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*Planning Act 2016*

## **DIRECTION TO BRISBANE CITY COUNCIL – FUTURE APPLICATIONS**

I, the Honourable Steven Miles MP, Deputy Premier, Minister for State Development, Infrastructure, Local Government and Planning, direct, pursuant to section 94 of the *Planning Act 2016*, the Brisbane City Council (the council) to give me copies of all applications of the types stated in the schedule that are made, or where applicable properly made to the council, before Friday, January 21, 2022 but after the date this direction was gazetted.

Each application must be given to me within 5 business days after the day the application is received by the council or, where applicable, the day the application is properly made, whichever is the later.

The state interests for which the direction is given are –

- (a) an interest that affects an economic or environmental interest of the State or part of the State; and
- (b) the interest of ensuring the *Planning Act 2016* purpose is achieved.

The reasons for the direction are –

- (a) I consider:
  - the continued operation of appropriately established industrial development is of importance to the state, as reflected in the State Planning Policy and the South East Queensland Regional Plan
  - protecting core components including Major enterprise and industrial areas within Regional Economic Clusters from encroachment by incompatible land uses is of importance to the state, as reflected in the Regional Plan.
- (b) The council issued a development approval for Material change of use on 9 November 2020. This approval approves a material change of use for indoor sport and recreation, being a non-industry use on industry zoned land within the Australia TradeCoast Regional Economic Cluster and seeks to limit the use to operating for two years. This approval is currently the subject of two Planning and Environment Court appeals 3451/20 and 23/21. I consider that this approval and the council's assessment material relating to the application, as well as the appeals, identify significant planning issues relating to matters of economic and environmental importance to the State and matters relating to ensuring the purpose of the *Planning Act 2016* is achieved. Accordingly, I consider these state interests support the issuing of this direction.
- (c) The direction is made to the council, as the council issued the development approval referred to above.

I am satisfied that the direction should apply to the nature and type of applications set out in the direction because:

- applying to all applications referred to in section 90 of the *Planning Act 2016*, will provide me with a fulsome picture of all relevant applications made to council, including changes to current approvals;
- the direction is limited to applications relating to development for a material change of use in order to identify where a non-industry activity is to be commenced on industry zoned land and necessitates a use approval to do so (regardless of whether approvals for other development, for example reconfiguring a lot or building work, are also required);
- the direction relates to non-industry activities on industry zoned land within the Australia TradeCoast Regional Economic Cluster. The Australia TradeCoast Regional Economic Cluster is identified in the Regional Plan as being of significance as one of the key industrial areas in South East Queensland;
- twelve months is an appropriate length of time for me to be provided with the applications the subject of the direction.

- (d) I consider that 5 business days for the council to comply with the direction after the day the application is received or where applicable the application is properly made (whichever is the later) is reasonable.
- (e) I am satisfied that it is an appropriate exercise of my discretion to issue the direction to the council to ensure that I am aware of further applications, and changes to existing approvals, and so that I may be informed as to the overall impact that applications of this type may have on the outcomes sought to be achieved by the relevant planning instruments for industry zoned land within the Australia TradeCoast Regional Economic Cluster. This will then allow me to take further advice on the applications that I receive in accordance with the direction, having regard to the state interests identified above.

Before deciding to issue this direction, I was provided with briefing material by the Department of State Development, Infrastructure, Local Government and Planning.

#### SCHEDULE

All of the following types of application relating to non-industry activities in an industry zone, if all or part of the premises the subject of the application, is located within the Australia TradeCoast Regional Economic Cluster –

- (a) Development application for a material change of use;
- (b) Change representation for a material change of use;
- (c) Change application, other than for a minor change, for a development approval for a material change of use;
- (d) Extension application for a development approval for a material change of use; and
- (e) Cancellation application for a material change of use.

#### MEANING OF TERMS

In this direction –

***Australia TradeCoast Regional Economic Cluster*** – see ‘Shaping SEQ – South East Queensland Regional Plan 2017’ made by the Minister on 31 July 2017, and published on the department’s website

***industry activities*** – see *Planning Regulation 2017*, schedule 24

***industry zone*** – see *Planning Regulation 2017*, schedule 24

***non-industry activities*** – means activities other than industry activities