

Sustainable Planning Amendment Regulation (No. 5) 2013

Explanatory notes for Subordinate Legislation 2013 No. 168

made under the

Sustainable Planning Act 2009

General Outline

Short title

The short title of the regulation is the *Sustainable Planning Amendment Regulation (No. 5) 2013*.

Authorising law

Sections 232(1), 232(2), 260(1), 272(1) and 763 of the *Sustainable Planning Act 2009*.

Policy objectives and the reasons for them

G20 amendments

The objective of the regulation is to amend the *Sustainable Planning Regulation 2009* to limit the scope of development approvals required under the *Sustainable Planning Act 2009* for development for the G20 component of the Government Wireless Network Project necessary to provide a radiocommunications network to support the G20 events in Queensland in 2014.

The regulation is required to facilitate the installation and operation of a secure radiocommunications network for use by public safety agencies during the G20 events.

The regulation aims to reduce the regulatory burden for the development of the radiocommunications network for the G20 events, to facilitate its delivery by the end of the first quarter of 2014.

Fisheries fees amendments

The regulation amends provisions of the fee schedule of the *Sustainable Planning Regulation 2009* (schedule 7A), which prevent the state from collecting the correct development assessment fees for aquaculture and fisheries development applications.

If the amendment were not made, there would be impacts for the State due to ongoing and significant lost revenue.

The regulation will ensure that the State assessment and referral agency (SARA) is able to charge development application fees that the SARA has been approved to charge.

Achievement of policy objectives

G20 amendments

The regulation will provide an exemption from development assessment processes under the *Sustainable Planning Act 2009*, for development for a radiocommunications network to support the security and safety of G20 events, other than for building works regulated under the *Building Act 1975*. The exemption will ensure the development will not be required to obtain development approvals, other than building work approvals, or compliance permits or certificates.

The policy objective is achieved by insertion of a new section 9A *Particular development not assessable development or self-assessable development*, which clarifies that despite section 9, development for the purposes of the G20 radiocommunications works, is not assessable development or self-assessable development.

An amendment to schedule 4 *Development that can not be declared to be development of a particular type—Act, section 232(2)* ensures that development for the purposes of the G20 radiocommunications works cannot be made assessable, self-assessable, subject to compliance assessment, or be prohibited under a local planning instrument.

An amendment to schedule 18 *Compliance assessment of particular development* ensures that development (subdivision of 1 lot into 2) in connection with G20 radiocommunications works is not subject to compliance assessment.

The regulation will limit the exemptions to development required for the G20 events, by applying only to development for G20 radiocommunications works carried out on or before 30 June 2015. This timeframe allows for any decommissioning, demolition, alteration, removal, maintenance or repair of any part of the network that is no longer required after the G20 events have taken place.

Fisheries fees amendments

The regulation amends schedule 7A, part 2, items 12 to 22, to ensure that the correct development assessment fee applies when SARA is the assessment manager or a referral agency for aquaculture or fisheries development applications, whether or not there are other referral agencies for the application.

Consistency with policy objectives of authorising law

The regulation is consistent with the main objects of the *Sustainable Planning Act 2009*, that is to seek to achieve ecological sustainability by managing the process by which development takes place, including ensuring the process is accountable, effective and efficient and delivers sustainable outcomes.

Inconsistency with policy objectives of other legislation

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

Benefits and costs of implementation

G20 amendments

The regulation will benefit the State of Queensland as host for the G20 events in Australia in 2014. The G20 leaders' summit will attract up to 25 world leaders, including US President Barack Obama, seven heads of international organisations, 4000 delegates and 3000 international and domestic media personnel, and will be the most significant meeting of world leaders that Australia has hosted. Success of the G20 events will showcase Queensland's ability to host such events, and will provide further opportunities to promote Queensland at an international level.

After the G20 events have concluded, the radiocommunications network will continue to benefit the people of Queensland as part of the upgraded Government Wireless Network, intended to deliver enhanced digital radio voice and narrowband data communications for Queensland's public safety agencies to support effective front-line public safety services statewide.

Fisheries fees amendments

The regulation will ensure that the approved fisheries development assessment fees are able to be charged by the state as intended, and therefore the cost of implementation is neutral. No additional charges other than the approved fee will apply to development applicants.

Consultation

Projects Queensland, the project manager for the Government Wireless Network, was consulted during the development of the regulation for the G20 radiocommunications network exemption, and is supportive of the regulation.

The Department of Agriculture, Fisheries and Forestry was consulted in relation to the amendment of the schedule 7A fisheries development assessment fees, and is supportive of the regulation.