

Sustainable Planning Amendment Regulation (No. 3) 2014

Explanatory Notes for SL 2014 No. 66

made under the

Sustainable Planning Act 2009

General outline

Short title

The short title of the regulation is the *Sustainable Planning Amendment Regulation (No. 3) 2014*.

Authorising law

Section 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, planning scheme policy or priority infrastructure plan and making a temporary local planning instrument as 'Statutory guideline 01/14 Making and amending local planning instruments' (SG01/14).

The objective of SG01/14 is to make clear the process for making or amending a local planning instrument in relation to the rezoning of government owned land, which will give clarity to users and ensure the process is efficient for both local governments and the Minister.

Achievement of policy objectives

Changing the date and title of SG01/14 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, priority infrastructure plan or making a temporary local planning instrument.

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 benefit of the amended SG01/14 is that it provides a streamlined process for local governments to follow for the rezoning of government owned land, which is aligned to the process for an administrative or minor amendment in the previous statutory guideline. The process enables a local government to carry out the Minister's direction by making the proposed changes to its planning scheme and adopting the amendment in a timely manner. Without the change, the local government would be required to use the major amendment process, which requires a state interest review and 30 days public consultation, which would add time and costs to the amendment process.

Consistency with fundamental legislative principles

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

Consultation

Operational officers of the Department of State Development, Infrastructure and Planning were consulted on the proposed changes for SG01/14. They were supportive.

The community has not been consulted on SG01/14. 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 SG01/14.

