

# **State Development and Public Works Organisation (State Development Areas) (Bundaberg) Amendment Regulation 2017**

Explanatory notes for Subordination Legislation 2017 No. 8

made under the

*State Development and Public Works Organisation Act 1971*

## **General Outline**

### **Short title**

The short title of the regulation is the *State Development and Public Works Organisation (State Development Areas) (Bundaberg) Amendment Regulation 2017*.

### **Authorising law**

Sections 77 and 173(1) of the *State Development and Public Works Organisation Act 1971* (SDPWO Act).

### **Policy objectives and the reasons for them**

In accordance with section 77 of the SDPWO Act, a regulation may declare any part of the State or of any area over which the State claims jurisdiction to be a State development area, if the Governor in Council is satisfied that the public interest or general welfare of persons resident in any part of the State requires it.

Section 173(1) of the SDPWO Act provides for the Governor in Council to make regulations not inconsistent with the SDPWO Act in respect of a range of matters, including the declaration of a State development area.

A State development area is a clearly defined area of land for industry, infrastructure corridors, and major public infrastructure, which is established to promote economic development in Queensland.

State development areas are intended to:

- provide guidance and development certainty to industry
- control development in a way that considers existing industry and surrounding development
- recognise and manage environmental, cultural, and social values.

## **Achievement of policy objectives**

The Port of Bundaberg is the next port north of Brisbane and the only other major port on the east coast of Queensland outside the Great Barrier Reef World Heritage Area. It is currently underutilised and key stakeholders in the region, including Bundaberg Regional Council and other nearby councils, have shown significant support for expansion of port activities.

It is expected the Port of Bundaberg may play a significant role as a catalyst for the future growth of the Wide Bay Burnett region.

The work undertaken on this project has assessed the suitability of a potential State development area around the Port of Bundaberg to support economic development, taking into account industry opportunities, infrastructure and transport requirements, land use, and physical, environmental, and social impacts.

The coordinated approach taken to investigate the proposed Bundaberg State Development Area aimed to balance efficient outcomes for industry while minimising the impacts on stakeholders (including landholders) and the environment.

The declaration of the Bundaberg State Development Area would provide a location for regionally significant industry and infrastructure projects and preserve strategic land for the long term to prevent encroachment from incompatible uses.

In addition to exploring new trade opportunities, declaration of the Bundaberg State Development Area could open the way for significant investment and job opportunities for the Wide Bay Burnett region.

It may also provide for other development and growth that could capitalise on spare port capacity and land around the Port of Bundaberg to support industrial development, industry opportunities, and infrastructure and transport requirements.

## **Consistency with policy objectives of authorising law**

The *State Development and Public Works Organisation (State Development Areas) (Bundaberg) Amendment Regulation 2017* (amendment regulation) is consistent with the objectives of the SDPWO Act and amends the *State Development and Public Works Organisation (State Development Areas) Regulation 2009*.

The amendment regulation is also consistent with Part 6 of the SDPWO Act, which specifically provides that a regulation may declare any part of the State or of any area over which the State claims jurisdiction to be a State development area, if the Governor in Council is satisfied that the public interest or general welfare of persons resident in any part of the State requires it.

## **Inconsistency with policy objectives of other legislation**

The amendment regulation is consistent with the policy objectives of other legislation.

## **Benefits and costs of implementation**

The declaration of the Bundaberg State Development Area will facilitate the enhancement of port trade volumes and provide an opportunity to build on and diversify the industry base within the Bundaberg region.

The declaration of the Bundaberg State Development Area would preserve strategic land in the long term to prevent incompatible land use as development on the land can be regulated by the Coordinator-General. It would also provide a location for regionally significant infrastructure projects that might not be suitably located elsewhere.

Funds are being sourced from the existing budget for the costs associated with the declaration and administration of the Bundaberg State Development Area. However, as with other State development areas, costs associated with development assessment of SDA applications are proposed to be recovered from the developers of infrastructure projects within the Bundaberg State Development Area.

## **Consistency with fundamental legislative principles**

The declaration of the Bundaberg State Development Area by the making of the amendment regulation is consistent with the principles of good legislation, including the fundamental legislative principles. Sufficient regard has been given to the rights and liberties of individuals and the institution of Parliament.

## **Consultation**

From May through to late July 2016, the Coordinator-General undertook consultation on the proposed Bundaberg State Development Area, including its boundary, with interested industry proponents, landholders within the boundary of the proposed Bundaberg State Development Area, Bundaberg Regional Council, the Wide Bay Burnett Region Organisation of Councils, and the Port Curtis Coral Coast Native Title Group.

As a result of consultation, the boundary of the proposed Bundaberg State Development Area was amended to remove some areas of Strategic Port Land. The removal of these core port areas is intended to reduce ambiguity with respect to planning jurisdiction of this land.

Engagement was also undertaken with the following State Members of Parliament:

- Member for Bundaberg, Ms Leanne Donaldson MP
- Member for Burnett, Mr Stephen Bennett MP
- Member for Maryborough, Mr Bruce Saunders MP.

The Queensland Productivity Commission was consulted on the amendment regulation and responded with advice on 4 August 2016 that no further analysis under the Regulatory Impact Statement was required.