



**Queensland  
Government**

Toondah Harbour

Priority Development Area

# **Interim Land Use Plan**

June 2013

# Contents

1.0	Preliminary .....	2
1.1	Introduction .....	2
1.2	Economic Development Act.....	2
1.3	Priority Development Area .....	2
1.4	PDA Vision .....	3
1.5	Purpose of the ILUP .....	3
1.6	Relationship with the planning scheme.....	4
1.7	Relationship with other legislation .....	4
2.0	Development assessment.....	5
2.1	Principles .....	5
2.2	Levels of assessment.....	5
2.3	Development requirements.....	6
2.4	Definitions .....	6
2.5	Development consistent with the ILUP .....	6
2.6	Development approval .....	7
2.7	Infrastructure agreements.....	7
2.8	Plan of Development .....	7
2.9	Notification requirements .....	7
3.0	Infrastructure Contributions.....	8
	Schedule 1: Exempt development .....	9
	Schedule 2: Definitions .....	10

## **1.0 Preliminary**

### **1.1 Introduction**

The Toondah Harbour PDA Interim Land Use Plan (ILUP) has been prepared pursuant to Section 38 of the *Economic Development Act 2012* (the ED Act) and applies only to land within the declared Toondah Harbour PDA boundary identified in Figure 1.

This ILUP commences on declaration.

### **1.2 Economic Development Act**

The ED Act provides for particular parts of the State to be declared as areas called Priority Development Areas (PDAs).

The main purpose of the ED Act is to establish the Minister for Economic Development Queensland (MEDQ) to plan, carry out, promote or coordinate activities to facilitate economic development and development for community purposes in declared PDAs in Queensland.

Economic Development Queensland (EDQ) is an entity established within the Department of State Development Infrastructure and Planning, to assist the MEDQ to carry out its functions under the ED Act<sup>1</sup>.

### **1.3 Priority Development Area**

The Toondah Harbour PDA was declared by a regulation on 21 June 2013.

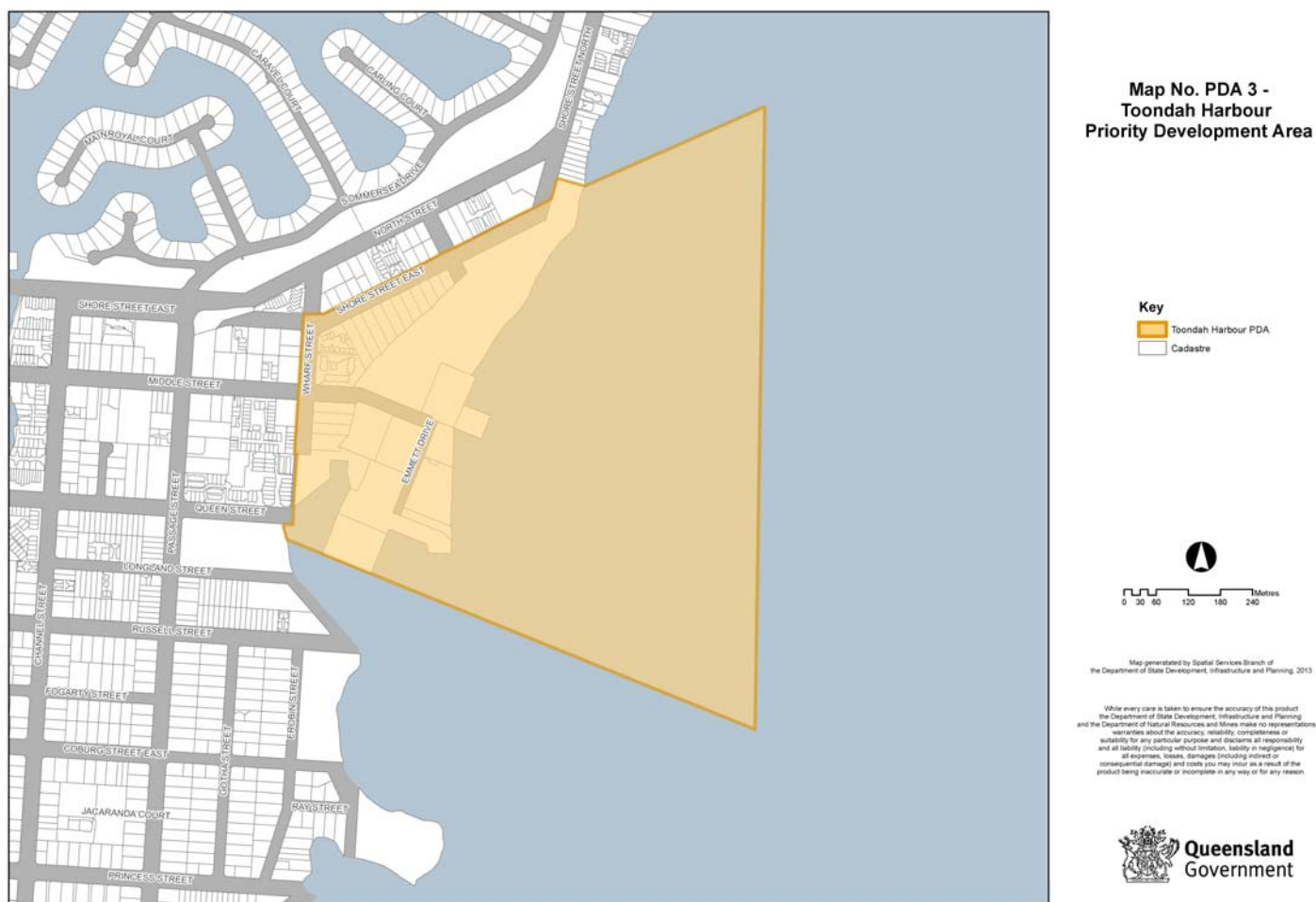
The PDA covers a total area of approximately 67 hectares (17.5 hectares over land and 49.5 hectares within Moreton Bay) and is located on the southern shores of Moreton Bay in Cleveland within the Redland City Council Local Government Area (refer Figure 1). The PDA is bounded by Shore Street East to the north and Wharf Street to the west and incorporates marine activity, residential and open space lands.

Toondah Harbour is recognised as the main gateway to and from North Stradbroke Island and serves as the principal base for water taxi, passenger and vehicular ferry services. The harbour is also utilised for the launch of recreational boats and trailers. Continuing growth of user numbers at Toondah Harbour will increase demand and place pressure on the existing small scale harbour facilities, which may have an impact on the environment. This has led to the need to prepare an appropriate development strategy for the harbour.

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<sup>1</sup> The MEDQ has delegated the responsibility for Development Assessment (DA) in the Toondah Harbour PDA to Redland City Council.

**Figure 1: Toondah Harbour PDA**



#### 1.4 PDA Vision

The vision for delivery of the Toondah Harbour PDA includes:

- Establishing new water transport services and support facilities at Toondah Harbour
- Creating opportunities for mixed use and medium density residential development
- Reinforcing Toondah Harbour as a community focus and a regional Gateway to Moreton Bay
- Improving water front amenity through the consolidation of facilities and the improvements of public open space
- Providing appropriate infrastructure that meets market expectations for safety, comfort, convenience, information and service delivery
- Creating an accessible and connected place, featuring high quality public transport integrated with a safe and convenient walking and cycling network
- Development which is complementary to the Cleveland Principal Activity Centre
- Creating a sense of place with communal areas providing opportunities for networking and social interaction

#### 1.5 Purpose of the ILUP

The purpose of this ILUP is to guide development of the PDA while protecting the future development opportunities which will be determined during the preparation of the development scheme. The ILUP remains in force for 12 months from the date of declaration, or until the development scheme takes effect, whichever is sooner.

## **1.6 Relationship with the planning scheme**

The ILUP adopts the provisions of the Redlands Planning Scheme (planning scheme) with the following exceptions:

1. references in the planning scheme to:
  - a) Exempt development are taken to be references to PDA Exempt development
  - b) Self-assessable development are taken to be references to PDA Self-assessable development
  - c) Assessable development are taken to be references to PDA Assessable development
  - d) Development application is taken to be a reference to a PDA Development application
  - e) Code assessable development (or Code assessable) is taken to be a reference to PDA Assessable development (Permissible)
  - f) Impact assessable development (or Impact assessable) is taken to be a reference to PDA Assessable development (Permissible)
  - g) Development approvals are taken to be references to PDA Development approvals
2. certain administrative definitions are as defined in Schedule 2 of this ILUP
3. the levels of assessment for development (as set out in the assessment tables in the planning scheme) are set out in Table 1.

This ILUP prevails to the extent of an inconsistency with any of the following instruments:

- a planning instrument
- a plan, policy or code made under the *Sustainable Planning Act 2009* (SPA) or another Act.

Unless this ILUP specifically applies a provision of a planning scheme, or a plan, policy or code made under SPA or another Act, the ILUP is inconsistent with the provisions of the planning scheme, plan, policy or code.

## **1.7 Relationship with other legislation**

In addition to assessment against the ILUP, the development may require assessment against other legislation for example the *Plumbing and Drainage Act 2002*, *Marine Parks Act 2004* and the *Sustainable Planning Act 2009*.

## **2.0 Development assessment**

### **2.1 Principles**

The principles of this ILUP are to achieve:

1. for the PDA, the purposes of the ED Act
2. the PDA Vision
3. the provisions of the planning scheme

### **2.2 Levels of assessment**

Table 1 identifies whether development within the PDA is:

- PDA Exempt development - Column 1
- PDA Self-assessable development - Column 2
- PDA Assessable development (Permissible) - Column 3A (Permissible development)
- PDA Assessable development (Prohibited) - Column 3B (Prohibited development).

#### *PDA Exempt Development*

Development included in Schedule 1 is PDA Exempt development meaning that a PDA development approval is not necessary prior to carrying out the use or works.

#### *PDA Self-Assessable Development*

A PDA development application is not necessary for PDA Self-assessable development complying with the development requirements specified in this ILUP.

#### *PDA Assessable Development (Permissible)*

Permissible development requires a PDA development application to be lodged with the MEDQ for assessment and decision. Approval is required for permissible development to be undertaken. Identification of development as permissible development does not mean that a PDA development approval (with or without conditions) will be granted.

#### *PDA Assessable Development (Prohibited)*

Development mentioned in Table 1 Column 3B is PDA Assessable development (Prohibited) and may not be carried out in the PDA.

**Table 1: Levels of assessment**

Column 1 Exempt development	Column 2 PDA self assessable development	Column 3 – PDA assessable development	
		Column 3A Permissible development	Column 3B Prohibited development
<ol style="list-style-type: none"> <li>1. Included in the Exempt development category in the relevant zone in the planning scheme.</li> <li>2. An environmentally relevant activity if:               <ol style="list-style-type: none"> <li>(i) a code of environmental compliance has been made for that activity under the Environmental Protection Regulation 2008, and</li> <li>(ii) the activity complies with that code.</li> </ol> </li> <li>3. If the land is not on the Environmental Management Register:               <ol style="list-style-type: none"> <li>(i) development specified in schedule 1</li> <li>(ii) material change of use if in accordance with an approved Plan of Development (PoD)</li> <li>(iii) operational work or building work in accordance with an approved PoD.</li> </ol> </li> </ol>	<p>Development, except development mentioned in Schedule 1, that is included in the Self Assessment assessment category in the relevant zone in the planning scheme.</p>	<p>Development, except for development mentioned in column 1 or Column 2, that is:</p> <ol style="list-style-type: none"> <li>1. Included in the Code Assessment or Impact Assessment assessment categories in the relevant zone in the planning scheme</li> <li>2. Environmentally relevant activity.</li> </ol>	<p>Nil</p>

### 2.3 Development requirements

The development requirements are the provisions of the planning scheme and apply to all PDA Assessable and Self-assessable development in the PDA.

To the extent a requirement is relevant; it must be taken into account in the preparation of a PDA development application and the assessment of the application<sup>2</sup>.

### 2.4 Definitions

The ILUP adopts the planning scheme definitions.

### 2.5 Development consistent with the ILUP

A PDA development approval can not be granted if the development would be inconsistent with this ILUP.

PDA Self-Assessable Development which complies with the applicable development requirements is consistent with this ILUP.

PDA Assessable development (Permissible) is consistent with this ILUP where:

1. the development complies with the applicable development requirements or
2. the development does not comply with the applicable development requirements but there are sufficient grounds to justify the approval of the development despite the non-compliance with the applicable development requirements.

<sup>2</sup> In accordance with S 87 (1) (b) of the *Economic Development Act 2012*, assessment of the application must consider any interest that, in the MEDQ's opinion affects economic, community or environmental interests of the State or region.

Otherwise, the permissible development is inconsistent with this ILUP and must be refused. PDA Assessable Development (Prohibited) is PDA Assessable Development that is inconsistent with the ILUP.

In this section 'grounds' means matters of public interest which include the matters specified as the main purposes of the Act as well as:

- superior design outcomes
- overwhelming community need.

'Grounds' does not include the personal circumstances of an applicant, owner or interested third party.

## **2.6 Development approval**

Identification of development as PDA assessable development does not mean that a PDA development approval (with or without conditions) will be granted.

PDA assessable development requires a PDA development application to be lodged with MEDQ for assessment and decision.

Approval is required before PDA assessable development is undertaken.

## **2.7 Infrastructure agreements**

A PDA development condition may require the land owner to enter into an infrastructure agreement, to address the provision of infrastructure.

## **2.8 Plan of Development**

A Plan of Development (PoD) may accompany an application for a material change of use or reconfiguring a lot. A PoD may include maps, graphics and text that collectively demonstrate how proposed uses, works and lots will contribute towards the achievement of the vision and will be consistent with the relevant PDA development requirements.

The PoD can not include land beyond the boundary of the land which is the subject of the application, but may cover only part of the land the subject of the application.

Under Table 1: Levels of assessment, development approved in accordance with a PoD is exempt development and requires no further development approval under the scheme.

For further advice on preparing a PoD refer to the applicable practice note available on the DSDIP website.

## **2.9 Notification requirements**

A PDA development application must require public notification if the application required public notification under the Redlands Planning Scheme.



### **3.0 Infrastructure Contributions**

Under Section 88 of the ED Act, the assessment manager may impose conditions relating to infrastructure, and the payment of contributions or the surrender of land for infrastructure for any development area. Infrastructure charges will be based on Redland City Council's infrastructure charges or as agreed in an infrastructure agreement. Infrastructure delivered as part of the development may be credited against the monetary contribution that would otherwise apply.

## Schedule 1: Exempt development

Included in the Exempt development category in the relevant zone in the planning scheme.

Development prescribed in Schedule 4 of the *Sustainable Planning Regulation 2009*, other than Table 2, item 2 and Table 5, item 14.

<b>Building work</b>
Minor building and demolition work.
Carrying out building work associated with a material change of use that is PDA exempt or self assessable development.
Carrying out building work associated with an approved material change of use.
<b>Material change of use of premises</b>
Making a material change of use of premises for a Park.
<b>Reconfiguring a lot</b>
Subdivision involving road widening and truncations required as a condition of development approval.
<b>Operational work</b>
Erecting no more than one (1) satellite dish on premises, where the satellite dish has no dimension greater than 1.8 metres.
Filling or excavation where: <ul style="list-style-type: none"> <li>not exceeding 50m<sup>3</sup> in volume, or</li> <li>top dressing to a depth of less than 100 vertical millimetres from ground level</li> </ul>
Carrying out operational work if consistent with an approved Plan for Development.
Carrying out operational work associated with a material change of use that is PDA exempt development.
Carrying out operational work associated with an approved material change of use.
Carrying out operational work associated with the decontamination of land.
Carrying out operational work for the purposes of constructing a road in association with development.
Carrying out operational work that is clearing of vegetation: <ul style="list-style-type: none"> <li>other than Significant vegetation, or</li> <li>Significant Vegetation where <ul style="list-style-type: none"> <li>the clearing is consistent with an approved Plan of Development</li> <li>carried out by or on behalf of Redland City Council or a public sector entity, where the works being undertaken are authorised under a state law</li> <li>in accordance with the conditions of a PDA development approval for a material change of use or reconfiguring a lot.</li> </ul> </li> </ul>
Carrying out operational work that is the placing of advertising devices that: <ul style="list-style-type: none"> <li>do not exceed 5m<sup>2</sup> for commercial, industrial, recreational or entertainment use;</li> <li>are attached to front fence or facade of main building;</li> <li>do not project more than 150mm from front facade or front fence;</li> <li>are not illuminated;</li> <li>contain name of business or operator, use on premises, contact details or name and address of building; and</li> <li>comprise no more than two signs.</li> </ul>
<b>Plumbing or drainage work</b>
Carrying out plumbing or drainage work.
<b>All aspects of development</b>
Development consistent with an approved Plan of Development.

## **Schedule 2: Definitions**

The planning scheme definitions apply except to the extent they are modified as described in the section 'Relationship with the planning scheme'.



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