



Queensland

COVID-19 Emergency Response Act 2020
Planning Act 2016

Planning (COVID-19 Emergency Response) Regulation 2020

Current as at 26 June 2020

© State of Queensland 2020



This work is licensed under a Creative Commons Attribution 4.0 International License.



Queensland

Planning (COVID-19 Emergency Response) Regulation 2020

Contents

		Page
Part 1	Preliminary	
1	Short title	3
2	Declaration	3
3	Definitions	3
Part 2	Provisions in relation to public notification	
4	Application of part	3
5	Modification of development assessment rules	4
6	Publicly notifying applications if no local newspaper	4
Part 3	Provision in relation to public access to documents	
7	Public access to documents	6
Part 4	Expiry of regulation	
8	Expiry	7
Schedule 1	Dictionary	8

Planning (COVID-19 Emergency Response) Regulation 2020

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;
 - (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—

- (ii) to facilitate the continuance of public administration disrupted by the COVID-19 emergency.
- (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.

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.