



Community housing in the Community facilities zone Implementation Guidance

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1.0 Guidance

1.1 Introduction

This Implementation Guidance (guidance) has been prepared to support local governments consider how to implement the Model code – Community housing in the Community facilities zone (model code).

The model code was developed as a partnership between the Local Government Association of Queensland (LGAQ) and local governments who participated in the drafting process. The collaborative process recognises the role of local government in planning for their local communities and the flexibility needed for the model code to be relevant across Queensland's diverse local governments and communities.

The model code and guidance is part of a broader approach to responding to housing supply, diversity and affordability across Queensland.

1.2 Purpose of the model code

The purpose of the model code is to facilitate community housing in the Community facilities zone, where the housing will:

- be well-located and well-designed for residents' needs;
- be compatible with the nature of the existing or intended community facility and able to ensure the effective current and future operation of the community facility will be maintained;
- be integrated with the surrounding neighbourhood; and
- maintain the capacity of the community facilities zone to accommodate the current and future community facility needs of the community.

The model code provides a set of example provisions which can be integrated into a planning scheme, or integrated with local refinements or more substantive modifications.

1.3 What is the model code designed to apply to?

The model code has been drafted to apply to the assessment of a material change of use for a community residence or dwelling house, dual occupancy, multiple dwellings, rooming accommodation or relocatable home park for community housing and located in the Community facilities zone.

The model code has not been drafted to apply to community housing in other zones where residential development is already anticipated.

The model code anticipates development would be made assessable by a planning scheme. However, it remains open to a local government to make any form of residential development accepted development, or accepted development subject to requirements, in a way that reflects local circumstances and communities.

1.4 What does the guidance do?

The guidance is structured to support local governments consider how to implement the model code provisions in a way that suits their local circumstances. As the model code is not mandatory, the guidance provides options for consideration by local government without directing local government.

The guidance outlines key terms relevant to the model code and then provides considerations for strategic planning followed focused planning provision content as part of the plan-making process.

The guidance supports the implementation of the model code and the recent changes to allow residential development in the Community facilities zone which has been previously contemplated.

2.0 Key terms

2.1 Community Housing

The model code uses an administrative definition for 'community housing' which means:

residential development, charitably provided and/or managed by a registered provider¹.

The residential development component of the definition provides for the range of the development types that may comprise community housing. The charitably provided component makes the distinction for community housing in the Communities facilities zone between providers who use market rate housing to subsidise housing provided at less than the market rate.

As an administrative definition, councils have the flexibility to locally refine the term or use a different term. However, neither the model code or the guidance modify the normal rules of using definitions applying under the regulated requirements established by sections 7 and 8 of in the Planning Regulation 2017.

2.2 Community facilities zone

Within the Queensland planning framework, the Community facilities zone provides land for hospitals, schools, places of worship, sewer and water treatment plants as well as other community purposes recognising this is vital in planning for liveable communities.

The model code was prepared to assist local governments who are considering locating community housing in the Community facilities zone. This aligns with recent changes to the mandatory purpose of the Community facilities zone in the Planning Regulation 2017 which allows for housing on the same site as a place of worship, community care centre or residential care facility in the Community facilities zone to address housing supply and affordability.

Some councils may contemplate community housing in the Community facilities zone only where on the same site as a place of worship, community care centre or residential care facility to be consistent with the regulated requirements zone purpose for the Communities facilities zone outlined in the Planning Regulation 2017. Other councils may contemplate broader development within the zone (and other particular types of community facilities) as part of a locally refined purpose for the Community facilities zone.

2.3 Local Planning schemes

Planning schemes are prepared by local government to manage development in a way that is appropriate for their communities which will vary depending on local circumstances.

The guidance provides support to local governments considering whether to adopt model code provisions into their planning schemes and recognises planning schemes may already contain provisions that relate to residential development and can also be applied to community housing.

The model code includes provisions that are intended to apply in addition to, and not modifying, existing local government assessment benchmarks. However, when using this content, councils should review and ensure consistency across the planning scheme.

Amendments to planning schemes will be required to follow the process outlined in sections 18 and 20 of the *Planning Act 2016*, and as provided by the Minister's Guidelines and Rules. Subject to the nature of the amendment there may be an opportunity to take advantage of the streamlined process afforded under section 18.

¹ A registered provider is defined in Schedule 4 of the *Housing Act 2003*.

2.4 Planning Regulation 2017

The Planning Regulation 2017 provides regulated requirements including definitions, descriptions and processes such as the making and amending of local planning instruments. The guidance is intended to support the implementation of the model code in way that is consistent with the Planning Regulation 2017.

2.4.1 Schedule 6

Schedule 6 of the of the Planning Regulation 2017 identifies a material change of use for particular purposes which a local planning scheme cannot make assessable. Relevant to the model code these include:

- buildings or structures providing support services and temporary accommodation for people escaping domestic violence,
- a community residence in the community facilities zone for support workers
- dwelling houses within an existing building in the community facilities zone.

The model code recognises and does not modify these requirements.

2.4.2 Mandatory use definitions

The Planning Regulation 2017 outlines mandatory uses which cannot be modified. The model code recognises that a range of mandatory uses typically occur across the Community facilities zone depending on local circumstances - refer **Table 1**.

Table 1 Mandatory use definitions

<u>cemetery</u>	<u>childcare centre</u>	<u>club</u>	<u>community care centre</u>	<u>community activity</u>
<u>community use</u>	<u>crematorium</u>	<u>detention facility</u>	<u>educational establishment</u>	<u>emergency services</u>
<u>funeral parlour</u>	<u>health care services</u>	<u>hospital</u>	<u>indoor sport and recreation</u>	<u>major electricity infrastructure</u>
<u>major sport, recreations and entertainment facility</u>	<u>motor sport facility</u>	<u>place of worship</u>	<u>substation</u>	<u>telecommunications facility</u>
<u>tourist park</u>	<u>transport depot</u>	<u>utility installation</u>		

2.4.3 Mandatory residential use definitions

The model code has adopted mandatory residential uses definitions provided by the Planning Regulation 2017. Community housing may take one or more of the forms listed in **Table 2** within the Community facilities zone.

Table 2 Mandatory residential use definitions

<u>caretaker's accommodation</u>	<u>community residence</u>	<u>dual occupancy</u>	<u>dwelling house</u>	<u>dwelling unit</u>
<u>multiple dwelling</u>	<u>residential care facility</u>	<u>retirement facility</u>	<u>rooming accommodation</u>	<u>short-term accommodation</u>

The model code does not alter the defined terms in **Table 1** and **2** or those contained in other statutory frameworks relating to development of community housing. These may be amended from time to time and should be checked at the source of the definition or term.

2.4.4 Building Act 1975

The model code cannot alter the regulation of dwelling houses and dual occupancies as provided by the framework of the Planning Regulation 2017, *Building Act 1975* and the Queensland Development Code.

Sections 32 and 33 of the *Building Act 1975* and sections 6 to 8 of the Building Regulation 2021 provide for a local government to (amongst other things) adopt or provide alternative provisions to Queensland Development Code through its planning scheme, which some local governments have done.

These requirements would apply to dwelling houses in any zone, but if restricted to certain zones by a local government, may need to be reviewed to apply also to the Community facilities zone if adopting the model code.

3.0 Planning considerations

The assessment benchmarks in Part A of the model code were prepared on the basis that local government may not have undertaken a review of community facilities zoned land to identify which locations are suitable for community housing.

The following questions have been structured to support a 'first principles' planning assessment by local governments to consider the suitability of locating community housing in the community facilities zone. If these cannot be achieved, it is likely that community housing is not compatible with existing community facilities zoned land.

Does existing planning already provide for community housing?

Some local governments will have already identified certain zone precincts within the Community facilities zone for specific purposes such as educational establishment, places of worship or health care facilities. Existing zone precincts could guide the assessment of which areas are suitable for community housing.

It is also recognised councils who have recently undertaken planning scheme preparation or amendment processes may have updated the Community facilities zone to reflect the regulated requirements in the Planning Regulation 2017 to accommodate housing on the same site as a place of worship, community care centre or residential care facility. This provides a strong starting point for consideration about whether community housing can be contemplated in the Communities facilities zone more broadly.

Similarly, planning scheme provisions that relate to residential development can also be applied to community housing. The model code focuses on identifying assessment benchmarks for community housing proposals that are likely to be additional or different to normal provisions to minimise repetition of existing detailed planning provisions.

Which locations are suitable for community housing?

The model code can be adopted without undertaking an assessment of the locations best-placed to accommodate community housing within community facilities zoned land. However, prior to adopting the model code, local governments may wish to identify strategic locations within the Community facilities zone that are suitable for community housing to avoid challenges during development assessment.

The model code recognises some locations within the Community facilities zone, such as those in existing residential areas, will provide better amenity, access to services and facilities that can meet the needs of the community housing residents. These locations may include public transport routes, education and health services, employment centres, community services as well as recreational and lifestyle spaces. For example, community housing in proximity to higher order centres and public transport services is likely to provide improved liveability for future residents and blend with the intended character of the locality established by the planning scheme as a whole.

Similarly, some locations within the Community facilities zone may be adjacent to industrial areas where the intended character of the locality is significantly different to a residential area. As a result, locating community housing in these areas will be more challenging.

Where sites are particularly well-located, local government may consider developing locally specific provisions to facilitate community housing options. This recognises the critical role of well-located community housing in increasing housing supply, diversity and affordability.

Is the community facility compatible with community housing?

The model code recognises the importance of maintaining the functionality and ongoing viability of an existing community facility. There may be sites or areas within the Community facilities zone that do not have spare land to accommodate community housing without compromising the community facility.

If a local government can identify community facilities zoned land with existing community facilities or uses that could be incompatible with residential development for safety and health reasons such as sewerage treatment plants or major motor sport facilities these can be ruled out for community housing.

Do land constraints limit community housing?

It is important to identify the attributes of land which inform the availability of suitable land for future community housing development. The State Planning Policy Interactive Mapping System identifies areas with values or constraints relevant to the Communities facilities zone such as matters of state environmental significance, heritage places, flood hazard, erosion prone and storm tide inundation areas (informed by previous hazard and risk assessments).

For example, land identified as bushfire prone or sites on the Contaminated Land Register and Environmental Management Register is unlikely to be suitable for community housing.

Investigating how suitable land corresponds with the location and capacity of existing infrastructure networks and the planned future infrastructure network delivery, as articulated in the Local Government Infrastructure Plan, can identify appropriate development timing, and potential dwelling yields for suitable land that could be applied to residential development in the Community facilities zone.

What are future community needs?

Councils may contemplate other more specific locational criteria relevant to local circumstances and future needs of their communities. This may involve taking a future view of how to encourage housing density and diversity to meet current and future population needs.

For example, infrastructure planning may have identified capacity limits for infrastructure networks in specific locations, or local planning calculated population requirements. This could involve undertaking community facilities needs assessment to determine the existing capacity of the community facilities zoned land to be matched with community need.

The extent of suitable land (developable and realistically available) for future needs should consider, based on robust analysis, what the planning scheme currently provides to facilitate delivery of community housing and how this compares to the need for community facilities.

4.0 Planning scheme provisions

4.1 Introduction

The 'modular' model code provides the opportunity for elements of the model code to be included within the existing structure and provisions of a local government planning scheme and allow for consistent integration with other parts of the planning scheme.

The model code can only apply once it is integrated into a planning scheme by a local government. Any conflict between existing provisions and model code provisions should be addressed prior to adopting an amendment to the planning scheme.

4.2 Strategic framework

If a local government is considering adopting the model code, it is recommended to review strategic outcomes to check alignment with the purpose and intent of the model code.

This will be important as the strategic framework provides the intent for the planning scheme. For example, if strategic outcomes identify that the Communities facilities zone is not used for residential development and provisions elsewhere say it is accommodated, the inconsistency would create uncertainty for community housing and may lead to decisions being challenged.

Local government may consider the inclusion of strategic outcomes to encourage community housing in the Community facility zone to promote communities which are socially and economically diverse.

4.3 Tables of assessment

As recent changes to the Planning Regulation 2017 have allowed for residential development in the Community facilities zone, the default position in many planning schemes will be that residential development is subject to impact assessment in the Community facilities zone.

Although the level of assessment is ultimately determined by each local authority, community housing is recommended to be considered for code assessable development. However, councils could also decide to make some development accepted or accepted subject to requirements, subject to any thresholds or qualifications they may determine.

The model code includes an example table of assessment which identifies the model code alongside additional codes to identify the required assessment benchmarks for illustrative purposes only. Local government will need to adjust accordingly to reflect planning scheme and assessment table structure as well as relevant assessment benchmarks such as secondary codes and consistent alignment with categories of assessment for reconfiguring a lot.

In setting the categories of development and assessment, councils should consider the lowest appropriate level of assessment relevant to local circumstances. For example, in an urban setting, Councils may consider a higher dwelling threshold within code assessable development and consistency across categories of development and assessment for different approvals for community housing.

4.4 Zoning

The purpose of the model code is to facilitate community housing in the Community facilities zone not community housing in other zones. As a result, subject to the structure of the planning scheme, implementing the model code is likely involve embedding provisions into the Community facilities zone to specifically activate residential development involving community housing. Alternatively, a stand alone code identified as an assessment benchmark for the Community facilities zone would also work.

The Planning Regulation 2017 provides a mandatory zone purpose which identifies land associated with a community activity comprised of a community care centre, a place of worship or a residential care facility can be utilised for

residential development. The Planning Regulation 2017 zone purpose is the starting point for enabling community housing.

If the planning scheme identifies the Community facilities zone is not used for residential development, a review will be required to reflect the mandatory zone purpose. Local government may also choose to include a specific local government zone purpose to complement the mandatory zone purpose.

The model code purpose and overall outcomes, or alternative wording chosen by the local government, can be included in the local government zone purpose to provide the preferred intent for the zone. In an urban setting, local government may consider adjusting overall outcomes to reflect specific circumstances and prospective development.

This could involve new zone precincts to identify land for residential development while also supporting the continued use of land for community facilities and discouraging inappropriate development that may limit the ongoing operation of community facilities.

4.5 Model code assessment benchmarks

The model code is structured in a recognised format, comprising purpose, overall outcomes, performance outcomes and acceptable outcomes. It is not mandatory that assessment benchmarks be articulated in the format outlined in the model code within a planning scheme.

Planning schemes already contain provisions for residential development that may be different to model code provisions and applicable to community housing. It is envisaged new content would be applied alongside existing assessment benchmarks to minimise repetition of planning provisions. When adopting the model code provisions (in full or in part), councils should consider how the new provisions relate to or vary existing code content and remove any potential duplication or conflicts between them.

The model code purpose and overall outcomes, or alternative wording chosen by the local government, can be included within the relevant use code, such as the multiple dwelling code, or within the community facilities zone code, depending on the structure and approach of the planning scheme. Depending on the existing planning scheme content, local government may only need limited amendments to achieve the intent of the model code.

The model code relies upon performance outcomes and limited acceptable outcomes to provide flexibility in delivering community housing across Queensland's diverse local governments and communities. This performance-based planning approach is intended to encourage housing density and diversity rather than a fixed minimum standard limiting innovation in the social and affordable housing sector.

For example, model code assessment benchmarks relating to privacy and amenity address how community housing in the Community facilities zone introduces a broader nearby land consideration to allow for interfaces with the community facility, neighbouring properties and surrounding areas to be addressed in assessment processes. This may be a different test to existing planning provisions that focus on adjoining or adjacent properties.

However, where the model code identifies acceptable outcomes such as car parking, setbacks, open space and landscaping, local government may choose to adopt these requirements, continue utilising existing standards for land use definitions within its local planning scheme or develop new requirements. This recognises local government is best placed to plan for local communities.

4.6 Definitions

If adopted by a local government the community housing definition (or a variation of the definition) is required to be included as an administrative definition in a planning scheme. Councils have the flexibility to refine the term or use a different term. Local government may also choose to introduce an activity group for community housing in the Community facilities zone to capture the range of land uses applying to the provisions.

However, the normal rules of using definitions apply under the regulated requirements established by sections 7 and 8 of the Planning Regulation 2017.

5.0 Implementation

The model code has been endorsed by the LGAQ with input from local governments. Local government have the choice in whether to adopt the model code into a planning scheme.

The *Planning Act 2016* and Minister's Guidelines and Rules continue to provide requirements for making or amending local planning instruments which are not modified by the model code or guidance. For example, the requirements in the Minister's Guidelines and Rules for different types of amendments (administrative, minor, major and qualified state interest) continue to apply.

However, as the model code has been endorsed by both the LGAQ and Queensland Government, local governments may consider adopting the Model Code into planning schemes through a streamlined process as provided for by section 18 of the *Planning Act 2016*. This is appropriate given the strong collaboration involved in developing the model code and the direct link to the state interest of increasing housing supply and diversity.

The ability to utilise the streamlined process will depend on the overall nature of the proposed amendment. For example, amendments unrelated to the Model Code which would otherwise be classed as a major amendment cannot proceed through a streamlined process. Local government may choose to progress these separately to avoid confusion between provisions.

Local government wishing to progress a planning scheme amendment through a streamlined process should contact their regional office to discuss as part of early engagement and identification of state interests.

If the proposed planning amendment is not significantly different from the model code released on the Queensland Government website, it should be able to take advantage of the streamlined amendment process. Beyond local refinements, significant departures to the intent of the model code such as requiring impact assessment for all community housing in the Community facilities zone, or applying the model code to community housing in all zones, will need to follow the normal amendment process.