



Queensland

Sustainable Planning Amendment Regulation (No. 8) 2012

Explanatory Notes for SL 2012 No. 228

made under the

Sustainable Planning Act 2009

General outline

Short title

Sustainable Planning Amendment Regulation (No. 8) 2012.

Authorising law

Section 763 of the *Sustainable Planning Act 2009*.

Policy objectives and the reasons for them

The proposed regulation will repeal 'Statutory Guideline 03/09 - Declared master planned area structure plans' (SG03/09), dated 25 November 2009, and published by the former Department of Infrastructure and Planning, include new defined terms for the transition of planning partnerships and exclude certain intensive animal industries from the concurrence agency jurisdiction.

Structure planning and master planning

The *Sustainable Planning and Other Legislation Amendment Act (No. 2) 2012* (the Amendment Act) received assent on 22 November 2012, and removed Chapter 4 of the *Sustainable Planning Act 2009* on structure

planning and master planning, as the arrangements were inefficient and did not add value to planning partnership arrangements. However the Amendment Act preserved the use and development rights established by existing structure plans and master plans through transitional provisions.

Consequential amendments are required to the *Sustainable Planning Regulation 2009* to reflect this.

The *Sustainable Planning Act 2009* previously required a local government to follow a guideline, which is made by the Minister and prescribed under a regulation, for the making of a structure plan for a declared master planned area (DMPA). The *Sustainable Planning Act 2009* set out the required content of the guideline.

The current guideline for making or amending a structure plan for a DMPA is contained in SG03/09, which is referenced in section 7 of the *Sustainable Planning Regulation 2009* and refers to the date the guideline was made by the former Planning Minister.

The objective of this amendment is to repeal SG03/09. The process for transitioning structure plans for DMPAs into local planning instruments is the guideline mentioned in section 117(1) of the *Sustainable Planning Act 2009* and sections 5, 6 and 27(2) of the *Sustainable Planning Regulation 2009*.

The amendment will also include new definitions in the *Sustainable Planning Regulation 2009* for terms that are no longer defined in the *Sustainable Planning Act 2009* due to Queensland Government's decision to remove structure planning and master planning arrangements. The inclusion of these defined terms in the *Sustainable Planning Regulation 2009* is necessary to support the transitional provisions in the *Sustainable Planning Act 2009*.

Strategic cropping land

The government is responding to feedback received from the intensive animal industry who have raised concern that piggeries, poultry and egg production developments on Strategic Cropping Land or potential Strategic Cropping Land are subject to concurrence agency jurisdiction. This is not consistent with other animal industry developments such as dairies and cattle studs which are not subject to concurrence agency jurisdiction.

The objective of the amendment is to exclude certain intensive animal industries from the concurrence agency jurisdiction under Schedule 13A of the *Sustainable Planning Regulation 2009*. The amendment will ensure

that all developments for agricultural production purposes are treated equally when proposed to be undertaken on Strategic Cropping Land or potential Strategic Cropping Land.

Achievement of policy objectives

The amendment achieves the Queensland Government's objective to remove ineffective structure planning and master planning arrangements. In addition, the amendment to exclude certain animal industries from the concurrence agency jurisdiction is consistent with the Queensland Government's commitment to minimise over-regulation, empower local governments and to work towards doubling food production by 2040.

Consistency with policy objectives of authorising law

The regulation is consistent with the objectives of the *Sustainable Planning Act 2009* to manage the process by which development takes place and ensuring the process for making or amending local planning instruments is efficient and effective.

Inconsistency with policy objectives of other legislation

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

Alternative ways of achieving policy objectives

There are no alternative ways of achieving the policy objectives.

The repealing of SG03/09, the inclusion of new defined terms for the transition of planning partnership arrangements and excluding certain animal industries from the concurrence agency jurisdiction can only be addressed by legislative amendments to the *Sustainable Planning Regulation 2009*.

Benefits and costs of implementation

The regulation will benefit users of the development assessment system, including applicants and local governments, by:

- reflecting the correct process for transitioning structure plans for DMPAs areas into local planning instruments;
- providing the defined terms necessary to support the transitional arrangements for master plans and development applications in DMPAs; and
- minimising costs and administrative burden for development proponents in piggeries, poultry and egg production, where located on strategic cropping land or potential strategic cropping land.

Consistency with fundamental legislative principles

There is no inconsistency with fundamental legislative principles.

Consultation

Structure planning and master planning

Operational officers of the Department of State Development, Infrastructure and Planning (DSDIP) were consulted on the proposed amendments relating to structure planning and master planning arrangements for DMPAs. They were supportive.

A series of planning reform forums were held between May to early July 2012, chaired by the Assistant Minister for Planning Reform. Stakeholders raised a number of issues with Queensland's planning and development framework and provided suggestions for its improvement. The planning reform forums included representatives from the planning and development industry, construction sector, environmental sector and local government.

The wider community was consulted in relation to the recent amendments to the *Sustainable Planning Act 2009* to remove the structure planning and master planning arrangements through the State Development, Infrastructure and Industry Committee process. A total of 124 submissions were received on the *Sustainable Planning and Other Legislation Amendment Bill 2012* from a range of stakeholders.

Strategic cropping land

The government is responding to feedback received from the intensive animal industry who have raised concern that piggeries, poultry and egg production developments on Strategic Cropping Land or potential Strategic Cropping Land are subject to concurrence agency jurisdiction.

DSDIP consulted with the Department of Natural Resources and Mines on the proposed amendment. The two departments are in agreement and supportive of the proposed amendment.

The amendment is consistent with the Queensland Government's commitment to minimise over-regulation, empower local governments and to double food production by 2040.

ENDNOTES

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

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