

Planning (Excluded Development) Amendment Regulation 2019

Explanatory notes for SL 2019 No. 6

made under the

Planning Act 2016

General Outline

Short title

Planning (Excluded Development) Amendment Regulation 2019

Authorising law

Section 284 of the *Planning Act 2016*

Policy objectives and the reasons for them

The policy objective of the *Planning (Excluded Development) Amendment Regulation 2019* (the Amendment Regulation) is to correct an unintended change to the definition “excluded development” in Schedule 24 of the *Planning Regulation 2017* to ensure consistency in the effect of provisions relating to biodiversity development offset areas under the Statutory Guideline 01/10 Biodiversity development offset area – koala conservation.

Achievement of policy objectives

The objective of the Amendment Regulation is to correct the definition to clarify that development applications for development within a biodiversity development offset area (BDOA) will need to be made, prior to the expiry of the declaration of the BDOA. Without this correction and clarification, it has been misinterpreted to mean the development needs to have been *carried out* prior to the declaration expiry date.

BDOAs were a mechanism made under the repealed State Planning Policy 2/10 Koala Conservation in South East Queensland and Statutory Guideline 01/10 Biodiversity development offset area – koala conservation. BDOAs provided an opportunity for improved connectivity for koalas on parcels of high biodiversity value land within the SEQ region.

A BDOA declaration allowed the lodgement of development applications within the regional landscape rural production area and certain requirements of the now repealed South East Queensland Regional Plan state planning regulatory provisions (SPRP) did not apply.

As part of the planning reform agenda, SPRPs were repealed and the relevant provisions were incorporated into the *Planning Regulation 2017*, but with an unintended change to the wording of ‘excluded development’. The Amendment Regulation corrects this.

Consistency with policy objectives of authorising law

The Amendment Regulation is consistent with the main objectives of the *Planning Act 2016*, which is to establish an efficient, effective, 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 consistent 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. The benefits are improved clarity for developers.

Consistency with fundamental legislative principles

The Amendment Regulation is consistent with fundamental legislative principles.

Consultation

A self-assessment by the Department of State Development, Manufacturing, Infrastructure and Planning determined that further regulatory impact analysis is not required as the proposal is excluded under category (g) of the *Queensland Government Guide to Better Regulation* – regulatory proposals that are of a machinery nature.