



Queensland

Sustainable Planning Amendment Regulation (No. 1) 2012

Explanatory Notes for SL 2012 No. 8

made under the

Sustainable Planning Act 2009

General outline

Short title

Sustainable Planning Amendment Regulation (No. 1) 2012.

Authorising law

Sections 117(1), 117(2), 627 and 763 of the *Sustainable Planning Act 2009*.

Policy objectives and the reasons for them

Sections 5, 6 and 27(2) of the *Sustainable Planning Regulation 2009* prescribes the guideline for making or amending a planning scheme, planning scheme policy and planning scheme policy or making a temporary local planning instrument as 'Statutory guideline 01/12 Making and amending local planning instruments', (guideline 01/12).

The objective of guideline 01/12 is to provide a clearer process to make or amend a local planning instrument, which will give clarity to users and ensure the process is efficient for both Local Governments and the Planning Minister.

The regulation also corrects a previous drafting oversight caused through amendment of the *Sustainable Planning Regulation 2009* by the *Environmental Protection and Other Legislation Amendment Regulation (No. 1) 2011* in November 2011, in which a new definition for wetland was inserted into schedule 26, however the previous definition was inadvertently not removed. Removal of the incorrect definition is necessary to remove confusion.

Achievement of policy objectives

Changing the date and title of guideline 01/12 in the *Sustainable Planning Regulation 2009* will prescribe the use of a new version of the guideline for making or amending a planning scheme, planning scheme policy and priority infrastructure plan or making a temporary local planning instrument.

The regulation removes the incorrect definition for *wetland* in schedule 26.

Consistency with policy objectives of authorising law

The amendment regulation is consistent with the main objects of the *Sustainable Planning Act 2009*, that the process for making or amending a planning scheme or planning scheme policy or making a temporary local planning instrument is efficient, up to date and contemporary.

Inconsistency with policy objectives of other legislation

The legislation is consistent with the policy objectives of other legislation.

Alternative ways of achieving policy objectives

There are no alternative ways of achieving the policy objectives. The commencement of guideline 01/12 can only be given effect through a regulation.

Benefits and costs of implementation

Where sufficient information and justification is received for proposed local planning instruments, significant time benefits will be achieved for Local Government in the process. The responsibilities of each entity

involved in the process have also been clarified to further streamline the process.

Consistency with fundamental legislative principles

The subordinate legislation is consistent with the fundamental legislative principles.

Consultation

Operational officers of the Department of Local Government and Planning were consulted on the proposed changes for guideline 01/12. They were supportive.

A targeted consultation process was also undertaken with interested Local Governments through the Local Government Association of Queensland and also with the State Agency Officer Review Group which originally was established for reviewing the Queensland Planning Provisions. Where valid comments were raised, these have been appropriately incorporated into guideline 01/12.

The community has not been consulted on guideline 01/12. The process for the community's involvement and opportunity to comment on the making or amending a planning scheme or planning scheme policy is contained within guideline 01/12.

The Office of the Queensland Parliamentary Counsel has requested the regulation include an amendment to address a previous drafting oversight in relation to the definition of *wetland* in schedule 26.

Queensland Treasury was consulted in relation to the need to comply with the RAS system and has confirmed that the amendments are related to process and that a RAS is not required. Treasury has also confirmed that the amendment to remove the incorrect definition of *wetland* from schedule 26 is excluded from the RAS system.

ENDNOTES

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is the Department of Local Government and Planning.

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