



# Interim questionnaire for the SEQ Regional Plan State Planning Regulatory Provisions

The [South East Queensland Regional Plan 2009–2031 State Planning Regulatory Provisions](#) took effect on 28 July 2009. These provisions replace the draft provisions released in December 2008.

Under the new provisions, some of the circumstances under which development applications are referred to the Department of Infrastructure and Planning have changed.

The *Interim questionnaire for the SEQ Regional Plan State Planning Regulatory Provisions* is intended to assist applicants identify referral requirements relating to the regulatory provisions. If development is proposed in the SEQ designated region, complete and submit the questionnaire as part of the development application, along with the completed *IDAS Assessment Checklist*.



## For an application for a material change of use

SOUTH EAST QUEENSLAND REGION																																
2.11A	<p>Is any part of the premises within the South East Queensland (SEQ) designated region?  <input type="checkbox"/> No – End of question   <input type="checkbox"/> Yes</p> <p>If yes, do the following apply?<sup>1</sup></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%; padding: 5px;">(i) The application is only for development proposed in a rural precinct and the development is consistent with the rural precinct</td> <td style="width: 10%; text-align: center; padding: 5px;"><input type="checkbox"/> No</td> <td style="width: 20%; text-align: center; padding: 5px;"><input type="checkbox"/> Yes</td> </tr> <tr> <td style="padding: 5px;">(ii) The application is only for development identified as exempt development under the <i>Integrated Planning Act 1997</i>, schedule 9</td> <td style="text-align: center; padding: 5px;"><input type="checkbox"/> No</td> <td style="text-align: center; padding: 5px;"><input type="checkbox"/> Yes</td> </tr> <tr> <td style="padding: 5px;">(iii) The application is only for development carried out under a development approval which has not lapsed for a development application— <ul style="list-style-type: none"> <li>• that was properly made before the <i>South East Queensland Regional Plan 2009-2031 State planning regulatory provisions</i> (SEQ 2009-2031 regulatory provisions) commenced; or</li> <li>• to which division 2 of the SEQ 2009-2031 regulatory provisions applied</li> </ul> </td> <td style="text-align: center; padding: 5px;"><input type="checkbox"/> No</td> <td style="text-align: center; padding: 5px;"><input type="checkbox"/> Yes</td> </tr> <tr> <td style="padding: 5px;">(iv) The application is only for development that is consistent with a preliminary approval which has not lapsed, for the part of a development application mentioned in IPA, section 3.1.6 that states the way in which the effect of a local planning scheme is varied, where the development application for the preliminary approval was— <ul style="list-style-type: none"> <li>• properly made before the SEQ 2009-2031 regulatory provisions commenced; or</li> <li>• assessed against division 2 of the SEQ 2009-2031 regulatory provisions</li> </ul> </td> <td style="text-align: center; padding: 5px;"><input type="checkbox"/> No</td> <td style="text-align: center; padding: 5px;"><input type="checkbox"/> Yes</td> </tr> <tr> <td style="padding: 5px;">(v) The application is only for development that is generally in accordance with a rezoning approval where the development entitlements from the rezoning approval are conferred by the following— <ul style="list-style-type: none"> <li>• the resulting zone in a transitional planning scheme; or</li> <li>• a development permit or acknowledgement notice mentioned in IPA, section 3.2.5(1)(a) for a development application (superseded planning scheme) for the resulting zone in a transitional planning scheme which is a superseded planning scheme; or</li> <li>• a planning scheme (other than a transitional planning scheme)</li> </ul> </td> <td style="text-align: center; padding: 5px;"><input type="checkbox"/> No</td> <td style="text-align: center; padding: 5px;"><input type="checkbox"/> Yes</td> </tr> <tr> <td style="padding: 5px;">(vi) The application is only for development that is declared to be a significant project under the <i>State Development and Public Works Organisation Act 1971</i>, section 26(1)(a)</td> <td style="text-align: center; padding: 5px;"><input type="checkbox"/> No</td> <td style="text-align: center; padding: 5px;"><input type="checkbox"/> Yes</td> </tr> <tr> <td style="padding: 5px;">(vii) The premises are completely within a State development area under the <i>State Development and Public Works Organisation Act 1971</i></td> <td style="text-align: center; padding: 5px;"><input type="checkbox"/> No</td> <td style="text-align: center; padding: 5px;"><input type="checkbox"/> Yes</td> </tr> </table> <p>If yes to any one of (i) – (vii) – End of question</p> <p>If no to all of (i) – (vii) above – Answer (a) to (c) below</p> <p>(a) Is any part of the premises within a <b>development area</b>, as defined under the SEQ 2009-2031 regulatory provisions?  <input type="checkbox"/> No - Go to (b)   <input type="checkbox"/> Yes</p> <p>If yes, do the following apply?</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%; padding: 5px;">(A) The proposed use is impact assessable under the planning scheme</td> <td style="width: 10%; text-align: center; padding: 5px;"><input type="checkbox"/> No</td> <td style="width: 20%; text-align: center; padding: 5px;"><input type="checkbox"/> Yes</td> </tr> <tr> <td style="padding: 5px;">(B) The gross floor area on the premises is no more than 10,000m<sup>2</sup></td> <td style="text-align: center; padding: 5px;"><input type="checkbox"/> No</td> <td style="text-align: center; padding: 5px;"><input type="checkbox"/> Yes</td> </tr> <tr> <td style="padding: 5px;">(C) The land area of the premises is more than 10,000m<sup>2</sup></td> <td style="text-align: center; padding: 5px;"><input type="checkbox"/> No</td> <td style="text-align: center; padding: 5px;"><input type="checkbox"/> Yes</td> </tr> </table> <p>If yes to any one of (A) – (C) above - <i>This application must be referred to the Department of Infrastructure and Planning (DIP) as concurrence agency.</i></p>	(i) The application is only for development proposed in a rural precinct and the development is consistent with the rural precinct	<input type="checkbox"/> No	<input type="checkbox"/> Yes	(ii) The application is only for development identified as exempt development under the <i>Integrated Planning Act 1997</i> , schedule 9	<input type="checkbox"/> No	<input type="checkbox"/> Yes	(iii) The application is only for development carried out under a development approval which has not lapsed for a development application— <ul style="list-style-type: none"> <li>• that was properly made before the <i>South East Queensland Regional Plan 2009-2031 State planning regulatory provisions</i> (SEQ 2009-2031 regulatory provisions) commenced; or</li> <li>• to which division 2 of the SEQ 2009-2031 regulatory provisions applied</li> </ul>	<input type="checkbox"/> No	<input type="checkbox"/> Yes	(iv) The application is only for development that is consistent with a preliminary approval which has not lapsed, for the part of a development application mentioned in IPA, section 3.1.6 that states the way in which the effect of a local planning scheme is varied, where the development application for the preliminary approval was— <ul style="list-style-type: none"> <li>• properly made before the SEQ 2009-2031 regulatory provisions commenced; or</li> <li>• assessed against division 2 of the SEQ 2009-2031 regulatory provisions</li> </ul>	<input type="checkbox"/> No	<input type="checkbox"/> Yes	(v) The application is only for development that is generally in accordance with a rezoning approval where the development entitlements from the rezoning approval are conferred by the following— <ul style="list-style-type: none"> <li>• the resulting zone in a transitional planning scheme; or</li> <li>• a development permit or acknowledgement notice mentioned in IPA, section 3.2.5(1)(a) for a development application (superseded planning scheme) for the resulting zone in a transitional planning scheme which is a superseded planning scheme; or</li> <li>• a planning scheme (other than a transitional planning scheme)</li> </ul>	<input type="checkbox"/> No	<input type="checkbox"/> Yes	(vi) The application is only for development that is declared to be a significant project under the <i>State Development and Public Works Organisation Act 1971</i> , section 26(1)(a)	<input type="checkbox"/> No	<input type="checkbox"/> Yes	(vii) The premises are completely within a State development area under the <i>State Development and Public Works Organisation Act 1971</i>	<input type="checkbox"/> No	<input type="checkbox"/> Yes	(A) The proposed use is impact assessable under the planning scheme	<input type="checkbox"/> No	<input type="checkbox"/> Yes	(B) The gross floor area on the premises is no more than 10,000m <sup>2</sup>	<input type="checkbox"/> No	<input type="checkbox"/> Yes	(C) The land area of the premises is more than 10,000m <sup>2</sup>	<input type="checkbox"/> No	<input type="checkbox"/> Yes	
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<sup>1</sup> For interpretation of terms in the following questions, see the *South East Queensland Regional Plan 2009-2031 State Planning Regulatory Provisions*, section 1.5



(b) Is the proposed use for an extension of more than 10,000m<sup>2</sup> of retail floor space?  
 No  Yes - *This application must be assessed by the local government against the assessment criteria in section 4.1 of the SEQ 2009-2031 regulatory provisions*

(c) Is any part of the premises **outside the urban footprint**?  
 No –*End of question*  Yes

If yes, do the following apply?

(i) The premises are completely in an urban area <sup>2</sup> under a planning scheme (other than a transitional planning scheme)	<input type="checkbox"/> No	<input type="checkbox"/> Yes
(ii) The premises are completely in a biodiversity development offset area approved under a State planning instrument	<input type="checkbox"/> No	<input type="checkbox"/> Yes

If **yes** to either –*End of question*

If **no** to **both** (i) and (ii), does the proposed use involve **one or more** of the following activities, as defined under the SEQ 2009-2031 regulatory provisions, schedule 2.1?

• Tourist activity, sport and recreation activity or community activity	<input type="checkbox"/> No	<input type="checkbox"/> Yes - <i>(Answer (i) below)</i>
• Indoor recreation	<input type="checkbox"/> No	<input type="checkbox"/> Yes - <i>(Answer (ii) below)</i>
• Residential development other than rural residential development	<input type="checkbox"/> No	<input type="checkbox"/> Yes - <i>(Answer (iii) below)</i>
• Residential development that is rural residential development	<input type="checkbox"/> No	<input type="checkbox"/> Yes - <i>(Answer (iv) below)</i>
• Another type of urban activity	<input type="checkbox"/> No	<input type="checkbox"/> Yes - <i>(Answer (v) below)</i>

If **no** to **all** – *End of question*

(i) **For the proposed use for a tourist activity, sport and recreation activity or community activity** (SEQ 2009-2031 regulatory provisions, table 2B)

Do the following apply?

(A) Will have a gross floor area on the premises of more than 5,000m <sup>2</sup> (excluding short term accommodation)	<input type="checkbox"/> No	<input type="checkbox"/> Yes
(B) Any incidental commercial or retail activity area on the premises will be more than 250m <sup>2</sup>	<input type="checkbox"/> No	<input type="checkbox"/> Yes
(C) Will accommodate more than 300 persons in any short term accommodation	<input type="checkbox"/> No	<input type="checkbox"/> Yes

If **yes** to **any one** of (A) – (C) above - *This application must be referred to the Department of Infrastructure and Planning (DIP) as concurrence agency.*

(ii) **For the proposed use for indoor recreation** (SEQ 2009-2031 regulatory provisions, table 2C)

Do the following apply?

(A) Will cater for more than 250 persons	<input type="checkbox"/> No	<input type="checkbox"/> Yes
(B) Will have a gross floor area on the premises of more than 3,000m <sup>2</sup> (excluding short-term accommodation)	<input type="checkbox"/> No	<input type="checkbox"/> Yes
(C) Will accommodate more than 100 persons in any short term accommodation	<input type="checkbox"/> No	<input type="checkbox"/> Yes

If **yes** to **any one** of (A) – (C) above - *This application must be referred to the Department of Infrastructure and Planning (DIP) as concurrence agency.*

(iii) **For proposed residential development other than rural residential development** (SEQ 2009-2031 regulatory provisions, table 2D)

Is the residential development for a private residence, as defined under the SEQ 2009-2031 regulatory provisions, on an existing lot?

Yes - *Go to (iv)*  No - *This application must be referred to the Department of Infrastructure and Planning (DIP) as concurrence agency.*

<sup>2</sup> Urban area has the meaning given in the *Integrated Planning Act 1997*, schedule 10.



(iv) **For proposed residential development that is rural residential development** (SEQ 2009-2031 regulatory provisions, table 2D)

Is any part of the premises in the Regional Landscape and Rural Production Area?

No - *Go to (v) if applicable*       Yes

If yes, is the residential development for a private residence, as defined under the SEQ 2009-2031 regulatory provisions, on an existing lot?

Yes - *Go to (v) if applicable*       No - *This application must be referred to the Department of Infrastructure and Planning (DIP) as concurrence agency.*

(v) **For another type of urban activity** (SEQ 2009-2031 regulatory provisions, table 2E)

Do the following apply?

(A) The proposed use is only for an industrial or commercial purpose and—	<input type="checkbox"/> No	<input type="checkbox"/> Yes
<ul style="list-style-type: none"> <li>the gross floor area on the premises is no more than 750m<sup>2</sup>; and</li> <li>any incidental retail activity on the premises is no more than 50m<sup>2</sup>; and</li> <li>any associated outdoor area on the activity is no more than 1,500m<sup>2</sup></li> </ul>		
(B) The proposed use is only for a service station and—	<input type="checkbox"/> No	<input type="checkbox"/> Yes
<ul style="list-style-type: none"> <li>the gross floor area on the premises is no more than 1,000m<sup>2</sup>; and</li> <li>any incidental retail activity on the premises is no more than 250m<sup>2</sup>; and</li> <li>any associated outdoor area on the premises is no more than 2,000m<sup>2</sup></li> </ul>		

If no to both (A) and (B) above - *This application must be referred to the Department of Infrastructure and Planning (DIP) as concurrence agency.*

*South East Queensland Regional Plan 2009-2031 State Planning Regulatory Provisions, divisions 2 and 4; IP Regulation, schedule 2, table 3, item 13.*

## For an application for reconfiguring a lot<sup>3</sup>

**SOUTH EAST QUEENSLAND REGION**

3.11A Is any part of the premises within the South East Queensland (SEQ) designated region?

No - *End of question*       Yes

If yes, do the following apply?

(i) The application only seeks approval for reconfiguring a lot other than subdivision	<input type="checkbox"/> No	<input type="checkbox"/> Yes
(ii) The application is only for development inside a rural precinct and the development is consistent with the rural precinct	<input type="checkbox"/> No	<input type="checkbox"/> Yes
(iii) The application is only for development identified as exempt development under the <i>Integrated Planning Act 1997</i> , schedule 9	<input type="checkbox"/> No	<input type="checkbox"/> Yes
(iv) The application is only for development carried out under a development approval for the premises—	<input type="checkbox"/> No	<input type="checkbox"/> Yes
<ul style="list-style-type: none"> <li>that was properly made before the <i>South East Queensland Regional Plan 2009-2031 regulatory provisions</i> (SEQ 2009-2031 regulatory provisions); or</li> <li>to which division 2 of the SEQ 2009-2031 regulatory provisions applied</li> </ul>		
(v) The application is only for development that is consistent with a preliminary approval which has not lapsed, for the part of a development application mentioned in IPA, s 3.1.6 that states the way in which the effect of a local planning scheme is varied, where the development application for the preliminary approval was—	<input type="checkbox"/> No	<input type="checkbox"/> Yes
<ul style="list-style-type: none"> <li>properly made before the SEQ 2009-2031 regulatory provisions; or</li> <li>assessed against division 2 of the SEQ 2009-2031 regulatory provisions</li> </ul>		

<sup>3</sup> For the purposes of the SEQ regulatory provisions, subdivision means creating a lot, or dividing land into parts by agreement rendering different parts of a lot immediately available for separate occupation, and does not include a lease for a term, including renewal options, not exceeding 10 years. Urban area has the meaning given in the *Integrated Planning Act 1997*, schedule 10.



(vi) The application is only for development that is generally in accordance with a rezoning approval where the development entitlements from the rezoning approval are conferred by the following— <ul style="list-style-type: none"> <li>the resulting zone in a transitional planning scheme; or</li> <li>a development permit or acknowledgement notice mentioned in IPA, section 3.2.5(1)(a) for a development application (superseded planning scheme) for the resulting zone in a transitional planning scheme which is a superseded planning scheme; or</li> <li>a planning scheme (other than a transitional planning scheme)</li> </ul>	<input type="checkbox"/> No	<input type="checkbox"/> Yes
(vii) The application is only for development that is declared to be a significant project under the <i>State Development and Public Works Organisation Act 1971</i> , section 26(1)(a)	<input type="checkbox"/> No	<input type="checkbox"/> Yes
(viii) The premises are completely within a State development area under the <i>State Development and Public Works Organisation Act 1971</i>	<input type="checkbox"/> No	<input type="checkbox"/> Yes

If yes to any one– End of question

If no to all of (i) – (viii) above – Answer (a) and (b) below

(a) Is any part of the premises in a **development area**?

No - Go to (b)       Yes

If yes, do the following apply?

The subdivision:		
(i) Complies with a master plan for a declared master planned area	<input type="checkbox"/> No	<input type="checkbox"/> Yes
(ii) Results in no additional lots, for example, amalgamation or boundary realignment	<input type="checkbox"/> No	<input type="checkbox"/> Yes
(iii) Creates one additional lot to accommodate an emergency services facility	<input type="checkbox"/> No	<input type="checkbox"/> Yes
(iv) Creates one additional lot to accommodate a water cycle management infrastructure	<input type="checkbox"/> No	<input type="checkbox"/> Yes
(v) Creates one additional lot to accommodate a waste management facility	<input type="checkbox"/> No	<input type="checkbox"/> Yes
(vi) Creates one additional lot to accommodate a telecommunication infrastructure	<input type="checkbox"/> No	<input type="checkbox"/> Yes
(vii) Creates one additional lot to accommodate electricity infrastructure	<input type="checkbox"/> No	<input type="checkbox"/> Yes
(viii) Creates one additional lot to accommodate an cemetery or a crematorium	<input type="checkbox"/> No	<input type="checkbox"/> Yes
(ix) Creates one additional lot to accommodate a correctional facility	<input type="checkbox"/> No	<input type="checkbox"/> Yes
(x) Divides one lot into two, if the existing lot is severed by a road that was gazetted before 2 March 2006, and the resulting lot boundaries use the road as the point of division.	<input type="checkbox"/> No	<input type="checkbox"/> Yes
(xi) Is consistent with a development approval for a material change of use of premises that has not lapsed, where the application for the development approval was made before 31 October 2006	<input type="checkbox"/> No	<input type="checkbox"/> Yes
(xii) Is consistent with a development approval for a material change of use of premises that has not lapsed, where the material change of use was assessed by a referral agency against division 2 of the applicable State planning regulatory provisions	<input type="checkbox"/> No	<input type="checkbox"/> Yes

If no to all - This application must be referred to the Department of Infrastructure and Planning (DIP) as Concurrence Agency for the purposes of the SEQ Regional plan

(b) Is any part of the premises within the **Regional Landscape and Rural Production Area**?

No – End of question       Yes

If yes, do the following apply?

(i) The premises are completely in an urban area under a planning scheme (other than a transitional planning scheme)	<input type="checkbox"/> No	<input type="checkbox"/> Yes
(ii) The premises are completely in a biodiversity development offset area approved under a State planning instrument	<input type="checkbox"/> No	<input type="checkbox"/> Yes

If yes to either (i) or (ii) – End of question

If no to both (i) and (ii), do the following apply?

The subdivision:		
(i) Is consistent with a rural subdivision precinct, as defined under the SEQ 2009-2031 regulatory provisions	<input type="checkbox"/> No	<input type="checkbox"/> Yes
(ii) Results in lots of 100 hectares or greater	<input type="checkbox"/> No	<input type="checkbox"/> Yes



(iii) Results in no additional lots, for example, amalgamation or boundary realignment	<input type="checkbox"/> No	<input type="checkbox"/> Yes
(iv) Is within an area designated by the regional planning Minister in a gazette notice as having a rural residential purpose, and is subject to a development application that is properly made on or before 6 December 2010	<input type="checkbox"/> No	<input type="checkbox"/> Yes
(v) Creates one additional lot to accommodate an emergency services facility	<input type="checkbox"/> No	<input type="checkbox"/> Yes
(vi) Creates one additional lot to accommodate a water cycle management infrastructure	<input type="checkbox"/> No	<input type="checkbox"/> Yes
(vii) Creates one additional lot to accommodate a waste management facility	<input type="checkbox"/> No	<input type="checkbox"/> Yes
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(xi) Creates one additional lot to accommodate a correctional facility	<input type="checkbox"/> No	<input type="checkbox"/> Yes
(xii) Divides one lot into two, where the existing lot is severed by a road that was gazetted before 2 March 2006, and the resulting lot boundaries use the road as the boundary of division	<input type="checkbox"/> No	<input type="checkbox"/> Yes
(xiii) Is consistent with a development approval for a material change of use of premises that has not lapsed, where the development application was made before 31 October 2006	<input type="checkbox"/> No	<input type="checkbox"/> Yes
(xiv) Is consistent with a development approval for a material change of use of premises that has not lapsed, where the material change of use was assessed by a referral agency against division 2 of the applicable State planning regulatory provisions	<input type="checkbox"/> No	<input type="checkbox"/> Yes
<p><b>If no to all</b> - <i>The subdivision may not occur and an application involving that component cannot be made.</i></p>		
<p><small>South East Queensland Regional Plan 2009-2031 State Planning Regulatory Provisions, division 3 : IP Regulation, schedule 2, table 2, item 35</small></p>		