

Planning (State Development Assessment Provisions) Amendment Regulation 2022

Explanatory notes for SL 2022 No. 9

made under the

Planning Act 2016

General Outline

Short title

Planning (State Development Assessment Provisions) Amendment Regulation 2022

Authorising law

Section 284 of the *Planning Act 2016*

Policy objectives and the reasons for them

The objectives of the *Planning (State Development Assessment Provisions) Amendment Regulation 2022* (Amendment Regulation) are to:

- ensure the State Development Assessment Provisions (SDAP), approved by the Planning Minister on 29 December 2021 are given effect;
- align the definition of ‘food and drink outlet’ with the provisions of the *Liquor Act 1992* to allow for the sale of takeaway liquor from a restaurant or café;
- remove the regulation of living arrangements from ‘rural workers’ accommodation’ and ‘non-resident workforce accommodation’ as this is unnecessarily restricting who can occupy these land uses; and
- remove the restriction that ‘government supported transport infrastructure’ is for public use, so that it can also be for the public benefit.

Achievement of policy objectives

The policy objectives are achieved by:

- updating the date of the SDAP as made by the Planning Minister on 29 December 2021 to reflect the latest approved version;
- permitting a ‘food and drink outlet’ to include the provision to sell takeaway liquor, subject to the relevant licencing requirements under the *Liquor Act 1992*;

- removing the relationship of a person’s principal place of residence from the definitions of ‘rural workers’ accommodation’ and ‘non-resident workforce accommodation’, and removing the definition of ‘non-resident workforce’; and
- removing the reference to public use in the definition of ‘government supported transport infrastructure’.

Consistency with policy objectives of authorising law

The Amendment Regulation is consistent with the policy objectives of the *Planning Act 2016* to establish an efficient, effective, transparent, and accountable system of land use planning and development assessment. The Amendment Regulation:

- reflects the SDAP as approved by the Planning Minister on 29 December 2021;
- aligns the definition of ‘food and drink outlet’ with the provisions of the *Liquor Act 1992* to allow for the sale of takeaway liquor from a restaurant or café;
- removes references to living arrangements from the definitions of ‘rural workers’ accommodation’ and ‘non-resident workforce accommodation’; and
- clarifies ‘government supported transport infrastructure’ is not limited to being for public use.

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

Amending the definitions of the SDAP, food and drink outlet, rural workers’ accommodation, non-resident workforce accommodation and government supported transport infrastructure within the *Planning Regulation 2017* is the only way to give effect to the policy objectives.

Benefits and costs of implementation

The Amendment Regulation ensures the planning system continues to operate efficiently and effectively and maintains the integrity of the planning and development assessment framework established under the *Planning Act 2016*. The Amendment Regulation will ensure:

- the amended SDAP, approved by the Planning Minister on 29 December 2021, is given effect;
- the alignment of the definition of ‘food and drink outlet’ with the provisions of the *Liquor Act 1992* that allows for the sale of takeaway liquor from a restaurant or café;
- the amendment to the definitions of ‘rural workers’ accommodation’ and ‘non-resident workforce accommodation’, and the removal of the definition of ‘non-resident worker’ removes the restrictions based on whether an occupant must have a primary residence elsewhere or not;
- the amendment to the definition of ‘government supported transport infrastructure’ will ensure the original policy intent will be achieved by ensuring the infrastructure is available for the public benefit, and not only public use.

No costs are anticipated to occur due to the implementation of the Amendment Regulation.

Consistency with fundamental legislative principles

The Amendment Regulation has been drafted with regard to the fundamental legislative principles as defined in section 4 of the *Legislative Standards Act 1992*. The amendments contained in the Amendment Regulation are consistent with fundamental legislative principles.

Consultation

The Department of State Development Infrastructure, Local Government and Planning (DSDILGP) consulted the Local Government Association of Queensland (LGAQ), the Central Highlands Regional Council (CHRC) and the Tablelands Regional Council (TRC) in relation to the proposed amendments to ‘rural workers’ accommodation’ and ‘non-resident workforce accommodation’.

The LGAQ, the CHRC and the TRC support the policy intent to remove the regulation of living arrangements from the definitions of ‘rural workers’ accommodation’ and ‘non-resident workforce accommodation’.

The Office of Best Practice Regulation (OBPR) was consulted under the *Queensland Government Guide to Better Regulation* (the guidelines) to determine whether further assessment was required under the Regulatory Impact Analysis system for the amendment to the *Planning Regulation 2017* for ‘rural workers’ accommodation’ and ‘non-resident workforce accommodation’.

OBPR advised that the proposed amendment regarding the definitions of ‘rural workers’ accommodation’ and ‘non-resident workforce accommodation’ will not add to the burden of regulation and is unlikely to result in significant adverse impacts, therefore no further regulatory impact assessment is required under the guidelines.

A self-assessment by DSDILGP determined that further regulatory impact analysis is not required for:

- the amendment to the definitions of the SDAP to reflect the new approved version and food and drink outlet, as the proposals are a consequence for an Act being enacted or subordinate legislation. These are excluded under category (a) of the guidelines – regulatory proposals that make consequential amendments
- the amendment to the definition of government supported transport infrastructure, as the proposal seeks to amend a technical error and will not result in a change from the original intent. It is excluded under the category (f) of the guidelines – regulatory proposal that correct technical errors or amend legislation to take account of current Queensland drafting practice.