

A flying start for Queensland Children: Transition of year 7 to secondary school program

Exemption from planning scheme
assessment—compliance checklist

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The Department of State Development, Infrastructure and Planning leads a coordinated Queensland Government approach to planning, infrastructure and development across the state.

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1. Purpose of this checklist

From 2015, year 7 will become part of secondary schooling. To assist schools with the transition, the *Sustainable Planning Regulation 2009* (SPR) has been amended to include criteria which, when met, exempts school development from assessment against a local government planning scheme.

This compliance checklist has been prepared for development projects under the Queensland Government's 'Flying Start for Queensland Children' program (Flying Start program). It identifies all of the criteria stated in the SPR schedule 4, table 5, item 12A. For a development to be exempt development under a planning scheme, all of these criteria must be met.

The criteria aims to ensure the development does not reduce the amenity of the neighbourhood, increase traffic congestion, nor harm important vegetation or heritage values. It also covers a number of state interests normally triggered when development applications are made to local governments.

The exemption will not apply if one or more of the criteria are not met, including where the local government provides advice that it does not agree to the exemption in relation to identified protected vegetation, local cultural heritage, or past underground mining.

If the development project is non-compliant, the proposed development should be modified by, for example, altering the building design or adjusting the siting to achieve compliance. If this is not practical, the proposed project will not be eligible for exemption and the usual development assessment process applies.

Development that is considered assessable development under relevant state instruments is still required to be assessed against, and comply with, these state instruments. Even if the development is compliant with the criteria stated in the SPR schedule 4, table 5, item 12A, and considered exempt development under schedule 4 of SPR, further assessment against state instruments may be required.

2. Who is involved?

Development for the Flying Start program is overseen by:

- the Department of Education, Training and Employment (for state schools)
- the school, the Queensland Catholic Education Commission or Independent Schools Queensland (for non-state schools).

Schools (and their professional consultants)

The criteria can be used to determine:

- whether a potential development is eligible for exemption
- where the development may be modified to achieve compliance
- any state assessments that might apply to the development.

The relevant local government is to be given as much notice of a proposed development as possible. This notice should be accompanied with a copy of the compliance checklist. The completed compliance checklist should be attached to a building application submitted to a building certifier.

All development proposals are still required to be assessed against relevant building and plumbing legislation and state laws governing vegetation clearing and heritage buildings, if applicable.

Local governments

After receiving notification of development, a local government has 10 business days to provide written notice of their opposition to the development on the grounds of protected vegetation, local cultural heritage and/or past underground mining. If advice is not provided in this timeframe, it will be assumed the local government is not opposed to the development.

Local governments may use the compliance checklist to determine the criteria for which it is able to give notice of opposition.

Building certifiers

Before granting a building approval for development under the Flying Start program, building certifiers are required to:

- be satisfied that the development:
 - is not normally assessable under the local government planning scheme, or
 - meets the criteria in the SPR, schedule 4, table 5, item 12A(1).
- ensure any necessary approvals under the *Sustainable Planning Act 2009* (the Act), such as development approvals under a local government planning scheme or state legislation, have been obtained
- determine whether proposed building work complies with the *Building Act 1975* for work undertaken on behalf of the state government.

Building certifiers may use the completed compliance checklist to assist in confirming this information.

3. Infrastructure charges

Development normally assessed under the Act is exempt development for the Flying Start program if the development meets the criteria in SPR or is listed as exempt development in SPR. As such, Flying Start program-related development cannot attract an infrastructure charge at reconfiguration of lot or material change of use stages.

However, applications from non-state schools to carry out building work that is assessed under the *Building Act 1975* (including building work for the Flying Start program) may attract infrastructure charges.

The government is seeking to minimise red tape for development required under this program. The aim is to reduce cost and time delays, while still enforcing sound planning and building requirements. It is therefore proposed to set a 'nil' infrastructure charge for any educational establishment or part of an essential establishment that is for, or will facilitate, the Flying Start program.

Visit the [Department of State Development, Infrastructure and Planning website](#) for further information on the proposed changes to the infrastructure charging process.

4. School project/development details

Please complete details below:

Name of school:	
Address of school:	
Real property description of development site:	
Local government area where school is located:	
Nature of proposed development:	

5. Reason for exemption from assessment against the planning scheme

For development to be exempt from assessment against the planning scheme it must satisfy either criteria (a), (b) or (c). Please tick 'yes' or 'no' to the following statements.

(a)	<p>Development is normally exempt from assessment against the relevant planning scheme.</p> <p>If the answer is 'yes', please complete section 7 to determine whether other state government development assessment considerations are required, and then complete the endorsement section of this checklist (section 8).</p> <p>If the answer is 'no', continue to point (b)</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
(b)	<p>Development is listed as exempt development under schedule 4 of the SPR, other than under item 12A, table 5, and schedule 4 of the SPR.</p> <p>If the answer is 'yes', please complete section 7 to determine whether other state government development assessment considerations are required, and then complete the endorsement section of this checklist (section 8).</p> <p>If the answer is 'no', continue to point (c)</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
(c)	<p>Development complies with all of the criteria in section 6 of this checklist, as per the SPR, schedule 4, table 5, 12A.</p> <p>Note: Complete section 6 of this checklist first, to determine if the development complies with the criteria. If one or more of the criteria are not met, please check 'no'.</p> <p>If the answer is 'yes', please complete section 7 to determine whether other state government development assessment considerations are required, and then complete the endorsement section of this checklist (section 8).</p> <p>If the answer is 'no', consideration should be given to modifying the project to comply. If this is not practical, there is no exemption and the usual development assessment process applies.</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>

6. Criteria for exemption from assessment against the planning scheme

Please complete the table below to determine whether development under the Flying Start Program is exempt from assessment against the planning scheme.

(a)	Fifty percent or more of the gross floor area of all buildings of the development is under the relevant program.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
(b)	<p>Notice has been given to the relevant local government.</p> <p>Record date sent and means of delivery:</p> <p>Post: Fax: Email: Hand delivery: <input type="checkbox"/></p> <p>Note:</p> <ul style="list-style-type: none"> As soon as possible, but at least 10 business days before the development is started, an entity representing the school at which the development is to be carried out must give the relevant local government written notice of the proposed development. Written notification of the development should contain sufficient information about any impacts the development may have on protected vegetation, local cultural heritage or past underground mining. 	Yes <input type="checkbox"/>	No <input type="checkbox"/>
(c)	<p>The height of any building or covered outdoor area for the development is not more than the higher of:</p> <p>(i) the height of the tallest building on the existing school campus on which the project is located, or</p> <p>(ii) 15 m above ground level</p> <p>Tick 'yes' if the project does not involve a building or covered outdoor area.</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
(d)	<p>For a development on land that shares a boundary with residential land:</p> <p>(i) if any existing building on the land on which the development is to be located is less than 6 m from the boundary, any new building is at least the same distance from the boundary as the building closest to it, or</p> <p>(ii) otherwise:</p> <p>a) any single storey building for the facility is located at least 3 m from the boundary, and</p> <p>b) any multistorey building for the facility is located at least 6 m from the boundary.</p> <p>Tick 'yes' if the land for the project does not share a boundary with residential land.</p> <p>Note: Residential land means land that:</p> <p>(i) is being used for residential purposes, or</p> <p>(ii) may, or is intended to be used for residential purposes under:</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>

	<p>a. a development approval in effect on or before 9 June 2011, or</p> <p>b. a planning scheme as in force before 9 June 2011.</p>		
(e)	<p>All buildings for the development are located:</p> <p>(i) if any existing building on the land on which the facility is to be located is less than 6 m from a road frontage—at least the same distance from the road frontage as the building closest to it</p> <p>(ii) otherwise, at least 6 m from a road frontage.</p> <p>Tick 'yes' if the project does not involve a building.</p> <p>Note: <i>Road frontage</i> means the boundary between the land and any road adjoining the land.</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
(f)	<p>For development that involves the installation of external floodlights, the installation of the floodlights complies with AS 4282-1997 'Control of the obtrusive effects of outdoor lighting'.</p> <p>Tick 'yes' if the project does not involve the installation of external floodlights.</p> <p>Note: AS 4282-1997 includes recommended limits for the control of the obtrusive effects of outdoor lighting and refers to the effects of outdoor lighting on nearby dwellings, hotels, hospitals and the like, and on the users of adjacent roads.</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
(g)	<p>For development that involves the installation of external floodlights, the installation of the floodlights complies with AS 2560.1-2002 'Sports lighting-general principles'.</p> <p>Tick 'yes' if the project does not involve the installation of external floodlights.</p> <p>Note: AS 2560.1-2002 contains recommendations and requirements for the lighting of places, both indoors and outdoors, where sport is played and includes recommendations for sports lighting, descriptions of suitable types of lighting equipment and requirements regarding methods for the assessment or measurement of sports lighting installations.</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
(h)	<p>The development is completely within an existing school campus.</p> <p>Note: <i>Existing school campus</i> means premises at which a school is established, but does not include separate premises associated with the school and used solely:</p> <p>(i) for sporting or recreational purposes, or</p> <p>(ii) for residential purposes, whether or not any residential dwellings comprising the premises are vacant.</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
(i)	<p>Vehicular access to the premises, other than a vehicular access for persons with a disability, emergency service vehicles, or other service vehicles, is unchanged (i.e. no construction of a new access or extension to an existing access).</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
(j)	<p>The number of dedicated parking spaces on the land on which the development is located is the same or is increased.</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
(j)	<p>The development complies with 'State Planning Policy 1/02: Development in the Vicinity of Certain Airports and Aviation Facilities'.</p> <p>Note: State Planning Policy 1/02 sets out broad principles for protecting airports and associated aviation facilities from encroachment by incompatible developments in the</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>

	interests of maintaining operational efficiency and community safety.		
(k)	<p>The development complies with 'State Planning Policy 2/02: Planning and Managing Development Involving Acid Sulfate Soils'.</p> <p>Note: State Planning Policy 2/02 aims to ensure development involving acid sulfate soils is planned and managed to avoid release of potentially harmful contaminants into the environment.</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
(l)	<p>The development is outside a coastal management district.</p> <p>Note: Coastal management districts are coastal areas in which special development controls and management practices apply.</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
(m)	<p>The development is outside an area for which an area management advice has been given for unexploded ordnance.</p> <p>Note: An area management advice (AMA) is a notice issued to a local government about areas where there is potential for widespread contamination (e.g. by unexploded ordnance or in naturally mineralised areas where elevated heavy metal contamination may be found), but where detailed information is not available. AMAs are held with the Environmental Management Register and Contaminated Land Register (and are searchable online).</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
(n)	<p>For a non-state school, the development:</p> <p>(i) is outside an assessable development area or an identified koala broad-hectare area under the South East Queensland (SEQ) Koala Conservation State Planning Regulatory Provisions (SPRP), or</p> <p>(ii) is inside an assessable development area or identified koala broad-hectare area under the SEQ Koala Conservation SPRP and is located inside an existing development footprint under the SEQ Koala Conservation SPRP.</p> <p>Tick 'yes' if a state school.</p> <p>Note: The SEQ Koala Conservation SPRP regulates new development in areas of the highest priority for koala conservation action, at the development assessment stage.</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
(o)	<p>For a non-state school, development avoids clearing of native vegetation:</p> <p>(i) in a category A area or category B area shown on a property map of assessable vegetation, or</p> <p>(ii) if there is no property map of assessable vegetation for the lot on which the development is carried out—shown on the regional ecosystem map or remnant map as remnant vegetation.</p> <p>Tick 'yes' if a state school.</p> <p>Note: Native vegetation clearing is regulated by the state under the Vegetation Management Act 1999.</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
(p)	<p>The development:</p> <p>(i) avoids any place in a planning scheme area that on, or before, 9 June 2011 is a local heritage place, or</p> <p>(ii) is on a place in a planning scheme area that on or, before, 9 June 2011 is a local heritage place and the local government has not opposed the</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>

	<p>exemption in the required time period.</p> <p>Note:</p> <ul style="list-style-type: none"> • A local heritage place means a place entered in a local register under the <i>Queensland Heritage Act 1992</i>, s 113(1). • The local government has 10 business days after receiving notice of the development to give written notice that it does not agree with the project being exempt under the planning scheme. 		
(q)	<p>The development:</p> <p>(i) avoids any place in a planning scheme area that on, or before, 9 June 2011 is a place of cultural heritage significance, or</p> <p>(ii) is on a place in a planning scheme area that on, or before, 9 June 2011 is a place of cultural heritage significance and the local government has not opposed the exemption in the required time period.</p> <p>Note:</p> <ul style="list-style-type: none"> • <i>Cultural heritage significance</i> in relation to a place means its aesthetic, architectural, historical, scientific, social, or other significance, to past, present or future generations. • Planning schemes may, for example, identify cultural heritage as 'heritage place' or 'character place'. • The local government has 10 business days after receiving notice of the development to give written notice that it does not agree with the project being exempt under the planning scheme. 	Yes <input type="checkbox"/>	No <input type="checkbox"/>
(r)	<p>The development:</p> <p>(i) avoids interfering with vegetation identified under the local government's planning scheme on, or before, 9 June 2011 as vegetation that is protected, or</p> <p>(ii) interferes with vegetation identified under the local government's planning scheme on, or before, 9 June 2011 as vegetation that is protected and the local government has not opposed the exemption in the required time period.</p> <p>Note:</p> <ul style="list-style-type: none"> • Planning schemes may identify significant vegetation as a 'heritage place' or 'character place'. • The local government has 10 business days after receiving notice of the development to give written notice that it does not agree with the project being exempt under the planning scheme. 	Yes <input type="checkbox"/>	No <input type="checkbox"/>
(s)	<p>The development:</p> <p>(i) avoids land identified under the local government's planning scheme as affected or potentially affected by subsidence caused by underground mining, or</p> <p>(ii) is to be carried out on land identified under the local government's planning scheme as affected or potentially affected by subsidence caused by underground mining and the local government has not opposed the exemption in the required time period.</p> <p>Note:</p> <ul style="list-style-type: none"> • Planning schemes may, for example, identify 'mining influence areas'. • The local government has 10 business days after receiving notice of the development 	Yes <input type="checkbox"/>	No <input type="checkbox"/>

	to give written notice that it does not agree with the project being exempt under the planning scheme.		
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7. Assessable development under state instruments

Please complete the table below to indicate that other state government development assessment considerations relevant to development under the Flying Start Program have been considered.

(a)	<p>Development under the Flying Start Program is assessable development under other state instruments.</p> <p>If the answer is 'yes', the development remains exempt from assessment against the planning scheme, but must undergo assessment against relevant state instrument. Please provide details to certifier.</p> <p>If the answer is 'no', the development requires no further development assessment.</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
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Note: State assessments under SPR —which might apply to development under the Flying Start Program — relate to: reconfiguration of a lot; a wild river area (outside designated urban areas); the limits of a port; a declared fish habitat area; contaminated land for registered land, premises used for a notifiable activity or an industrial activity; strategic port land; airport land; clearing native vegetation; state heritage; koala conservation; environmentally relevant activities; removing quarry material; a major hazard facility; taking or interfering with water; removal, destruction or damage of marine plants; particular dams; canal development, tidal work, operational work in a coastal management district; waterway barrier works; a brothel; aquaculture; agricultural or animal husbandry activity (in a wild river area).

8. Endorsement of completed checklist

Principal:			
Name:		Signature:	Date
School:		/...../.....
Authorised school authority:			
Name:		Signature	Date
Organisation:		/...../.....
Professional consultant:			
Name:		Signature	Date
Organisation:		/...../.....

