

DEVELOPERS – IS YOUR RESIDENTIAL DEVELOPMENT APPROVED FOR BOTH SHORT AND LONG TERM ACCOMMODATION?

Summary

The recent amendments to the Queensland Planning Provisions mean that if Developers are intending their developments to be used for both long and short term accommodation, then approval must be obtained for both “multiple dwelling” and “short term accommodation”.

It is therefore important that Developers instruct their Town Planners accordingly when lodging Development Applications with the local authority.

What are the Queensland Planning Provisions?

The Queensland Planning Provisions (QPP) is a state planning instrument under the Sustainable Planning Act implemented by the State Government in order to provide consistency across all planning schemes throughout Queensland. The QPP standardises a number of issues including land use administrative definitions, zones, structure for tables of assessment, overlays, infrastructure planning provisions and assessment codes and other administrative matters.

The fourth version of the QPP was introduced in January, 2016. For the relevance of this article, the QPP now introduces definitions (which apply across Queensland) of both ‘multiple dwelling’ and “short term accommodation”.

Previous to the amendment to the definitions, short term accommodation for self contained apartments and dwellings was mostly unregulated.

What Impact will the New Definitions have on Developers?

If a Developer intends their residential development to be used for both long term (permanent) and short term accommodation then it is necessary to obtain approval from the local authority for both uses.

The definitions are as follows:

Multiple Dwelling means premises containing three or more dwellings for separate households. Examples include apartments, flats, units, townhouses, warehousing, triplex.

Short Term Accommodation means premises used to provide short term accommodation for tourists or travellers for a temporary period of time (typically not exceeding three consecutive months) and may be self contained. The use may include a manager’s residence and office and the provision of recreational facilities for the exclusive use of visitors. The examples include motel, backpacker accommodation, cabins, serviced apartments, hotel and farm stay.

What do Developers Need to do?

If residential lots will be used for both short and long term accommodation then Developers need to ensure that approval is obtained for both uses.

In this regard Developers should liaise with their Town Planner to determine the best time to obtain these approvals. Although generally it would be best to obtain both approvals at the same time, if different levels of assessment apply, then it may be beneficial to obtain the approvals at different times.

What if the Development already has an existing Approval?

If the development has been approved prior to the introduction of the 2016 QPP definitions, then the development will not be affected.

What steps should Developers take?

Developers should discuss the new QPP's with their Town Planner to ensure that the development is approved for all proposed uses. In addition Developers should ensure that any marketing material and contracts are not misleading or deceptive and do not refer to uses which are not approved in relation to the development.



LAWYERS

