

Planning (Rural Workers' Initiative and Other Matters) Amendment Regulation 2024

Explanatory notes for SL 2024 No. 248

made under the

Planning Act 2016

General Outline

Short title

Planning (Rural Workers' Initiative and Other Matters) Amendment Regulation 2024

Authorising law

Section 284 of the *Planning Act 2016*

Policy objectives and the reasons for them

The objectives of the *Planning (Rural Workers' Initiative and Other Matters) Amendment Regulation 2024* (Amendment Regulation) are to:

- give effect to the updated Queensland Rural Workers' Accommodation Initiative by reflecting the new date in the *Planning Regulation 2017* (Planning Regulation);
- give effect to changes made to the State Development Assessment Provisions (SDAP) by reflecting the new date in the Planning Regulation; and
- extend the sunset clause relating to development for relocatable classrooms at State schools for an additional two years.

Further information is provided below.

Update to the Rural Workers Accommodation Initiative

The Department of Housing, Local Government, Planning and Public Works (the department) recognises the importance of rural workers' accommodation in facilitating all aspects of the agricultural supply chain and to support the many regional and local economies that rely on rural industries. To assist with supporting an accommodation solution for rural workers and relieving pressure on the existing housing stock, the Queensland Government developed the Queensland Rural Workers' Accommodation Initiative (the Initiative).

On 2 December 2022, the Deputy Premier, Minister for State Development, Infrastructure, Local Government and Planning approved the Initiative as an interim policy response to the shortages of appropriate accommodation for rural worker across Queensland. On 16 December 2022, an amendment to the Planning Regulation gave effect to the Initiative.

The Initiative supports repurposing existing underutilised facilities as an interim solution for rural workers' accommodation, where on a premises nominated by the Planning Minister (currently the Minister for Housing, Local Government and Planning) and used for accommodating employees for the Initiative. Schedule 6, section 33 of the Planning Regulation identifies development which cannot be made assessable by a local categorising instrument where on a Nominated Premises.

Nominated Premises are listed in Schedule 1 of the Initiative. The Planning Minister has decided to add a new Nominated Premises to the Initiative and has approved an amendment to Schedule 1 of the Initiative to reflect the Planning Minister's decision. To allow the updated Initiative, as approved by the Planning Minister, to take effect, the *Planning Regulation 2017* must be amended to reflect the new date of the Initiative.

Update to the date of the State Development Assessment Provisions (SDAP)

The State Development Assessment Provisions (SDAP) are a state planning instrument under the *Planning Act 2016* (Planning Act) that provides assessment benchmarks for the assessment of development applications involving the State Assessment and Referral Agency (SARA). SARA uses the SDAP to deliver a coordinated, whole-of-government approach to the state's assessment of development applications.

Amendments to SDAP are given effect by amending the definition to SDAP in Schedule 24 of the Planning Regulation. To give effect to any updates made to the SDAP at the discretion of the Planning Minister, amendments to the Planning Regulation must be made. Applications for wind farms are assessed by SARA against the SDAP under State Code 23: Wind farm development.

Extension to the sunset clause about relocatable classrooms at State schools

The Department of Education (DoE) must ensure State schools can respond to enrolment needs. DoE is required to provide temporary classrooms and associated infrastructure, such as paths and toilets, when a school has experienced growth over current classroom capacity. As finalised enrolment numbers are not always available before the school year starts, the timeframe to establish new temporary classrooms is often very condensed.

Prior to December 2022, the planning framework required temporary classrooms be lawfully established only by two pathways - either under an existing ministerial infrastructure designation or through the relevant local government development approval process. Both processes can be lengthy and, in some cases, uncertain due to consultation requirements and variability in local government interpretation of material change of use thresholds. This resulted in situations where the classrooms and associated infrastructure were not in place for the start of the school year.

The Planning Regulation was amended on 9 December 2022, to provide for DoE to be able to establish temporary classrooms and associated infrastructure for a two-year period at established State educational facilities, in a timely manner around or prior to the start of the school year without the need for a development approval (where meeting minimum requirements to manage impacts).

In anticipation of the expiry of the two-year period, DoE requested these provisions be extended for a further two years to continue to assist DoE in ensuring the capacity needs of all schools are met beyond 9 December 2024. To extend the expiry of the provisions by two years, amendments are required to Part 3, Division 1, section 16(4) and Schedule 6, Part 5, section 34(1)(b)(i) of the Planning Regulation to reflect the new expiry date of four years after the day the provisions came into effect.

Achievement of policy objectives

Updates to the Rural Workers Accommodation Initiative

The Amendment Regulation amends the Planning Regulation to replace the existing date of '3 August 2023' with '22 August 2024' in Schedule, 6 section 33(3) to allow the updated Initiative, as approved by the Planning Minister, to take effect.

Update to the date of the SDAP

The Amendment Regulation amends the definition of SDAP in Schedule 24 of the Planning Regulation, which will give effect to the proposed changes to the SDAP.

The amendment is minor and consists of changing the SDAP date from '29 December 2021' to the date of the new version of SDAP as approved by the Planning Minister.

Extension to the sunset clause about relocatable classrooms at State schools

The Amendment Regulation amends the Planning Regulation to extend the sunset clause in Part 3, Division 1, section 16(4) and Schedule 6, Part 5, section 34(1)(b)(i) by two years to reflect the new expiry date of four years after the day the provisions came into effect, to ensure DoE can continue to respond to the enrolment needs of the new term.

Consistency with policy objectives of authorising law

The Amendment Regulation is consistent with the purpose of the Planning Act:

- 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.
- 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.
- that states a planning regulation may be a categorising instrument and may prohibit a local categorising instrument from stating that certain development is assessable development.

The Amendment Regulation protects and gives effect to the State's interests of housing supply and diversity, liveable communities and development and construction, 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 permits a regulation to set the category of assessment, to categorise development, and to prescribe assessment benchmarks.

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.

Consultation

Consultation on the Amendment Regulation has been undertaken with relevant government agencies. Further consultation details are below.

Update to the Rural Workers Accommodation Initiative

The amendment to the Planning Regulation in relation the Initiative has not been consulted on as it is a date change to give effect to the updates made to Initiative, approved by the Minister on 22 August 2024. Broader consultation on the amendment of the Planning Regulation to give effect to the Initiative was therefore not undertaken as it is a procedural change that does not impact resourcing or policy outcomes.

Update to the date of the SDAP

The amendment to the Planning Regulation is a date change to give effect to the new SDAP made by the Minister. Broader consultation on the amendment of the Planning Regulation to give effect to the SDAP was therefore not undertaken as it is a procedural change that does not impact resourcing or policy outcomes.

Extension to the sunset clause about relocatable classrooms at State schools

The department has consulted with QBuild and DoE in relation to the relocatable classroom provisions.

Regulatory Impact Analysis

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 and published on the department's website.

A self-assessment by the department determined that no further regulatory impact analysis was required in relation to the changes to:

- replace the existing date of '3 August 2023' with '22 August 2024' in Schedule 6, section 33(3) of the Planning Regulation, as the proposal is machinery in nature to allow the updated Initiative to take effect
- give effect to the amended Schedule 24 SDAP definition of the Planning Regulation was not required as the proposal is machinery in nature
- extend the sunset clause of an existing provision for the establishment of temporary classrooms and associated infrastructure for two years at established State schools, as the proposal is machinery in nature and is required to ensure that schools can respond to emergent enrolment needs, without the need for a planning approval.

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