED IN THE URBAN FOOTPRINT

2.1 When an urban activity is assessable in a Major Development Area

To the extent that a premises is located in a Major Development Area in the Urban Footprint a material change of use of the premises for an urban activity is assessable development requiring impact assessment if –

- (a) for premises located in an area included in a structure plan² - the *Integrated Planning Act 1997*, section 3.1.6 applies to the application for the material change of use; or
- (b) for all other premises –
 - (i) impact assessment is required under the relevant planning scheme; or
 - (ii) the *Integrated Planning Act 1997*, section 3.1.6 applies to the application for the material change of use; or
 - (iii) the premises exceeds 10000m²; or
 - (iv) the gross floor area on the premises will exceed 10000m².

2.2 When other development is assessable in a Major Development Area

- (1) To the extent that a premises is located in a Major Development Area in the Urban Footprint a material change of use of the premises for intensive animal husbandry is assessable development requiring impact assessment.
- (2) To the extent that a premises is located in a Major Development Area in the Urban Footprint a material change of use of the premises for residential development involving a rural residential purpose is assessable development requiring impact assessment.

2.3 When assessable development in a Major Development Area complies with these regulatory provisions

A material change of use of a premises that is assessable development under section 2.1 or 2.2 complies with these regulatory provisions only if –

- (a) for premises located in an area included in a structure plan - the material change of use is consistent with the structure plan; or
- (b) for all other premises - the material change of use would not compromise the implementation of a structure plan.

SUBDIVISION 2.2 – ASSESSABLE DEVELOPMENT IN THE REGIONAL LANDSCAPE AND RURAL PRODUCTION AREA

2.4 When an urban activity is assessable in the Regional Landscape and Rural Production Area

- (1) To the extent that a premises is located in the Regional Landscape and Rural Production Area a material change of use of the premises for an urban activity is assessable development requiring impact assessment.
- (2) Subsection (1) does not apply to the extent –
 - (a) the premises is zoned for an urban purpose under an IPA planning scheme other than a transitional planning scheme; or

¹ See *Integrated Planning Act 1997*, s2.5A.12(2)(a) to (c).

² Refer to amended definition in Schedule 2 – Dictionary.

- (b) for premises in a rural precinct - the material change of use is exempt development, self-assessable development or code assessable development; or
- (c) the material change of use is for outdoor recreation; or
- (d) the material change of use is associated with a residential dwelling on an existing lot and is for associated dwellings - provided the total number of dwellings does not exceed 4; or
- (e) the material change of use is for a restaurant, café, tavern or function room that has capacity for no more than 100 people but does not include residential development; or
- (f) the material change of use is for a small scale tourist accommodation facility; or
- (g) the gross floor area for urban activities on the premises other than an activity referred to in paragraphs (c) to (f) does not exceed 250m²; or
- (h) the associated outdoor area on the premises other than area associated with an activity referred to in paragraphs (c) to (f) does not exceed 250m².

2.5 When an urban activity in the Regional Landscape and Rural Production Area complies with these regulatory provisions

A material change of use of a premises that is assessable development under section 2.4 complies with these regulatory provisions only if –

- (a) for premises in a rural village - the material change of use is consistent with the planning intent for the rural village under the relevant planning scheme; or
- (b) for premises in a rural precinct - the material change of use is consistent with the planning intent for the rural precinct under the relevant IPA planning scheme; or
- (c) the material change of use predominantly caters for a local demand generated outside of both the Urban Footprint and a rural village and –
 - (i) does not include residential development; and
 - (ii) has no more than 500m² of gross floor area for urban activities on the premises other than for an activity referred to in section 2.4(2)(c) to (f); and
 - (iii) has no more than 500m² of associated outdoor area on the premises other than area associated with an activity referred to in section 2.4(2)(c) to (f); or
- (d) the material change of use has a direct connection with the rural, natural or resource value of the surrounding area and –
 - (i) does not include residential development; and
 - (ii) has no more than 500m² of gross floor area for urban activities on the premises other than for an activity referred to in section 2.4(2)(c) to (f); and
 - (iii) has no more than 500m² of associated outdoor area on the premises other than area associated with an activity referred to in section 2.4(2)(c) to (f); or
- (e) for a material change of use involving sport and recreational activity –
 - (i) the capacity of the activity does not exceed 1000 people; and
 - (ii) the gross floor area for urban activities on the premises does not exceed 500m²; and

- (iii) the material change of use does not include residential development; or
- (f) for a change to an existing urban activity that predominantly involves tourism, sport, recreation, education or a place of worship –
 - (i) the development approval for the existing urban activity was for a development application that was made before the day these regulatory provisions came into effect; and
 - (ii) the material change of use is for tourism, sport, recreation, education or a place of worship; and
 - (iii) if the existing urban activity includes tourist accommodation–
 - (A) the material change of use does not include residential development other than a small scale tourist accommodation facility; or
 - (B) the increase in gross floor area for tourist accommodation is no more than 100 per cent greater than allowed under a development approval for an application made before the day these regulatory provisions came into effect but does not otherwise include residential development; or
 - (iv) if the existing urban activity does not include tourist accommodation – the material change of use does not include residential development other than a small scale tourist accommodation facility; or
- (g) for a change to an existing urban activity that is located in the Regional Landscape and Rural Production Area and does not predominantly involve tourism, sport, recreation, education or a place of worship –
 - (i) the development approval for the existing urban activity was for a development application that was made before the day these regulatory provisions came into effect; and
 - (ii) any increase in gross floor area is no more than 100 per cent greater than allowed under a development approval for an application made before the day these regulatory provisions came into effect; and
 - (iii) any increase in associated outdoor area is no more than 100 per cent greater than allowed under a development approval for an application made before the day these regulatory provisions came into effect; and
 - (iv) the material change of use does not include residential development other than a small scale tourist accommodation facility; or
- (h) where paragraphs (a) to (g) do not apply –
 - (i) the locational requirements or environmental impacts of the material change of use necessitate its location outside the Urban Footprint; and
 - (ii) there is an overriding need for the material change of use in the public interest.³

2.6 When a rural residential purpose is assessable in the Regional Landscape and Rural Production Area

- (1) To the extent that a premises is located in the Regional Landscape and Rural Production Area a material change of use of the premises for residential development involving a rural residential purpose is assessable development requiring impact assessment.
- (2) Subsection (1) does not apply to the extent–
 - (a) for premises located in the Mt Lindesay/North Beaudesert Study Area–
 - (i) the development application or development application (superseded planning scheme) for the material change of use is properly made before 2 March 2008; and

³ See Schedule 3 for guidance on how to determine overriding need in the public interest.

- (ii) the premises is in a zone or equivalent designated area mentioned in a notice published in the gazette by the regional planning Minister; or
- (b) in any other case–
 - (i) the development application or development application (superseded planning scheme) for the material change of use is properly made before 27 October 2006; and
 - (ii) the premises is zoned for a rural residential purpose and the intent specified by the relevant planning scheme is not for either a predominantly rural purpose or a predominantly conservation purpose.
- (3) Where the regional planning Minister publishes a notice in the gazette under subsection (2) the notice must state the following–
 - (a) the date the notice takes effect;
 - (b) the name of the relevant local government;
 - (c) the name of the zone or equivalent designated area.

2.7 When a rural residential purpose in the Regional Landscape and Rural Production Area complies with these regulatory provisions

A material change of use of a premises that is assessable development under section 2.6 complies with these regulatory provisions only if there is an overriding need for the material change of use in the public interest.⁴

SUBDIVISION 2.3 – ASSESSABLE DEVELOPMENT IN THE RURAL LIVING AREA

2.8 When an urban activity is assessable in the Rural Living Area

- (1) To the extent that a premises is located in the Rural Living Area a material change of use of the premises for an urban activity is assessable development requiring impact assessment.
- (2) Subsection (1) does not apply to the extent–
 - (a) the premises is zoned for an urban purpose under an IPA planning scheme other than a transitional planning scheme; or
 - (b) the material change of use is for outdoor recreation; or
 - (c) the material change of use is associated with a residential dwelling on an existing lot and is for associated dwellings - provided the total number of dwellings does not exceed 4; or
 - (d) the material change of use is for a restaurant, café, tavern or function room that has capacity for no more than 100 people but does not include residential development; or
 - (e) the material change of use is for a small scale tourist accommodation facility; or
 - (f) the gross floor area for urban activities on the premises other than an activity referred to in paragraphs (b) to (e) does not exceed 250m²; or
 - (g) the associated outdoor area on the premises other than area associated with an activity referred to in paragraphs (b) to (e) does not exceed 250m².

⁴ See Schedule 3 for guidance on how to determine overriding need in the public interest.

2.9 When an urban activity in the Rural Living Area complies with these regulatory provisions

A material change of use of a premises that is assessable development under section 2.8 complies with these regulatory provisions only if–

- (a) for premises in a rural village - the material change of use is consistent with the planning intent for the rural village under the relevant planning scheme; or
- (b) the material change of use predominantly caters for a local demand generated outside of both the Urban Footprint and a rural village and–
 - (i) does not include residential development; and
 - (ii) has no more than 500m² of gross floor area for urban activities on the premises other than for an activity referred to in section 2.8(2)(b) to (e); and
 - (iii) has no more than 500m² of associated outdoor area on the premises other than area associated with an activity referred to in section 2.8(2)(b) to (e); or
- (c) the material change of use has a direct connection with the rural, natural or resource value of the surrounding area and–
 - (i) does not include residential development; and
 - (ii) has no more than 500m² of gross floor area for urban activities on the premises other than for an activity referred to in section 2.8(2)(b) to (e); and
 - (iii) has no more than 500m² of associated outdoor area on the premises other than area associated with an activity referred to in section 2.8(2)(b) to (e); or
- (d) for a material change of use involving sport and recreational activity–
 - (i) the capacity of the activity does not exceed 1000 people; and
 - (ii) the gross floor area for urban activities on the premises does not exceed 500m²; and
 - (iii) the material change of use does not include residential development; or
- (e) for a change to an existing urban activity that predominantly involves tourism, sport, recreation, education or a place of worship–
 - (i) the development approval for the existing urban activity was for a development application that was made before the day these regulatory provisions came into effect; and
 - (ii) the material change of use is for tourism, sport, recreation, education or a place of worship; and
 - (iii) if the existing urban activity includes tourist accommodation–
 - (A) the material change of use does not include residential development other than a small scale tourist accommodation facility; or
 - (B) the increase in gross floor area for tourist accommodation is no more than 100 per cent greater than allowed under a development approval for an application made before the day these regulatory provisions came into effect but does not otherwise include residential development; or
 - (iv) if the existing urban activity does not include tourist accommodation – the material change of use does not include residential development other than a small scale tourist accommodation facility; or
- (f) for a change to an existing urban activity that is located in the Rural Living Area and does not predominantly involve tourism, sport, recreation, education or a place of worship–
 - (i) the development approval for the existing urban activity was for a development application that was made before the day these regulatory provisions came into effect; and

- (ii) any increase in gross floor area is no more than 100 per cent greater than allowed under a development approval for an application made before the day these regulatory provisions came into effect; and
 - (iii) any increase in associated outdoor area is no more than 100 per cent greater than allowed under a development approval for an application made before the day these regulatory provisions came into effect; and
 - (iv) the material change of use does not include residential development other than a small scale tourist accommodation facility; or
- (g) where paragraphs (a) to (f) do not apply–
- (i) the locational requirements or environmental impacts of the material change of use necessitate its location outside the Urban Footprint; and
 - (ii) there is an overriding need for the material change of use in the public interest.⁵

SUBDIVISION 2.4 – ASSESSABLE DEVELOPMENT IN THE INVESTIGATION AREA

2.10 When an urban activity is assessable in the Investigation Area

- (1) To the extent that a premises is located in the Investigation Area a material change of use of the premises for an urban activity is assessable development requiring impact assessment.
- (2) Subsection (1) does not apply to the extent–
 - (a) the premises is zoned for an urban purpose under an IPA planning scheme other than a transitional planning scheme; or
 - (b) for premises in a rural precinct - the material change of use is exempt development, self-assessable development or code assessable development; or
 - (c) the material change of use is for outdoor recreation; or
 - (d) the material change of use is associated with a residential dwelling on an existing lot and is for associated dwellings - provided the total number of dwellings does not exceed 4; or
 - (e) the material change of use is for a restaurant, café, tavern or function room that has capacity for no more than 100 people but does not include residential development; or
 - (f) the material change of use is for a small scale tourist accommodation facility; or
 - (g) the gross floor area for urban activities on the premises other than an activity referred to in paragraphs (c) to (f) does not exceed 250m²; or
 - (h) the associated outdoor area on the premises other than area associated with an activity referred to in paragraphs (c) to (f) does not exceed 250m².

2.11 When an urban activity in the Investigation Area complies with these regulatory provisions

A material change of use of a premises that is assessable development under section 2.10 complies with these regulatory provisions only if–

- (a) for premises in a rural village - the material change of use is consistent with the planning intent for the rural village under the relevant planning scheme; or
- (b) for premises in a rural precinct - the material change of use is consistent with the planning intent for the rural precinct under the relevant IPA planning scheme; or

⁵ See Schedule 3 for guidance on how to determine overriding need in the public interest.

- (c) the material change of use predominantly caters for a local demand generated outside of both the Urban Footprint and a rural village and–
 - (i) does not include residential development; and
 - (ii) has no more than 500m² of gross floor area for urban activities on the premises other than for an activity referred to in section 2.10(2)(c) to (f); and
 - (iii) has no more than 500m² of associated outdoor area on the premises other than area associated with an activity referred to in section 2.10(2)(c) to (f); or
- (d) the material change of use has a direct connection with the rural, natural or resource value of the surrounding area and–
 - (i) does not include residential development; and
 - (ii) has no more than 500m² of gross floor area for urban activities on the premises other than for an activity referred to in section 2.10(2)(c) to (f); and
 - (iii) has no more than 500m² of associated outdoor area on the premises other than area associated with an activity referred to in section 2.10(2)(c) to (f); or
- (e) for a material change of use involving sport and recreational activity–
 - (i) the capacity of the activity does not exceed 1000 people; and
 - (ii) the gross floor area for urban activities on the premises does not exceed 500m²; and
 - (iii) the material change of use does not include residential development; or
- (f) for a change to an existing urban activity that predominantly involves tourism, sport, recreation, education or a place of worship–
 - (i) the development approval for the existing urban activity was for a development application that was made before the day these regulatory provisions came into effect; and
 - (ii) the material change of use is for tourism, sport, recreation, education or a place of worship; and
 - (iii) if the existing urban activity includes tourist accommodation–
 - (A) the material change of use does not include residential development other than a small scale tourist accommodation facility; or
 - (B) the increase in gross floor area for tourist accommodation is no more than 100 per cent greater than allowed under a development approval for an application made before the day these regulatory provisions came into effect but does not otherwise include residential development; or
 - (iv) if the existing urban activity does not include tourist accommodation – the material change of use does not include residential development other than a small scale tourist accommodation facility; or
- (g) for a change to an existing urban activity that is located in the Investigation Area and does not predominantly involve tourism, sport, recreation, education or a place of worship–
 - (i) the development approval for the existing urban activity was for a development application that was made before the day these regulatory provisions came into effect; and
 - (ii) any increase in gross floor area is no more than 100 per cent greater than allowed under a development approval for an application made before the day these regulatory provisions came into effect; and
 - (iii) any increase in associated outdoor area is no more than 100 per cent greater than allowed under a development approval for an application made before the day these regulatory provisions came into effect; and

- (iv) the material change of use does not include residential development other than a small scale tourist accommodation facility; or
- (h) where paragraphs (a) to (g) do not apply–
 - (i) the locational requirements or environmental impacts of the material change of use necessitate its location outside the Urban Footprint; and
 - (ii) there is an overriding need for the material change of use in the public interest.⁶

2.12 When a rural residential purpose is assessable in the Investigation Area

- (1) To the extent that a premises is located in the Investigation Area a material change of use of the premises for residential development involving a rural residential purpose is assessable development requiring impact assessment.
- (2) Subsection (1) does not apply to the extent–
 - (a) for premises located in the Mt Lindesay/North Beaudesert Study Area–
 - (i) the development application or development application (superseded planning scheme) for the material change of use is properly made before 2 March 2008; and
 - (ii) the premises is in a zone or equivalent designated area mentioned in a notice published in the gazette by the regional planning Minister; or
 - (b) in any other case–
 - (i) the development application or development application (superseded planning scheme) for the material change of use is properly made before 27 October 2006; and
 - (ii) the premises is zoned for a rural residential purpose and the intent specified by the relevant planning scheme is not for either a predominantly rural purpose or a predominantly conservation purpose.
- (3) Where the regional planning Minister publishes a notice in the gazette under subsection (2) the notice must state the following–
 - (a) the date the notice takes effect;
 - (b) the name of the relevant local government;
 - (c) the name of the zone or equivalent designated area.

2.13 When a rural residential purpose in the Investigation Area complies with these regulatory provisions

A material change of use of a premises that is assessable development under section 2.12 complies with these regulatory provisions only if there is an overriding need for the material change of use in the public interest.⁷

2.14 When intensive animal husbandry is assessable in the Investigation Area

To the extent that a premises is located in the Investigation Area a material change of use of the premises for intensive animal husbandry is assessable development requiring impact assessment.

⁶ See Schedule 3 for guidance on how to determine overriding need in the public interest.

⁷ See Schedule 3 for guidance on how to determine overriding need in the public interest.

2.15 When intensive animal husbandry in the Investigation Area complies with these regulatory provisions

A material change of use of a premises that is assessable development under section 2.14 complies with these regulatory provisions only if the material change of use would not compromise future land use planning options for the Investigation Area.

DIVISION 3 SUBDIVISION⁸

3.1 When subdivision of land not included in a Major Development Area structure plan complies with these regulatory provisions⁹

- (1) Subsection (3) applies to subdivision of land to the extent the land is –
 - (a) located in a Major Development Area in the Urban Footprint; and
 - (b) not included in a structure plan.
- (2) However subsection (3) does not apply to the extent that the subdivision–
 - (a) creates lots with a size greater than 100 hectares; or
 - (b) creates a residual lot; or
 - (c) creates the same number or fewer lots than the number of lots being subdivided; or
 - (d) creates a single additional lot when an existing lot is severed by a road that was gazetted before 2 March 2006; or
 - (e) creates a single additional lot for–
 - (i) an emergency services facility; or
 - (ii) water cycle management infrastructure; or
 - (iii) a waste management facility; or
 - (iv) telecommunications infrastructure; or
 - (v) electricity infrastructure; or
 - (vi) a cemetery or a crematorium; or
 - (f) is carried out in association with a development approval for a material change of use of premises that has not lapsed, if the development approval was for a development application that was made before the day these regulatory provisions came into effect; or
 - (g) is carried out in association with a development approval for a material change of use of premises that–
 - (i) was given for development made assessable under section 2.1 or 2.2; and
 - (ii) has not lapsed.
- (3) A subdivision complies with these regulatory provisions only if the subdivision would not compromise the implementation of a structure plan.

⁸ See *Integrated Planning Act 1997*, s2.5A.12(2)(a)-(d)

⁹ Subdivision of land is assessable development under the *Integrated Planning Act 1997*, Schedule 8, Table 3, item 1.

3.2 When subdivision in the Regional Landscape and Rural Production Area or in the Investigation Area is prohibited

- (1) To the extent that land is located in the Regional Landscape and Rural Production Area or in the Investigation Area a subdivision of the land may not occur if any resulting lot would have a lot size less than—
 - (a) if the relevant planning scheme states a minimum lot size greater than 100 hectares - the lot size stated in the planning scheme; or
 - (b) to the extent the premises are located in a rural precinct or an interim rural precinct - the minimum lot size stated in the relevant planning scheme for the precinct; or
 - (c) in any other case - 100 hectares.
- (2) However subsection (1) does not apply to the extent that the subdivision—
 - (a) creates a residual lot; or
 - (b) creates the same number or fewer lots than the number of lots being subdivided; or
 - (c) creates a single additional lot when an existing lot is severed by a road that was gazetted before 2 March 2006; or
 - (d) creates a single additional lot for—
 - (i) an emergency services facility; or
 - (ii) water cycle management infrastructure; or
 - (iii) a waste management facility; or
 - (iv) telecommunications infrastructure; or
 - (v) electricity infrastructure; or
 - (vi) a cemetery or a crematorium; or
 - (e) is carried out in association with a development approval for a material change of use of premises that has not lapsed, if the development approval was for a development application that was made before the day these regulatory provisions came into effect; or
 - (f) is carried out in association with a development approval for a material change of use of premises that—
 - (i) was given for development made assessable under section 2.4, 2.6, 2.8, 2.10, 2.12, or 2.14; and
 - (ii) has not lapsed; or
 - (g) is in a rural village; or
 - (h) is for a rural residential purpose—
 - (i) for land located in the Mt Lindesay/North Beaudesert Study Area—
 - (A) the development application or development application (superseded planning scheme) for the subdivision is properly made before 2 March 2008; and
 - (B) the subdivision relates to land located in a zone or equivalent designated area mentioned in a notice published in the gazette by the regional planning Minister; or
 - (ii) in any other case—

- (A) the development application or development application (superseded planning scheme) for the subdivision is properly made before 27 October 2006; and
 - (B) the subdivision relates to land zoned for a rural residential purpose; and
 - (C) the subdivision does not include land that has either a predominantly rural purpose or a predominantly conservation purpose under the relevant planning scheme; or
- (i) is carried out under–
- (i) an exemption given by the regional planning Minister¹⁰ for an application for exemption lodged before 30 September 2005; and
 - (ii) a development approval for a development application that is properly made within six months of the exemption being given by the regional planning Minister; or
- (j) involves the extension of an existing lease or licence over land if–
- (i) no additional lots are created; and
 - (ii) any use permitted by a subsequent lease or licence is consistent with a use permitted by the previous lease or licence; and
 - (iii) the previous lease was obtained before the day that these regulatory provisions came into effect.
- (3) Where the regional planning Minister publishes a notice in the gazette under subsection (2)(h)(i)(B) the notice must state the following–
- (a) the date the notice takes effect;
 - (b) the name of the relevant local government;
 - (c) the name of the zone or equivalent designated area.

DIVISION 4 TRANSITIONAL ARRANGEMENTS¹¹

4.1 Which version of the regulatory provisions apply to a development application

For assessing and deciding a properly made application made in the period–

- (a) from 27 October 2004 to 24 February 2005 - the draft regulatory provisions included in the draft South East Queensland Regional Plan apply;
- (b) from 25 February 2005 to 29 June 2005 - the draft regulatory provisions referred to in the gazette notice dated 25 February 2005 apply;
- (c) from 30 June 2005 to 1 March 2006 - the regulatory provisions included in the South East Queensland Regional Plan 2005 – 2026 apply;
- (d) from 2 March 2006 until the day before Amendment 1 of the South East Queensland Regional Plan 2005 – 2026 came into effect - the draft regulatory provisions contained in Draft Amendment 1 to the South East Queensland Regional Plan apply;
- (e) from the day Amendment 1 of the South East Queensland Regional Plan 2005 – 2026 came into effect - these regulatory provisions apply.

¹⁰ See Schedule 4 for guidance on how the Minister considers a request for an exemption.

¹¹ See – Integrated Planning Act 1997, s2.5A.12(2)(e)

4.2 Application of Division 3 to certain development applications

On premises zoned for a rural residential purpose, division 3 does not apply if the subdivision is–

- (a) on premises identified in the draft regulatory provisions referred to in section 4.1(a) and (b) as being in the Urban Footprint or Rural Living Area; and
- (b) on premises identified in the regulatory provisions referred to in section 4.1(c) as being in the Regional Landscape and Rural Production Area or in the Investigation Area; and
- (c) for a rural residential purpose; and
- (d) carried out under a development approval for reconfiguring a lot for a development application that is properly made before 30 June 2007.

Schedules

SCHEDULE 1 MAPS

SEQ Regional Plan Regulatory Maps numbered SEQRP1 to SEQRP33.

SCHEDULE 2 DICTIONARY

associated outdoor area means the total uncovered outdoor area of the site used for or in association with urban activities and includes uncovered parking, manoeuvring, loading and outdoor storage areas.

gross floor area means the total floor area of all stories of a building measured from the outside of the external walls or the centre of a common wall.

intensive animal husbandry means the use of premises for commercial or other non-domestic operations involving the raising, keeping or farming of animals requiring supplementary feeding and containment in feedlots, sheds, pens, ponds or tanks.

interim rural precinct means an area identified as an interim rural precinct in Interim Implementation Guideline No.3 – Rural Precincts.

Mt Lindesay/North Beaudesert Study Area means the area identified as the Mt Lindesay/North Beaudesert Study Area on SEQ Regional Plan Regulatory Maps numbered SEQRP25, SEQRP26 and SEQRP29.

outdoor recreation means a recreation or sports activity that–

- (a) has a direct connection to the rural, natural or resource value of the premises; and
- (b) is carried on outside of a building; and
- (c) requires areas of open space; and
- (d) may include work necessary to manage safety and ecological impacts.

primary industry means agriculture, apiculture, aquaculture, horticulture, and pastoral industry and includes intensive animal husbandry.

residential development means development for a residential purpose that is at a scale greater than a single dwelling on an existing lot.

residual lot means –

- (a) for premises located partly in the Urban Footprint or Rural Living Area and partly in a contiguous Regional Landscape and Rural Production Area or Investigation Area - a single lot in the Regional Landscape and Rural Production Area or Investigation Area; or
- (b) for premises located partly in a Major Development Area and partly in a contiguous Urban Footprint area - a single lot in the Major Development Area; or
- (c) for premises located in the Mt Lindesay/North Beaudesert Study Area - a single lot on the part of a premises not located in a zone or equivalent designated area mentioned in a notice published in the gazette by the regional planning Minister under section 2.6(2)(a)(ii), 2.12.(2)(a)(ii) and 3.2(2)(h)(i)(B) if–
 - (i) the premises is partly in a zone or equivalent designated area mentioned in a notice published in the gazette by the regional planning Minister; and
 - (ii) the relevant development application or development application (superseded planning scheme) for the subdivision is properly made before 2 March 2008; or
- (d) for premises located in the Regional Landscape and Rural Production Area or in the Investigation Area other than premises located in the Mt Lindesay/North Beaudesert Study Area - a single lot on the part of a premises not zoned for a rural residential purpose if–
 - (i) the premises are partly zoned for a rural residential purpose and the intent specified by the relevant planning scheme for that part is not for either a predominantly rural purpose or a predominantly conservation purpose; and
 - (ii) the relevant development application or development application (superseded planning scheme) for the subdivision is properly made before 27 October 2006.

rural precinct means land identified in a planning scheme as a rural precinct if the planning scheme states that the regional planning Minister is satisfied that the rural precinct complies with the rural precinct guidelines issued by the regional planning Minister, but does not include an interim rural precinct.

rural residential purpose means a purpose that is predominantly a residential purpose involving a single dwelling on a lot greater than 2000m².

rural village means a location–

- (a) named in accordance with the *Place Names Act 1994*; and
- (b) designated for urban purposes in a planning scheme; and
- (c) comprising residential dwellings, and some urban activity; and
- (d) not located within the Urban Footprint.

significant project has the meaning given by the *State Development and Public Works Organisation Act 1971*.

small scale tourist accommodation facility –

- 1 Small scale tourist accommodation facility means a facility that makes units or space available for separate hire over a short term by tourists or travellers including, but not limited to a holiday cabin, a motel room, a hotel room, an apartment, a guesthouse, a camping site and a caravan park site provided:
 - (a) the total number of separate units or spaces made available is no more than twenty; and
 - (b) the total capacity of the facility is for no more than 100 people; and
 - (c) the gross floor area for tourist accommodation is no more than 1000m².
- 2 Small scale tourist accommodation facility also means a dormitory or backpackers hostel - provided the total capacity of the facility is for no more than 100 people.

- 3 Small scale tourist accommodation facility does not include residential development used for permanent accommodation.

State development area has the meaning given by the *State Development and Public Works Organisation Act 1971*.

structure plan means a document—

- (a) prepared by a local government; and
- (b) that the regional planning Minister is satisfied—
 - (i) is an integrated land use plan setting out the broad environmental, land use, infrastructure and development concepts to guide detailed site planning for a major development area in the local government's area; and
 - (ii) has been subject to adequate public consultation; and
- (c) that has been included in the SEQ Regional Plan; and
- (d) that the relevant planning scheme states is appropriately reflected in the planning scheme.

subdivision means –

- (a) creating a lot by subdividing another lot; or
- (b) dividing land into parts by agreement (other than a lease for a term, including renewal options, not exceeding 10 years) rendering different parts of a lot immediately available for separate disposition or separate occupation.

tourist accommodation means residential development that is not used for permanent accommodation and includes a small scale tourist accommodation facility.

transitional planning scheme has the meaning given by the *Integrated Planning Act 1997*, chapter 6, part 1, division 2.

urban activity—

- 1 Urban activity means a residential, industrial, retail, commercial, sporting, recreation, tourism or community activity.
- 2 Urban activity does not include a forestry or primary industry purpose or an activity reasonably associated with such a purpose for which the premises or surrounding area is used, including, for example—
 - (a) farm workers accommodation; or
 - (b) a mechanical repair workshop for farm machinery or vehicles; or
 - (c) vehicle storage associated with transporting forestry or primary industry produce or resources; or
 - (d) processing and packaging forestry or primary industry goods.
- 3 Urban activity does not include the following—
 - (a) a single residential dwelling on a lot; or
 - (b) a rural residential purpose; or
 - (c) an extractive industry, including, for example, crushing and screening; or
 - (d) an aeronautical facility; or
 - (e) an emergency services facility; or
 - (f) water cycle management infrastructure; or

- (g) a waste management facility; or
- (h) telecommunications infrastructure; or
- (i) electricity infrastructure; or
- (j) a cemetery or crematorium; or
- (k) a wholesale nursery; or
- (l) an animal boarding facility.

zoned for premises means allocated or identified as a zone or other like term such as domain or area in a planning scheme, including in a strategic plan under a transitional or superseded planning scheme.

SCHEDULE 3 HOW TO DETERMINE OVERRIDING NEED IN THE PUBLIC INTEREST

To determine an overriding need in the public interest an applicant must establish–

- (a) the overall social, economic and environmental benefits of the material change of use weighed against–
 - (i) any detrimental impact upon the natural values of the site; and
 - (ii) conflicts with the desired outcomes of the Regional Plan, especially in relation to promoting consolidation of development within the Urban Footprint and preventing land fragmentation in the Regional Landscape and Rural Production Area or Investigation Area; and
- (b) that the community would experience significant adverse economic, social or environmental impacts if the material change of use proposal were not to proceed.

This may require an assessment to determine if the material change of use could reasonably be located within the Urban Footprint.

The following do not establish an overriding need in the public interest–

- (a) activities with relatively few locational requirements such as residential development and shopping centres; or
- (b) interests in or options over the site; or
- (c) the site's availability or ownership.

