

Impact Analysis Statement template

A Summary Impact Analysis Statement (IAS) must be completed for all regulatory proposals. A Full IAS (see Box 1) must also be completed and attached for proposals that have significant impacts. Once completed, the IAS must be published.

Summary IAS

Details

Lead department	Department of State Development, Infrastructure, Local Government, and Planning (the department)
Name of the proposal	Planning (South East Queensland Regulatory Provisions) Amendment Regulation 2023
Submission type (<i>Summary IAS / Consultation IAS / Decision IAS</i>)	Summary IAS
Title of related legislative or regulatory instrument	Planning Act 2016 and Planning Regulation 2017
Date	7 December 2023

Minor or Machinery Proposals

The following proposals are considered minor or machinery in nature and intended to streamline existing requirements and do not increase costs or regulatory burden on business, government or the community and is not subject to RIA requirements under the Better Regulation Policy.

Proposal type	Details
SEQ Significant Tourist Activity Area	<p>Amendments to the <i>Planning Regulation 2017</i> (Planning Regulation), Schedule 10, Part 16 for Significant tourist activity area in the South East Queensland (SEQ) Regional Landscape and Rural Production Area (RLRPA) and the Rural Living Area (RLA)</p> <p>The proposed change for SEQ Significant Tourist Activity Areas aligns with the following factors that exclude it from regulatory impact analysis requirements of the Better Regulation Policy. The change:</p> <ol style="list-style-type: none">1. supports the continued operation and development of an existing state significant tourist activity (Australia Zoo) that is a major economic driver for the SEQ region;2. does not introduce a new regulatory requirement, but rather focuses on streamlining the assessment for what is considered a consistent activity within an established tourist use on the site;3. does not alter any of the other existing State referral assessment requirements for development applications for a significant tourist activity to consider and manage potential impacts;4. will be supported by the identification of a SEQ Significant Tourist Activity Area by gazettal and will be identified on the department's development assessment mapping system (information only layer) published on the Department of State Development, Infrastructure, Local Government and Planning's (DSDILGP) website; and5. primarily affects the department's internal processes and accounts.
Transport depots	<p>Amendments to the <i>Planning Regulation</i>, Schedule 10, Part 16 for Transport depot in the SEQ RLRPA and the RLA</p> <p>The proposed changes for transport depots align with the following factors that exclude it from regulatory impact analysis under the Better Regulation Policy. The change:</p>

	<ol style="list-style-type: none"> 1. recognises that transport depots are currently captured and assessed under section 27F of the Planning Regulation as ‘another urban activity’ and the provisions under this section have inadvertently restricted this use, resulting in an unnecessary over-regulation of this activity; 2. allows for the continuation of transport depots in the RLRPA 3. reduces the number of referable applications (removes regulatory burden) by increasing the outdoor area threshold (from 1500 to 4000m²) for referral to DSDILGP; 4. ensures closer alignment of the impact of these uses in the RLRPA; and 5. primarily affects DSDILGP’s internal processes and accounts.
<p>Function facility</p>	<p>Amendments to the Planning Regulation, Schedule 10, Part 16 for Function facility in the SEQ RLRPA and the RLA</p> <p>The proposed changes for a function facility align with the following factors that exclude it from regulatory impact analysis under the Better Regulation Policy. The change:</p> <ol style="list-style-type: none"> 1. recognises that a function facility is currently captured and assessed under section 27F of the Planning Regulation as ‘another urban activity.’ However, development applications have demonstrated that a standalone function facility can be considered as a reasonable use within the RLRPA in certain circumstances; 2. relocating the definition of function facilities within the RLRPA into the category of ‘Indoor Recreation’ ensures closer alignment with the impact of these uses in the RLRPA; 3. reduces the number of referable applications (removes regulatory burden) by increasing the gross floor area threshold (800m² to 3000m²) and removing the outdoor area threshold entirely for referral to DSDILGP; 4. ensures closer alignment of the impact of these uses in the RLRPA; and 5. primarily affects DSDILGP’s internal processes and accounts.
<p>Rural subdivision precincts</p>	<p>Amendments to the Planning Regulation, Schedule 10, Part 16 for Rural Subdivision precincts in the SEQ RLRPA and the RLA</p> <p>The proposed changes for rural subdivision precincts align with the following factors that exclude it from regulatory impact analysis under the Better Regulation Policy. The change:</p> <ol style="list-style-type: none"> 1. Represents an administrative change – updating and aligning the outcome with current policy processes already provided for under the planning framework; 2. involves moving the policy intent from the Planning Regulation (SEQ regulatory provisions) into the ShapingSEQ policy document; 3. recognises that the policies and directions of regional plans are mainly given effect through local government planning, which is the process of local governments making a new planning scheme or amending an existing planning scheme. The majority of ShapingSEQ 2023 will be delivered through local governments using the regional plan to update policies, mapping and assessment provisions in their planning schemes to align with the regional plan. This process is business as usual (BAU) and will be delivered through existing local government resources and processes, as well as existing State resources in reviewing and coordinating approvals for new or amended planning schemes; and 4. includes transitional provisions for any live development applications that rely on the existing exemption in the Planning Regulation.

Proposals with Some Impacts

Regulatory proposals that have been assessed to have some (but not significant) impacts, and therefore require a summary IAS, include: SEQ development areas, SEQ MEIAs, SEQ NIUB, Combined uses and Indoor Recreation (food and drink).

What is the nature, size and scope of the problem? What are the objectives of government action?

Policy problem and background:

Context

Regional plans are a state planning instrument under the *Planning Act 2016* (Planning Act). The existing South East Queensland (SEQ) Regional Plan 2017 (ShapingSEQ 2017) sets out the integrated regional planning and development assessment policies about matters of State interest for SEQ. ShapingSEQ 2017 includes the 12 local government areas (LGAs) of Brisbane, Gold Coast, Ipswich, Lockyer Valley, Logan, Moreton Bay, Noosa, Redland, Scenic Rim, Somerset, Sunshine Coast and Toowoomba (urban extent).

ShapingSEQ 2017 set a long-term vision for SEQ, as well as the framework to respond to a growing and changing region and to enhance communities in a sustainable way. However, since 2017, the region has experienced unprecedented interstate migration, changes in household composition and significant pressures in the housing market leading to an increased demand for housing.

Queensland is the fastest growing and most decentralised state in Australia, with SEQ alone set to grow by 2.2 million people by 2046 taking us to a region of 6 million. This will require almost 900,000 new homes, an average of 34,500 new homes each year, as well as increased transport accessibility, employment and essential services. The population growth will require over 900,000 new jobs and our industries will need to be competitive as Queensland moves towards decarbonisation. In 2032, Brisbane will welcome the world as it hosts the Olympic and Paralympic Games. Taken together, these factors mean SEQ will continue to have disproportionate demands for infrastructure and services not only to accommodate growth, but also to reshape the infrastructure that underpins Queensland's new and emerging industries.

ShapingSEQ 2023

ShapingSEQ 2023 is an amendment to ShapingSEQ 2017. The review of ShapingSEQ 2017 was announced by the Honourable Anastacia Palaszczuk MP, Premier and Minister for the Olympic and Paralympic Games on the 20 October 2022, as a key outcome of the 2022 Queensland Housing Summit. The scope of the review has been targeted, largely in response to the urgent housing challenges, with large parts of content in ShapingSEQ 2017 retained in ShapingSEQ 2023. The Deputy Premier, Minister for State Development, Infrastructure, Local Government and Planning and Minister Assisting the Premier on Olympic and Paralympic Games Infrastructure has committed to a further review of the regional plan in 2025.

On 16 August 2023, National Cabinet agreed to planning and zoning reforms through the National Planning Reform Blueprint which states and territories must report on twice yearly to demonstrate how dwelling targets are being met to access Commonwealth funding. ShapingSEQ 2023 includes new dwelling supply targets for each local government area, supported by sub-targets that aim to achieve more housing choice (diversity) and encourage the consolidation of new housing in areas that can service it (density). Implementation of key policies and targets to increase dwelling supply in ShapingSEQ 2023 are critical to Queensland achieving the outcomes and targets sought by National Cabinet and the 2022 National Housing Accord.

SEQ regulatory provisions

Regulatory provisions (known as the SEQ regulatory provisions) in the *Planning Regulation 2017* (Planning Regulation) to give effect to policies in ShapingSEQ have also been in place since 2017. The SEQ regulatory provisions play a crucial role in ensuring ShapingSEQ policy is delivered through the development assessment process. They are also used in the preparation or amendment of local government planning instruments, such as planning schemes.

Since 2017, the SEQ regulatory provisions have proven to be robust, without the need for significant amendment however, some amendments are required to align with policy shifts in ShapingSEQ 2023, to respond to housing challenges, and to address feedback from stakeholders on the operation of some provisions. Most of these changes relate to the ongoing protection of the Regional Landscape and Rural Production Area (RLRPA). The RLRPA includes productive rural land, the regional biodiversity network, scenic amenity, and water catchments. The SEQ regulatory provisions prevent urban and rural residential sprawl in the RLRPA to safeguard these important values. Additionally, the SEQ regulatory provisions ensure the protection of areas that may be needed to accommodate future urban growth in the Urban Footprint beyond the planning horizon of ShapingSEQ.

Objectives of government action:

The objectives of government action are to:

- provide a targeted review of key strategies in ShapingSEQ in context of the significant growth and events that have occurred across SEQ since 2017, and to amend the existing 2017 regional plan (ShapingSEQ 2023) based on that review;

- ensure the SEQ regulatory provisions remain effective and responsive to the evolving needs of the region, supporting orderly planning and development, sustainable growth, preserving natural assets, and fostering strong rural communities within SEQ; and
- deliver the Queensland government's commitment from the 2022 Housing Summit and the 2022 National Housing Accord and ensure that critical policies are given regulatory effect in the planning framework from the commencement of ShapingSEQ 2023.

What options were considered?

The three options considered by the Department of State Development, Infrastructure, Local Government and Planning (DSDILGP) were: 1. maintain the status quo; 2. to use other legislative, regulatory or other statutory instruments; or 3. amend ShapingSEQ and the associated the SEQ regulatory provisions in the Planning Regulation.

1. Status quo

Without implementing the proposed regulatory proposals, the status quo would persist, whereby the existing provisions of Planning Regulation will lack the necessary regulatory support to give effect to ShapingSEQ 2023 through the development assessment process, potentially hindering the protection of this land from ad hoc development and incompatible uses (i.e. SEQ Development Areas, SEQ MEIAs and Indoor Recreation) or environmental and rural values (i.e. Indoor Recreation, Combined Uses and SEQ NIUB).

2. Non-regulatory

Non-regulatory alternatives are unavailable in this context, as the regional policy intent would rely on implementation through local government planning schemes that are not yet aligned to ShapingSEQ and effective State assessment of these types of development. As a non-regulatory option is not considered feasible, no impact analysis on this option has been undertaken.

3. Regulation

The Planning Act and the Planning Regulation authorise the making of regional plans that set out integrated planning and development policies about matters of State interest for particular regions of the State.

The *Planning (SEQ Regulatory Provisions) Amendment Regulation 2023* (the Amendment Regulation) is 'subordinate legislation' under the Planning Act and refers to a statutory instrument that is classified as subordinate legislation under that Act.

For each regulatory proposal, the department considered stakeholder feedback, operational experience and undertook technical analysis in considering options to inform regulatory provisions that align with the policy intent of ShapingSEQ 2023. The options considered in developing each regulatory proposal contained in the Amendment Regulation are outlined below.

SEQ Development Areas (SEQ development areas)

Schedule 10, Part 15 of the Planning Regulation currently encompasses the prescribed regulatory provisions for SEQ development areas. These provisions serve the purpose of restricting further development, including subdivision activities, in order to safeguard against premature or ad-hoc development that could compromise the area before its future planning intent has been fully established. Premature or ad hoc development may allow incompatible land uses that prevent the development of the area as intended by ShapingSEQ and lead to inefficient and inequitable delivery of infrastructure. The controls proposed are need to ensure that the identification of new development areas 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. In ShapingSEQ 2017, Beerwah East was the only designated Major development area and is located in the Urban Footprint.

The draft ShapingSEQ 2023 Update that was released for public consultation included the proposal to amend the existing SEQ development area provisions (and associated referral agency requirements and exemptions) to accommodate additional Major development areas for future residential and employment land supply, and to safeguard against premature or ad-hoc development that could compromise the area before its future planning intent has been fully established.

Options considered by DSDILGP in drafting the SEQ development areas regulatory provisions included:

- maintain the status quo (relying on existing SEQ regulatory provisions);
- undertake a review of the existing SEQ regulatory provision assessment requirements against the planning intent;
- introduce a prohibition for development that would comprise the future planning intent; and
- determine development that would be exempt from these regulatory provisions.

Following review of submissions, additions to the Urban Footprint have been included in the final ShapingSEQ 2023, an update to the purpose of the existing Major development areas and subsequent rename to SEQ Development Areas, and addition of new SEQ development areas. ShapingSEQ 2023 also clarifies that if SEQ development areas are required to accommodate urban growth (residential and employment land supply) in the future, these areas would be required to undergo detailed structure planning to respond to the local context and may have regulatory provisions through the Planning Regulation or another framework applied, such as a local government planning scheme or amendment or a Priority Development Area (PDA), to prevent development occurring before the detailed planning has taken place.

To respond to these policy changes in ShapingSEQ 2023, the preferred option is to introduce regulatory provisions for SEQ development areas to provide additional protection to new Urban Footprint from premature development, before detailed land use and infrastructure planning is undertaken and development aligns with the future planning intent for the area.

To recognise the diversity of SEQ development areas now identified in ShapingSEQ 2023 two categories (Categories 1 and 2) of regulation have been identified that cover multiple options. The prohibition for Category 1 SEQ Development Areas (new SEQ Development Areas) as an interim measure until the completion of this detailed planning has taken place which would remove the prohibition. Some types of low-intensity development, unlikely to compromise future land use and infrastructure planning are excluded from the prohibition. Exclusions have also been provided to recognise development rights exercised before the closure of the public consultation on the draft ShapingSEQ 2023 Update (20 September 2023) under existing development approvals or existing development permits. The regulatory provisions that are to apply to Category 2 SEQ development areas (Beerwah East) remain unaltered from the existing SEQ regulatory provisions.

Major Enterprise and Industrial Areas (MEIA)

ShapingSEQ 2023 identifies that SEQ MEIAs are to be safeguarded so there is no loss of industrial land, whilst recognising the unique role each MEIA across the region fulfils. It guides compatible development around industrial areas so as not to jeopardise the future development and operation of critical industrial land uses within SEQ MEIAs.

Future industrial land supply shortfalls will result in increased land prices for remaining industrial land, leading to new businesses having an incentive to locate outside of SEQ, and any existing lower-value, land-expansive industrial uses seeking to move to other regions or states. This will impact the ability for projected employment increases for SEQ to materialise, and may also impact supply chains with broader economic impacts.

Regionally significant industrial locations in MEIAs must be safeguarded to ensure there is no loss of this industrial land to ensure ongoing supply over the next 25 years. These areas are not easily replaced, so development in these areas must be compatible with their role and function so as not to jeopardise the future development and operation of critical industrial land uses within SEQ.

ShapingSEQ 2023 strengthens the planning and protection for all 41 SEQ MEIAs across SEQ and includes the involvement of stakeholders in preparing a Regional Industrial Land Strategy (RILS) as an implementation action.

A “no loss” of industrial land in SEQ MEIAs for accommodation activity (other than those which facilitate its operation) is proposed in order to reduce impacts felt by the exhaustion of industrial land supply in the local government areas across the region.

Options considered by the department in drafting the SEQ MEIA regulatory provisions included:

- maintain the status quo (relying on policy contained in ShapingSEQ 2023 for SEQ MEIAs and not introduce new regulatory protections);
- identify a set of zones that the regulations would apply to and calibrate inconsistent uses against SEQ MEIA policy, setting up prohibitions on inconsistent uses; and
- identify a set of zones that the regulations would apply to and fully outline consistent and inconsistent uses against SEQ MEIA policy, creating a detailed set of provisions for assessment.

Broadly, local government feedback obtained during the consultation period and subsequent meetings has identified support for the idea of increased protection for industrial land and noted that each MEIA is unique across the region. However, concerns were raised over providing detailed regulatory provisions in the absence of a completed RILS. In response to stakeholder feedback, the Amendment Regulation remains largely unaltered from the ShapingSEQ 2023 Update Amendment Regulation consultation discussion paper (proposed amendment consultation paper).

The preferred option is to introduce a prohibition for material change of use applications for certain accommodation activities that are located in an industry zone in an SEQ MEIA. This prohibition is an interim measure and exclusions have been provided for caretaker’s accommodation as this use is compatible with the intent of the SEQ MEIAs and for development rights exercised before the closure of the public consultation on the draft ShapingSEQ 2023 Update (20 September 2023) under existing development approvals or existing development permits. This is supported by new mapped cadastral boundaries for SEQ MEIAs that target Industrial land in industry zones in SEQ.

Northern Inter Urban Break (NIUB)

'Inter-urban breaks', as areas separating major urban development areas, have been government policy for SEQ since the introduction of the first statutory regional plan in 2005.

In the SEQRP 2009–2031, policies sought protection of, but did not map, a major regional inter-urban break between the Sunshine Coast and Greater Brisbane to preserve the distinctive character and identity of the Sunshine Coast and its many communities.

The NIUB has been identified in ShapingSEQ since 2017, as an area that provides open space, amenity and other non-urban landscape values. The NIUB was mapped as an indicative area and ShapingSEQ included an implementation action to determine the extent of the NIUB and identify additional means of securing it for the long-term.

The 2020 Queensland Government Election Commitment was 'to work with Sunshine Coast and Moreton Bay councils to determine the extent of the NIUB and, once established, progress legislation to ensure its long-term protection'.

Between 2017 and 2021 the NIUB Reference Group was established, which includes representatives from the Moreton Bay Regional Council, Sunshine Coast Council and various State Government agencies.

DSDILGP undertook a cumulative impact assessment to provide a series of informed options and outcomes for consideration by the NIUB Reference Group, with regard to:

- an appropriate boundary for the NIUB;
- appropriate protection and management mechanisms; and
- approaches to future land uses within the NIUB.

The NIUB Cumulative impact assessment analysis and recommendations report was completed in November 2020 and in-principle agreement on the proposed NIUB area was obtained from the NIUB Reference Group in October 2021.

The draft ShapingSEQ 2023 Update that was released for public consultation included a mapped cadastral boundary for the NIUB, identified a set of values taken from the NIUB Reference Group work within the regional plan and was supported by the proposed amendment consultation paper outlining the policy intent to regulate development to protect the NIUB values.

Options considered by DSDILGP in drafting the NIUB regulatory proposal included:

- maintain the status quo (rely on policy contained in ShapingSEQ 2023 and existing RLRPA provisions);
- introduce a blanket threshold for development of 800m² for all urban development and utilise the existing locational and overriding needs tests; or
- customised threshold for uses that aligned with the values of the SEQ NIUB and tailored tests.

Feedback from submissions and local government meetings indicated general support for the strengthened planning intent and need for regulatory controls over the SEQ NIUB. However, local governments had differing positions on the drafting approach for the assessment benchmarks, thresholds and uses contained within the regulatory provisions.

In response to stakeholder feedback, the preferred option was to incorporate custom thresholds for specific uses within the SEQ NIUB. This approach allows for the appropriate regulation of size and scale for activities and by tailoring the regulations to these specific activities, to address the unique needs and characteristics of each within the SEQ NIUB. This approach aims to strike a balance between preserving the SEQ NIUB's distinctive character and accommodating these activities in a way that aligns with the region's goals as outlined in ShapingSEQ 2023.

Combined uses

The Combined uses provisions provide additional tests for development where multiple activities outlined in each of the divisions within the SEQ regulatory provisions take place on the same site. Presently, the regulations lack explicit restrictions preventing the assessment of multiple urban activities, triggered individually on a single site.

The intent is to realign the existing regulation with the intent of the policy outcome for the RLRPA. This modification is essential to prevent the unintentional creation of further complications stemming from the introduction of additional sections within the urban activity division.

No other options were considered by the department for Combined uses as this was the clearest approach to address the issue.

Indoor Recreation (food and drink)

The current inclusion of 'a food and drink outlet' within the 'Indoor recreation' definition of the Planning Regulation has resulted in unintended consequences in development applications, allowing for the establishment of large-scale food and drink outlets in locations within the RLRPA that do not align with the policy intent of ShapingSEQ. Many food and drink outlets that have been established in the RLRPA since the commencement of the SEQ regulatory provisions have demonstrated impacts on productive rural land, the regional biodiversity network including habitat linkages, scenic amenity, as well as undermining the ShapingSEQ policy goal to ensure a consolidated settlement pattern for SEQ and the importance of the efficiency of infrastructure networks.

Options considered by DSDILGP in drafting the Indoor Recreation (food and drink) regulatory proposal included:

- locating the 'a food and drink' component of the Indoor Recreation definition in one of the other Divisions within the SEQ regulatory provisions; or
- removing the 'a food and drink' component from the Indoor Recreation definition

The preferred option was to remove 'a food and drink' component from the Indoor Recreation definition. By doing so this particular form of urban development will now be subject to a more appropriate development assessment comparable to its impact within the RLRPA to reflect the policy intent of ShapingSEQ 2023. It is important to note that other forms of Indoor Recreation can still include an ancillary component of a food and drink outlet if it remains within an appropriate size and scale anticipated for this use in the RLRPA. This policy intent was outlined in the proposed amendment consultation paper. One submission in support of this regulatory proposal was received.

What are the impacts?

ShapingSEQ 2023 sets out integrated planning and development assessment policies about matters of state interest for the SEQ region that provides contemporary regional land use planning direction to achieve a growth pattern for the region that does not undermine the region's lifestyle or sustainability. This planning direction will then be given effect through the existing development/activity assessment processes under the Planning Act and the *Regional Planning Interests Act 2014* (RPI Act).

The integrated nature of this direction (through ShapingSEQ 2023 and the Amendment Regulation) to achieve regional transformation cannot be practically quantified at scales that allow direct correlations between the benefits sought and the costs incurred through the changes in statutory policy and regulation. However, the costs of not seeking to achieve this future would be expected to substantially outweigh any incurred costs, and a summary of the expected benefit and impact absorption areas is provided below:

Benefits:

State intervention through the Amendment Regulation provides a range of benefits to local and state governments, landholders, the development industry and the community by:

- providing certainty to government, development industry and the community by exercising existing legislative framework and tools to integrate state and regional interests in planning schemes and development assessment;
- giving regulatory effect to policies of ShapingSEQ 2023 through the Planning Regulation at the commencement of the plan to ensure the protection of the RLRPA values and areas that may be needed to accommodate future urban growth, industrial supply or employment;
- providing certainty to landowners and the development industry about the categories of development and assessment requirements relevant to implement the policy intent of ShapingSEQ 2023 through the Planning Regulation;
- improving the clarity and operational effectiveness of the existing SEQ regulatory provisions and new provisions drafted in a way that can best align with the existing format of the Planning Regulation;
- providing certainty to the development industry, landowners and the community regarding what land uses and infrastructure are intended to occur, to meet growth and community needs;
- removing unnecessary departmental referrals and associated fees for significant tourist activities;
- the introduction of new state referral trigger for the SEQ NIUB to provide greater protections from incompatible development and assistance in resolving complex matters between levels of government and providing protection for an area with significant natural, social and cultural significance to the community;
- protecting important landscape, character and cultural heritage values in the SEQ NIUB and in the RLRPA and RLA; and
- safeguarding land in SEQ development areas and SEQ MEIAs to the extent necessary from incompatible and out-of-sequence development in significant growth, employment and industrial areas.

Impacts:

The policies and directions of regional plans are mainly given effect through local government planning, which is the process of local governments making a new planning scheme or amending an existing planning scheme. The majority of ShapingSEQ 2023 will be delivered through local governments using the regional plan to update policies, mapping and assessment provisions in their planning schemes to align with the regional plan. This process is BAU and will be delivered through existing local government resources and processes, as well as existing State resources in reviewing and coordinating approvals for new or amended planning schemes.

State government:

DSDILGP as the primary entity responsible for the state agency referral assessment of development applications triggered by the Amendment Regulation would experience an impact. Costs associated with the introduction of new technical agency referral requirements are intended to be met within existing budget and resources. No changes are proposed to existing planning framework for the enforcement of development offences.

The impacts beyond this would be difficult to quantify further, as they would depend on the nature and scale of potential new development applications that may now be captured by the reduction in the thresholds under the Amendment Regulation. Additionally, this would be counterbalanced by the opportunity cost associated with the amendments that reduce regulation for transport depots and function facilities in the RLPRA, which are currently generating unnecessary applications and associated assessment fees for technical assessments.

For the SEQ development areas, impacts cannot be definitely determined due to differing sizes of the areas, constraints and level of existing infrastructure planning. State-led planning for Priority Development Areas and/or Coordinated Projects by DSDILGP would be prepared within the timeframes outlined in the relevant Acts. The Land Supply and Development Monitoring (LSDM) reporting under ShapingSEQ 2023 will provide a critical component of performance monitoring to support the implementation of the plan and provide annual check in points of any signals of pressure on availability and affordability housing in the interim period to better inform decisions on the prioritisation of infrastructure and land use planning.

Local government:

No changes are proposed to the existing planning framework for the enforcement of development offences under the Amendment Regulation.

For SEQ development areas, the timing of local government structure planning will be determined by the relevant local governments and would then follow the statutory timeframes for preparing a planning scheme or amendment provided for under the Planning Act and the Minister's Guidelines and Rules.

Development industry and Landowners:

Development assessment costs associated with the regulatory requirements for Category 2 SEQ development areas (i.e. Beerwah East) will remain unchanged from the existing regulatory provisions.

Developers and landowners proposing development that triggers the proposed regulatory changes for SEQ NIUB would be directly affected by this regulatory change, as they may be subject to new referral agency assessment charges influencing the cost and feasibility of their development projects. The actual development assessment costs associated with the state referral assessment for applications triggered against new regulatory provisions for the SEQ NIUB are not able to be quantified, as they will vary depending on the size and scale of development applications that trigger the proposed thresholds.

Furthermore, up to 70% of the SEQ NIUB mapped area is currently being used for forestry or conservation uses and already has protections based on land tenure (National park, state forest, waterways/waterbodies/roads etc), with the balance predominately used for agriculture or resource activities. The SEQ NIUB is already recognised as a green break with significant rural and environmental values under ShapingSEQ 2017 and ShapingSEQ 2023. There is unlikely to be a significant flow on impact to the number of development applications being made in the SEQ NIUB as a result of the Amendment Regulation.

Developers and landowners proposing large-scale food and drink outlets in the RLRPA would be directly affected by this regulatory change, as they may also be subject to development assessment.

No additional compliance responsibilities have been identified for landowners and businesses.

Community:

Residents and future inhabitants of SEQ development areas may be indirectly impacted due to changes in housing availability and affordability resulting from the prohibition on certain types of development. While some low-intensity development is still permitted (such as dwelling houses), there is a recognised risk associated with out-of-sequence development occurring in areas targeted for growth, as the State, local governments, and distributor-retailers need to find ways to service these communities. This can and usually does occur at greater expense, and with criticism that the government is falling behind in delivering essential infrastructure for its communities.

The SEQ development areas allow for a regional approach to development sequencing, aligning with key policies and targets in ShapingSEQ 2023. This regional approach is critical for Queensland to achieve the outcomes sought by National Cabinet and the 2022 National Housing Accord.

The new SEQ development areas, transitioning from the RLRPA (which already has heightened restrictions on all forms of urban development) into the Urban Footprint (UF), all require detailed structure planning to address constraints before development can commence. While these areas currently lack scope for urban development, the transition to UF and completion of structure/master planning will positively contribute to housing availability and affordability in the longer term.

Ultimately, the upfront costs incurred by the State and local governments for this proactive planning are significantly lower than the potential expenses associated with reactive responses to out-of-sequence development, ensuring a more sustainable and cost-effective approach to community growth.

No compliance responsibilities have been identified for the community.

Who was consulted?

Throughout 2023, and prior to statutory consultation, DSDILGP engaged extensively with local governments and their peak bodies, industry, the SEQ mayors through the SEQ Regional Planning Committee (SEQRPC) and the community. This engagement sought to ensure alignment and integration of state and local interests, economic development opportunities and government policy.

As a major stakeholder, since March 2023, there have been 100 meetings with local governments through a variety of different forums including one-on-one meetings and Mayoral briefings.

Statutory consultation of 30 business days was required under the Planning Act on the draft ShapingSEQ 2023 Update and was conducted between 3 August 2023 and 20 September 2023. An extended period of 45 business days was given to local governments. This included consultation papers on the draft ShapingSEQ 2023 Update and proposed Amendment Regulation.

A media campaign was used including advertisements run on television, radio, electronic billboards as well as social media platforms, with over 30 million impressions (the number of times content was seen). Public consultation activities were intended to offer different ways to provide feedback on the plan and sought to appeal to a broad audience. Activities included 24 in-person consultation sessions (two per local government area) attended by 522 people and 73 online talk-to-a-planner sessions. A dedicated website was created which contained copies of the plan, maps, fact sheets, the ability to make a comment online and a submission portal.

A total of 2519 submissions were received, including a submission from each of the 12 SEQ local governments. There were 28 public submissions received relating to the proposed Amendment Regulation, which included comments regarding the 100-hectare (ha) subdivision limit within the RLRPA, which is an existing regulatory matter.

DSDILGP has considered all submissions received and included feedback where relevant into ShapingSEQ 2023 and the Amendment Regulation. A consultation report including the feedback raised in submissions about ShapingSEQ 2023 and the Amendment Regulation and DSDILGP's response will be published online when the ShapingSEQ 2023 is released.

Preparation of the Amendment Regulation has included consultation with state agencies and all 12 SEQ local governments. Following extensive consultation (pre- and post-public consultation) including working groups and individual meetings, all state agencies consulted as well as local governments support the proposed Amendment Regulation, noting DSDILGP's continued work on updating the Amendment Regulation following feedback.

What is the recommended option and why?

The preferred regulatory response is to amend Schedule 10, Parts 15 and 16 and associated definitions within Schedule 24, and miscellaneous matters in Part 4, Division 6 through the Amendment Regulation to give regulatory effect to updated and new policies in ShapingSEQ 2023.

The Amendment Regulation seeks to:

- provide additional protection from premature development to SEQ development areas, before detailed land use and infrastructure planning is undertaken;
- strengthened protection for SEQ MEIAs from incompatible accommodation activities to ensure SEQ MEIAs remain available and viable for medium-high impact industrial uses. This will be supported by cadastral mapping for SEQ MEIAs;
- revising the assessment framework for large-scale food and drink outlets to ensure this activity is assessed if proposed in the RLRPA;
- reducing unnecessary referral triggers and/or over regulation of significant tourist activities, transport depots and function facilities in the RLRPA;
- ensuring multiple urban activities in the RLRPA can be assessed together instead of individually to ensure a comprehensive, instead of piecemeal assessment process; and
- introduce new provisions to protect the SEQ NIUB from incompatible development. This will be supported by a cadastral boundary for the SEQ NIUB.

Queensland faces unique circumstances right now as the fastest growing and most decentralised state in Australia. SEQ is the fastest growing region. ShapingSEQ 2023 focuses on addressing the rapid population growth and providing more housing choice through targets that aim to deliver more homes, and different types of homes to match the changing needs of our population. ShapingSEQ 2023 also progresses better integrated infrastructure and transport planning, and an updated approach to economic centres and jobs, while protecting SEQ's natural environment. The targeted review provides new and updated strategies in the context of significant growth to enhance communities now and into the future.

The Amendment Regulation is the only option which could deliver the Queensland government's commitment from the 2022 Housing Summit and National Cabinet and the 2022 National Housing Accord and ensure that critical policies of

ShapingSEQ 2023 are given regulatory effect in the planning framework from the commencement of the plan. The policy and regulatory impacts of ShapingSEQ 2023 have undergone extensive impact assessment and public consultation as part of the regional planning process and its preparation in accordance with the Planning Act. The proposed regulatory proposal policy intents that have informed the Amendment Regulation have also undergone public consultation and refinement post-consultation in collaboration with State agencies and local governments.

Among the considered options, the Amendment Regulation offers the most legally clear approach to address the issue. Non-regulatory alternatives are not feasible for this particular matter. In the absence of this regulatory change, the status quo would prevail, leaving the department without the necessary regulatory support to consider impacts on achieving the policy outcomes of ShapingSEQ 2023.

For the reasons outlined above, it is recommended that the Amendment Regulation be made and publicly released.

Impact assessment

All proposals – complete:

	First full year	First 10 years**
Direct costs – Compliance costs*	There are no compliance costs to business or communities as a result of the Regulation Amendment.	There are no compliance costs to business or communities as a result of the Regulation Amendment.
Direct costs – Government costs	Local government costs will be met through BAU resources and budget. State government costs will be met through departmental budget.	Local government costs will be met through BAU resources and budget. State government costs will be met through departmental budget.

Signed



Director-General
 Department of State Development,
 Infrastructure, Local Government and Planning
 Date: 29 November 2023



Deputy Premier
 Minister for State Development, Infrastructure, Local
 Government and Planning and
 Minister Assisting the Premier on Olympic and
 Paralympic Games Infrastructure
 Date: 30 November 2023