

# Applicable event and temporary use licenses

This fact sheet provides an overview of the amended applicable event and temporary use license framework under the Housing Availability and Affordability (Planning and Other Legislation Amendment) Bill 2023.

## What is the applicable event framework?

The applicable event and temporary use licence framework was introduced in response to the COVID-19 pandemic to ensure that the planning framework can respond to events or disasters, such as floods, cyclones, bushfires or a public health crisis. The concept of the 'applicable event' ensures that the state government is able to make advance preparations or respond to emerging circumstances that affect a State interest under the Planning Act.

Once enacted, these powers are temporary and only apply for the duration of the declared event. The provisions commence when the Planning Minister declares that there is an event, such as a public health emergency or a natural disaster, that will affect state interests. The event is declared through a notice.

## What is a temporary use licence?

During an applicable event, any person can apply for a temporary use licence (TUL) to change or vary existing development approval conditions or other operating constraints which may prevent them from operating during the applicable event. The TUL arrangements recognise that businesses may need to innovate or change how they operate in unprecedented circumstances.

## Why do the provisions need updating?

The Bill improves the functionality of applicable event declarations and temporary use licences to address issues that arose with this framework during the COVID-19 pandemic applicable event period, thereby allowing for greater efficiencies in future events.

## Key Features:

- A TUL must be extended if the applicable event period is extended by the Planning Minister.
- A TUL can be amended, cancelled or suspended.
- The Planning Minister can extend or suspend relevant periods during an applicable event, such as clarifying whether the extension applies to a relevant period that commenced during or before the notice took effect.
- The Planning Minister can revoke or extend declared uses or revoke an applicable event notice.

## What does the bill do?

The amendments provide greater flexibility to respond to an applicable event as it evolves, improve the operation of TULs, and allow the Chief Executive to respond to issues or concerns with TULs once they are approved.

Amendments are proposed the Planning Act and Planning Regulation. Similar amendments also proposed to the Economic Development Act and the Economic Development Regulation to ensure that these improvements apply across planning legislation.



Proposed amendments <sup>1</sup>	
<b>Planning Act</b>	<p>The Bill enables the Planning Minister to:</p> <ul style="list-style-type: none"> <li>• Extend or revoke declared uses and use classes</li> <li>• Have improved functionality to extend or suspend relevant periods during an applicable event</li> <li>• Have improved functionality to extend or suspend statutory timeframes for development assessment or plan making</li> <li>• Revoke an applicable event notice and end the effect of temporary use licences.</li> <li>• Extend a TUL</li> </ul> <p>A TUL must be extended (by application by the applicant or declaration by the Planning Minister) if the applicable event period is extended by the Minister.</p> <p>The Bill provides for consultation in relation to temporary use licence applications;</p> <p>The Bill allows for temporary use licences to be amended, extended, suspended or cancelled by the Chief Executive, thereby allowing for greater flexibility in their operation.</p>
<b>Planning Regulation</b>	<p>Amendments to the Planning Regulation are necessary to:</p> <ul style="list-style-type: none"> <li>• Require the register of temporary use licences to reflect those that are amended, cancelled, or suspended</li> <li>• Identify application requirements for amendments and extensions to temporary use licences.</li> </ul>

## Further information

For further information please contact the Department of State Development, Infrastructure, Local Government and Planning via [planning4housing@dasilgp.qld.gov.au](mailto:planning4housing@dasilgp.qld.gov.au).

<sup>1</sup> The table below provides indication of the nature of the amendments.