Queensland

Sustainable Planning Amendment Regulation (No. 5) 2012

Explanatory Notes for SL 2012 No. 118

made under the

Sustainable Planning Act 2009

General outline

Short title

Sustainable Planning Amendment Regulation (No. 5) 2012.

Authorising law

Section 763 of the *Sustainable Planning Act 2009*.

Policy objectives and the reasons for them

The objective of the regulation is to give effect to the State's regulatory reform initiative to reduce regulation and increase the efficiency and cost effectiveness of the development assessment system under the *Sustainable Planning Act 2009*.

The amendment of schedules 3 and 4 in relation to reconfiguring a lot ensures that the granting of a 99 year private residential lease in Indigenous communities, for land that was subject to a social housing lease on which the State has constructed or renovated a dwelling, does not trigger the requirement for a further development application for reconfiguring a lot under the *Sustainable Planning Act 2009*.

Under the *Sustainable Planning Act 2009*, dividing land into parts enabling separate occupation, including by a lease of land exceeding a term of ten years, such as the private residential leases, is assessable reconfiguring a lot, requiring a development application to be made to the relevant local government. The State is committed to facilitating private home ownership in Indigenous communities and is encouraging social housing tenants to purchase dwellings under a private residential lease. The requirement for a development application is an impediment to this aim as it imposes unnecessary regulation and costs for the tenant and the relevant local government.

The amendment of schedule 3 in relation to works within a coastal management district excludes certain works from being assessable development, as these works are now addressed through other assessable development triggers, State planning instruments, or improved environmental management practices.

The amendment of schedule 7 removes various referral triggers which have been identified by the State as adding no significant contribution to development assessment outcomes, and unnecessarily contribute to the regulatory and cost burden for all parties including the applicant, local governments and the State.

The amendment of schedule 11 removes or modifies the requirements for development applications involving particular purposes or developments to be referred to the State for assessment of their impact on State-controlled roads. Evidence indicates that the referrals add no significant contribution to the development assessment outcome, and unnecessarily contribute to the regulatory and cost burden for all parties including the applicant, local governments and the State.

Achievement of policy objectives

The regulation achieves the objective of reducing regulation and red tape by:

a) providing that reconfiguring a lot is not assessable development if the reconfiguring is for the grant of a private residential lease under the *Aboriginal Land Act 1991* or the *Torres Strait Islander Land Act 1991* over land that was subject to a social housing lease granted to the State. This removes any requirement for a development application to be made for the reconfiguration to the relevant local government, and

b) removing the requirement for development applications involving particular development to be referred to the State for assessment.

Consistency with policy objectives of authorising law

The regulation is consistent with the *Sustainable Planning Act 2009* which provides that a regulation may prescribe:

a) development that is assessable development [section 232(1)]

b) development that is exempt under a planning scheme, temporary local planning instrument, preliminary approval to which section 242 applies, or a master plan [section 232(2)]

c) referral agencies for a development application [sections 250(a) and 251(a)].

The regulation is consistent with the objective of the *Sustainable Planning Act 2009* to manage the process by which development takes place, ensuring the process is effective and efficient.

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 users of the development assessment system including applicants, local governments and the State, by removing the requirement for particular development applications to be made or the assessment of particular development applications.

The removal of various referral triggers will result in reducing referrals to the State by up to 1500 referrals per year. Many of these referrals relate to applications that would otherwise not require referral, so their removal will result in a substantial overall reduction in the number of development applications requiring referral, resulting in substantial time and cost savings for affected stakeholders.

Consistency with fundamental legislative principles

There is no inconsistency with fundamental legislative principles.

Consultation

The Department of the Premier and Cabinet, Queensland Treasury and Trade, the Department of Environment and Heritage Protection, the Department of Natural Resources and Mines, the Department of Transport and Main Roads, and the Department of Aboriginal and Torres Strait Islander and Multicultural Affairs were consulted in the development of the regulation and support the making of the regulation.

ENDNOTES

1 Laid before the Legislative Assembly on . . .

2 The administering agency is the Department of State Development, Infrastructure and Planning.