

# Draft Amendment 02-2023 of the State Planning Provisions

## Terms of Reference

I, Michael Darrell Joseph Ferguson, Minister for Planning, pursuant to section 30C(1) of the *Land Use Planning and Approvals Act 1993* (the LUPA Act), hereby issue these Terms of Reference for the preparation of draft amendment 02-2023 of the State Planning Provisions (SPPs).

### Background

The SPPs were made on 22 February 2017 and came into effect on 2 March 2017. It is important that the SPPs are kept under regular review to ensure they remain contemporary and fit-for-purpose.

A comprehensive review of the SPPs commenced in 2022 as part of five-yearly statutory review of the SPPs to identify provisions that may require amendment.

Minor amendments have been identified by a range of stakeholders, including local councils, State agencies and authorities, and others involved in the operation of the SPPs, and in submissions made on the SPPs review scoping consultation.

There is also the opportunity to align the SPPs with recently approved legislation, replacing outdated legislation.

### Scope of the draft amendment

Draft amendment 02-2023 of the SPPs is to make any necessary amendments to the SPPs that are capable of meeting the criteria for minor amendments of the SPPs under section 30NA(1) of the LUPA Act, specifically for the following purposes:

- correcting a clerical mistake, an error arising from any accidental slip or omission, an evident miscalculation of figures, or an evident material mistake, in a provision of the SPPs;
- removing an anomaly in the SPPs;
- clarifying the SPPs;
- removing an inconsistency in the SPPs;
- removing an inconsistency between the SPPs and another Act.

### Statutory requirements for the draft amendment

The draft amendment is to be prepared in accordance with the requirements in Part 3, Division 2 of the LUPA Act.

Date this 5<sup>th</sup> day of December 2023

MICHAEL FERGUSON

Minister for Planning