



Queensland

Sustainable Planning Amendment Regulation (No. 2) 2011

Explanatory Notes for SL 2011 No. 47

made under the

Sustainable Planning Act 2011

General outline

Short title

Sustainable Planning Amendment Regulation (No. 2) 2011.

Authorising law

Section 232(1) of the *Sustainable Planning Act 2009* (SPA) provides for a regulation to state assessable development. This amendment regulation amends a date in a definition in the *Sustainable Planning Regulation 2009* that relates to development stated as assessable in schedule 3 of the regulation.

Policy objectives and the reasons for them

The policy objective is to continue in effect an exclusion from the definition of “*high impact earthworks*” for particular transport infrastructure. The exclusion relates to a Temporary State Planning Policy (SPP) made under SPA, section 47, which is due to expire on 2 May 2011. The temporary SPP and its related regulatory arrangements deal with the

protection of wetlands of high ecological significance in Great Barrier Reef river catchments.

A proposed permanent SPP and related regulation amendments were due to replace the temporary SPP before it expired, but have been delayed due to the impact of recent natural disasters. Consequently it is proposed to make a new temporary SPP in substantially the same form as the existing temporary SPP, to have effect until the permanent SPP comes into effect.

The change to the date in the definition of “*high impact earthworks*” will provide for the existing exclusion of particular transport infrastructure to continue until the current temporary SPP and its related regulatory arrangements are replaced. This will allow planned and government-endorsed transport infrastructure projects to proceed without additional delays that would occur if they were required to also be assessed under the current regulatory arrangements.

Achievement of policy objectives

The policy objective is achieved through the extension of the date for the exclusion of particular transport infrastructure projects from the definition of “*high impact earthworks*”.

Consistency with policy objectives of authorising law

The objectives of SPA recognise the need for timely and responsive infrastructure provision.

Inconsistency with policy objectives of other legislation

The amendment is not inconsistent with the policy objectives of any other legislation.

Benefits and costs of implementation

The amendment will allow for existing planned and government-endorsed transport infrastructure projects to proceed, ensuring that additional costs and delays are not incurred through the impact of the temporary SPP and its related regulatory arrangements under the *Sustainable Planning*

Regulation 2009, and pending introduction of more permanent regulatory arrangements in conjunction with the proposed permanent SPP

The proposed amendment will incur not costs.

Consistency with fundamental legislative principles

The amendment is not inconsistent with any fundamental legislative principles.

Consultation

There has been no community consultation about the proposed amendment, however the temporary SPP and proposed permanent SPP to which the amendment relates have both been the subject of substantial community consultation.

There has been consultation between the Department of Environment and Resource Management, the Department of Transport and Main Roads, and the Department of Local Government and Planning, concerning the extension of the existing regulatory arrangements for planned and government-endorsed transport infrastructure, pending the introduction of the proposed permanent SPP and its related regulatory arrangements.

ENDNOTES

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