

Planning Amendment Regulation 2025

Explanatory notes for SL 2025 No. 149

made under the

Planning Act 2016

General Outline

Short title

Planning Amendment Regulation 2025

Authorising law

Sections 16, 43, 44, 45, 46A, 55, 112, 284 and 355 of the *Planning Act 2016* (Planning Act)

Policy objectives and the reasons for them

The objectives of the *Planning Amendment Regulation 2025* (Amendment Regulation) are to:

- extend the rooming accommodation provisions within Schedule 6 for a period of 12 months and introduce new landscaping requirements to improve streetscape presentation to respond to community and Local Government concerns
- extend provisions relating to rural workers' accommodation to:
 - extend the nomination of repurposed existing facilities under Part A of the Queensland Rural Workers' Accommodation Initiative by 12 months
 - extend provisions for new accommodation under Part B of the Queensland Rural Workers' Accommodation Initiative by 24 months
- clarify that rural workers' accommodation is not exempt from being classified as assessable by a local planning instrument if an overlay applies to the site and the development directly interacts with the mapped overlay area
- ensure provisions under Schedule 6 for community residences that can be established without a local government development approval continue to support safe and suitable

accommodation by limiting the zones where they can be established and improving built form outcomes

- make relocatable classrooms Temporary Accepted Development until the end of 2029 to ensure they are treated as short-term solutions for enrolment pressures and avoid granting unintended permanent use rights
- introduce a new land use definition for build to rent housing that is more prescriptive and clearly distinguishes it from other residential uses
- amend the matters the Chief Executive, as a referral agency must assess against for an application for tourist activities or sport and recreation activities in the South East Queensland (SEQ) Regional Landscape and Rural Production Area (RLRPA), SEQ Rural Living Areas (RLA) and SEQ Northern Inter-Urban Break (NIUB) to remove duplication and ensure these matters are achievable because they are proportionate to the impacts expected from these activities (SEQ tourism triggers for short)
- remove the requirement for a development application for particular dams, weirs and pumped hydro projects for constructing or raising waterway barrier works
- give effect to updated State Development Assessment Provisions (SDAP) for the amended State Code 18: Constructing and raising waterway barrier works.

Further information is provided below.

Housing and community infrastructure

Rooming accommodation

Rooming accommodation developments play an important role in increasing the supply of smaller, often more affordable rental housing in established residential areas. Temporary provisions in the *Planning Regulation 2017* (Planning Regulation) facilitate this by allowing certain rooming accommodation developments to proceed without a local government development approval, provided they meet prescribed requirements.

Initially introduced in 2022, with a 3-year sunset clause, these provisions help address housing shortages in areas where traditional housing options are limited. However, concerns have arisen regarding the landscaping outcomes and the overall streetscape presentation of some developments.

If these provisions had expired, there could have been increased regulatory complexity, particularly if higher assessment thresholds were reinstated through local planning schemes. This could have slowed housing delivery at a time when demand remains high.

A time-bound extension to these provisions will ensure the continued delivery of rooming accommodation while introducing landscaping standards to deliver better streetscape outcomes for new developments.

These changes provide certainty for projects already underway, introduce improved standards for future developments, and support housing supply while delivering better community outcomes.

Rural Workers' Accommodation

Access to suitable accommodation is essential to supporting Queensland's workforce, particularly in regional and remote areas. Temporary provisions in the Planning Regulation have enabled two key pathways to support this need: the repurposing of existing facilities for temporary use, and the establishment of new small-scale accommodation without requiring a development approval. These pathways are outlined in the Queensland Rural Workers' Accommodation Initiative.

These provisions have helped address housing shortages in areas where traditional housing supply is limited or unavailable. The expiry of these provisions could have seen increased regulatory complexity, particularly if higher assessment thresholds were reintroduced through local planning schemes.

A clear and time-bound transition will help maintain housing supply for rural workers, provide certainty for industry, and allow time for planning frameworks to be updated, if Local Governments choose to do so, to reflect local needs and conditions.

Furthermore, refining existing provisions for rural workers' accommodation to better distinguish between hazard areas affecting the premises and those impacting the development is necessary to achieve more practical and balanced planning outcomes.

Community Residences

Community residences play an important role in providing accommodation for people who require assistance or support with their daily needs. These residences are typically located in residential neighbourhoods and are intended to promote inclusion and access to community life.

Under the Planning Regulation, certain community residences are exempt from requiring a development approval from Local Government if they meet specific criteria. While this has supported housing delivery, the criteria did not clearly define limits on the scale, design and siting of community residences, and therefore there is inconsistency in how they align with other forms of shared accommodation and surrounding housing. The lack of design parameters or hazard mitigation criteria has created uncertainty in interpretation and raised questions about how best to manage potential impacts.

Refining the planning settings for community residences will help ensure consistent application across the State, while continuing to support the delivery of safe and inclusive housing.

Temporary Relocatable Classrooms for State Schools

Queensland's public schools must be able to respond quickly to changes in enrolment, particularly in fast-growing areas where student numbers can increase rapidly. To meet this demand, the Department of Education often relies on relocatable classrooms and associated infrastructure to provide additional learning spaces at short notice.

However, the planning processes required to establish these facilities, either through a Ministerial Infrastructure Designation or a Local Government development approval, can be time-consuming and uncertain. This is especially challenging when enrolment numbers are finalised close to the start of the school year, leaving limited time to deliver the necessary infrastructure.

While the Planning Regulation allowed relocatable classrooms to be delivered on State school premises without development approval, it did not distinguish between temporary and permanent use. This created uncertainty around the long-term planning implications of these facilities and limited the ability to manage their use over time.

Enabling schools to deliver temporary infrastructure more efficiently helps ensure students have access to learning spaces when and where they're needed.

Build to rent housing

Queensland is experiencing increasing demand for secure, long-term rental housing, particularly in urban centres and growth areas. Build to rent developments are emerging as a distinct housing model that can help meet this demand. Unlike traditional multiple dwelling developments, build to rent projects are designed to offer long-term rental tenure.

These developments typically include larger communal spaces, varied unit configurations, and integrated amenities such as co-working areas and shared gardens, which are not commonly found in standard apartment buildings. They also require higher levels of maintenance and on-site management, reflecting their focus on tenant experience.

The Planning Regulation included an administrative term of 'build to rent'. However, this term lacked the specificity needed to distinguish built to rent as a separate land use and limited Local Governments' ability to apply greater flexibility in design elements that reflect this unique housing model and creates uncertainty for developers seeking approval pathways.

Recognising build to rent housing as a distinct land use provides greater certainty for industry and enable Local Governments to better support this emerging housing model. It also helps preserve the long-term rental nature of these developments and ensure they are appropriately integrated into local planning frameworks.

Achievement of policy objectives

Housing and community infrastructure

Rooming Accommodation

The Amendment Regulation provides a 12-month extension of the provisions that allow certain rooming accommodation developments to proceed without development approval under defined parameters. This extension is facilitated through amendments to section 16 of the Planning Regulation, which ensures that these provisions remain in effect until the end of 2 December 2025. From the beginning of 3 December 2025, the amended section 16(2) will commence, which outlines that this subsection and schedule 6, section 2B expire on 2

December 2026. This extension provides a clear, time-bound transition period that allows the continued delivery of rooming accommodation developments, while allowing Local Governments time to update their planning schemes, if they choose to do so.

The Amendment Regulation introduces provisions as part of new schedule 6, section 2B that includes minimum landscaping requirements within the front boundary setback to improve streetscape interface outcomes for rooming accommodation developments. In new schedule 6, section 2B, the term landscaping is also amended to ensure that the minimum landscaped area is not hardstand.

To support developments already in progress but not yet completed, the Amendment Regulation introduces section 2A of schedule 6, for instances where a development approval has been granted prior to the introduction of the minimum landscaping requirements, but an occupancy certificate has not yet been issued. This ensures continuity for projects currently in progress, allowing the use to start within 2 years after the day the building works are completed. The provisions within schedule 6, sections 2A and 2B commence on 3 December 2025.

Rural Workers' Accommodation

The Amendment Regulation extends provisions that allow certain rural workers' accommodation, as outlined in the Queensland Rural Workers Initiative document available on the Department of State Development, Infrastructure and Planning's website, to proceed without development approval, under defined parameters, as follows:

- For the temporary use of repurposed facilities (Part A of the Queensland Rural Workers' Accommodation Initiative) — 12 months, to provide adequate time for the Nominated Premises to secure Local Government approvals. This extension is facilitated through amendments to section 16(4), section 18(2), and section 20A(3) of the Planning Regulation, to specify that these subsections expire on 16 December 2026. Amended section 16(4) also specifies that schedule 6, section 33 expires on 16 December 2026.
- For new rural workers' accommodation (Part B of the Queensland Rural Workers' Accommodation Initiative) — 24 months, to allow a structured transition to maintain a streamlined pathway for new rural workers' accommodation and allow Local Governments to update their planning schemes, if they choose to do so. This extension is facilitated through amendments to section 16(3) of the Planning Regulation, to specify that this subsection and section 7C of schedule 6, expire on 16 December 2027.

These extensions provide a clear, time-bound transition period that maintains housing supply for rural workforces while allowing Local Governments time to update their planning schemes, if they choose to do so. It also ensures that nominated facilities can continue to operate under this framework while obtaining a development approval from the relevant Local Government, supporting continuity for the agricultural sector and regional communities.

The Amendment Regulation includes in new section 7C of schedule 6, that if an identified mapped hazard area applies to the premises but the accommodation and its access arrangements (driveway or footpath) do not directly interact with the mapped hazard area, the development is prohibited from being classified as assessable development by a local categorising instrument.

Community Residences

The Amendment Regulation inserts new section 6A of schedule 6 of the Planning Regulation to specify updated planning settings for community residences, including the zones in which they may occur and the design parameters that apply. This also includes new provisions to manage the scale and intensity of development, such as design and siting requirements as well as a limit on the number of bedrooms in the premises.

These changes improve consistency in the regulation of community residences across the State, ensuring developments are well-integrated into residential neighbourhoods, while addressing key concerns around built form and scale, site suitability, and natural hazard risks.

To support developments already in progress but not yet completed, the Amendment Regulation introduces provisions as part of section 6 of schedule 6 for instances where a development approval has been granted before 29 November 2025, prior to the introduction of the revised design and siting requirements for community residences, but an occupancy certificate has not yet been issued. This ensures continuity for projects currently in progress, allowing the use to start within 2 years after the day the building works are completed.

Temporary Relocatable Classrooms for State Schools

The Amendment Regulation enables the Department of Education to establish temporary relocatable classrooms and associated infrastructure (such as paths and toilets) at existing State schools experiencing enrolment growth, without requiring a development approval under the relevant planning scheme or through a Ministerial Infrastructure Designation.

The Amendment Regulation introduces a temporary accepted development declaration under section 20C and schedule 7A, applying until 31 December 2029. The temporary accepted development declaration will apply to a material change of use involving relocatable classrooms and associated infrastructure, where the development meets prescribed requirements including limits on building height, setbacks, and avoidance measures for hazards such as bushfire and flood.

New part 4, division 1A of the Planning Regulation specifies that a material change of use of premises stated in schedule 7A is declared to be temporary accepted development for the period starting on 28 November 2025 and ending on 31 December 2029, both dates inclusive.

The temporary accepted development declaration replaces the previous provisions in schedule 6 to ensure ongoing use rights are no longer accrued moving forward. The use must cease prior to the end of the specified period unless a development approval is obtained for permanent use.

Certain provisions previously contained in schedule 6, such as limits on relocatable classrooms, a requirement that development is not located within 25m of a State transport corridor and a requirement to enclose externally located noise-generating plant or equipment for relocatable classrooms, have not been carried over to the new schedule 7A. This helps State schools meet enrolment requirements, and in relation to noise-generating plant or equipment, the Department of Education's *Design Standards for Department of Education Facilities* already provides adequate requirements for enclosing ground-mounted condensing units.

Build to rent housing

Section 16 of the Planning Act provides that the Planning Regulation can prescribe requirements for the contents of a local planning instrument, which includes use terms in Schedule 3.

‘Build to rent housing’ is a new land use term included in Schedule 3. To facilitate these changes, a definition for ‘build to rent housing’ is included in Schedule 24 through the Amendment Regulation. The definition includes provisions relating to:

- a minimum number of dwellings, that are not individually titled, to establish a basis for professional management; and
- residential tenancy agreements to maintain avoid short-stay accommodation; and
- an exemption from the application of this land use term for public housing.

This enables a Local Government to amend its planning scheme to incorporate the new land use term and establish appropriate categories of development and assessment benchmarks, in a way that responds to local circumstances.

Transitional provisions are included in part 10 to allow Local Governments to continue using the former ‘build to rent’ administrative term in their planning schemes until such time, and if they choose, to adopt the new ‘build to rent housing’ use term as part of the commencement of an amended or new planning scheme.

Consequential amendments, to support the introduction of this new land use term, are made to the Planning Regulation including to the definition of ‘multiple dwelling’ in schedule 24 to reference that the use does not include ‘build to rent housing’.

Minor administrative amendments

The Amendment Regulation makes the following minor administrative amendments to the Planning Regulation:

- Amends schedule 7, section 5(2)(b)(ii) and schedule 10, part 19, section 29(c)(ii) and (e)(ii) to reference the correct section of the *Water Act 2000* (Qld).

SEQ tourism triggers

The Planning Regulation provides for regulatory provisions for SEQ which aim to ensure that the land use planning and development in the region aligns with the goals and strategies in the SEQ regional plan. The Amendment Regulation amends the SEQ regulatory provisions to facilitate tourist and sport and recreation activities by removing the duplication of matters the development is assessed against and ensuring these matters are proportionate to the impacts expected from these activities.

Tourist Activities and Sport and Recreation Activities in the RLRPA, RLA and NIUB

Currently, development applications for tourist and sport and recreation activities of a certain scale in the RLRPA, RLA and NIUB require referral to the Chief Executive (State Assessment and Referral Agency (SARA)). These development applications are subject to impact assessment and

the Chief Executive as a referral agency has matters it must assess the development application against.

The Amendment Regulation:

- remove matters from the referral agency's assessment where these matters are already assessed by the local government in its role as assessment manager to simplify and streamline the referral agency's assessment;
- For the RLRPA and RLA, removes the requirement for the development to demonstrate to the referral agency that there is a community and economic need for the activity;
- For the NIUB, removes the requirement to demonstrate to the referral agency that there is an overriding need and locational requirement for these activities in the NIUB; and to clarify that a material change of use for these activities does not include residential development, except for tourist accommodation or staff housing.

These changes aim to ensure that the matters the referral agency must assess a development application against are achievable because they are proportionate to the impacts from these activities. They remove unnecessary regulatory burden and support economic opportunities for tourism and recreation, while continuing to ensure safeguards for SEQ's rural and natural areas and that development is consistent with the intent for these areas in the SEQ Regional Plan.

Waterway Barrier Works

Currently, the Planning Regulation specifies that operational work for constructing or raising waterway barrier works is assessable development, with some exceptions, and is subject to assessment or referral by the Chief Executive (SARA). The Amendment Regulation aims to enhance the efficiency and certainty of the assessment process for this type of development.

To achieve this, the Amendment Regulation removes the requirement for a development application for constructing or raising waterway barrier works associated with certain dams, weirs, and other infrastructure, thereby reducing regulatory burden and streamlining the assessment process for listed infrastructure.

Additionally, amendments are also proposed to the SDAP to enhance flexibility for new dams or weirs to allow for fish passage to be provided in an alternative location where economically unfeasible or where there is little environmental benefit.

Update to the date of the SDAP

The SDAP provides assessment benchmarks for the assessment of development applications by the SARA.

The Amendment Regulation will give effect to the amendments to the existing State Code 18: Constructing and raising waterway barrier works to support achievement of the policy objectives identified for waterway barrier works as stated above.

The updated version of the SDAP made by the Planning Minister is reflected in the definition of SDAP in Schedule 24 of the Planning Regulation where the date of the SDAP is updated and reflective of the version to be published on the website.

Consistency with policy objectives of authorising law

The Amendment Regulation is consistent with the purpose of the Planning Act to establish an efficient, effective, transparent, integrated, coordinated and accountable system for land use planning and development assessment to facilitate the achievement of ecological sustainability.

The Amendment Regulation is also consistent with the purpose of the Planning Act that states a planning regulation may be a categorising instrument and may prohibit a local categorising instrument from stating that certain development is assessable development.

The Amendment Regulation also protects and gives effect to the State interests of Housing supply and diversity; Liveable communities; Natural hazards, risk and resilience; and Development and construction in the State Planning Policy 2017.

Inconsistency with policy objectives of other legislation

No inconsistencies with the policy objectives of other legislation have been identified.

Alternative ways of achieving policy objectives

The changes to the Planning Regulation are the most appropriate way of achieving the policy objectives of the amendment. This is because:

- the Planning Regulation provides for operational matters such as use terms that may be adopted, the category of development and prescribed assessment benchmarks, to prohibit a local categorising instrument from stating that development is assessable development, and the matters development is assessed against.
- the Planning Regulation defines and gives effect to statutory instruments including the SDAP.
- the Planning Regulation gives effect to the Queensland Rural Workers' Accommodation Initiative.

Benefits and costs of implementation

Housing and community infrastructure

Rooming Accommodation

The amendments relating to rooming accommodation do not generate any implementation costs.

The amendments will benefit communities by supporting the continued delivery of rooming accommodation developments, refining design requirements to improve outcomes, and providing a clear transition period for Local Governments to resume assessment responsibilities.

Rural Workers' Accommodation

The amendments relating to rural workers' accommodation do not generate any implementation costs.

The amendments will benefit rural employers and the agricultural industry by supporting continued delivery of workforce housing and providing a clear transition period for Local Governments to resume assessment responsibilities.

Community Residences

The amendments relating to community residences do not generate any implementation costs.

The changes will benefit communities by introducing clearer definitions and design standards, limiting building size and scale, and improving safety and consistency across the State.

Temporary Relocatable Classrooms for State Schools

The amendments relating to the temporary accepted development declaration for relocatable classrooms does not generate any implementation costs.

The amendments will benefit schools by enabling faster delivery of temporary classrooms, clarifying their short-term use, and supporting enrolment growth.

Build to rent housing

The amendments relating to build to rent housing do generate any implementation costs.

The inclusion of the new land use definition of build to rent housing will benefit Local Governments by allowing incorporation of the new land use term into planning schemes through the standard plan-making process, and benefit applicants and the community by establishing a clear assessment pathway for this development type.

SEQ tourism triggers and waterway barrier works

These amendments aim to ensure that Queensland's planning framework remains contemporary, efficient, and fit-for-purpose. They also seek to reduce and streamline assessment processes for applications referred to the SARA, reducing duplication and improving overall efficiency.

Consistency with fundamental legislative principles

The Amendment Regulation is consistent with the fundamental legislative principles.

Consultation

Housing and community infrastructure

In addition to preliminary consultation, targeted consultation with relevant State Agencies and external bodies (including peak bodies and Local Governments) occurred on draft provisions of the Amendment Regulation between 29 October 2025 and 7 November 2025.

Where appropriate, the Amendment Regulation was amended in response to feedback, which included amendments to:

- landscaping requirements for rooming accommodation developments;
- mapped hazard area provisions for the accepted development provisions for new rural workers' accommodation;
- siting and design requirements for community residences;
- acoustic screening requirements for plant and equipment for relocatable classrooms, and timing of the temporary accepted development declaration; and
- the build to rent housing definition.

SEQ tourism triggers and Waterway Barrier Works

All parties consulted support or stated no objection to the proposed Amendment Regulation.

Two Summary Impact Analysis Statements have been prepared under the *Queensland Government Better Regulation Policy* and approved by the Deputy Premier, Minister for State Development, Infrastructure, and Planning and Minister for Industrial Relations. Copies will be provided on the Department of State Development, Infrastructure and Planning's website.