



Queensland

# Sustainable Planning Amendment Regulation (No. 7) 2012

## Explanatory Notes for SL 2012 No. 197

made under the

*Sustainable Planning Act 2009*

---

## General outline

### Short title

This regulation may be cited as the *Sustainable Planning Amendment Regulation (No. 7) 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* prescribe the guideline for making or amending a planning scheme and planning scheme policy and making a temporary local planning instrument as 'Statutory guideline 02/12 Making and amending local planning instruments' (SG02/12).

The objective of SG02/12 is to make clear the process for making or amending a local planning instrument, which will give clarity to users and ensure the process is efficient for both local governments and the minister.

The policy objective of the amendment to Schedule 21(section 23) is to increase fees for making an application to the Building and Development Dispute Resolution Committee in accordance with the 2012 annual rate for indexing fees and charges as determined by the Queensland Government. The policy objectives are based on State Government policy to review government fees and charges annually in accordance with a government approved indexation factor.

### **Achievement of policy objectives**

Changing the date and title of SG02/12 in the *Sustainable Planning Regulation 2009* will prescribe the use of a new version of the guideline for making and amending a planning scheme, planning scheme policy or making a temporary local planning instrument.

The regulation proposes amendments to the fees stated in Schedule 21(section 23) of the *Sustainable Planning Regulation 2009* to provide for an increase in the fees for making an application to the Building and Development Dispute Resolution Committee. The proposed fee increases are in accordance with the 2012 annual rate for indexing fees and charges of 3.5%. An amendment to the regulation is the only way of increasing the fees.

### **Consistency with policy objectives of authorising law**

The amendment regulation is consistent with the main objects of the *Sustainable Planning Act 2009*, that is

- (a) 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; and
- (b) managing the process by which development takes place, including ensuring the process is accountable, effective and efficient and delivers sustainable outcomes.

### **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 SG02/12 and the amending of fees can only be given effect through a regulation.

### **Benefits and costs of implementation**

The benefits of the amended SG02/12 are:

- Reducing the regulatory burden to local government through changes to the minor amendment process.
- Upfront clarification of the state planning instruments (SPIs) relevant to the making of the planning scheme, including a description of the state interests expressed in a contextually relevant way for the planning scheme.
- Removal of the second state interest review which will result in a time saving.
- Clarification of the role of the Department of State Development, Infrastructure and Planning being primary contact, arbitrating conflict between agencies, 'filtering' state agency comments and ensuring appropriate reflection of relevant SPIs.
- Removal of mandatory timeframes for the local government that result in lapsing of the process.

As the fees for making an application to the Building and Development Dispute Resolution Committee are increased only by the government endorsed 2012 annual indexation factor, the regulation does not impose significant additional costs for individuals or corporations.

### **Consistency with fundamental legislative principles**

The subordinate legislation is consistent with the fundamental legislative principles. The commencement of SG02/12 and the amending of fees can only be given effect through subordinate legislation.

## Consultation

Operational officers of the Department of State Development, Infrastructure and Planning were consulted on the proposed changes for SG02/12. They were supportive.

Consultation with key stakeholders identified items for amendment which would result in an improvement in the relevance and usefulness of the statutory guideline to local government and other users. Stakeholder consultation included:

- Six planning reform forums, led by Ian Walker MP, Assistant Minister, Planning Reform, in conjunction with the Department of State Development, Infrastructure and Planning, during May to early July 2012. Stakeholders were invited to suggest actions for reform at these forums.
- A one day workshop was also held with representatives of the Local Government Association of Queensland (LGAQ) and the Council of Mayors South East Queensland (Com SEQ) to consider detailed workings of SG01/12. The LGAQ was supported by representatives from Brisbane City Council, Sunshine Coast Regional Council, Toowoomba Regional Council, Mackay Regional Council and Townsville City Council. Specific matters were also followed up through emails to representative at the LGAQ and ComSEQ workshop.

The community has not been consulted on SG02/12. The process for the community's involvement and opportunity to comment on the making or amending of a planning scheme or planning scheme policy is contained within SG02/12.

In regards to the increases to the fees for the Building and Development Dispute Resolution Committee, Queensland Treasury and Trade were consulted in relation to the need to comply with the RAS system and have confirmed that a RAS is not required as the amendment:

- (a) relate to process; and
- (b) propose variations to fees in line with actuarially determined assessments.

ENDNOTES

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is the Department of State Development, Infrastructure and Planning.

© State of Queensland 2012