



Queensland

# Planning (COVID-19 Emergency Response) Regulation 2020

## Subordinate Legislation 2020 No. 101

made under the

*COVID-19 Emergency Response Act 2020*  
*Planning Act 2016*

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## **Part 1 Preliminary**

### **1 Short title**

This regulation may be cited as the *Planning (COVID-19 Emergency Response) Regulation 2020*.

### **2 Declaration**

This regulation is made under the *COVID-19 Emergency Response Act 2020*, section 9.

### **3 Definitions**

The dictionary in schedule 1 defines particular words used in this regulation.

## **Part 2 Provisions in relation to public notification**

### **4 Application of part**

This part applies in relation to a development application or change application if—

- (a) the applicant for the application must give notice of the application under the *Planning Act 2016*, section 53(1); and
- (b) before the commencement, notice of the application had not been given in the way mentioned in the development assessment rules, section 17.1(a).

### **5 Modification of development assessment rules**

The development assessment rules apply in relation to the development application or change application as if—

- (a) the reference in section 17.1(a) of the rules to a newspaper circulating generally in the locality of the premises the subject of the application were a reference to—
  - (i) a hard copy local newspaper for the locality of the premises the subject of the application; or
  - (ii) if there is no hard copy local newspaper for the locality of the premises the subject of the application—an online local newspaper for the locality; and
- (b) the requirement under section 17.3 of the rules for a notice under section 17.1(a) of the rules to be given in a particular way were a requirement that—
  - (i) for a notice published in a hard copy local newspaper—the notice must comply with the relevant public notice requirements for the application; and
  - (ii) for a notice published in an online local newspaper—the notice must include the relevant information for the application.

## **6 Publicly notifying applications if no local newspaper**

- (1) This section applies in relation to the development application or change application if there is no local newspaper for the locality of the premises the subject of the application.
- (2) The applicant for the development application or change application is taken to have complied with the applicable rules if—
  - (a) during the response period, notice of the application is given in 1 or more of the following ways—
    - (i) by publishing, at least once in a hard copy State or national newspaper, a notice that complies with the relevant public notice requirements for the application;

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- (ii) by publishing, at least once in an online State or national newspaper, a notice that includes the relevant information for the application;
  - (iii) by giving a notice that complies with the relevant public notice requirements for the application to the occupier of each lot in the identified area for the application;
  - (iv) if the assessment manager for the application publishes development applications and change applications on its website under the *Planning Regulation 2017*, schedule 22, section 7—by publishing on the website a notice that includes the relevant information for the application; and
- (b) for a notice published in a way mentioned in paragraph (a)(iv)—
  - (i) the notice is published on the website until at least the end of the day stated in the notice under the *Planning Act 2016*, section 53(4)(b); and
  - (ii) the stated day is no later than 18 December 2020.
- (3) The *Planning Act 2016*, section 53 applies in relation to the development application or change application as if—
  - (a) the reference in section 53(3) of that Act to requirements of the development assessment rules about the notice includes a reference to subsection (2)(a) and (b)(i); and
  - (b) the reference in section 53(7) of that Act to the development assessment rules includes a reference to subsection (2).
- (4) In this section—

***applicable rules*** means—

  - (a) the development assessment rules, section 17.1(a), as modified by section 5(a); and



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- (2) The document holder is taken to have complied with the *Planning Act 2016*, section 264(5)(a)(i) or (b) if, during the response period, the document holder gives the person a copy of the document.
- (3) The *Planning Act 2016*, section 264(7) applies in relation to the giving of the document under this section.

## **Part 4                      Expiry of regulation**

### **8                      Expiry**

This regulation expires on 31 December 2020.

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# Schedule 1      Dictionary

## section 3

***local newspaper***, for a locality, means a newspaper that—

- (a) primarily publishes news in relation to the locality or a region that includes the locality; and
- (b) is intended for a local or regional, rather than State-wide or nation-wide, readership; and
- (c) contains a section for the publication of notices for members of the public.

***relevant information*** means—

- (a) for a development application—the information about the application that must be included in a notice under the development assessment rules, schedule 3, part 1B; or
- (b) for a change application—the information about the application that must be included in a notice under the development assessment rules, schedule 3, part 2B.

***relevant public notice requirements*** means—

- (a) for a development application—the requirements stated in the development assessment rules, schedule 3, part 1B; or
- (b) for a change application—the requirements stated in the development assessment rules, schedule 3, part 2B.

***response period*** means the period—

- (a) starting on the commencement; and
- (b) ending on 31 December 2020.

ENDNOTES

- 1 Made by the Governor in Council on 25 June 2020.
- 2 Notified on the Queensland legislation website on 26 June 2020.
- 3 The administering agency is the Queensland Treasury.

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