



Queensland

Sustainable Planning Amendment Regulation (No. 2) 2013

Explanatory Notes for SL 2013 No. 45

made under the

Sustainable Planning Act 2009

General outline

Short title

Sustainable Planning Amendment Regulation (No. 2) 2013.

Authorising law

Sections 232(2) and 763 of the Sustainable Planning Act 2009.

Policy objectives and the reasons for them

The purpose of the amendment regulation is to enable the timely delivery of new high school facilities under the Flying Start Program by reducing regulatory burden for non-state schools.

From 2015, year 7 will become part of secondary schooling. High schools are already planning new facilities and are seeking to progress development processes. State schools are covered by community infrastructure designations or are exempt development where they meet the requirements of the *Sustainable Planning Regulation 2009* and therefore no development applications are required for the new facilities needed under the Flying Start Program. Non-state schools are also exempt from the need to lodge

development applications where they meet the requirements of the *Sustainable Planning Regulation 2009*.

Schedule 4, table 5, item 12A of the *Sustainable Planning Regulation 2009* includes criteria which, when met, exempts development from assessment against a local government planning scheme. For a development to be exempt development under a planning scheme, all of these criteria must be met.

One of the criteria requires that the cost of the development being undertaken be at least 50% funded by the state government. However, for most non-state schools, the state's contribution will be substantially less than 50%. This means those schools will not be exempt from the need to lodge development applications, even if the development meets all of the other requirements of the *Sustainable Planning Regulation 2009*.

Removing the 50% funding requirement, and instead requiring that a minimum of 50% of the gross floor area of a development is for the purpose of the Flying Start Program, will enable the timely delivery of new high school facilities for new year 7 students, whilst still managing the appropriateness of development that is exempt under Schedule 4, table 5, item 12A of the *Sustainable Planning Regulation 2009*.

The criteria in schedule 4, table 5, item 12A were modelled on those used to facilitate the Building the Education Revolution, under which schools were required to have a minimum 50% funding contribution from the federal government. However, under the Flying Start Program it is not intended that funding is a requirement for development.

Enabling an exemption for new development for the Flying Start Program that occurs in an existing building footprint, and that does not disrupt koala habitat under the SEQ Koala Conservation State Planning Regulatory Provision, will also ensure the timely delivery of appropriate development for new year 7 students.

Other amendments to the *Sustainable Planning Regulation 2009* are necessary for the purpose of updating legislative references.

Achievement of policy objectives

The policy objectives are achieved through amendments to the *Sustainable Planning Regulation 2009* that require a development under the Flying Start Program to have a minimum of 50% of the gross floor area under the program, rather than 50% of the total funding.

The policy objectives are achieved by allowing development under the Flying Start Program that is in a koala broad-hectare area under the SEQ Koala Conservation State Planning Regulatory Provision to be exempt when the development does not exceed an existing building footprint.

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 appropriate development is considered exempt development so as to deliver efficient, effective and sustainable development 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 enable the timely delivery of new high school facilities under the Flying Start Program.

The regulation will also reduce the regulatory burden on the education sector by removing unnecessary red tape for the delivery of non-state school development. This will result in time and cost savings for the education sector.

Consistency with fundamental legislative principles

The subordinate legislation is consistent with the fundamental legislative principles of the *Legislative Standards Act 1992*.

Consultation

The Department of Education, Training and Employment, Department of Environment and Heritage Protection, Department of Local Government, Community Recovery and Resilience, Department of the Premier and Cabinet and Queensland Treasury have been consulted.

The Queensland Catholic Education Commission, Independent Schools Queensland and Local Government Association of Queensland have also been consulted.

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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