Planning and Other Legislation (South East Queensland Regional Plan and Other Matters) Amendment Regulation 2017

Explanatory notes for SL 2017 No. 141

made under the *Planning Act 2016, Regional Planning Interests Act 2014,* and the *Local Government Act 2009*

General Outline

Short title

The short title of the Regulation is the *Planning and Other Legislation (South East Queensland Regional Plan and Other Matters) Amendment Regulation 2017.*

Authorising law

Section 270 of the *Local Government Act 2009*
Section 43, 45, 48, 54, 55, 112 and 284 of the *Planning Act 2016*
Section 62(2) and 95 of the *Regional Planning Interests Act 2014*

Policy objectives and the reasons for them

The objective of the *Planning and Other Legislation (South East Queensland Regional Plan and Other Matters) Amendment Regulation 2017* (the Amendment Regulation) is to make amendments to the *Planning Regulation 2017* (Planning Regulation) to support the implementation of the South East Queensland Regional Plan 2017 (*ShapingSEQ*), and other various miscellaneous amendments to ensure the effective implementation of regulatory provisions.

The Amendment Regulation also amends the *Regional Planning Interest Regulation 2014* to correct a drafting error, and provide for the annual indexation of Strategic Cropping Land mitigation values and application fees.

The Amendment Regulation also amends the *Local Government (De-amalgamation Implementation) Regulation 2013* to clarify references to the 'Planning Act'.

Amendments to the Planning Regulation to support *ShapingSEQ*

The focus of amendments to the Planning Regulation to support the implementation of *ShapingSEQ* and other statutory regional plans is to:

- provide improved clarity and operational effectiveness of the regulatory provisions;
- reflect the policies of *ShapingSEQ*;
- respond to submissions received during the statutory consultation phase of *ShapingSEQ*; and
- ensure regional plans are appropriately considered in development assessment.

South East Queensland (SEQ) development areas – Schedule 10, part 15 and section 41

Applications for a material change of use (MCU) or reconfiguring a lot (RoL) in an SEQ development area are required to demonstrate that a proposal is consistent with the future planning intent for the area. The Amendment Regulation provides guidance on what is meant by future planning intent in section 41, and requires the referral agency to assess against this requirement.

Material change of use in the Regional Landscape and Rural Production Area (RLRPA) and Rural Living Area (RLA) – sections 41A and 41B

Schedule 10, Part 16 identifies applications for an MCU in the RLRPA or RLA that require impact assessment and referral to the chief executive. Where referral is required for urban activities, residential care facilities or indoor recreation, the need for the development to be located outside the SEQ urban footprint or if there is an overriding need, in the public interest, for the development to be carried out, must be demonstrated.

New sections 41A and 41B expand and clarify the requirements for an activity proposed outside the urban footprint, in terms of the location and need for the development.

Schedule 10, part 16, generally – where development is assessable and requires referral agency assessment, Matters referral agency's assessment must be against

In addition to the changes made for sections 41A and 41B above, changes have been made to the relevant tables in Part 16 for the matters relevant to referral agency assessment.

A new matter has been added to require that proposed development demonstrates a community and economic need. The requirement for the use to have access to infrastructure has been supplemented to ensure that it is also practical and economically feasible. An additional matter requires development to avoid impacts on natural economic resource areas.

References to significant biodiversity values and desired regional outcomes have been updated to reflect terms and concepts used in *ShapingSEQ.*

Schedule 10, part 16, Division 2 – Material change of use in the RLRPA and RLA – Tourist activity or sport and recreation activity

Proposals for large scale tourist and sport and recreation activities require referral to the chief executive for assessment. This is a reinstatement of the policy position that applied under the repealed SEQ Regional Plan State planning regulatory provisions (repealed SPRP) prior to May 2014.

The amendments also address the potential confusion with the diverse nature of tourist activities regarding whether the activity should also be referred to the chief executive as an urban activity or indoor recreation by requiring all development that is made assessable under these provisions referred to the chief executive. This provides consistency in the application of regional plan matters for development assessment across the twelve local government areas in SEQ.

Schedule 10, part 16, Division 3 – Material change of use in the RLRPA and RLA – Community activity

Residential care facilities have been added to the community activity group to respond to the need for new and innovative housing models for an ageing population in SEQ. This aligns the use with similar activities that also serve a community need (eg. child care, education establishments, places of worship).

Schedule 10, part 16, Division 5 – Material change of use in the RLRPA and RLA – Residential development

The Planning Regulation in effect prior to the commencement of the amendments allowed residential development to be proposed, however also stated that an MCU for residential development was not able to meet the overriding needs test, and therefore could not be approved in the RLRPA or RLA. The amendment to include these uses as prohibited development is a clearer statement of policy intent and provides certainty for all stakeholders regarding development that is not supported.

Schedule 10, part 16, Division 6 – Material change of use in the RLRPA and RLA – Urban activity (shopping centre)

Shopping centres are prohibited development in the RLRPA and RLA. The Planning Regulation in effect prior to the commencement of the amendments allowed shopping centres to be proposed, however also stated that an MCU for a shopping centre did not meet the overriding needs test and therefore could not be approved in the RLRPA or RLA. The amendment to include this use as prohibited development is a clearer statement of policy intent and provides certainty for all stakeholders regarding development that is not supported.

Schedule 10, part 16, Division 6 – Material change of use in the RLRPA and RLA – Urban activity (prescribed service station)

New provisions have been created for a service station adjacent to a state-controlled road to ensure that heavy vehicle parking and rest areas for motorists can be facilitated. This seeks to ensure adequate rest areas are available for drivers of heavy vehicles and general motorists.

Schedule 10, part 16, Division 6 – Material change of use in the RLRPA and RLA – Urban activity (biotechnology industry)

A new type of urban activity, *biotechnology industry* has been created. This applies to the use of premises for the creation of fuel, chemical, plastics and other materials that relies on the product or waste product from a rural activity or utility installation on the premises or surrounding area.

Assessment requirements are less onerous than for other urban activities as it is acknowledged that it is likely to be associated with a rural use or existing utility.

Schedule 10, part 16, Division 7 – Material change of use - Combined uses

The Planning Regulation in effect prior to the commencement of the amendments provided that proposals involving a combination of activities that were individually below the threshold for assessable development under divisions 2 Tourist or sport and recreation activities, 3 Community activities, 4 Indoor recreation, or 6 Urban activities of Part 16, were not assessable.

New Division 7 makes development for a combination of uses assessable if the combined gross floor area exceeds 5000m^2 or provides accommodation for more than 300 persons and requires referral to the chief executive. These limits do not apply to development that is rural in nature or reasonably associated with a rural activity and is proposed to occur in the RLRPA or RLA.

This does not capture any part of a proposal that is assessable development and subject to referral agency assessment under Divisions 2, 3, 4 and 6 of Part 16 or any part that is otherwise exempt from assessment under Part 16.

Schedule 24 – Dictionary

Amendments include new uses defined for the purposes of Part 15 and 16 and administrative definitions that support the interpretation of these parts.

Regional Plans – Assessment manager assessment and decisions sections 17, 30, 31 and 32.

Amendments clarify that an assessment benchmark in a local categorising instrument may not be inconsistent with an assessment benchmark in a regional plan.

Amendments clarify the matters the assessment manager other than the chief executive must assess against or have regard to, for applications for preliminary approval including variation requests and impact assessable applications.

An assessment manager must consider the regional plan and assess against an assessment benchmark if identified in a regional plan regardless of whether or not the regional plan is identified as being appropriately integrated in the planning scheme.

Other miscellaneous amendments to the Planning Regulation

These amendments to the Planning Regulation:

- prescribe amended Development Assessment Rules and the day the amendment was published on the department's website;
- clarify assessment manager arrangements for wind farms, and provide examples of development considered within the definition of a 'wind farm';
- clarify the referral fee relevant to applications to the Queensland Fire and Emergency Service (QFES);
- clarify that clearing native vegetation in non-tidal boundary watercourse land is captured as assessable development in particular circumstances;
- clarify the urban design trigger such that the exemption from referral applies to all developments that have a preliminary approval, not just preliminary approvals that include a variation approval. The amendments also correct an incorrect reference by replacing 'intensive animal industry' with 'intensive animal husbandry';
- clarify chief executive referral fees for development assessment—
    - update a referral fee that was inadvertently not indexed for 2017-18;
    - remove duplication of fees and process for the assessment of tidal works;
    - refine referral fee for tidal work development from 'private pontoon' to all 'pontoons with a single vessel capacity';
- update the maximum amount for adopted charges for providing truck infrastructure to 2017-18 amounts;
- make various changes to the requirements for publicly accessible documents;
- change requirements for standard planning and development certificates; and
- prescribe the commencement date of the revised State Development Assessment Provisions (SDAP).

Development Assessment Rules

A minor amendment has been made to the Development Assessment Rules (rules) to clarify arrangements for referral agency assessment timeframes, re-notification requirements and other minor administrative amendment matters. The Planning Regulation must prescribe the amended rules for the rules to have effect, and state the day the amendment was published on the department's website.

Provisions for wind farms

Clarification of the assessment manager provisions in the Planning Regulation ensure that the Chief Executive is the assessment manager for wind farms. A drafting oversight omitted the reference to 'wind farm' in section 21(2)(b), which relates only to wind farm assessment manager arrangements. The amendment corrects this oversight.

The Planning Regulation defines the parameters for a wind farm in the Dictionary in Schedule 24. The definition provides that a windfarm includes the use of the premises for particular development, if the use relates to, or is ancillary such as 'a building or structure', a storage area or 'maintenance facility' and 'infrastructure or works' including site access and foundations. The amendments specify that a building or structure includes temporary

worker's accommodation and site offices, and provides examples for a storage area or maintenance facility to include lay down areas.

QFES advice fee

Schedule 9 of the Planning Regulation prescribes a Nil fee for the referral of development applications to QFES for the assessment of fire safety matters, as these fees were not prescribed under the *Sustainable Planning Regulation 2009*. However, QFES fees for the assessment and inspection of various items are applicable under the *Building Fire Safety Regulation 2008*. A note in the Planning Regulation in effect prior to the commencement of the amendments referred applicants to the *Building Fire Safety Regulation 2008* however it did not state that a fee may be applied under this regulation. The amendment ensures an applicant is not confused by the Nil fee stated within the Planning Regulation.

An additional amendment omits reference to the *Building Fire Safety Regulation 2008* in Schedule 10 for development involving a marina as no fee under this regulation applies to the development.

Non-tidal boundary watercourse land

Clearing native vegetation is assessable development under the Planning Regulation (and previously the *Sustainable Planning Regulation 2009*). This assessable development trigger includes a list of tenure types on which vegetation clearing is assessable. On 11 November 2016 an amendment to the *Land Act 1994* inserted a new provision which changed the tenure of non-tidal boundary watercourses and subsequently made development on this land tenure exempt from assessment under some circumstances. The amendment ensures that this clearing of native vegetation within non-tidal boundary watercourses reverts back to being assessable development.

Urban design trigger

A reference to 'intensive animal husbandry' in the urban design trigger in Schedule 10 Part 18 was identified as a drafting error. An amendment replaces the term with 'intensive animal industry' as intended.

The amendments also correct a drafting error in relation to applications that are excluded from referral. The Planning Regulation in effect prior to the commencement of the amendments limited this exclusion to applications that were subject to referral at the preliminary approval stage if the preliminary approval included a variation approval. The amendment provides that the exclusion applies to all developments that have a preliminary approval, not just those that include a variation approval.

Indexation of State transport corridor fee

The Planning Regulation implemented the annual updating of fees and charges based on the Queensland Treasury approved indexation rate for 2017-18 of 3.5%. A drafting oversight meant that one referral fee for an MCU on premises near a State transport corridor or that is a future State transport corridor in Schedule 10 Part 9 was not appropriately indexed as

intended. The amendment replaces the incorrect value of $756.00 with the correctly indexed fee of $782.00.

State transport corridors and State controlled road intersection fee

Under the Planning Regulation, if an application involves referral for the reconfiguring of a lot near a State transport corridor (Schedule 10, Part 9, Division 4, table 1) together with a referral for the reconfiguring of a lot near a State controlled road intersection (Schedule 10, Part 9, Division 4, table 3), only the referral fee under table 1 is applicable. An amendment clarifies that a Nil fee applies if the development also triggers referral under table 1.

Coastal referral trigger

The Chief Executive, State Assessment and Referral Agency (SARA) is a referral agency for coastal applications if the local government is the assessment manager. On occasion, SARA is the assessment manager instead of the local government. To remove duplication of SARA's role in development assessment for these matters, an amendment to Schedule 10 Part 17 clarifies that SARA is a referral agency for an application only if SARA is not already the prescribed assessment manager for the application.

A further amendment to Schedule 10 Part 17 also clarifies that SARA's referral fee applies to an application for any pontoon with a single vessel capacity, not just private pontoons.

Schedule 16 Prescribed amount for infrastructure charges

The amendments to Schedule 16 Prescribed amount, prescribe the maximum amount for adopted charges for the 2017-18 financial year for providing trunk infrastructure, in accordance with the *Planning Act 2016*, section 112.

Schedule 22 Publicly accessible documents

A number of amendments to the Planning Regulation, Schedule 22 (Publicly accessible documents) ensure requirements under the repealed *Sustainable Planning Act 2009* (SPA) are transitioned as intended.

Under the planning framework, a person may request that a superseded planning scheme apply to the assessment of proposed development. The SPA required the Local Government to keep the notice of the request available for public inspection and purchase from when the Local Government receives it until the request is decided. The amendment reinstates this requirement.

The SPA also required that the Chief Executive must keep available for inspection and purchase any notice of a proceeding in the Planning and Environment Court that is given to the Chief Executive. The requirement to give the Chief Executive a notice has transitioned to the *Planning and Environment Court Act 2016* as a transitional provision and will be incorporated into the Planning and Environment Court Rules when these are made. The amendment reinstates the requirement to keep such notices publicly available.

An amendment to also clarifies that the chief executive must keep available for inspection and purchase any proposed call-in notice only until the Minister gives the call-in notice or decides not to call-in a development application.

Schedule 23 Planning and development certificates

An amendment to Schedule 23 clarifies the information that must be included or accompany standard and full planning and development certificates. The amendment captures details of changes made to any condition of a rezoning approval made under the repealed *Local Government (Planning and Environment) Act 1990* (LGP&E Act). This amendment ensures details of any change to rezoning approval conditions are provided in a standard and full planning and development certificate, and complement the requirement to include details of any conditions of an approval to amend the planning scheme under the repealed LGP&E Act.

State Development Assessment Provisions

The State Development Assessment Provisions (SDAP) have been amended to ensure the correct interpretation of environmental offset requirements for development proposed within the Port of Brisbane land use plan area. The amendment updates the definition of 'State Development Assessment Provisions' in Schedule 24 to refer to the updated version approved by the Minister.

Amendments to the Regional Planning Interests Regulation 2014

The *Planning (Consequential) and Other Legislation Amendment Regulation 2017* made consequential amendments to the *Regional Planning Interests Regulation 2014*, for consistency with commencement of the new planning framework under the *Planning Act 2016*. The definition for 'Cape York strategic environmental area' was amended as part of these consequential amendments, however a drafting error resulted in the definition identifying the whole of the Cape York region as the Cape York strategic environmental area, rather than the strategic environmental area identified in the regional plan for the Cape York region. Despite the error, there was no intent to change the area identified as the strategic environmental area in the regional plan for the Cape York region.

Importantly, the meaning of 'strategic environmental area' in section 11(1)(b)(i) of the *Regional Planning Interests Act 2014*, as an area shown on a map in a regional plan as a strategic environmental area, prevails over the definition in the Regulation. This ensures that no person would be adversely impacted by the unintended error in the Regulation.

An amendment corrects this error and ensures the definition identifies the correct area.

Fees for the referral and assessment of development within strategic cropping land areas are prescribed within the *Regional Planning Interests Regulation 2014.* The amendments provide for the annual indexation of Strategic Cropping Land mitigation values under section 16 and application fees under Schedule 4. The amendments apply the Queensland Treasury approved annual indexation rate of 3.5% to these values and fees for 2017-18.

Amendments to the *Local Government (De-amalgamation Implementation) Regulation 2013*

These amendments correct references to the 'Planning Act' in the *Local Government (De-amalgamation Implementation) Regulation 2013* to clarify that the Act referred to is the *Sustainable Planning Act 2009*, not the *Sustainable Planning Act 2016*.

Achievement of policy objectives

Specific policy objectives to support the implementation of *ShapingSEQ* will be achieved by—

SEQ Development Areas – Schedule 10, Part 15 and section 41

Amendments provide further clarification on what is meant by future planning intent for SEQ Development areas. Section 41 of the Planning Regulation is amended to state that a referral agency may decide an application is consistent with the future planning intent for the area if a development application:

- is consistent with the policy outcomes for the area stated in *ShapingSEQ* or a gazette notice;
- does not adversely affect the orderly and efficient delivery of infrastructure;
- integrates with the land use of the surrounding area; and
- avoids areas subject to natural hazards.

Material change of use in the RLRPA and RLA – sections 41A and 41B

Schedule 10, Part 16 prescribes applications for an MCU in the RLRPA or RLA that require impact assessment and referral to the chief executive. Where referral is required for urban activities, residential care facilities or indoor recreation, assessment requires a determination if the development is required to be outside the SEQ urban footprint or if there is an overriding need, in the public interest, for the development to be carried out.

New sections 41A and 41B address uncertainties in the interpretation of these concepts and remove duplication.

Section 41A sets out requirements for a development application to determine if the proposed development application is required to be outside the SEQ urban footprint.

Section 41B ensures that any potential social, economic or environmental benefits of development should outweigh any impacts listed in table 11 of *ShapingSEQ*, including; regional biodiversity values, the regional biodiversity network, and natural economic resource areas.

Part 16, generally – where development is assessable and requires referral agency assessment, Matters referral agency's assessment must be against

In addition to the changes made for new sections 41A and 41B above, amendments are made to the relevant tables in Part 16 for referral agency assessment. The matters that a referral agency's assessment must be against have been updated as outlined below.

The new or changed provisions require that the referral agency determine that the development demonstrates that:

- there is a community and economic need for the use;
- the provision of the infrastructure is practical and economically feasible having regard to the location and characteristics of the premises;
- the use avoids adversely impacting on a thing mentioned under the heading 'regional biodiversity network' or 'natural economic resource areas' in the SEQ regional plan, table 11 or, if the adverse impacts cannot be avoided, the adverse impacts are minimised; and
- the use is consistent with the SEQ regional plan, including the goals, elements and strategies stated in the plan.

Part 16, Division 2 – Material change of use in the RLRPA and RLA – Tourist activity or sport and recreation activity

Large scale tourist and sport and recreation activities are required to be referred to the chief executive for assessment, in order to ensure inappropriate development is avoided.

The key difference compared to the previous arrangements for the assessment of these matters is that the matters will be assessed by the chief executive as the referral agency rather than the local government as the assessment manager.

Part 16, Division 3 – Material change of use in the RLRPA and RLA – Community activity

Residential care facilities have been added to the community activity group to respond to the need for new and innovative housing models for an ageing population in SEQ. This aligns this use with similar activities that also serve a community need (eg. child care, education establishments, places of worship).

Residential care facilities with a gross floor area up to 5,000m^2 may be proposed, but will still need to demonstrate that they are reasonably required to be located outside the urban footprint under new section 41A. The assessment of these uses against section 41A allows for these facilities to be nearby the urban footprint in small rural towns and facilitate innovative solutions. Other matters that a referral agency's assessment must be against for community activities generally, will also apply. The provisions ensure that residential care facilities over 5,000m^2 in these areas are prohibited development.

Part 16, Division 5 – Material change of use in the RLRPA and RLA – Residential development

The amendment to include these uses as prohibited development is a clearer statement of policy intent and provides certainty for all stakeholders regarding development that is not supported in these areas.

Residential development is prohibited in the RLRPA and RLA. Exemptions are provided for a dwelling house, dwelling unit, caretaker's residence or dual occupancy where on a single lot. Short-term accommodation or worker's accommodation is not considered residential development.

Part 16, Division 6 – Material change of use in the RLRPA and RLA – Urban activity (shopping centre)

Shopping centres are identified as an urban activity and are prohibited development in the RLRPA and RLA. Prior to the amendment to the Planning Regulation, shopping centres could be proposed in these areas, however the Planning Regulation also stated that a MCU for a shopping centre did not meet the overriding needs test and therefore could not be approved in the RLRPA or RLA. The amendment to prescribe this use as prohibited development is a clearer statement of policy intent and provides certainty for all stakeholders regarding development that is not supported.

Part 16, Division 6 – Material change of use in the RLRPA and RLA – Urban activity (prescribed service station)

New provisions and a new definition have been created for a prescribed service station that is adjacent to a state-controlled road to ensure that heavy vehicle parking and rest areas for motorists can be facilitated. This also ensures adequate rest areas are available for drivers of heavy vehicles and for general motorists.

The size of the outdoor area for a prescribed service station is not a consideration in determining whether it is assessable development. Any use of the outdoor area for use that is not for a prescribed service station may be regulated as an urban activity. Only the gross floor area is a consideration in determining whether the development is assessable under Part 16. It is possible that there may be locations outside the urban footprint where a prescribed service station with a large GFA may be required. However, the proposal will need to demonstrate a clear locational requirement and overriding need in the public interest for such development to be proposed in these areas.

The prescribed service station definition differs from a service station in that it is within 25m of a state-controlled road, any retail activity must be indoors, heavy vehicle parking can be for no more than 20 hours (cannot be a transport depot) and can include a rest area.

Part 16, Division 6 – Material change of use in the RLRPA and RLA – Urban activity (biotechnology industry)

A new type of urban activity, *biotechnology industry* has been created. This applies to the use of premises for the creation of fuel, chemical, plastics and other materials that relies on the product or waste product from a rural activity or utility installation on the premises or surrounding area.

This class of urban activity must provide a justification of locational need to be outside the urban footprint but does not need to demonstrate there is an overriding need in the public interest for the development.

Part 16, Division 7 – Material change of use - Combined uses

Division 7 regulates proposals that combine 2 or more uses by setting an upper limit for gross floor area and capacity of short-term accommodation for development that is not rural in

nature or reasonably associated with a rural activity and is proposed to occur in the RLRPA or RLA.

The provisions have been simplified and no longer use the previous tiered approach that triggers assessment ranging from 1,250m^2 up to 5,000m^2. A catch-all limit of 5,000m^2 gross floor area and accommodation for up to 300 persons has been set for proposals that seek to apply for a combination of uses just below the thresholds across divisions of Part 16 that add up to significant agglomerations of development on one premises.

Schedule 24 – Dictionary

New or changed definitions give effect to the above amendments. These include new uses defined for the purposes of Part 16 or administrative definitions for the following:

- associated primary industry activity
- biotechnology industry
- excluded development
- exempt material change of use
- exempt subdivision
- residential development
- rural activity, and
- prescribed service station.

Other minor administrative changes have been made to various definitions to clarify the intent of terms used in the Planning Regulation. This includes changes to the definitions for:

- community activity
- indoor recreation
- outdoor area
- regulatory maps
- SEQ development area
- SEQ rural enterprise precinct
- sport and recreation activity, and
- tourist activity.

Regional Plans – Assessment manager assessment and decisions sections 17, 30, 31 and 32

Sections of the Planning Regulation that prescribe matters that an assessment manager other than the chief executive must assess against, or have regard to, are amended to address particular applications. These include applications for preliminary approval involving variation requests or impact assessable applications. An assessment manager must consider the regional plan and assess against an assessment benchmark identified in a regional plan regardless of whether or not the regional plan is identified as being appropriately integrated in the planning scheme.

The amendments ensure that even if a planning scheme has been determined by the Minister as appropriately integrating the regional plan, the regional plan must be considered where a variation to the effect of that planning scheme is requested or an impact assessable application is lodged. This reduces the risk of the regional plan being undermined and maintains consistency with the *Planning Act 2016* section 8(4)(b) which states that to the extent of any inconsistency, a regional plan applies instead of a local planning instrument.

The policy objectives of other miscellaneous amendments to the Planning Regulation are generally achieved by –

- prescribing the amended Development Assessment Rules;
- correcting omissions and drafting errors discovered following the commencement of the Planning Regulation on 3 July 2017;
- clarifying fees that may be applicable to applicants under the *Building Fire Safety Regulation 2008*;
- ensuring an unintended consequence of amendments made to the *Land Act 1994* in 2016 are rectified and clearing of native vegetation on non-tidal boundary watercourse areas is captured as intended;
- creating operational efficiencies for SARA by improving the clarity of referral triggers, fees and definitions relating to the assessment of development by the chief executive;
- removing duplication of fees and process for development assessed by the chief executive for tidal works;
- refining referral fee for tidal work development applications involving pontoons with a single vessel capacity;
- indexation to 2017-18 amounts for the maximum amount for adopted charges for the provision of trunk infrastructure;
- the transition of requirements for the provision of publicly accessible documents from the *Sustainable Planning Regulation 2009* to the Planning Regulation;
- capturing *Planning Act 2016* requirements to ensure local governments provide the necessary information for any standard and full planning and development certificate requests;
- prescribing a new version of the State development assessment provisions made by the Minister.

Policy objectives are also achieved in amendments to the *Regional Planning Interests Regulation 2014* by ensuring the intent of provisions identifying the Cape York strategic environmental area apply, and the 2017-18 annual indexation of prescribed values and application fees.

The policy objective is achieved by amending the *Local Government (De-amalgamation Implementation) Regulation 2013* to replace correct references to the *Sustainable Planning Act 2016* with the *Sustainable Planning Act 2009'*.

Consistency with policy objectives of authorising law

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

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

There is no alternative way to achieve the policy objectives other than the Amending Regulation.

Benefits and costs of implementation

The benefits and costs of implementing the amendments are not significantly different from the benefits and costs of implementing the Planning Regulation in effect prior to the amendments commencing, which incorporated the regulatory provisions of the repealed SPRP.

The amendments provide an overall positive impact for local government, industry, the community and state agencies by providing certainty where there was previously an implied prohibition on certain types of development (eg. residential development and shopping centres). New provisions have been created for industrial biotechnology, prescribed service stations and residential care facilities. The amendments also reduce regulatory impact by removing unnecessary assessment.

Fees for the assessment of development applications by the chief executive are simplified by the amendments and duplications removed where the chief executive may have jurisdiction as both the assessment manager and as a referral agency. In addition, the amendments clarify when a Nil fee applies to development applications, reducing costs and giving certainty for applicants.

Consistency with fundamental legislative principles

The Amendment Regulation is not inconsistent with fundamental legislative principles.

Consultation

The Queensland Productivity Commission has been consulted in relation to the need for a Preliminary Impact Assessment or Regulatory Impact Statement for all matters.

ShapingSEQ and the amendments to the Planning Regulation in the form of a draft State planning regulatory provision (draft SPRP) were released for statutory public consultation between 20 October 2016 and 3 March 2017.

Regular working group meetings also continued during and after the consultation period. These (approximately) monthly meetings included: Local government, State agency, Industry, and Environment and Community reference groups.

The published consultation report for *ShapingSEQ* details the issues raised during the consultation period, and how these issues were addressed.