

# Planning Amendment Regulation 2024

Explanatory notes for SL 2024 No. 164

made under the

*Planning Act 2016*

## General Outline

### Short title

*Planning Amendment Regulation 2024*

### Authorising law

Section 284 of the *Planning Act 2016*

### Policy objectives and the reasons for them

The objectives of the Planning Amendment Regulation 2024 (Amendment Regulation) are to amend the threshold measure in item 43, Schedule 20 for certain development impacting on State transport infrastructure so that they are appropriately assessed by local government and only triggered for assessment by the State Assessment and Referral Agency (SARA) where appropriate.

Further information is provided below.

*Schedule 20 – Development impacting on State transport infrastructure and threshold*

A development application for operational works, a material change of use (MCU) or reconfiguring of a lot (ROL) impacting on state transport infrastructure, all trigger assessment by SARA under Schedule 10, part 9, division 4, subdivision 1 of the Planning Regulation, where a proposed development exceeds a prescribed threshold measure in Schedule 20 of the Planning Regulation.

The Department of Housing, Local Government, Planning and Public Works (DHLGPPW) identified issues with one of the assessment triggers where proposed developments in proximity to state transport infrastructure were being inappropriately captured for SARA assessment due to inadequate threshold measure in Schedule 20 of the Planning Regulation. Amendments to this threshold measure ensure impacts on state transport infrastructure are appropriately assessed by local government are:

- operational works that involve filling or excavating over 10,000 tonnes where not related to an MCU or ROL trigger referral to SARA for assessment. Where the fill or excavated material is contained on the subject site the work has no impact on state transport infrastructure, however, these works are still inappropriately being captured for assessment by SARA due to inadequate threshold measures.

## **Achievement of policy objectives**

### *Schedule 20 – Development impacting on State transport infrastructure and thresholds*

The Amendment Regulation amends Schedule 20 of the Planning Regulation to:

- amend the threshold measure for operational works that involves filling or excavation over 10,000 tonnes where material is to be retained on site, and is not related to an MCU or ROL, to not be captured for assessment by SARA.

## **Consistency with policy objectives of authorising law**

The Amendment Regulation is consistent with the purpose of the *Planning Act 2016* to establish an efficient, effective, transparent, integrated, coordinated and accountable system of land use planning and development assessment to facilitate the achievement of ecological sustainability.

The Amendment Regulation is also consistent with the purpose of the *Planning Act 2016* that a system for achieving ecological sustainability includes a development assessment system, including SARA, for implementing planning instruments and other policies and requirements about development.

The Amendment Regulation protects and gives effect to the State’s interests of Development and Construction, Infrastructure Integration, Transport Infrastructure and Energy and Water Supply, in the State Planning Policy 2017.

## **Inconsistency with policy objectives of other legislation**

No inconsistencies with the policy objectives of other legislation have been identified.

## **Alternative ways of achieving policy objectives**

There is no alternative way to achieve the policy objectives, other than the Amendment Regulation. The *Planning Act 2016* permits a regulation to refer development to a referral agency for assessment.

## **Benefits and costs of implementation**

The cost of implementing the amended regulatory framework will be met within existing budget allocations, and the resources used to manage the existing regulatory framework will continue to be used to administer the amended framework.

## Consistency with fundamental legislative principles

This Amendment Regulation is consistent with fundamental legislative principles, and has no adverse impact on the rights and liberties of individuals or on the institution of Parliament.

## Consultation

No consultation on the Amendment Regulation has been undertaken outside of government agencies as the amendments are identified as consequential amendment changes and are required to reduce the administrative burden related to development assessment. These changes do not impact policy outcomes.

In accordance with *The Queensland Government Better Regulation Policy*, an Impact Analysis Statement (IAS) has been prepared for the consideration and approval of the Planning Minister and Director-General. A copy of the IAS will be provided to the Office of Best Practice Regulation (OBPR) and published on the DHLGPPW website.

A self-assessment by DHLGPPW determined that no further regulatory impact analysis was required in relation to the change to item 43, Schedule 20 State transport infrastructure threshold was not required as the proposal is deregulatory (removes regulation) and does not increase costs or regulatory burden on business or the community.