



Have Your Say

Economic recovery initiative

Streamlining planning assessment to value-add to Queensland's economy

A proposal for consultation

June 2020

Overview

The COVID-19 pandemic has threatened the health and lives of Queenslanders and led us into what is unfolding to be one of the worst economic crises ever seen.

The Queensland Government acted quickly in response to the COVID-19 pandemic, leading the nation with amendments to the Queensland planning framework allowing supermarkets and other essential services to restock their shelves 24/7, and providing an avenue for business to temporarily change development approvals so they can adapt and remain viable during this difficult period.

These amendments have benefited all Queenslanders but the job is not done. The extent and speed of economic recovery depends on getting the immediate economic response right.

The planning framework will play an essential role in assisting in Queensland's economic recovery. New uses and modified existing uses will provide for employment, support employment uses or will be employment generators and a streamlined planning framework can help these uses along the way. This is one way in which the planning system can support the State's Economic Recovery Strategy (Unite and Recover).

Many modern planning schemes in Queensland already allow for a range of low risk uses and changes to use that don't require planning applications, however some planning schemes still have regulations that may no longer be necessary.

Local governments across the state are currently looking to respond rapidly to their communities' needs and this includes reviewing current planning regulations.

Making amendments to local government planning schemes takes time but changes are needed now. Consequently, amendments to the planning framework are proposed to allow for streamlined approaches to easily enable low risk, economic value-adding uses to operate in certain zones. These proposed changes are aligned to where a particular type of development is reasonably anticipated and compatible with the zone intent. In doing so, development within certain zones will be aligned more closely with existing community expectations.

Importantly these proposed changes won't be mandatory but will be an "opt in" choice for each local government. This document outlines proposed amendments to the Planning Regulation 2017. The changes aim to:

- facilitate the removal of unnecessary barriers for low risk uses
- provide incentives and certainty to ensure economic value-adding uses can recommence or be established across the state where appropriate
- encourage investment as soon as possible and in-line with community expectations.

The Queensland Government is asking for feedback from local government, industry groups and the community on the proposed amendments to inform decision making.

Proposal

01

A planning approval is not needed or a change in tenancy within an existing building, if the business is expected in that zone and only minor building work will occur.

Proposed changes to the planning framework aim to support businesses starting up or recommencing. The proposal will remove the need for planning approval if a business tenancy changes within an existing building. For example, if a shop that was previously a newsagent becomes a hairdresser and only minor building work is required, then the changes would mean there is no need for a development application. The business could lawfully commence without the need for local government planning approval.

The Queensland Government's move to reduce red tape means businesses can start trading more quickly and help economic recovery occur in communities.

Where there is a change of tenancy in an existing building, there may be no need to assess and regulate the impacts of the new tenant on the land. There are often limited planning considerations that are relevant, as there are limited abilities to alter existing arrangements of the existing building or street for car parking, built form and landscaping.

The amendment proposes that development approval is not required for a changing tenancy in the following circumstances:

- the new tenancy is consistent with expected uses in the area
- the new tenancy involves the reuse of an existing building and only minor building work is required, or
- any impacts on neighbouring sensitive uses and residential uses can be effectively mitigated.

Detail

A material change of use is accepted development where:

- in the identified centre zones, mixed use zone or industry zones, a use is an expected use where specified below
- only minor building work is proposed as part of the change of use
- the material change of use involves the reuse of an existing building
- operational hours are:
 - within the range of hours of other lawful uses in the mixed use zone or centre or industry zones; or
 - ▶ if not within the range of hours of other lawful uses in the mixed use zone or centre or industry zones:
 - ▶ activity or patronage is not expected to peak outside the hours of other lawful uses in the centre or industry zone; and
 - ▶ use of on street car parking or dedicated parking in the centre or industry zone is not expected to peak outside the hours of other lawful uses in the mixed use zone, centre or industry zones; and
 - ▶ in a neighbourhood centre or local centre heavy vehicle movements and emissions do not occur outside the range of hours in a neighbourhood centre zone or local centre zone.

Expected uses

In all Centre zones or Mixed-use zone

- Food and drink outlet, Health care service, Home based business, Office, Shop, Veterinary service

In a Local Centre, District Centre, Major Centre, Principal Centre, or Centre zone (other than a Neighbourhood Centre zone) and Mixed-use zone

- Bar, Indoor sport and recreation, Market, Showroom

In an Industry zone, Low impact industry zone or Medium impact Industry zone

- Bulk landscape supplies, Car wash, Food and drink outlet, Hardware and trade supplies, Indoor sport and recreation, Low impact industry, Office, Research and technology industry, Sales office, Service industry, Transport depot, Veterinary service, Warehouse

In a Research and technology zone

- Food and drink outlet, Sales office, Research and technology industry, Office

In an Industry investigation zone

- Sales office, Warehouse, Office

In a Waterfront and marine industry zone

- Marine industry, Low impact industry, Food and drink outlet, Office, Showroom, Warehouse

Prompting feedback questions

1. Do you agree with the proposed list of uses being accepted development in centre, industry zones and mixed use zone where involving minor building work? Are there other zones that should be captured?
2. Are there other uses that may support economic recovery that have not been captured in the list of expected uses that should be accepted development in these zones if minor building work is undertaken?
3. What conditions or requirements are typically needed to regulate the impacts of an expected use in a centre, industry or mixed use zone where involving minor building work? Are additional criteria required?

Proposal

02

Reduce the level of development assessment for certain businesses seeking to establish where the use is anticipated in that zone

A planning scheme expects and supports certain land uses (e.g. businesses) to occur in appropriate areas set aside for those uses, particularly certain centre, industry and mixed use development zones. These types of businesses are reasonably considered when allocating land to a zone, centre uses in centre zones and industry uses in industry zones for example. However, this is not always reflected in the levels of assessment for these uses in the planning scheme.

To reduce regulatory barriers for a business starting up or relocating, it is proposed where a use is well suited and expected in the zone, the maximum level of assessment should be code assessable.

A code assessment category of assessment is usually applied to development that is consistent with the intent of the zone and where there is a high degree of confidence the development has manageable impacts that can be assessed against assessment benchmarks. Any requirements to obtain an ERA are not changed.

For example, a shop within a centre zone will be a maximum of code assessable as it is a likely and expected use within this area.

Detail

A material change of use for an expected use in the identified centre zones, mixed use zone or an industry zones as specified below is code assessable where:

- the material change of use is an expected use of that zone
- the material change of use involves building work and complies with the relevant local government planning scheme requirements for:
 - ▶ building height
 - ▶ side, front and rear setbacks
 - ▶ maximum gross floor area for the zone and use
 - ▶ hours of operation
 - ▶ amenity provisions for the zone
 - ▶ requirements of any applicable overlay code are met, however the overlay does not trigger a higher level of assessment

Expected uses

In all Centre zones or Mixed-use zone

- Food and drink outlet, Health care service, Home based business, Office, Shop, Veterinary service

In a Local Centre, District Centre, Major Centre, Principal Centre, or Centre zone (other than a Neighbourhood Centre zone) and Mixed-use zone

- Bar, Indoor sport and recreation, Market, Showroom

In an Industry zone, Low impact industry zone or Medium impact Industry zone

- Bulk landscape supplies, Car wash, Food and drink outlet, Hardware and trade supplies, Indoor sport and recreation, Low impact industry, Office, Research and technology industry, Sales office, Service industry, Transport depot, Veterinary service, Warehouse

In a Research and technology zone

- Food and drink outlet, Sales office, Research and technology industry, Office

In an Industry investigation zone

- Sales office, Warehouse, Office

In a Waterfront and marine industry zone

- Marine industry, Low impact industry, Food and drink outlet, Office, Showroom, Warehouse

Prompting feedback questions

4. Do you agree with the proposed list of expected uses being code assessable in the centre zones, mixed use zone and industry zones? Are there uses or zones that should not be included or added?
5. Are there circumstances where any of the expected uses should be impact assessable in these zones?

Proposal

03

Allow businesses to make minor expansions without planning approval

Businesses now must accommodate social distancing requirements. In some cases, only minor expansions may be needed to a business to expand the gross floor area (GFA) to allow for this new requirement.

The Queensland Government proposes to make changes to the planning framework to reduce the administrative and regulatory burden on new businesses or those wanting to recommence their existing business.

In many cases, the expansion of GFA may trigger additional requirements under the local government planning scheme.

When expanding GFA in established buildings or centre main streets, there is often a limited ability to fulfil 'standard' planning requirements to add extra parking or new landscaping requirements.

It is proposed a development application is not required for use that seeks a minor increase in GFA, where the land use impact of the increase GFA is limited.

It is proposed that this occur for expected uses in the mixed use zone, centre zones, industry zones, rural zones and tourism zones.

It is proposed that a minor increase in GFA could be an increase in GFA by 100m² or an area equal to 10% of the GFA of the building, whichever is the lesser.

Detail

Building work, for an existing lawful use or where this is part of a material change of use of premises, that is a minor increase of GFA is accepted development where:

- the building work is an expected use in the zone, for example, a food and drink outlet in a centre zone setback requirements are maintained
- the building work is not undertaken on, or adjacent/adjoining a state or local heritage building

Expected uses

In all Centre zones or Mixed-use zone

- Food and drink outlet, Health care service, Home based business, Office, Shop, Veterinary service

In a Local Centre, District Centre, Major Centre, Principal Centre, or Centre zone (other than a Neighbourhood Centre zone) and Mixed-use zone

- Bar, Indoor sport and recreation, Market, Showroom

In an Industry zone, Low impact industry zone or Medium impact Industry zone

- Bulk landscape supplies, Car wash, Food and drink outlet, Hardware and trade supplies, Indoor sport and recreation, Low impact industry, Office, Research and technology industry, Sales office, Service industry, Transport depot, Veterinary service, Warehouse

In a Research and technology zone

- Food and drink outlet, Sales office, Research and technology industry, Office

In an Industry investigation zone

- Sales office, Warehouse, Office

In a Waterfront and marine industry zone

- Marine industry, Low impact industry, Food and drink outlet, Office, Showroom, Warehouse

In a Rural zone

- Agricultural supplies store, Animal husbandry, Cropping, Intensive horticulture, Nature based tourism, Roadside stall, Rural industry, Wholesale nursery, Winery, Home based business

In a Township zone

- Agricultural supplies store, Bar, Bulk landscape supplies, Garden centre, Hardware and trade supplies, Home based business, Roadside stall, Transport depot, Veterinary service, Wholesale nursery, Winery

In a Tourism zone, Minor tourism zone or Major tourism zone

- Nature based tourism, Sales office, Shop, Tourist attraction, Tourist park, Short-term accommodation

Prompting feedback questions

6. What threshold of GFA increase should require development assessment?
7. Are there certain uses or uses in zones where minor GFA increases should not be accepted development?
Are there certain uses or zones that should be added?
8. Are there any requirements that should be added to manage the potential impacts of small GFA increases?
9. Should the definition in the Planning Regulation 2017 for minor building work be amended to support a higher threshold for small increases in GFA?

Proposal

04

Allowing low risk uses in rural and tourism zones that can support local economies as accepted development

To make it easier for businesses to start new compatible ventures, it is proposed a development application will not be required for 'low risk' uses, such as home-based businesses in residential zones and farm stays in rural zones.

Prior to COVID-19, businesses were already seeking to diversify their offerings, better use their resources or participate in the circular economy as alternative or complementary means of financial income.

As a result, businesses may use their premises for more than one purpose and sometimes different purposes. For example, a dairy farm may also offer farm stay accommodation, tourism and educational experiences.

The concept of co-location and multiple use of land is not new. While some land uses are incompatible, some uses complement and benefit each other, resulting in an efficient use of land that maximises social, economic and environmental outcomes. Where an additional use of the premises has minimal planning impacts for the surrounding community, it may be considered 'low risk'.

Detail

A Material change of use for an expected uses in the identified rural zones, tourism and residential zones as specified below have a maximum level of assessment of as shown below.

Expected uses

In a Rural zone

- Code assessable - Agricultural supplies store, Intensive horticulture, Rural industry, Wholesale nursery, Winery
- Accepted - Animal husbandry, Cropping, Nature based tourism, Home based business, Roadside stall

In a Township zone

- Code assessable - Agricultural supplies store, Bar, Bulk landscape supplies, Garden centre, Hardware and trade supplies, Transport depot, Veterinary service, Wholesale nursery, Winery
- Accepted - Home based business, Roadside stall

In a Tourism zone, Minor tourism zone or Major tourism zone

- Code assessable - Nature based tourism, Sales office, Shop, Tourist attraction, Tourist park, Short-term accommodation

In all Residential zones

- Accepted - Home based business

Prompting feedback questions

10. Do you support the proposed amendment to assist with economic recovery?
11. Are the uses proposed low risk and expected in the nominated zones?
12. Are there other uses in these zones that are low risk that we should be considering as part of the proposed amendments to support economic recovery?

Proposal

05

Confirm the existing position that temporary events such as school fetes and markets do not require planning approval

Temporary events, such as weekend markets in a carpark or school fete at a school, do not require planning approval. However, there is often uncertainty around what is considered a 'temporary use'.

To reduce unnecessary red tape and remove uncertainty, the Queensland Government proposes to clarify how temporary uses may or may not be regulated.

Detail

Changes to the Regulation may be made confirm the existing position that temporary events such as school fetes and markets do not require planning approval.

Prompting feedback questions

13. Has there ever been a situation where a temporary event has been made assessable?
14. What are the potential impacts from temporary events that need to be considered?
15. Is further clarification required to support temporary events in your local government area other than what already exists in the Planning Regulation?

How we will implement?

The State Planning Policy guiding principles and the Development and Construction state interest value ‘efficiency’ in plan-making, including that planning schemes adopt the lowest appropriate level of assessment to efficiently and effectively address the potential impacts of the development. The above proposals aim to set the levels of assessment for certain low risk uses that planning schemes should already apply.

It is proposed that a local government may ‘opt in’ and apply the proposed Planning Regulation levels of assessment instead of their planning scheme provisions. The ‘opt in’ approach recognises that some local government planning schemes already achieve some or all of the five proposals to a degree.

If a local government chooses to ‘opt in’, it is proposed that a local government must:

- by resolution decide whether to apply any number of the provisions in the Planning Regulation instead of the planning scheme
- publish a notice on the local government website stating the provisions in the Planning Regulation that apply instead of the planning scheme
- give a copy of the notice to the chief executive within 10 business days of the decision.

The amendments in the Planning Regulation 2017 are proposed to have effect for 12 months, with the possibility of extension or local governments choosing to amend planning schemes to achieve similar outcomes, following for a subsequent review of the outcomes delivered by the provisions.

Have your say

The Queensland Government is committed to ensuring that Queensland’s planning framework exemplifies leading practice.

Your feedback will assist us in finalising and progressing these initiatives to support Queensland to Unite and Recover. We are keen to understand:

- whether you would support the proposed amendment/s and why
- any barriers or implementation issues that could arise
- any other opportunities that would assist in supporting and facilitating economic recovery initiatives in your local area.

You can provide your feedback until 7 August 2020 by providing written feedback to BestPlanning@dsdmip.qld.gov.au.

If you have any questions regarding this paper, please contact BestPlanning@dsdmip.qld.gov.au.