



Department of
**State Development, Infrastructure,
Local Government and Planning**

Our ref: DGC23/431

Your ref: A1108530

6 June 2023

Mr Chris Whiting MP
Chair
State Development and Regional Industries Committee
SDRIC@parliament.qld.gov.au

Dear Mr Whiting

Thank you for your email of 25 May 2023 requesting a written briefing from the Department of State Development, Infrastructure, Local Government and Planning (the department) on the Planning (Rooming Accommodation) Amendment Regulation 2022 (Amendment Regulation), specifically section 5 of the Amendment Regulation and its effects on:

- the Gold Coast City Plan Major Update 2 and 3 amendment package
- the classification of dwellings from 'sensible development' to 'building works'
- the length of the council's assessment windows and any changes
- information on local planning schemes and overlays
- the ability of local residents to use council processes to object to proposed dwellings.

Classification of dwellings from 'sensible development' to 'building works'

Sensible development is not a statutory term. However, it has been inferred from the article by Mr Andrew Potts that the concern is that decreasing the planning requirements for dwelling houses in certain areas will result in inadequate consideration of planning matters.

Overtime, dwelling houses (also known as a detached dwelling) have been subject to detailed planning assessment (material change of use approvals) in areas where housing is planned and should be expected. The Queensland Government is committed to ensuring that the planning framework supports the delivery of housing options for all Queenslanders. These regulatory changes are in response to the housing affordability and supply challenges that communities are facing across Queensland and are designed to ensure that housing proposed in areas already zoned for residential purposes can readily occur in such areas with minimal red tape.

The Amendment Regulation introduced changes to the assessment requirements of dwelling houses. The primary change is the role of overlays and what instances they can be applied in lower density residential areas to make detached houses assessable under the planning scheme, being areas zoned for low-density residential, low-medium density residential or general residential zone.

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The amendment regulation does not remove the requirement to obtain any other relevant approvals, such as for building works, plumbing or drainage in Queensland.

Under the planning framework it is the planning scheme that identifies suitable locations for dwelling houses, primarily through land use zoning. The building framework regulates dwelling houses in areas that have been zoned for residential development, including for example, siting requirements. Additional planning approval requirements can result unnecessary regulation for development that is expected in that area.

For the Gold Coast City Council (the council), this change reduces the planning application requirements for dwelling houses in the low-density residential zone, meaning dwelling houses in this zone may only require a building works approval instead of a full planning application. The remaining residential zones of medium and high density are not impacted by the Amendment Regulation meaning the council can still require a planning application for a dwelling house in these zones.

Length of the council's assessment windows and any changes

Prior to the changes a proposed detached dwelling may have required both a planning application (material change of use) and a building works approval (depending on the planning scheme). This provided the council with a timeframe of 35 days plus possible extensions to assess and decide the planning application.

The result of the Amendment Regulation is that a detached dwelling will in most cases only be subject to a building works approval in a lower density residential area. The assessment window for Council to consider and provide comments on a building application is 10 business days.

The Amendment Regulation did not change these assessment periods, which are prescribed by the Development Assessment Rules under the *Planning Act 2016*.

Changes to how overlays apply

As noted, the Amendment Regulation introduced a change in the role of overlays by creating a 'relevant overlay' definition and identifying what instances overlays can be applied in lower density residential areas to make detached houses assessable under the planning scheme.

The change allows local governments to continue to make a dwelling house assessable development through overlays which regulate:

- matters of safety to persons and property (such as from natural hazards, mining activities and Australian Noise Exposure Forecast)
- protection of areas of natural, environmental or ecological significance (such as biodiversity, significant animals and plants, wetlands and waterways)
- local heritage and traditional building character.

The ability of local residents to use council processes to object to proposed dwellings

Under the Queensland Planning framework, public notification is generally required to help the community better understand and make a submission about a development proposal for a development that may not be what is intended in an area. For example, a high-rise apartment building is not expected in a low-density residential area, and therefore a development application and the ability for the community to have their say is expected.

Small-scale rooming accommodation is generally designed to be compatible with a low-density residential neighbourhood, and the Planning Regulation includes requirements about number of bedrooms and persons. Where these requirements are not met, the council may determine the appropriate category of assessment including whether public notification is required.

For example, rooming accommodation that exceeds five persons and bedrooms will be impact assessable under the Gold Coast City Plan and the usual public notification process will apply.

The article by Mr Potts states that:

'a full council meeting in April rejected a three-storey duplex planned for a Paradise Point site. It was opposed by the community. The project, with a petition signed by 450 people and 79 submissions against, would have been approved under the new regulations'.

I can advise that the Amendment Regulation did not change any provisions in relation to dual occupancies. Therefore, there would be no change in this circumstance for the council's consideration of this matter

The Gold Coast City Plan Major Update 2 and 3 amendment package

The Gold Coast Our City, Our Plan Major Update 2 and 3 was conditionally approved by the Deputy Premier on 17 October 2022 and adopted into the planning scheme by the council on 28 February 2023. The Amendment Regulation came into effect on 2 December 2022 in between the Deputy Premier providing conditional approval and the council's adoption of the amendment package.

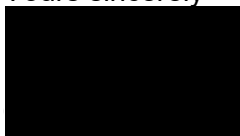
The changes will commence as Version 10 of the Gold Coast City Plan on 4 July 2023. One of the changes relates to an increase in the category of assessment for dwelling houses from accepted development to code assessable where the premises is located in the Industry, community infrastructure and agriculture land interface area overlay. This overlay seeks to ensure that odour and noise impacts from land fill and waste facilities and sewerage treatment plants and effluent facilities are mitigated to an acceptable level for new lots or dwellings houses in the area due to their proximity to existing low density residential zoned areas.

Rather than require a planning application to assess these matters, Council is able to amend their planning scheme to ensure they are able to provide input to building work applications within their 10 business day assessment window.

These changes are part of a suite of planning reforms introduced in late 2022 that are intended to facilitate housing supply and housing diversity, through reducing regulation in response to the housing challenges being experienced across Queensland.

If you require any further information, please contact me or Ms Kate Wall, Director, Strategic Policy and Legislation, in the department, by telephone on [REDACTED] or by email at [REDACTED], who will be pleased to assist.

Yours sincerely



Tess Pickering
Acting Director-General