

Sustainable Planning Amendment Regulation (No. 1) 2016

Explanatory notes for SL 2016 No. 18

made under the

Sustainable Planning Act 2009

General Outline

Short title

The short title of the regulation is the *Sustainable Planning Amendment Regulation (No. 1) 2016*.

Authorising law

Sections 232, 254, 255A, 255B, 260, 763 of the *Sustainable Planning Act 2009*

Policy objectives and the reasons for them

The overall objective of the *Sustainable Planning Amendment Regulation (No. 1) 2016* (Amendment Regulation) is to include Gold Coast Light Rail as a state transport infrastructure project and to amend the definition of waterways spatial layer.

Exemption for Gold Coast Light Rail Stage 2 project

Under Schedule 4, table 5 of the *Sustainable Planning Regulation 2009* (SPR), all aspects of development for identified state transport infrastructure cannot be made assessable under a local government planning scheme, temporary local planning instrument or a preliminary approval to which section 242 of the SPA applies.

By including the Gold Coast Light Rail Stage 2 project as a state transport infrastructure project in Schedule 4, table 5, any future local government development assessment process which would duplicate the assessment process already undertaken by the Department of Transport and Main Roads (TMR) would be avoided. State transport projects are subject to an extensive Government assessment process involving the approval of a business case and funding to deliver the project in accordance with provisions of the *Transport Infrastructure Act 1994*.

The purpose of the exemption is to ensure that the Gold Coast Light Rail Stage 2 project is able to be delivered in the most cost effective and efficient manner by ensuring the State is not required to obtain development approvals from the Gold Coast City Council for works constituting development under SPA.

Definition of waterways spatial data layer

Schedule 26 is amended to ensure the term waterways spatial data layer is up to date. The Queensland Spatial Catalogue replaced the Queensland Government Information Service in November 2014 as the Government initiative that provides a portal that allows public access to geospatial data and information. The reference and website address in the waterways spatial data layer definition is updated to cite the Queensland Spatial Catalogue.

Achievement of policy objectives

The SPR supports the achievement of the overall policy objectives by:

Exemption for Gold Coast Light Rail Stage 2 project

The amendment to Schedule 4, table 5 achieves the policy objective by ensuring all aspects of development for the Gold Coast Light Rail Stage 2 project cannot be made assessable under a local government planning scheme, temporary local planning instrument or preliminary approval under section 242 of SPA. The project can therefore be assessed, delivered and maintained in a more efficient and cost effective manner.

Definition of waterways spatial data layer

Amending the definition of waterways spatial data layer to cite the Queensland Spatial Catalogue ensures the term is up to date and accurate.

Consistency with policy objectives of authorising law

The Amending Regulation is consistent with the main objectives of SPA, 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.

Alternative ways of achieving policy objectives

The amendments were proposed following a complete and detailed review of each issue by each relevant State agency and DILGP. The amendments are the only way of achieving the policy objectives for these matters.

Benefits and costs of implementation

The package of amendments reflects the broader government policy of a balanced planning system that is focussed on the three core objectives of liveability, sustainability and prosperity.

The amendment will have the following benefits:

- eliminate the duplication between State and local government assessment processes for the Gold Coast Light Rail Stage 2 project. The amendment will benefit both State and local governments, as resources, time and money will potentially be saved as a result of a streamlined assessment process;
- and
- amend the definition of ‘waterways spatial data layer’ to ensure the term is up to date and accurate.

Consistency with fundamental legislative principles

The subordinate legislation is not inconsistent with the fundamental legislative principles of the *Legislative Standards Act 1992*.

Consultation

Amendments relating to improving the regulation have been developed in conjunction with the relevant State agencies.

The Office of Best Practice Regulation (OBPR) has been consulted in relation to the need for a Preliminary Impact Assessment or Regulatory Impact Assessment for all matters. OBPR advised that for all matters, no further assessment was required under the Treasurer’s Regulatory Impact Statement Guidelines.