



Queensland

Sustainable Planning Amendment Regulation (No. 1) 2011

Explanatory Notes for SL 2011 No. 7

made under the

Sustainable Planning Act 2009

General outline

Short title

This regulation may be cited as the *Sustainable Planning Amendment Regulation (No. 1) 2011*.

Authorising law

Section 260 of the *Sustainable Planning Act 2009*.

Policy objectives and the reasons for them

The objectives of the subordinate legislation are to balance the effective and efficient planning and development assessment of core port land at the Port of Brisbane with adequate accountability. The subordinate legislation provides for the full cost recovery of the expenses incurred through the State Governments new additional responsibilities in carrying out the assessment of proposed development on core port land at the Port of Brisbane.

Achievement of policy objectives

The objectives of the subordinate legislation will be achieved by introducing a schedule of fees to provide for the full debt recovery of reasonable costs and expenses for carrying out development assessment on core port land at the Port of Brisbane. The new schedule of fees will provide the Government with subsidisation of the resources required to carry out these additional responsibilities.

Consistency with policy objectives of authorising law

The regulation amendment is consistent with the main objectives of the *Sustainable Planning Act 2009*, which is to streamline the land use planning and development framework and provide certainty around development on State significant sites.

Inconsistency with policy objectives of other legislation

The regulation amendment is consistent with the policy objectives of other legislation. It provides for the effective and efficient planning and development of core port land at the Port of Brisbane, consistent with the approved Land Use Plan under Section 286 of the *Transport Infrastructure Act 1994*.

Benefits and costs of implementation

The subordinate legislation provides the Government with subsidisation of the resources required to carry out the additional responsibilities of development assessment on core port land at the Port of Brisbane. The State Government as assessment manager for proposed development on core port land at the Port of Brisbane will bring an objective, non-sectoral, whole-of-government view to the assessment of proposed developments within a State significant site.

Consistency with fundamental legislative principles

The subordinate legislation is consistent with the fundamental legislative principles. It provides for a new schedule of fees to be introduced for development assessment of proposed development on core port land at the Port of Brisbane, replacing fees and assessments for which the Port of

Brisbane Corporation was responsible. The new schedule of fees to provide for development assessment on core port land at the Port of Brisbane is appropriate as subordinate legislation.

Consultation

The proposed new schedule of fees for development assessments on core port land at the Port of Brisbane, are specific to a small number of possible projects. Port of Brisbane Pty Ltd was consulted regarding the history of development applications received by the Port pre-sale to assist in the transition process. Queensland Treasury and the Department of the Premier and Cabinet were consulted during development of the Cabinet Budget Review Committee (CBRC) submission regarding the schedule of fees. The new schedule of fees for development assessments on core port land at the Port of Brisbane, are subject to Treasury's Regulatory Assessment System (RAS). Queensland Treasury advised that no RAS was required. The community has not been consulted.

ENDNOTES

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is the Department of Infrastructure and Planning.

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