

# Planning (State Development Assessment Provisions) Amendment Regulation 2022

## Human Rights Certificate

### Prepared in accordance with Part 3 of the *Human Rights Act 2019*

In accordance with section 41 of the *Human Rights Act 2019*, I, Steven Miles, Deputy Premier, Minister for State Development, Infrastructure, Local Government and Planning and Minister Assisting the Premier on Olympics Infrastructure provide this human rights certificate with respect to the *Planning (State Development Assessment Provisions) Amendment Regulation 2022* (the Amendment Regulation) made under the *Planning Act 2016* (Planning Act).

In my opinion, the Amendment Regulation, as tabled in the Legislative Assembly, is compatible with the human rights protected by the *Human Rights Act 2019*. I base my opinion on the reasons outlined in this statement.

## Overview of the Subordinate Legislation

The objective of the Amendment Regulation is to:

- prescribe an amended version of the State Development Assessment Provisions (SDAP) as approved on 29 December 2021
- amend the definition of ‘food and drink outlet’ to allow for the provision of sale of takeaway liquor to align with amendments to the *Liquor Act 1992*
- amend the definitions of ‘rural workers’ accommodation’ and ‘non-resident workforce accommodation’ to remove the relationship to living arrangements
- amend the definition of ‘government supported transport infrastructure’ to clarify the purpose of the infrastructure is not limited to being only for public use.

## Human Rights Issues

### Human rights relevant to the subordinate legislation (Part 2, Division 2 and 3 *Human Rights Act 2019*)

In my opinion, the human right under the *Human Rights Act 2019* that is engaged by the Amendment Regulation is property rights (section 24) being the right to own property and the right to not be arbitrarily deprived of property.

The Amendment Regulation engages property rights in that it involves a change to the definitions of land uses for development that may occur on a person’s land. However, it does not restrict, affect or limit property rights in any way, because the Amendment Regulation does not change the right to develop land, or any aspect of property ownership. A person will still have the right to apply for a development application over their property for each of the land uses. The amendment will only remove the restriction of whether a person occupying each use has a principal place of residence elsewhere or not.

## Conclusion

I consider that the *Planning (State Development Assessment Provisions) Amendment Regulation 2022* is compatible with the *Human Rights Act 2019* because it does not limit human rights.

**STEVEN MILES MP**  
Deputy Premier, Minister for State Development,  
Infrastructure, Local Government and Planning  
and Minister Assisting the Premier on Olympics Infrastructure

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