

Our ref: OUT23/5228

22 December 2023

Department of
**Housing, Local Government,
Planning and Public Works**

Mr Stephen Linnane
Chief Executive Officer
Hope Vale Aboriginal Shire Council
ceo@hopevale.qld.gov.au

Dear Mr Linnane

The Queensland Government is focused on supporting the recovery of our state from the impacts of Tropical Cyclone Jasper and Queensland's planning framework plays an important role in this recovery.

On 21 December 2023, the Honourable Meaghan Scanlon MP, Minister for Housing, Local Government and Planning and Minister for Public Works, declared the Tropical Cyclone Jasper event in Far North Queensland (FNQ) an applicable event, under section 275E of the *Planning Act 2016* (Planning Act). This means the applicable event provisions under the Planning Act are in effect for affected local government areas, ensuring the planning framework can respond appropriately to the impacts of the cyclone disaster.

The applicable event period is from 22 December 2023 until 9 February 2024 (inclusive).

I am writing to you today to inform you that under the applicable event provisions, the Planning Minister extended key development assessment timeframes by 20 business days for development applications across the affected local government areas to alleviate pressure on the development assessment system. These extensions do not prevent council or other assessing authorities from progressing actions as promptly as they are able to under the development assessment process. Where they can, assessing authorities can continue to undertake assessment of applications in a timely manner which aligns with the regular statutory timeframes to support the recovery of their communities from this event.

The applicable event declaration also enacts the temporary use licence (TUL) provisions of the Planning Act. While the applicable event declaration is in effect, applications for a TUL can be made where there is a direct relationship to the cyclone event. A person may apply to the chief executive of the Department of Housing, Local Government, Planning and Public Works (the department) for a TUL and the department will liaise with the relevant local government prior to deciding the TUL. This provides an opportunity to support temporary solutions for your residents and businesses displaced or affected from the cyclone or temporary operations to support clean-up activities.

The Planning Minister also used available provisions and declared shops and other uses directly necessary for the supply of goods to shops to be declared uses for the applicable event. This means businesses such as supermarkets, warehouses and transport depots may operate 24 hours a day, seven days a week, in respect of logistics and stock resupply operations. These provisions that were previously used during the COVID-19 pandemic to assist with supply chains, suspend operational requirements imposed as conditions of development to ensure essential goods are available for FNQ communities.

The department recognises that there has been a loss of homes and displacement of people from their communities as a result of Tropical Cyclone Jasper. To support local governments in this situation, the Planning Regulation 2017 now allows the state or a local government to deliver emergency housing in response to an event (as defined under the *Disaster Management Act 2003*) without seeking a material change of use approval through the development assessment process.

The department thanks council for the support you have shown in helping Queensland businesses and communities during the difficult time. Should you have any questions or concerns about the declaration of the applicable event or the related applicable event provisions, please contact the department. The FNQ regional office is available on (07) 4037 3214 or by email at CairnsSARA@dsdilgp.qld.gov.au. For enquires related to TULs please contact TUL@dsdilgp.qld.gov.au.

A copy of the applicable event notice, extension of timeframes notice and the declaration of uses can be found at: <https://planning.statedevelopment.qld.gov.au/planning-framework/legislation/ministers-powers/applicable-events>.

I have asked for Ms Kate Wall, Acting Executive Director, Policy and Statutory Planning, Planning Group, in the department to assist you with any further queries. You may wish to contact Ms Wall on (07) 3214 9513 or by email at Kate.Wall@dsdilgp.qld.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'TPG', with a stylized flourish at the end.

Tess Pickering
**Deputy Director-General
Planning Group**