



Queensland

Planning Amendment Regulation 2022

Subordinate Legislation 2022 No. 195

made under the

Planning Act 2016

Contents

		Page
1	Short title	2
2	Regulation amended	2
3	Amendment of s 16 (Development local categorising instrument is prohibited from stating is assessable development—Act, s 43)	2
4	Amendment of s 18 (Accepted development—Act, s 44)	2
5	Insertion of new s 20A	2
	20A When particular development for rural workers' initiative is not assessable development	3
6	Omission of s 20B (When development for public health accommodation facility is not assessable development)	3
7	Amendment of sch 3 (Use terms for local planning instruments)	3
8	Amendment of sch 6 (Development local categorising instrument is prohibited from stating is assessable development)	3
9	Amendment of sch 7 (Accepted development)	9
10	Amendment of sch 24 (Dictionary)	10

[s 1]

1 Short title

This regulation may be cited as the *Planning 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—

- (3) This subsection and the following provisions expire on the day that is 3 years after the day this subsection commences—
 - (a) schedule 6, section 7C;
 - (b) schedule 6, section 33.
- (4) This subsection and schedule 6, section 34 expire on the day that is 2 years after the day this subsection commences.

4 Amendment of s 18 (Accepted development—Act, s 44)

Section 18—

insert—

- (2) This subsection and schedule 7, section 14 expire on the day that is 3 years after the day this subsection commences.

5 Insertion of new s 20A

After section 20—

insert—

20A When particular development for rural workers' initiative is not assessable development

- (1) This section applies to development, other than reconfiguring a lot, that—
 - (a) is stated in schedule 9 or 10 to be assessable development; and
 - (b) would, but for subsection (2), be assessable development under section 20(1).
- (2) Despite section 20(1), the development is not assessable development under that section to the extent the development is accepted development under schedule 7, section 14.
- (3) This section expires on the day that is 3 years after the day this section commences.

6 Omission of s 20B (When development for public health accommodation facility is not assessable development)

Section 20B—

omit.

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

Schedule 3, table—

insert—

battery storage facility	<i>battery storage facility</i> see the <i>Planning Regulation 2017</i> , schedule 24.
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8 Amendment of sch 6 (Development local categorising instrument is prohibited from stating is assessable development)

- (1) Schedule 6, after section 7B—

insert—

7C Material change of use for rural workers' accommodation

A material change of use of premises for rural workers' accommodation, if—

- (a) the premises are in a rural zone; and
- (b) the area of the premises is at least 25ha; and
- (c) no part of the premises is in any of the following areas under a State planning instrument or local instrument—
 - (i) a flood hazard area;
 - (ii) a bushfire hazard area;
 - (iii) a landslide hazard area; and
- (d) the material change of use does not result in accommodation with a total capacity to accommodate more than 20 employees of a rural use across the following premises—
 - (i) the premises on which the material change of use is carried out;
 - (ii) the premises on which the rural use is carried out;
 - (iii) adjoining premises to premises mentioned in subparagraph (i) or (ii) if the premises are owned by the same person; and
- (e) the material change of use does not involve a new vehicular access to a road or changes to an existing vehicular access to a road.

Note—

See also section 16(3).

- (2) Schedule 6, section 26—

insert—

- (5A) Development for a battery storage facility if—

- (a) the facility is for a pad mounted battery storage device only and the total area of the premises covered by the facility is no more than 15m²; or
 - (b) the facility is for a pole mounted battery storage device only and the total volume of the device is no more than 2m³.
- (3) Schedule 6, section 26(5A) and (6)—
renumber as schedule 6, section 26(6) and (7).
- (4) Schedule 6, section 33—
omit, insert—

33 Particular development for accommodating employees of rural uses for rural workers' initiative

- (1) Development that is building work or operational work if—
 - (a) the development is carried out on nominated premises; and
 - (b) the development is for accommodating employees of a rural use for the rural workers' initiative; and
 - (c) for building work—the building work—
 - (i) complies with the relevant provisions for the building work; and
 - (ii) is stated in a nomination notice for the premises; and
 - (iii) does not involve the construction of a new building for sleeping accommodation.
- (2) A material change of use of premises if—
 - (a) the premises are nominated premises; and
 - (b) the use is accommodating employees of a rural use for the rural workers' initiative; and

(c) for a material change of use that involves building work—the building work is stated in a nomination notice for the premises and is complete.

(3) In this section—

initiative document means the document called ‘Queensland Rural Workers’ Accommodation Initiative’, dated 2 December 2022 and published on the department’s website.

nominated premises means premises identified in schedule 1 of the initiative document.

nomination notice, for premises, means a notice given by the Minister to the local government for the local government area in which the premises are located, the owner of the premises and any occupier of the premises stating—

(a) the premises are nominated premises; and

(b) any building work required to be carried out before the premises can be used for accommodating employees of a rural use for the rural workers’ initiative.

relevant provisions, for building work, see the Building Act, section 21(5).

rural workers’ initiative means the initiative in effect until 9 December 2025 described in Part A of the initiative document.

Note—

See also section 16(3).

34 Development for relocatable classrooms at State schools

(1) Development, other than reconfiguring a lot, for a relocatable classroom, and any connecting infrastructure for the classroom, on premises, if—

-
- (a) a State school is located on the premises; and
 - (b) the development—
 - (i) does not result in more than 4 relocatable classrooms being established on the premises within the period of 2 years starting on the commencement; and

Note—

See also section 16(4).

- (ii) is not located within 25m of a State transport corridor; and
 - (iii) does not reduce the number of existing car parking spaces, or the area of a passenger pick up or set down zone for cars or buses, on the premises; and
 - (iv) does not result in changes to an existing vehicular access to a State-controlled road; and
- (c) for development that is building work—the building work complies with the relevant provisions for the building work; and
- (d) for development that involves the construction of a building—
 - (i) the building height of the building is not more than 2 storeys or 9.5m; and
 - (ii) the building is located the greater of the following distances from a common boundary with adjoining premises used for a residential purpose—
 - (A) 3m;
 - (B) a distance that is equivalent to half of the building height of the building; and

[s 8]

- (e) no part of the development is in any of the following areas under a State planning instrument or local instrument—
 - (i) a flood hazard area;
 - (ii) a bushfire hazard area;
 - (iii) a landslide hazard area; and

- (f) any noise-generating plant or equipment for the relocatable classroom that is external to the classroom is located within an acoustic enclosure to minimise noise generated by the plant or equipment; and

Example of plant or equipment—

air conditioning units

- (g) the chief executive (education), or a person engaged by the chief executive (education) to carry out works for the development, gives a notice, at least 10 business days before the development starts, about the development to—
 - (i) the occupier of any adjoining premises; and
 - (ii) the local government of the local government area in which the premises are located.

- (2) In this section—

building height, of a building, means—

- (a) the vertical distance, measured in metres, between the ground level of the building and the highest point on the roof of the building, other than a point that is part of an aerial, chimney, flagpole or load-bearing antenna; or
- (b) the number of storeys in the building above ground level.

chief executive (education) means the chief

executive of the department in which the *Education (General Provisions) Act 2006* is administered.

connecting infrastructure, for a relocatable classroom, means infrastructure that is required to connect the classroom, or infrastructure necessary for the classroom, to existing infrastructure on the premises.

Examples of connecting infrastructure—

paths, lighting, sewers, drains

relevant provisions, for building work, see the Building Act, section 21(5).

State school means a school established under the *Education (General Provisions) Act 2006*, section 13.

9 Amendment of sch 7 (Accepted development)

(1) Schedule 7, section 2—

insert—

(2) In this section—

relevant provisions, for building work, see the Building Act, section 21(5).

(2) Schedule 7, section 14—

omit, insert—

14 Particular development for accommodating employees of rural uses for rural workers' initiative

Development in relation to which schedule 6, section 33 applies.

Note—

See also section 18(2).

10 Amendment of sch 24 (Dictionary)

(1) Schedule 24, definition *relevant provisions*—
omit.

(2) Schedule 24—
insert—

battery storage device—

(a) means plant that—

(i) converts electricity into stored energy;
and

(ii) releases stored energy as electricity;
and

(b) includes any equipment necessary for the
operation of the plant.

battery storage facility means the use of premises
for the operation of 1 or more battery storage
devices.

ENDNOTES

- 1 Made by the Governor in Council on 15 December 2022.
- 2 Notified on the Queensland legislation website on 16 December 2022.
- 3 The administering agency is the Department of State Development, Infrastructure, Local Government and Planning.

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