

Redlands Planning Scheme Fact Sheet



November 2010

Fact Sheet 4 – Southern Moreton Bay Islands Development Entitlements Protection Act 2004

The *Southern Moreton Bay Island Development Entitlements Protection Act 2004* was introduced to State Parliament on 17 August 2004 and became law on 7 October 2004.

What is the purpose of the Act?

The Act protects the development entitlements that existed under the Transitional Planning Scheme of certain landowners on the Southern Moreton Bay Islands [Russell, Macleay, Karragarra and Lamb Islands] where these entitlements have been restricted under the Redlands Planning Scheme. The Act ensures that these landowners who were entitled to build a dwelling house under the superseded Transitional Planning Scheme can continue to personally exercise this entitlement for a period of 10 years from the commencement of the Redlands Planning Scheme on 30 March 2006.

What land does the Act apply to?

The Act only applies to land defined by the Act as 'prescribed land'. Prescribed land is land on the Southern Moreton Bay Islands that is -

- Included in the Residential A, Comprehensive Development or Rural Non-Urban Zones of the superseded Transitional Planning Scheme;
- Located entirely in the Conservation Zone under the Redlands Planning Scheme;
- Prescribed under the Act's Regulation.

Land identified as having insurmountable drainage constraints is not generally protected under the Act.

Who does the Act apply to?

In addition to having land listed in the Act's Regulation, to benefit from the Act you must have been an individual [not a company] legally or beneficially entitled to an estate of freehold in possession of the land on 13 April 2005.

If the land is on-sold or transferred prior to completing construction of a dwelling house, the next landowner will not benefit from the Act.

How does the Act work?

The Act enables an 'owner' of prescribed land to lodge a development application to build a dwelling house and direct Council to assess the application under the previous (superseded) Transitional Planning Scheme.

This means an 'owner' who was entitled to build a dwelling house under the previous Transitional Planning Scheme will keep this entitlement even though the Redlands Planning Scheme has restricted this entitlement.

The Act also requires that an owner who obtains a development approval for a dwelling house must also obtain a final inspection certificate under the *Building Act 1975* before it is sold or transferred.

Otherwise the development approval lapses under the Act and the new owner will be required to make an application to Council for a further development approval to complete construction of the dwelling house.

Where can I find more information?

For more information on the *SMBI Development Entitlements Protection Act 2004* refer to the State Government's media release that is available on the State Government's website at <http://statements.cabinet.qld.gov.au> or the Act itself http://www.legislation.qld.gov.au/Acts_SLs/Acts_SL.htm

Disclaimer -

This fact sheet is intended to help people gain an understanding of the Redlands Planning Scheme and is a GUIDE ONLY. The content of this fact sheet is not intended to replace the provisions of the Redlands Planning Scheme.

Fact Sheet

