

Planning (COVID-19 Vaccination Service) Amendment Regulation 2021

Explanatory notes for SL 2021 No. 50

made under the

Planning Act 2016

General Outline

Short title

Planning (COVID-19 Vaccination Service) Amendment Regulation 2021

Authorising law

Section 284 of the *Planning Act 2016*

Policy objectives and the reasons for them

The Australian COVID-19 Vaccination Policy describes the framework for implementing a COVID-19 vaccination program and outlines the roles and responsibilities of the Australian and state and territory governments. The Australian Government is responsible for the selection, procurement and regulatory approval for COVID-19 vaccines, and for distribution of vaccines from point-of-arrival to point-of-administration across the country. State and territory governments will be primarily responsible for an appropriately qualified and trained workforce for vaccines delivered at their vaccination sites and providing sites where vaccinations can safely take place.

Implementation of a Queensland COVID-19 vaccination program in 2021 is a significant undertaking, well beyond any previous vaccination program. A coordinated whole-of system approach will be required to ensure a successful implementation.

On 22 February 2021, the first phase of the vaccination roll out commenced across the state at 'Pfizer hospital hubs' (facilities that can accommodate the cold storage requirements of the vaccine). The Pfizer hospital hubs are located at the Gold Coast University Hospital; the Princess Alexandra Hospital; Surgical Treatment and Rehabilitation Services at the Royal Brisbane and Women's Hospital; the Sunshine Coast University Hospital; the Townsville University Hospital; and the Cairns Hospital. Queensland Health (QH) commenced

establishment of ‘AstraZeneca hospital hubs’ from 8 March 2021. There are now more than 30 of these services in operation across Queensland in hospitals and other health facilities.

To date, the facilities have only been open to Phase 1a priority groups (approximately 37,000 eligible Queenslanders, excluding 88,000 residential aged and disability care workers and residents vaccinated in place). As QH prepares to open up to other groups, a significant increase in capacity to vaccinate Queenslanders is required.

The option of ‘commissioning’ mass vaccination centres, large vaccination centres and smaller/mobile vaccination centres in key locations is anticipated to assist in building capacity, with these centres being required as soon as this month in some locations. QH will use existing facilities where possible, however the use of additional facilities that are not currently used for health services is likely. Where health facilities are not available or appropriate for use, QH would seek out other state or local government-owned facilities as a preference over privately-owned facilities.

While some COVID-19 vaccination centres may be lawfully established without the need for a development approval (for example, where the planning scheme provides that the vaccination centre use is accepted development in particular zones), others may require approval from local government.

The objectives of the *Planning (COVID-19 Vaccination Service) Amendment Regulation 2021* (amendment regulation) are to support the timely roll out of the COVID-19 vaccination program by streamlining statutory planning processes for the establishment of health care services that provide COVID-19 vaccination services by or for the Commonwealth, state or public sector entity (COVID-19 vaccination service).

Achievement of policy objectives

The policy objectives of the amendment regulation are achieved by streamlining statutory planning processes by prescribing that a material change of use for a health care service, if the material change of use is providing a COVID-19 vaccination service and is provided by or for the Commonwealth, state or a public sector entity as:

- development that a local categorising instrument is prohibited from stating is assessable development; and
- development that is accepted development.

The amendment regulation provides that despite section 20(1) or a provision in schedule 10 which identifies the use as assessable development, a material change of use for a health care service providing a COVID-19 vaccination service that is provided by or for the Commonwealth, state or a public sector entity is not assessable development.

The provisions introduced by the amendment regulation expire on 31 December 2021.

The amendment regulation removes any doubt that health care services that provide COVID-19 vaccination services by or for the Commonwealth, state or a public sector entity do not require planning approval for a material change of use. This certainty reduces administrative burden, time and costs associated with preparing and submitting planning applications associated with a COVID-19 vaccination service.

Consistency with policy objectives of authorising law

The amendment regulation is consistent with the policy objectives of the *Planning Act 2016*, to establish an efficient, effective, transparent, integrated, coordinated, and accountable system of land use planning, development assessment and related matters that facilitate the achievement of ecological sustainability. The amendment regulation supports the timely roll out of the COVID-19 vaccination program by streamlining the statutory planning processes for the establishment of COVID-19 vaccination services.

Inconsistency with policy objectives of other legislation

The amendment regulation is not inconsistent with the policy objectives of other legislation.

Benefits and costs of implementation

The amendment regulation relating to COVID-19 vaccination services supports the timely roll out of the COVID-19 vaccination program. There are no anticipated costs associated with this regulation.

Consistency with fundamental legislative principles

The amendments contained in the amendment regulation are consistent with fundamental legislative principles.

Consultation

The Office of Best Practice Regulation (OBPR) in the Queensland Productivity Commission (the Commission) has been consulted under the *Queensland Government Guide to Better Regulation* (the guidelines) to determine if further assessment was required under the Regulatory Impact Analysis (RIA) system. The Commission considers that the amendment will not add to the burden of regulation and is unlikely to result in significant adverse impacts therefore no further RIA is required under the guidelines.

Public consultation has not been undertaken on the amendment regulation. However, it is noted that the roll out of the COVID-19 vaccination program has been publicly announced by state and federal governments.