

Business resilience planning scheme amendment—summary

Outline of the changes to the planning scheme approved for consultation

Reference: 1242056

The following statement outlines the changes proposed in the Business Resilience Amendment approved by the Minister for public consultation from Monday, 9 September 2024, until Friday, 18 October 2024. The format of this document follows the structure of the planning scheme with section headers matching a part or schedule from the planning scheme.

1 About the planning scheme

- (1) Administrative amendment to terminology reflected later in the scheme—such as ‘Bushfire prone area’ instead of ‘Bushfire hazard’ and the addition of ‘Renewable energy code’.
- (2) Changes to s1.6—Building work regulated under the planning scheme and associated footnotes to improve and update the references to the *Building Act 1975*, Building Code of Australia, Queensland Development Code, and Building Regulation—to reflect the State’s 2021 guidelines.
- (3) Changed section 1.7—Local government administrative matters, including—
 - (a) updating terminology
 - (b) designation of Bushfire prone areas
 - (c) expanded list of temporary uses or activities that are not assessable under the scheme, such as community markets, temporary home under a local law, footpath dining, some outdoor sport and recreation, certain motor sports, certain religious activities, promotional activities, etc.

2 State planning provisions

- (1) Reference to the 2023 Wide Bay Burnett Regional Plan
- (2) Removed reference to the regulated requirements.

3 Strategic framework

- (1) updated population figure
- (2) included reference to recreation and forestry as some of the wide range of uses in the rural areas
- (3) removed reference to the Priority Infrastructure Plan
- (4) clarify or confirm that sensitive land uses avoid conflict with intensive animal industries or extractive industries
- (5) clarify that ecotourism and agritourism avoid natural hazard areas
- (6) opportunities for renewable energy infrastructure in strategic locations
- (7) industries connected to rural production to be enabled near such production
- (8) inclusion of agri-tourism and tourism-related agricultural experiences
- (9) clarification about uses incompatible with mining or extractive industry to be separated
- (10) inclusion of tenures, including social and affordable housing supported in appropriate locations.

4 Priority infrastructure plan

Deleted the entire Priority infrastructure plan from the planning scheme.

5 Tables of assessment

Removed references to local plans and administrative changes associated with the other changes in the scheme.

5.1 Centre zone

- (1) A wide range of uses will not need approval under the planning scheme if complying with specified requirements; uses include—agricultural supplies store, bar, caretaker’s accommodation, club, community care centre, community residence, community use, dual occupancy, educational establishment, emergency services, environment facility, food and drink outlet, function facility, hardware and trade supplies, health care services, home-based business, hospital, hotel, indoor sport and recreation, market, office, place of worship, sales office, service industry, shop, shopping centre, showroom, theatre, tourist attraction, utility installation, veterinary service.
- (2) The requirements for such uses are set out in Part 6.
- (3) Additional explanatory notes about access to a State-controlled road and complying with requirements for development that is ‘accepted subject to requirements’ (i.e. not needing a development application).

5.2 Community facilities zone

- (1) A wide range of uses will not require approval under the planning scheme if undertaken on behalf of a public sector entity; uses include—air service, community care centre, community residence, community use, educational establishment, emergency services, health care services, hospital, outdoor sport and recreation, parking station, residential care facility, tourist attraction, tourist park.
- (2) Included new defined uses ‘battery storage facility’ and ‘renewable energy facility’ that are code assessable.

5.3 General residential zone

- (1) Removed the maximum plot ratio requirement for several uses to be considered as code assessable. These being multiple dwelling, residential care facility, retirement facility, rooming accommodation.
- (2) Such uses would be code assessable irrespective of their plot ratio.

5.4 Industry zone

- (1) A wide range of uses will not need approval under the planning scheme if complying with specified requirements; uses include—agricultural supplies store, battery storage facility, bulk landscape supplies, caretaker’s accommodation, car wash, emergency services, Garden centre, hardware and trade supplies, low impact industry, major electricity infrastructure, medium impact industry, outdoor sales, parking station, research and technology industry, rural industry, substation, telecommunications facility, transport depot, utility installation, warehouse, winery.
- (2) The requirements for such uses are set out in Part 6.
- (3) Included new defined uses ‘battery storage facility’, ‘renewable energy facility’ and ‘workforce accommodation’.
- (4) Deleted ‘non-resident workforce accommodation’ as it is no longer a defined use in the *Planning Act 2016*.

- (5) Included additional explanatory notes about access to a State-controlled road and complying with requirements for development that is 'accepted subject to requirements' (i.e. not needing a development application).

5.5 Recreation and open space zone

- (1) A wide range of uses will not require approval under the planning scheme if undertaken on behalf of a public sector entity; uses include community use, indoor sport and recreation, outdoor sport and recreation, utility installation.
- (2) There would be no requirements for such uses if undertaken by a public sector entity.

5.6 Rural residential zone

No changes are proposed.

5.7 Rural zone

- (1) included new defined uses 'battery storage facility' (code assessable), 'renewable energy facility' (code assessable) and 'workforce accommodation' (accepted development and code assessable)
- (2) home-based business—increased the threshold from 6 to 10 paying guests for a bed and breakfast or farm stay before becoming assessable (i.e before an application is required)
- (3) extractive industry for a 'borrow pit' made accepted development (i.e. no application required)
- (4) updated terminology used for Key resource area or Local resource area
- (5) added new proviso for 150 Standard Cattle Unit feedlot for development to be accepted subject to requirements
- (6) made selected 'low impact industry' activities 'accepted subject to requirements'
- (7) made selected 'nature-based tourism' 'accepted subject to requirements'
- (8) deleted non-resident workforce accommodation (no longer a defined use in the *Planning Act 2016*)
- (9) short-term accommodation—increased the threshold from 6 to 10 paying guests before becoming assessable (i.e before an application is required)
- (10) made 'tourist attraction' 'accepted subject to requirements'
- (11) additional explanatory notes about access to a State-controlled road and complying with requirements for development that is 'accepted subject to requirements' (i.e. not needing a development application).

5.8 Township zone—

No changes are proposed.

5.9 Reconfiguring a lot

For the Rural zone—corrected formatting.

5.10 Particular building work

- (1) Included a note about the *Building Act 1975* categorising particular building work as assessable against the planning scheme.
- (2) Made a wide range of administrative amendments to clarify the operation of the categories of development.
- (3) Included approval requirement for demolition or alterations to buildings on a 'designated commercial frontage' (selected town centre sites with traditional building facades).

5.11 Operational work

Rearranged some of the development listed—mostly cosmetic to improve the operation of the table.

5.12 Overlays

- (1) included a note to confirm the certain mapping is on the State's mapping system instead of the Council's interactive mapping
- (2) updated terminology to that now used in the State planning provisions—bushfire prone area and Key resource area
- (3) Bushfire prone areas to apply to all zones, not just Rural and Rural residential zones
- (4) restructured to improve readability.

6 Zones

6.1 Centre zone

- (1) deleted the overall outcomes applying specifically to Monto, thus removing some restrictions
- (2) performance outcomes and acceptable outcomes reordered
- (3) made some acceptable outcomes more measurable and specific to reduce ambiguity
- (4) made references to the planning scheme policy SC6.7.2 to better illustrate expectations
- (5) changed some outcomes to apply to situations involving new works to enable the use of existing buildings not complying with current standards.

6.2 Community facilities zone

No changes are proposed.

6.3 General residential zone

- (1) included new overall outcomes relating to housing diversity and social and affordable housing
- (2) cosmetic changes to the operation of building intensity and scale.

6.4 Industry zone code

Made some acceptable outcomes more measurable and specific to reduce ambiguity.

6.5 Recreation and open space zone code

No changes are proposed.

6.6 Rural residential zone code

No changes are proposed.

6.7 Rural zone

- (1) Included additional references in overall outcomes relating to agritourism and ecotourism.
- (2) Included overall outcome text to protect the encroachment of sensitive land uses on extractive industries.
- (3) Minor changes to overall outcomes relating to transport networks and natural hazards.

- (4) For tourist park or nature-based tourism replaced the acceptable outcome of six sites for every one hundred hectares with an outcome relating to 20 people at any one time.
- (5) Included outcomes relating to density or intensity for workforce accommodation, rural workers' accommodation, rooming accommodation, tourist attraction, low impact industry, and rural industry. Complying with these limitations allow such uses to establish in the Rural zone without needing a development application.
- (6) Included a performance outcome relating to biosecurity.

6.8 Township zone code

No changes are proposed.

7 Local plans

No changes proposed.

8 Overlays

Updated the terminology to that now used in the State planning provisions—Bushfire prone area and Key resource area.

8.1 Bushfire prone area overlay code

- (1) Bushfire hazard area renamed to Bushfire prone area
- (2) made changes to the purpose and overall outcomes
- (3) included a note relating to the Queensland Fire and Emergency Services document Bushfire resilient communities
- (4) removed the ability for a dam or swimming pool to be used as a storage for firefighting purposes
- (5) included a new performance outcome regarding vulnerable uses not establishing or intensifying within a bushfire prone area.

8.2 Flood hazard overlay code

Included a reference to the amendment of Australian standard AS1940.

8.3 Infrastructure overlay code

Expanded the performance outcome relating to the stock route network by referring to pasturage rights.

8.4 Natural features or resources overlays code

- (1) changed the terminology relating to Key resource areas and Local resource areas
- (2) included a note about giving effect to the State Planning Provision in relation to biodiversity
- (3) removed outcomes relating to openings in walls, ventilation for habitable rooms and construction methods for buildings not associated with the Key resource area or Local resource area.

9 Other codes

9.1 Community residence code

Only minor administrative changes.

9.2 Reconfiguring a lot (subdividing 1 lot, other than a rear lot, into 2 lots)

Updated terminology to that now used in the State planning provision—Bushfire prone area.

9.3 Dual occupancy code

- (1) added notes about the Queensland development code and the *Building Act 1975*
- (2) updated terminology regarding water service and sewerage service areas
- (3) rearranged several outcomes and included several sub headings
- (4) included outcomes specific to the Rural zone and the Rural residential zone, separate from other zones
- (5) included siting outcomes as the Queensland development code MP1.3 does not apply in the North Burnett (no resolution under the Planning Regulation 2017 Schedule 6, item 2(3)(b)(ii).

9.4 Dwelling house code

- (1) added notes about the Queensland development code and the *Building Act 1975*
- (2) included 'Building assessment provisions' separated from 'Planning scheme provisions'
- (3) included outcomes for secondary dwellings
- (4) included outcomes for separating dwelling houses from rural uses on adjoining land.

9.5 Extractive industry code

- (1) included provisions specifically for gravel pits
- (2) included outcomes related to fencing and security.

9.6 Higher density residential code

- (1) added notes about the Queensland development code and the *Building Act 1975*
- (2) updated terminology such as Higher density residential development, Residential care facilities and Retirement facilities.

9.7 Home-based business code

- (1) changes to overall outcomes in the General residential zone, Rural residential zone, or Rural zone
- (2) made less restrictive outcomes for Rural and Rural residential zones—can have more than one non-resident involved, and larger floor area; longer operating hours; larger vehicles in the Rural zone.

9.8 Intensive animal uses code

No changes are proposed.

9.9 Renewable energy code

- (1) New code proposed—intended to apply to material change of use or building work for Renewable energy facility and Battery storage facility
- (2) outcomes include—
 - (a) protecting agricultural production
 - (b) protecting rural landscape values
 - (c) separation from wetlands

- (d) amenity and separation distances
- (e) avoiding natural hazards.

9.10 Advertising devices code

Minor change to the outcomes for 'Fence sign' in the Rural residential zone.

9.11 Filling and excavation code

Clarification that some outcomes apply only to new work.

9.12 Infrastructure and operational work code

- (1) Added headings to structure the code that will enable it to better apply to development that is 'accepted subject to requirements' and not simply 'assessable development'.
- (2) Clarified that some outcomes apply to new work.
- (3) Included thresholds for certain uses that if exceeded, such development would be assessable development and trigger a development application.
- (4) Included outcomes for protecting State-controlled roads from the effects of stormwater discharges.
- (5) Relocated some outcomes.
- (6) Minor change to the car parking numbers table to reflect the new definition of Workforce accommodation.

9.13 Reconfiguring a lot (boundary realignment) and associated operational work code

No changes are proposed.

9.14 Reconfiguring a lot (except excluded reconfiguration) code

- (1) Clarification that reconfiguring in the Rural zone to create one smaller lot and one complying lot can only be used on one occasion.
- (2) Included outcomes to ensure building envelopes are outside bushfire prone areas or can achieve a tolerable risk.

10 Other plans

No changes are proposed.

11 Schedule 1 Definitions

- (1) All use definitions are now regulated terms that a planning instrument may adopt under the *Planning Regulation 2017* section 7.
- (2) Industry thresholds—minor changes to 'Medium impact industry' and 'High impact industry'
- (3) Administrative terms and definitions—multiple new definitions and changes, including—
 - (a) Active resource interest—new definition
 - (b) Battery storage device—new definition
 - (c) Bioenergy—new definition
 - (d) Borrow pit—new definition
 - (e) Council land—new definition
 - (f) Industrial activity changed from Industrial activities
 - (g) Key resource area—new definition

- (h) Local resource area—new definition
- (i) Net developable area—deleted
- (j) Netserv plan—deleted
- (k) Non-resident worker—deleted
- (l) Planning Assumptions—deleted
- (m) Projection areas—deleted
- (n) Rural use—new definition
- (o) Solar energy—new definition
- (p) State land—new definition.

12 Schedule 2 Mapping

- (1) Deleted all mapping in Schedule 3—priority infrastructure plan mapping and supporting material associated with the deletion of Part 4 Priority infrastructure plan.
- (2) Zoning changes to various Council-controlled reserves and freehold lots. Most are proposed to be changed to Community facilities zone such as libraries, depots, cemeteries, and other public facilities.

13 Other changes

- (1) minor corrections to English expression
- (2) updated legislative references
- (3) made the document more consistent with the Council's corporate style guide
- (4) included graphics in footers
- (5) associated renumbering and cross-referencing.