



Queensland

Sustainable Planning Amendment Regulation (No. 1) 2013

Explanatory Notes for SL 2013 No. 28

made under the

Sustainable Planning Act 2009

General outline

Short title

Sustainable Planning Amendment Regulation (No. 1) 2013.

Authorising law

Sustainable Planning Act 2009, sections 232, 246, 298 and 763.

Policy objectives and the reasons for them

Certain inefficiencies in the planning and development system under the *Sustainable Planning Act 2009* have been identified through consultation with key stakeholders and state agencies. The objective of the amendment regulation is to improve the efficiency of the integrated development assessment system under the *Sustainable Planning Act 2009*.

The regulation will result in the reduction and streamlining of the assessment and referral of development applications, and minor technical and process improvements including the removal of redundant provisions. This will reduce the regulatory burden for all users of the system, while the removal of the requirement for referral of about 1000 applications per year

to the state will result in cost and time savings for both applicants and the state.

Review of the referral arrangements has shown that referral of these applications to the state has added little benefit to the assessment of the applications, and that removal or reduction of the referral arrangements will not affect required outcomes.

Delaying commencement of the amendment of provisions relating to development applications involving transport related referrals to 25 March 2013 is required to enable the Department of Transport and Main Roads to implement changes required to departmental operational arrangements and to prepare guidance material for applicants.

Achievement of policy objectives

The policy objectives are achieved through amendments to the *Sustainable Planning Regulation 2009*, resulting in the following outcomes:

- reduction of the requirements for referral of development applications involving transport related triggers;
- removal of the requirement for referral of development applications involving declared significant projects on strategic cropping land;
- removal of redundant referral requirements as a consequence of the expiry or repeal of various regional plan state planning regulatory provisions;
- simplification of triggers for the referral of applications involving contaminated land;
- reduction and simplification of triggers for the referral of applications involving coastal development, and providing for minor tidal works to be exempt or self-assessable development;
- prescribing an assessment manager for development applications involving an environmentally relevant activity and vegetation clearing;
- removal of the requirement for longer public notification periods for some development applications - instead all applications requiring public notification will be subject to the usual 15 business day notification period;

- clarification of the definition of 'high impact earthworks' to ensure intended development is assessable;
- removal of provisions related to the requirement for evidence of resource allocation or entitlement for development applications involving a state resource, as a consequence of amendments made to the *Sustainable Planning Act 2009* effective from 22 November 2012;
- correction of the current inconsistency requiring assessable development on airport land to be code assessable, when the *Airport Assets (Restructuring and Disposal) Act 2008* provides that the relevant land use plan may provide for development to be impact assessable;
- replacement of a reference to the *Transport Operations (Marine Pollution) Regulation 2008* with the correct reference to the *Transport Operations (Marine Pollution) Act 1995*.

Consistency with policy objectives of authorising law

The amending regulation is consistent with the main objects of the *Sustainable Planning Act 2009*, that is to seek to achieve ecological sustainability, by 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 regulation is consistent with the policy objectives of other legislation.

Benefits and costs of implementation

The regulation will reduce the regulatory burden on the property and construction sector by removing unnecessary red tape, streamlining and clarifying development assessment processes, and removing inconsistencies and redundant provisions. This will result in time and cost savings for the property and construction sector.

The proposal will remove about 1000 referrals annually to the state under the Integrated Development Assessment System, resulting in a direct and significant reduction in the regulatory burden on business, the community

and government. This will result in a reduction in the state's regulatory activity, which will result in a saving in the use of state resources. Additionally, most of the referrals to be removed do not attract application fees, so there will be little financial impact on the revenue of affected agencies.

Consistency with fundamental legislative principles

The regulation is consistent with fundamental legislative principles.

Consultation

The former Assistant Minister for Planning Reform conducted numerous stakeholder forums in May and June 2012 at which the need for regulatory reforms and referral reductions were discussed extensively. Stakeholders included the Urban Development Institute of Australia, Property Council of Australia, Planning Institute of Australia, Housing Industry Association and Master Builders Association.

The Department of Transport and Main Roads also conducted extensive stakeholder consultation, including with the industry groups mentioned above, in developing the proposals for transport related referral reductions.

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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