



Queensland

Planning (Rooming Accommodation) Amendment Regulation 2022

Subordinate Legislation 2022 No. 182

made under the

Planning Act 2016

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1 Short title

This regulation may be cited as the *Planning (Rooming Accommodation) Amendment Regulation 2022*.

2 Regulation amended

This regulation amends the *Planning Regulation 2017*.

3 Amendment of s 16 (Development local categorising instrument is prohibited from stating is assessable development—Act, s 43)

Section 16—

insert—

- (2) The following provisions expire on the day that is 3 years after the day this subsection commences—
 - (a) this subsection;
 - (b) schedule 6, section 2(4) and (5);
 - (c) schedule 6, section 2(7), definition *landscaping*;
 - (d) schedule 6, section 2, note.

4 Amendment of sch 2 (Zones for local planning instruments)

- (1) Schedule 2, table, entry for low density residential zone, column 2, paragraph (a), ‘, including dwelling houses’—
omit.
- (2) Schedule 2, table, entry for low-medium density residential zone, column 2, paragraph (a), from ‘dwelling types’—
omit, insert—
low to medium density dwelling types; and

5 Amendment of sch 6 (Development local categorising instrument is prohibited from stating is assessable development)

(1) Schedule 6, section 2(2)(a), (b) and (c)—

omit, insert—

- (a) the material change of use is for a residential purpose in a residential zone other than a medium density residential zone or high density residential zone; and
- (b) the material change of use does not involve a basement or an underground parking area; and
- (c) 1 of the following applies—
 - (i) no relevant overlay applies to the premises;
 - (ii) only an overlay about bush fire hazards applies to the premises and the premises are less than 2,000m²;
 - (iii) a relevant overlay applies to the premises and the application of the overlay does not result in the material change of use being categorised as assessable development.

(2) Schedule 6, section 2(4)—

omit, insert—

- (4) A material change of use of premises for a class 1 building for rooming accommodation, if—
 - (a) 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
 - (b) the premises are included in a general residential zone, low density residential

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- zone or low-medium density residential zone under a local categorising instrument; and
 - (c) the material change of use does not create new vehicular access to a State-controlled road; and
 - (d) the premises—
 - (i) have no more than 5 bedrooms, including any bedroom used as part of a manager's residence; and
 - (ii) are occupied by no more than 5 persons; and
 - (e) either—
 - (i) no overlay about bush fire hazards, coastal hazards, flood hazards or landslide hazards applies to the premises; or
 - (ii) an overlay about bush fire hazards, coastal hazards, flood hazards or landslide hazards applies to the premises and the application of the overlay does not result in the material change of use being categorised as assessable development.
- (5) A material change of use of premises for a class 1 building for rooming accommodation, if—
- (a) the material change of use involves the carrying out of building work other than minor building work; and
 - (b) the premises are included in a general residential zone, low density residential zone or low-medium density residential zone under a local categorising instrument; and

- (c) the material change of use does not create new vehicular access to a State-controlled road; and
 - (d) the premises—
 - (i) have no more than 5 bedrooms, including any bedroom used as part of a manager’s residence; and
 - (ii) are occupied by no more than 5 persons; and
 - (e) either—
 - (i) no relevant overlay applies to the premises; or
 - (ii) a relevant overlay applies to the premises and the application of the overlay does not result in the material change of use being categorised as assessable development; and
 - (f) the material change of use does not involve a basement or an underground parking area; and
 - (g) the premises are not on a local heritage register under the *Queensland Heritage Act 1992*; and
 - (h) the material change of use provides landscaping between a building that is on the premises and the front boundary of the premises, excluding any driveway or pedestrian access.
- (6) In this section—
- (a) a reference to a zone using a particular name is taken to be a reference to the zone of that name stated in schedule 2; and
 - (b) a reference to an overlay is a reference to the overlay as identified in the local

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categorising instrument and relevant to assessment of the material change of use.

(7) In this section—

landscaping means any combination of trees, grass, plants, garden beds and paving.

relevant overlay means—

- (a) an overlay, or part of an overlay, that is about—
 - (i) bush fire hazards, coastal hazards, flood hazards or landslide hazards; or
 - (ii) safety hazards arising from historic mining activities, including, for example, mining subsidence and mining contamination; or
- (b) an overlay, or part of an overlay, that includes an overlay code and is about—
 - (i) development of a local heritage place; or
 - (ii) development in a place with traditional building character; or
 - (iii) the protection of areas of natural, environmental or ecological significance, including the protection of the biodiversity, significant animals and plants, wetlands and waterways of such areas; or
 - (iv) development within an area identified on a map titled ‘ANEF’ on the State Planning Policy Interactive Mapping System.

Note—

Section 16(2) of the regulation provides for the expiry of particular provisions of this section.

ENDNOTES

- 1 Made by the Governor in Council on 1 December 2022.
- 2 Notified on the Queensland legislation website on 2 December 2022.
- 3 The administering agency is the Department of State Development, Infrastructure, Local Government and Planning.

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