

Planning Legislation (Fees and Other Amounts) Amendment Regulation 2021

Explanatory notes for SL 2021 No. 78

made under the

Planning Act 2016

Regional Planning Interests Act 2014

General Outline

Short title

Planning Legislation (Fees and Other Amounts) Amendment Regulation 2021

Authorising law

Section 112(1), 237(4)(b) and 284 of the *Planning Act 2016* and section 95 of the *Regional Planning Interests Act 2014*.

Policy objectives and the reasons for them

Amendments to the *Planning Regulation 2017* (Planning Regulation)

The objective of the amendments to the Planning Regulation is to update the fees charged as part of the assessment of development applications and tribunal proceedings, and prescribed amounts charged by local governments with Local Government Infrastructure Plans, to reflect annual indexation increases.

Amendments to the *Regional Planning Interests Regulation 2014* (RPI Regulation)

The objective of the amendment to the RPI Regulation is to update the assessment application fees and amounts used to calculate the mitigation value to reflect annual indexation increases.

Achievement of policy objectives

Amendments to the Planning Regulation

Amendments to sections 33-38 and Schedules 9, 10, 15 and 17 updates the fees charged by the State Assessment and Referral Agency in line with the government indexation rate of 1.7 per cent for the 2021-2022 financial year.

Prescribed amounts under Schedule 16 of the Planning Regulation are indexed against the 3-yearly moving average quarterly percentage increase in the producer price index

(PPI), which is defined in the *Planning Act 2016* (Planning Act) as the PPI for construction 6427.0 (ABS PPI) index number 3101—Road and Bridge construction index for Queensland published by the Australian Bureau of Statistics.

It is proposed to amend the prescribed amounts at Schedule 16 of the Planning Regulation in line with the PPI defined in the Planning Act. For 2021-2022 this is 1.49 percent.

Amendments to the RPI Regulation

The RPI Regulation contains assessment application fees (Schedule 4) and the mitigation values for strategic cropping land (part 6, section 16).

It is proposed to amend the assessment application fees and mitigation values to reflect the 1.7 per cent Government indexation rate for the 2021-2022 financial year.

Consistency with policy objectives of authorising law

The *Planning Legislation (Fees and Other Amounts) Amendment Regulation 2021* (Amendment Regulation) is consistent with the purposes of the Planning Act and the *Regional Planning Interests Act 2014* (RPI Act).

The purpose of the Planning Act is to establish an efficient, effective, transparent, integrated, coordinated, and accountable system of land use planning (planning), development assessment and related matters that facilitates the achievement of ecological sustainability (Planning Act, section 3).

Increasing the fees charged by the State Assessment and Referral Agency in line with the government indexation rate, and the prescribed amounts in line with the PPI, is consistent with ensuring the ongoing operation of an efficient, effective, transparent, integrated, coordinated, and accountable system of land use planning, including development assessment.

The purpose of the RPI Act provides for a transparent and accountable process for the impact of proposed resource activities and regulated activities on areas of regional interest to be assessed and managed (RPI Act (section 3(2))).

Increasing the assessment application fees and mitigation values to reflect the government indexation rate is consistent with providing for a transparent and accountable process for the impact of proposed resource activities and regulated activities on areas of regional interest to be assessed and managed.

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 Amendment Regulation.

Benefits and costs of implementation

The Amendment Regulation provides the benefits of updated fees and other amounts that are indexed appropriately.

No costs are anticipated to occur due to the implementation of Amendment Regulation.

Consistency with fundamental legislative principles

The Amendment Regulation is consistent with fundamental legislative principles of the *Legislative Standards Act 1992*.

Consultation

The proposal to update fees and other amounts to reflect indexation rates for the 2021-2022 financial year is excluded from the Regulatory Impact Analysis system (agency assessed) under category (h) - Regulatory proposals that put forward standard annual fees variations in line with or below a government endorsed indexation factor. Accordingly, no consultation with the Office of Best Practice Regulation is required for the Amendment Regulation.