

Regional Planning Interests Amendment Regulation (No. 1) 2014

Explanatory notes for Subordinate Legislation 2014 No. 226

made under the

Regional Planning Interests Act 2014

General Outline

Short title

The short title of the regulation is the *Regional Planning Interests Amendment Regulation (No. 1) 2014*.

Authorising law

Sections 11(1) and 95 of the Regional Planning Interests Act 2014.

Policy objectives and the reasons for them

The policy objective of this regulation amendment is to remove references to the prescribed Cape York strategic environmental area (SEA) and its environmental attributes in the Regional Planning Interests Regulation 2014, as the SEA is shown on a map and the environmental attributes are now detailed in the Cape York Regional Plan.

Achievement of policy objectives

The inclusion of the Cape York SEA and the environmental attributes in the Cape York Regional Plan achieves the policy intent of having the area of regional interest identified in a statutory planning instrument that requires a formal consultation process for any amendments to the maps and/or attributes.

Where an area of regional interest such as a SEA is identified in a regional plan, the process contained in the planning Act for amending a state planning instrument must be followed, including preparing the draft amendment, notifying the draft amendment, considering public submissions on the draft amendment, and then deciding whether to proceed with making the amendment to the regional plan.

Consistency with policy objectives of authorising law

The amendment regulation is consistent with Section 11(1) and (2) of the *Regional Planning Interests Act 2014* in that a SEA and environmental attributes for an area may be included in a regional plan or under a regulation.

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

The Cape York SEA and the areas environmental attributes could remain in the *Regional Planning Interests Regulation 2014* or be included into the Cape York Regional Plan. By giving primacy to the SEA and its attributes in the regional plan, any amendment to the area or its attributes must be undertaken through the process detailed in the planning Act and include a public notification period improving transparency and accountability, and community and stakeholder engagement and understanding.

Benefits and costs of implementation

The regulation amendment does not create any impacts on the community, business or government or part of the business or community.

Consistency with fundamental legislative principles

The regulation amendment is consistent with fundamental legislative principles.

Consultation

Preparation of the Cape York Regional Plan formally commenced in August 2012 and was made on 8 August 2014. Extensive consultation was undertaken during the preparation of the regional plan, including a statutory consultation period on a draft regional plan from 25 November 2013 to 25 March 2014.

An exposure draft of the *Regional Planning Interests Regulation 2014* that included the prescribed Cape York SEA and the areas environmental attributes was released for a 60-day consultation period from 19 March 2014.