



Queensland

# Planning Legislation (Economic Recovery Measures and Other Matters) Amendment Regulation 2020

## Subordinate Legislation 2020 No. 197

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 Legislation (Economic Recovery Measures and Other Matters) Amendment Regulation 2020*.

## Part 2 Amendment of Planning (COVID-19 Emergency Response) Regulation 2020

### 2 Regulation amended

This part amends the *Planning (COVID-19 Emergency Response) Regulation 2020*.

### 3 Omission of s 3 (Definitions)

Section 3—  
*omit.*

### 4 Omission of pt 2 (Provisions in relation to public notification)

Part 2—  
*omit.*

### 5 Amendment of s 7 (Public access to documents)

Section 7—  
*insert—*

- (4) In this section—  
*response period* means the period—

- (a) starting on 26 June 2020; and
- (b) ending on 31 December 2020.

**6 Omission of sch 1 (Dictionary)**

Schedule 1—

*omit.*

**Part 3 Amendment of Planning  
Regulation 2017**

**7 Regulation amended**

This part amends the *Planning Regulation 2017*.

**8 Amendment of s 10 (Minister’s guidelines and rules—Act,  
s 17)**

Section 10, ‘July 2017’—

*omit, insert—*

September 2020

**9 Amendment of s 14 (Guidelines for environmental  
assessment and consultation—Act, s 36)**

Section 14, ‘July 2017’—

*omit, insert—*

September 2020

**10 Amendment of s 15 (Designation process rules—Act, s  
37)**

Section 15, ‘July 2017’—

*omit, insert—*

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September 2020

**11 Amendment of s 44 (Development assessment rules—  
Act, ss 68 and 69)**

Section 44, ‘11 November 2019’—

*omit, insert—*

2 September 2020

**12 Amendment of s 53 (Infrastructure guidelines—Act, ss  
116 and 117)**

Section 53, ‘July 2017’—

*omit, insert—*

September 2020

**13 Insertion of new pt 8B**

After section 68A—

*insert—*

**Part 8B Economic support  
instruments**

**Division 1 Preliminary**

**68B Purpose of part**

- (1) The purpose of this part is to support the State’s economic recovery from the impacts of the COVID-19 emergency.
- (2) The purpose is achieved by enabling a local government to adopt an economic support instrument for its local government area.
- (3) In this section—

**COVID-19 emergency** means the declared public health emergency under the *Public Health Act 2005*, section 319(2) for COVID-19 declared on 29 January 2020 as extended and further extended under that Act.

### **68C Definitions for part**

In this part—

**adoption notice** see section 68E(1)(b).

**economic support instrument** see section 68D(1).

## **Division 2      Provisions in relation to economic support instruments**

### **68D Local governments may adopt economic support instruments**

- (1) A local government may, by resolution, adopt an instrument that applies any of the following provisions for its local government area (an **economic support instrument**)—
  - (a) division 3;
  - (b) schedule 6, part 1, section 1A;
  - (c) schedule 6, part 2, section 7A or 7B.
- (2) However, the local government may make the resolution only if satisfied adopting the economic support instrument may assist in achieving the purpose of this part.

### **68E Publication of economic support instruments**

- (1) As soon as practicable after a local government adopts an economic support instrument, the local

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government must publish on the local government's website—

- (a) a copy of the economic support instrument; and
  - (b) a notice (an *adoption notice*) that states—
    - (i) the day the local government adopted the economic support instrument; and
    - (ii) the day the economic support instrument was first published on the local government's website.
- (2) However, a local government must not first publish an economic support instrument or adoption notice on the local government's website after 17 September 2021.
- (3) A local government that publishes an economic support instrument and adoption notice under subsection (1) must—
- (a) continue to publish the economic support instrument and adoption notice on the local government's website for the period the instrument is in effect; and
  - (b) give a copy of the economic support instrument and adoption notice to the chief executive as soon as practicable, but no later than 5 business days, after the day mentioned in subsection (1)(b)(ii).

### **68F Period of economic support instruments**

An economic support instrument has effect for the period—

- (a) starting on the day stated in the adoption notice for the instrument under section 68E(1)(b)(ii); and

- (b) ending on the earlier of the following days—
  - (i) the day a revocation of the instrument takes effect under section 68G(4);
  - (ii) 17 September 2021.

### **68G Revoking economic support instruments**

- (1) A local government may, by resolution, revoke an economic support instrument in effect for its local government area.
- (2) As soon as practicable after the local government makes the resolution, the local government must publish notice of the revocation on the local government's website.
- (3) The notice must state the day the notice was first published on the local government's website.
- (4) The revocation takes effect on the day that is 5 business days after the day mentioned in subsection (3) or a later day stated in the notice.
- (5) The local government must continue to publish the notice on the local government's website until 18 September 2021.
- (6) The local government must give a copy of the notice to the chief executive as soon as practicable, but no later than 5 business days, after the day mentioned in subsection (3).

## **Division 3            Development that requires code assessment**

### **68H Application of division**

This division applies if an economic support instrument applying this division is in effect for a

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local government area.

**68I Particular development requires code assessment instead of impact assessment**

- (1) This section applies in relation to a material change of use of premises in the local government area if—
  - (a) under a local planning instrument applying to the premises—
    - (i) the material change of use is assessable development that requires impact assessment; and
    - (ii) the premises are included in a zone mentioned in table 1, column 1; and
  - (b) the proposed use of the premises is stated in table 1, column 2 opposite the zone applying to the premises; and
  - (c) the economic support instrument states that the proposed use is identified for the zone applying to the premises; and
  - (d) a properly made application for the material change of use is made during the period the economic support instrument is in effect.
- (2) The category of assessment for the material change of use is code assessment.
- (3) The code assessment for the material change of use must be carried out against the assessment benchmarks in a local planning instrument applying to the premises that are stated in the economic support instrument.
- (4) In this section, a reference to a zone using a particular name is taken to be a reference to—
  - (a) the zone of that name stated in schedule 2;  
or

- (b) a zone, other than a zone stated in schedule 2, that is of a substantially similar type to the zone of that name stated in schedule 2.

| <b>Column 1<br/>Zone</b>  | <b>Column 2<br/>Proposed use</b>   |
|---|--|
| 1 Neighbourhood centre zone or local centre zone                                | 1 Food and drink outlet<br>2 Health care service<br>3 Office<br>4 Shop<br>5 Veterinary service   |
| 2 Centre zone, district centre zone, major centre zone or principal centre zone | 1 Bar<br>2 Food and drink outlet<br>3 Garden centre<br>4 Health care service<br>5 Indoor sport and recreation<br>6 Market<br>7 Office<br>8 Service industry<br>9 Shop<br>10 Veterinary service                           |
| 3 Mixed use zone  | 1 Bar<br>2 Food and drink outlet<br>3 Garden centre<br>4 Health care service<br>5 Home-based business<br>6 Indoor sport and recreation<br>7 Market<br>8 Office<br>9 Service industry<br>10 Shop<br>11 Veterinary service |

| <b>Table 1</b>   |   |
|--|---|
| <b>Column 1<br/>Zone</b>   | <b>Column 2<br/>Proposed use</b>  |
| 4 Industry zone, low impact industry zone or medium impact industry zone | 1 Bulk landscape supplies<br>2 Car wash<br>3 Hardware and trade supplies<br>4 Low impact industry<br>5 Research and technology industry<br>6 Service industry<br>7 Transport depot<br>8 Veterinary service<br>9 Warehouse |
| 5 Research and technology industry zone                                  | 1 Low impact industry<br>2 Research and technology industry   |
| 6 Rural zone   | 1 Agricultural supplies store<br>2 Intensive horticulture<br>3 Nature-based tourism<br>4 Rural industry<br>5 Wholesale nursery<br>6 Winery  |
| 7 Tourism zone, major tourism zone or minor tourism zone                 | 1 Nature-based tourism<br>2 Sales office<br>3 Shop<br>4 Short-term accommodation<br>5 Tourist attraction<br>6 Tourist park  |

| <b>Table 1</b>                        |  |
|---------------------------------------|--|
| <b>Column 1<br/>Zone</b>              | <b>Column 2<br/>Proposed use</b>   |
| 8 Township zone                       | 1 Agricultural supplies store<br>2 Bar<br>3 Garden centre<br>4 Hardware and trade supplies<br>5 Roadside stall<br>6 Transport depot<br>7 Veterinary service<br>8 Wholesale nursery<br>9 Winery |
| 9 Waterfront and marine industry zone | 1 Low impact industry<br>2 Marine industry<br>3 Warehouse  |

**14 Amendment of sch 3 (Use terms for local planning instruments)**

Schedule 3, entry for car wash, column 2—

*omit, insert—*

*car wash* see the *Planning Regulation 2017*, schedule 24.

**15 Insertion of new sch 6, pt 1, s 1A**

Schedule 6, part 1, after section 1—

*insert—*

**1A Particular building work that increases gross floor area of an existing building**

- (1) Building work, other than minor building work, that increases the gross floor area of an existing building on premises if—

- (a) an economic support instrument applying this section is in effect for the local government area in which the premises are located; and
- (b) the building work is substantially started during the period the economic support instrument is in effect; and
- (c) the building work increases the gross floor area of the existing building by no more than the lesser of the following—
  - (i) 100m<sup>2</sup>;
  - (ii) 10% of the gross floor area of the existing building; and
- (d) under a local planning instrument applying to the premises, the premises are included in a zone mentioned in table 1, column 1; and
- (e) the building work is carried out in relation to the existing use of the premises; and
- (f) the existing use is stated in table 1, column 2 opposite the zone applying to the premises; and
- (g) the economic support instrument states that the existing use is identified for the zone applying to the premises; and
- (h) the building work does not involve operational works for vegetation clearing; and
- (i) the building work is not carried out on, or on premises adjoining, a Queensland heritage place or local heritage place; and
- (j) the building work complies with any assessment benchmarks in the local planning instrument about the distance a building or structure on the premises must

- be from a boundary that are stated in the economic support instrument; and
- (k) the building work does not reduce the number of car parking spaces, or the total area of landscaping, on the premises; and
  - (l) no other building work to increase the gross floor area of the existing building, other than building work carried out under a development approval given before the economic support instrument took effect, has been carried out during the period the economic support instrument is in effect.
- (2) In this section, a reference to a zone using a particular name is taken to be a reference to—
- (a) the zone of that name stated in schedule 2; or
  - (b) a zone, other than a zone stated in schedule 2, that is of a substantially similar type to the zone of that name stated in schedule 2.

| <b>Table 1</b>                                      |  |
|---|--|
| <b>Column 1<br/>Zone</b>                            | <b>Column 2<br/>Existing use</b>   |
| 1 Neighbourhood centre zone or<br>local centre zone | 1 Food and drink outlet<br>2 Health care service<br>3 Office<br>4 Shop<br>5 Veterinary service |

| <b>Table 1</b>  |  |
|---|--|
| <b>Column 1<br/>Zone</b>  | <b>Column 2<br/>Existing use</b>   |
| 2 Centre zone, district centre zone, major centre zone or principal centre zone | 1 Bar<br>2 Food and drink outlet<br>3 Garden centre<br>4 Health care service<br>5 Indoor sport and recreation<br>6 Market<br>7 Office<br>8 Service industry<br>9 Shop<br>10 Veterinary service                           |
| 3 Mixed use zone  | 1 Bar<br>2 Food and drink outlet<br>3 Garden centre<br>4 Health care service<br>5 Home-based business<br>6 Indoor sport and recreation<br>7 Market<br>8 Office<br>9 Service industry<br>10 Shop<br>11 Veterinary service |

| <b>Table 1</b>   |   |
|--|---|
| <b>Column 1<br/>Zone</b>   | <b>Column 2<br/>Existing use</b>  |
| 4 Industry zone, low impact industry zone or medium impact industry zone | 1 Bulk landscape supplies<br>2 Car wash<br>3 Hardware and trade supplies<br>4 Low impact industry<br>5 Research and technology industry<br>6 Service industry<br>7 Transport depot<br>8 Veterinary service<br>9 Warehouse |
| 5 Research and technology industry zone                                  | 1 Low impact industry<br>2 Research and technology industry   |
| 6 Rural zone   | 1 Agricultural supplies store<br>2 Intensive horticulture<br>3 Nature-based tourism<br>4 Rural industry<br>5 Wholesale nursery<br>6 Winery  |
| 7 Tourism zone, major tourism zone or minor tourism zone                 | 1 Nature-based tourism<br>2 Sales office<br>3 Shop<br>4 Tourist attraction<br>5 Tourist park  |

| <b>Table 1</b>                        |  |
|---------------------------------------|--|
| <b>Column 1<br/>Zone</b>              | <b>Column 2<br/>Existing use</b>   |
| 8 Township zone                       | 1 Agricultural supplies store<br>2 Bar<br>3 Garden centre<br>4 Hardware and trade supplies<br>5 Roadside stall<br>6 Transport depot<br>7 Veterinary service<br>8 Wholesale nursery<br>9 Winery |
| 9 Waterfront and marine industry zone | 1 Low impact industry<br>2 Marine industry<br>3 Warehouse  |

## 16 Insertion of new sch 6, pt 2, ss 7A and 7B

Schedule 6, part 2—

*insert—*

### **7A Particular material change of use involving an existing building**

- (1) A material change of use of premises if—
- (a) an economic support instrument applying this section is in effect for the local government area in which the premises are located; and
  - (b) the material change of use is carried out during the period the economic support instrument is in effect; and
  - (c) under a local planning instrument applying to the premises, the premises are included in a zone mentioned in table 1, column 1; and

- (d) the proposed use of the premises is stated in table 1, column 2 opposite the zone applying to the premises; and
- (e) the economic support instrument states that the proposed use is identified for the zone applying to the premises; and
- (f) the material change of use does not involve the use of a building other than an existing building; and
- (g) the material change of use—
  - (i) does not involve the carrying out of building work; or
  - (ii) involves the carrying out of minor building work only; and
- (h) the material change of use does not reduce the number of car parking spaces, or the total area of landscaping, on the premises; and
- (i) for a proposed use other than a declared use for the premises, the proposed use complies with the following—
  - (i) if the proposed use is a shop to which the *Trading (Allowable Hours) Act 1990* applies—the requirements under that Act about trading hours for the shop;
  - (ii) if subparagraph (i) does not apply—any assessment benchmarks in a local planning instrument applying to the premises about operating hours for the proposed use that are stated in the economic support instrument;
  - (iii) if the premises are included in the neighbourhood centre zone or local centre zone under a local planning

instrument applying to the premises—  
any assessment benchmarks in a local  
planning instrument applying to the  
premises about heavy vehicle traffic  
connected with the proposed use that  
are stated in the economic support  
instrument.

- (2) In this section, a reference to a zone using a particular name is taken to be a reference to—
- (a) the zone of that name stated in schedule 2;  
or
  - (b) a zone, other than a zone stated in schedule 2, that is of a substantially similar type to the zone of that name stated in schedule 2.

- (3) In this section—

***declared use***, for premises, means a use, or use of a class, declared for an applicable event under a declaration under section 275O of the Act that is in effect for the area in which the premises are located.

| <b>Column 1<br/>Zone</b>                            | <b>Column 2<br/>Proposed use</b>   |
|---|--|
| 1 Neighbourhood centre zone or<br>local centre zone | 1 Food and drink outlet<br>2 Health care service<br>3 Office<br>4 Shop<br>5 Veterinary service |

| <b>Table 1</b>  |  |
|---|--|
| <b>Column 1<br/>Zone</b>  | <b>Column 2<br/>Proposed use</b>   |
| 2 Centre zone, district centre zone, major centre zone or principal centre zone | 1 Bar<br>2 Food and drink outlet<br>3 Garden centre<br>4 Health care service<br>5 Indoor sport and recreation<br>6 Market<br>7 Office<br>8 Service industry<br>9 Shop<br>10 Veterinary service                   |
| 3 Mixed use zone  | 1 Bar<br>2 Food and drink outlet<br>3 Garden centre<br>4 Health care service<br>5 Home-based business<br>6 Indoor sport and recreation<br>7 Market<br>8 Office<br>9 Shop<br>10 Showroom<br>11 Veterinary service |

| <b>Table 1</b>   |   |
|--|---|
| <b>Column 1<br/>Zone</b>   | <b>Column 2<br/>Proposed use</b>  |
| 4 Industry zone, low impact industry zone or medium impact industry zone | 1 Bulk landscape supplies<br>2 Car wash<br>3 Hardware and trade supplies<br>4 Low impact industry<br>5 Research and technology industry<br>6 Service industry<br>7 Transport depot<br>8 Veterinary service<br>9 Warehouse |
| 5 Research and technology industry zone                                  | 1 Low impact industry<br>2 Research and technology industry   |
| 6 Rural zone   | 1 Agricultural supplies store<br>2 Rural industry<br>3 Wholesale nursery<br>4 Winery  |
| 7 Tourism zone, major tourism zone or minor tourism zone                 | 1 Nature-based tourism<br>2 Sales office<br>3 Shop<br>4 Tourist attraction  |
| 8 Township zone  | 1 Garden centre<br>2 Hardware and trade supplies<br>3 Roadside stall<br>4 Veterinary service<br>5 Wholesale nursery<br>6 Winery   |

| <b>Column 1<br/>Zone</b>              | <b>Column 2<br/>Proposed use</b>                          |
|---------------------------------------|---|
| 9 Waterfront and marine industry zone | 1 Low impact industry<br>2 Marine industry<br>3 Warehouse |

### **7B Material change of use for home-based business in particular zones**

- (1) A material change of use of premises if—
  - (a) an economic support instrument applying this section is in effect for the local government area in which the premises are located; and
  - (b) the material change of use is carried out during the period the economic support instrument is in effect; and
  - (c) under a local planning instrument applying to the premises, the premises are included in a zone mentioned in table 1, column 1; and
  - (d) the proposed use of the premises is stated in table 1, column 2 opposite the zone applying to the premises; and
  - (e) the economic support instrument states that the proposed use is identified for the zone applying to the premises; and
  - (f) the material change of use does not involve an industry activity; and
  - (g) the proposed use complies with the acoustic quality objectives under the *Environmental Protection (Noise) Policy 2019* during operating hours for the use.
- (2) In this section, a reference to a zone using a particular name is taken to be a reference to—

- (a) the zone of that name stated in schedule 2;  
or
- (b) a zone, other than a zone stated in schedule 2, that is of a substantially similar type to the zone of that name stated in schedule 2.

| <b>Table 1</b>  |                                  |
|---|----------------------------------|
| <b>Column 1<br/>Zone</b>  | <b>Column 2<br/>Proposed use</b> |
| 1 General residential zone, low density residential zone, low-medium density residential zone, medium density residential zone, high density residential zone, character residential zone or tourist accommodation zone | 1 Home-based business            |
| 2 Township zone   | 1 Home-based business            |

## **17 Amendment of sch 22 (Publicly accessible documents)**

- (1) Schedule 22, part 1, section 1(1)—

*insert—*

- (zn) a copy of each economic support instrument and adoption notice published by the local government under section 68E;
- (zo) a copy of each notice published by the local government under section 68G(2).

- (2) Schedule 22, part 4, section 12—

*insert—*

- (h) a list of each local government that gives the chief executive—
- (i) a copy of an economic support instrument and an adoption notice under section 68E(3)(b); and

- (ii) a copy of a notice under section 68G(6);
  - (i) a copy of each economic support instrument and adoption notice given to the chief executive under section 68E(3)(b);
  - (j) a copy of each notice given to the chief executive under section 68G(6).
- (3) Schedule 22, part 4, section 13(1)(b), ‘or (b)’—  
*omit, insert—*  
    , (b), (h), (i) or (j)

## 18 Amendment of sch 24 (Dictionary)

Schedule 24—

*insert—*

***adoption notice*** see section 68E(1)(b).

***car wash*** means the use of premises for the commercial cleaning of motor vehicles.

***economic support instrument*** see section 68D(1).

ENDNOTES

- 1 Made by the Governor in Council on 10 September 2020.
- 2 Notified on the Queensland legislation website on 11 September 2020.
- 3 The administering agency is Queensland Treasury.

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