

Planning (Container Refund Scheme) Amendment Regulation (No. 2) 2018

Explanatory notes for SL 2018 No. 163

made under the

Planning Act 2016

General Outline

Short title

Planning (Container Refund Scheme) Amendment Regulation (No. 2) 2018

Authorising law

Section 284 of the *Planning Act 2016*

Policy objectives and the reasons for them

The Container Refund Scheme (CRS) has been established and will operate under the *Waste Reduction and Recycling Amendment Act 2017* to reduce litter and increase recycling by providing incentives and creating opportunities for social enterprise jobs and community fundraising. Under the CRS, there will be a refund provided for eligible empty drink containers that are returned to a participating collection refund point.

The CRS involves establishing participating refund points across Queensland prior to the intended commencement on 1 November 2018. In some circumstances, this may involve a ‘material change of use’ development application under the *Planning Regulation 2017* (the Planning Regulation).

The Planning Regulation may prescribe the level of assessment for certain ‘material change of use’ development applications and may also clarify circumstances where an activity is considered to be a ‘minor change of use’. A development application is not required for a minor change of use.

To support delivery of the CRS, the Planning Regulation was amended on 14 September 2018 through the *Planning (Container Refund Scheme) Amendment Regulation 2018* to provide a set of criteria which, if met by a container refund point, means that the activity is a minor change of use and a material change of use development application is not required.

The *Planning (Container Refund Scheme) Amendment Regulation (No. 2) 2018* (amendment regulation) maintains the policy intent of the *Planning (Container Refund Scheme) Amendment Regulation 2018*, and responds to additional information provided about new refund points and the intended activities of certain refund point operators.

Achievement of policy objectives

The objective of the amendment regulation is to provide for additional low risk sites for the purpose of the CRS. It allows low risk industrial sites listed under the lot on plan exemption to operate outside of a building to facilitate CRS related activities such as cage collection and amends the notice requirements to expand the notice period for operators to within 10 days after the use commences.

Consistency with policy objectives of authorising law

The amendment regulation is consistent with the objectives of the *Planning Act 2016*, which is to establish an efficient, transparent, integrated, coordinated and accountable system of land use planning, development assessment and related matters that facilitates the achievement of ecological sustainability.

Inconsistency with policy objectives of other legislation

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

Alternative ways of achieving policy objectives

There is no alternative way to achieve the policy objectives other than the amendment regulation.

Benefits and costs of implementation

There are no costs to the implementation of this amendment regulation.

Consistency with fundamental legislative principles

The amendment regulation is not inconsistent with fundamental legislative principles.

Consultation

The Queensland Productivity Commission was consulted as per the *Queensland Government Guide to Better Regulation* and advised that further regulatory impact analysis is not required for the amendment regulation as the proposed amendments appear unlikely to result in significant adverse impacts.