

Planning (Public Health Accommodation Facility) Amendment Regulation 2021

Explanatory notes for SL 2021 No. 139

made under the

Planning Act 2016

General Outline

Short title

Planning (Public Health Accommodation Facility) Amendment Regulation 2021

Authorising law

Section 284 of the *Planning Act 2016*

Policy objectives and the reasons for them

On 29 January 2020, a public health emergency was declared for the whole of Queensland, under section 319 of the *Public Health Act 2005*, due to the outbreak of COVID-19. The public health emergency declaration remains in effect, following extensions to the declaration under the *Public Health Act 2005*.

Quarantining people arriving in Queensland remains a key component of Queensland's successful management of the COVID-19 public health emergency. The present situation across Australia, with the COVID-19 Delta strain being more easily transmitted, places further demand on Queensland's hotel quarantine network, noting on 22 July 2021 hotel quarantine spaces in Queensland were exhausted. Evidence also points to fit for purpose, regionally located facilities providing a superior environment for quarantine management.

On 25 August 2021, the Premier and Minister for Trade announced a pause to inter-state traveller arrivals being able to access hotel quarantine for a two-week period unless an exemption had been granted due to ongoing pressures on the hotel quarantine system. To effectively address the demand for quarantine facilities and limit COVID-19 transmissions, there is an urgent need to expedite a fit-for-purpose regional quarantine facility in Queensland.

For the COVID-19 declared public health emergency, Queensland's Chief Health Officer (CHO) and emergency officers have powers to implement extensive public health measures,

including isolating or quarantining people suspected or known to have been exposed to COVID-19. In particular, the public health directions mandating quarantine in government managed or nominated facilities has become a critical component of Queensland's COVID-19 public health response.

Self-isolation and quarantine requirements are implemented through public health directions of the CHO and emergency officers made under section 362B and 362H respectively of the *Public Health Act 2005*. Broadly speaking, all persons required to quarantine must complete the quarantine period in government nominated quarantine accommodation, unless a relevant exception or exemption applies. This ensures the highest possible levels of quarantine compliance and minimal risk of transmission to the broader Queensland community.

On 26 August 2021, the Premier and Minister for Trade, the Deputy Premier and Minister for State Development, Infrastructure, Local Government and Planning and the Minister for Health and Ambulance Services announced a proposed 1,000 bed dedicated regional quarantine facility at Wellcamp with the first stage operational before the end of 2021.

To support the timely establishment of a fit for purpose, dedicated, regionally located public health accommodation facility at Wellcamp and alleviate increasing pressure on the hotel quarantine system in Queensland, the *Planning Regulation 2017* (Planning Regulation) is amended to provide that a public health accommodation facility is owned by, or operated by or on behalf of, the State or a public sector entity on identified land at Wellcamp does not require certain planning approvals.

Achievement of policy objectives

The policy objectives of the *Planning (Public Health Accommodation Facility) Amendment Regulation 2021* (Amendment Regulation) are achieved by streamlining statutory planning processes for certain development for a public health accommodation facility.

The Amendment Regulation provides that development other than for a Reconfiguring of a lot does not require planning approval where it is:

- located on the Lot 4 on SP296105 (the Land) and;
- owned by, or operated by or on behalf of, the State or a public sector entity; and
- for accommodating people to whom a direction under section 362B(2)(b) or a section 362H(1) or (1A) of the Public Health Act applies;
- development external to the Land is limited to:
 - uses ancillary to the facility on the Land. This may include for example staff accommodation, food preparation, medical services, security services or emergency services;
 - other development necessary for the facility.

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 urgent development of a public health accommodation facility at Wellcamp to support the public health directives by streamlining planning processes for its establishment and operation.

Inconsistency with policy objectives of other legislation

The Amendment Regulation is consistent with the policy objectives of other legislation. It provides for the establishment of a purpose-built public health accommodation facility to support public health directives under section 362B and 362H of the *Public Health Act 2005*.

Benefits and costs of implementation

The Amendment Regulation supports an urgent and emergent need to develop a public health accommodation facility to respond to the COVID-19 public health emergency.

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. OBPR considers that proposal is excluded from further formal RIA under category ‘m’ of the guidelines – regulatory proposals for that require an immediate legislative response to prevent injury to persons.

The planning and infrastructure implications of the proposed Amendment Regulation have been discussed with the Toowoomba Regional Council, including Mayor, Councillor Paul Antonio. Discussions with the Council confirmed concerns about the Public health accommodation facility’s potential impact on health and local infrastructure networks, and significantly, Toowoomba being recognised as a safe place to live and visit. The Department of State Development, Infrastructure, Local Government and Planning has noted infrastructure matters may be addressed through operational and contractual arrangements with Wagner Corporation, and will ensure key messaging regarding the operation of the facility will reinforce Toowoomba as a safe place.

Public consultation has not been undertaken on the Amendment Regulation. However, it is noted that the Wellcamp quarantine facility, which will be the first public health accommodation facility established has been announced by the State government.