03/21 - Major Amendment - Minjerribah (Site specific land uses)

Note: yellow highlight denotes an addition to the City Plan and a strikeout denotes a deletion.

City Plan Document

1.2 Planning scheme components

(1) The planning scheme comprises the following components:

(h) the following overlays:

(i) Airport environs overlay code;
(ii) Bushfire hazard overlay code;
(iii) Coastal protection (erosion prone areas) overlay code;
(iv) Environmental significance overlay code;
(v) Extractive resources overlay code;
(vi) Flood and storm tide hazard overlay code;
(vii) Heritage overlay code;
(viii) Landslide hazard overlay code;
(ix) Regional infrastructure corridors and substations overlay code;
(x) Water resource catchments overlay code;
(xi) Waterway corridors and wetlands overlay code;
(xii) Transport Noise Corridor Overlay (for information purpose only)
(xiii) Minjerribah site specific land use area overlay code.

1.5 Hierarchy of assessment benchmarks

(1) Where there is inconsistency between provisions within the planning scheme, the following rules apply:

(a) relevant assessment benchmarks specified in the Regulation prevail over the Planning Scheme to the extent of the inconsistency;
(b) the strategic framework prevails over all other elements to the extent of the inconsistency for impact assessment;
(c) The Minjerribah site specific land use area overlay prevails over the Bushfire hazard overlay, to the extent of any inconsistency.
(d) overlays prevail over all other components (other than the matters mentioned in (a) and (b) to the extent of the inconsistency;
(e) local plan codes prevail over zone codes, use codes and other development codes to the extent of the inconsistency;
(f) zone codes prevail over use codes and other development codes to the extent of the inconsistency;
(g) provisions of Part 10 may override any of the above.

1.6 Building work regulated under the planning scheme

(4) The building assessment provisions are contained in the following parts of this planning scheme:

(a) Table 5.6.1 Building work;
(b) Table 5.9.1 Assessment benchmarks for overlays;

(c) 6.2.1 Low density residential zone code;

(d) 8.2.2 Bushfire hazard overlay code;

(e) 8.2.3 Coastal protection (erosion prone areas) overlay code;

(f) 8.2.6 Flood and storm tide hazard overlay code;

(g) 8.2.7 Heritage overlay code; and

(h) 8.2.12 Minjerribah site specific land use area overlay code.

Part 3 Strategic Framework

Part 3.2 Strategic intent

3.2.2 Liveable communities and housing

Editors Notes -

Editor's note—Parts of North Stradbroke Island (Minjerrribah) have been influenced by ~~are subject to~~ State lead planning investigations as part of an Indigenous land use agreement between the Queensland State Government and the Quandamooka people. ~~Future planning and development policy for these parts of North Stradbroke Island will be influenced by the outcomes of these investigations and may require future amendments to City Plan~~.

Part 5 Tables of assessment

SECTION 5.3.3 Determining the requirements for accepted development and assessment benchmarks and other matters for assessable development

(4) Code assessable development:

(a) is to be assessed against all the assessment benchmarks identified in the assessment benchmarks column;

(b) that occurs as a result of development becoming code assessable pursuant to sub-section 5.3.3(2), must:

(i) be assessed against the assessment benchmarks for the development application, limited to the subject matter of the required acceptable outcomes that were not complied with or were not capable of being complied with under sub-section 5.3.3(2);

(ii) comply with all required acceptable outcomes identified in sub-section 5.3.3(1), other than those mentioned in sub-section 5.3.3(2);

(c) that complies with:

(i) the purpose and overall outcomes of the code complies with the code;

(ii) the performance or acceptable outcomes complies with the purpose and overall outcomes of the code; unless

1. Located within the Minjerribah site specific land use area overlay, in which case unless development complies with the relevant acceptable outcome(s), it will not comply with the associated performance outcome; and

2. Unless development complies with the relevant performance outcomes(s), it will not comply with the purpose or overall outcomes of the code.

(d) is to be assessed against any assessment benchmarks for the development identified in section 26 of the Regulation.

Section 5.4 Categories of development and assessment – Material change of use

5.9.1 Assessment benchmarks for overlays

Insert:

Minjerribah site specific land use area overlay		
Any material change of use	Code assessment	Minjerribah site specific land use area overlay code
Reconfiguration of a lot	Code assessment	Minjerribah site specific land use area overlay code
Building works	Code assessment	Minjerribah site specific land use area overlay code
Operational work involving clearing of native vegetation	Accepted if: Within the Minjerribah site specific land use area to establish an Asset Protection Buffer.	
Any other operational work	Code assessment	Minjerribah site specific land use area overlay code
Environmental significance overlay		
Operational work involving clearing of native vegetation **Note—Clearing for purposes mentioned in part 1 of schedule 21 of the Regulation is not made assessable by this planning scheme. Essential management, as defined in the Regulation, is also not made assessable by this planning scheme.** **Editor's note—"Urban area" is defined under the Regulation. Refer also to section 1.7.3 of this planning scheme.** **Editor's note - Referral or approval under**	Accepted if: Within the Minjerribah site specific land use area to establish an Asset Protection Buffer.	
	Accepted subject to requirements if clearing within: 1. the rural zone on land that contains a dwelling house and the combined area of the proposed clearing and any clearing previously undertaken since commencement of the first version of this planning scheme exceeds 500m^2 and does not exceed 2500m^2.	Environmental significance overlay code

the Planning Act 2016 and Water Act 2009 may also be required.	Code assessable, if not accepted, or accepted subject to requirements, if clearing within: 1. the emerging community, environmental management, low-medium density residential, medium density residential or tourist accommodation zones; or 2. within the conservation and recreation and open space zones, other than clearing undertaken by Redland City Council or on Council land and in accordance with a Council resolution; or 3. any other zone within the urban area and the combined area of the proposed clearing and any clearing previously undertaken since the commencement of the first version of this planning scheme exceeds 500m^2; or 4. within the community facilities zone (if outside the urban area) and the combined area of the proposed clearing and any clearing previously undertaken since the commencement of the first version of this planning scheme exceeds 2,500m^2; or 5. within the rural zone and the combined area of the proposed clearing and any clearing previously undertaken since the commencement of the first version of this planning scheme exceeds 2,500m^2 **Editor's note: Clearing thresholds do not include clearing which is accepted.**	Environmental significance overlay code

Schedule 1 Definitions

Table SC1.2.1 Additional administrative terms and their definition

Column 1 **Administrative Term**	**Column 2** **Definition**

APZ	The APZ is the "Asset Protection Zone" in the Minjerribah Township Fire Management Strategy.
Asset Protection Buffer	The Asset Protection Buffer relates to certain lots located in the Minjerribah site specific land use area overlay.
Minjerribah site specific land use area	Lots located in the Minjerribah site specific land use area overlay – as identified on map OM-26.
Suitably Qualified Person	A Suitably Qualified Person means a person who has both qualifications and experience relevant to bushfire management. Note: Rural Fire Service Queensland may provide advice as to who is a Suitably Qualified Person
Minjerribah Township Fire Management Strategy	The Minjerribah Township Fire Management Strategy version 4, prepared by Ten Rivers, as amended from time to time.