



Queensland

Sustainable Planning Amendment Regulation (No. 2) 2012

Explanatory Notes for SL 2012 No. 42

made under the

Sustainable Planning Act 2009

General outline

Short title

Sustainable Planning Amendment Regulation (No. 2) 2012.

Authorising law

Section 763 of the *Sustainable Planning Act 2009*.

Policy objectives and the reasons for them

The State has an obligation to ensure that commitments of the State, and the community's expectations for the efficient and timely supply and expansion of State and private schools and public hospitals, can be met.

Currently, development or redevelopment proposed at existing schools and public hospitals is subject to applicable Integrated Development Assessment System processes under the *Sustainable Planning Act 2009*. Alternatively, schools, including private schools, and hospitals may be designated for community infrastructure under the *Sustainable Planning Act 2009*.

Development assessment and designation processes are costly and time consuming. Where the school or public hospital is already existing, and there is a community expectation that the existing school or public hospital use will continue on the premises, it is considered this procedural red tape adds unnecessary cost and delay to the provision of development needed and expected to service the growing community in a timely manner.

The objective is to remove the requirement for future development for schools and public hospitals existing at the commencement of the regulation, to be subject to development assessment requirements of local planning instruments, and to remove the need for designation for community infrastructure to be sought for the existing school or public hospital.

Achievement of policy objectives

Schedule 4 of the *Sustainable Planning Regulation 2009* prescribes development that a planning scheme, temporary local planning instrument, a preliminary approval to which section 242 applies or a master plan can not declare to be self-assessable development, development requiring compliance assessment, assessable development or prohibited development. This results in the development being exempt from assessment under these planning instruments.

Designation of land for community infrastructure also has the effect that development is exempt development under a planning scheme.

Prescribing all aspects of development for a school or public hospital, on premises where the school or public hospital was existing and in operation at the commencement of the regulation, in schedule 4 will achieve the objective outlined above. The development will be exempt development under the relevant local planning instruments. As no development permit will need to be sought for the development, designation of the community infrastructure will also no longer be required as an alternative to development assessment processes under the Integrated Development Assessment System.

To ensure that buildings and other structures proposed at private schools do not adversely impact on daylight and ventilation, or the amenity and privacy of neighbouring residential properties, a new referral to the relevant Local Government will apply to the building work application if the side and rear setbacks for the building or structure do not meet stated distances.

Consistency with policy objectives of authorising law

The regulation is consistent with section 232(2) of the *Sustainable Planning Act 2009* which enables a regulation to prescribe development that is exempt development under a planning scheme, temporary local planning instrument, a preliminary approval to which section 242 applies or a master plan. Schedule 4 of the *Sustainable Planning Regulation 2009* prescribes development for the purposes of section 232(2).

The regulation is consistent with the objective of the *Sustainable Planning Act 2009* to manage the process by which development takes place. The regulation ensures that red tape is removed and development for existing schools and public hospitals is facilitated where the community expectation is that the community infrastructure will continue to provide services for the growing community in a timely manner.

Inconsistency with policy objectives of other legislation

The regulation is not inconsistent with the policy objectives of other legislation.

Benefits and costs of implementation

The regulation will benefit existing State and private schools and existing public hospitals as future development or redevelopment of these community facilities will not be required to seek development approval under the local planning instrument, nor will the designation of land for community infrastructure be required to be sought for the development or redevelopment. This will result in significant cost and time savings for the provision of the development or redevelopment.

Consistency with fundamental legislative principles

There is no inconsistency with fundamental legislative principles.

Consultation

Key State agencies were consulted in the development of the regulation.

ENDNOTES

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

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