

State Development and Public Works Organisation (State Development Areas) (Gladstone) Amendment Regulation 2022

Explanatory notes for SL 2022 No. 38

made under the

State Development and Public Works Organisation Act 1971

General Outline

Short title

State Development and Public Works Organisation (State Development Areas) (Gladstone) Amendment Regulation 2022

Authorising law

Sections 77(1)(a), 77(2)(b), 77(3)(a,b), and 173(1) of the *State Development and Public Works Organisation Act 1971* (SDPWO Act).

Policy objectives and the reasons for them

A state development area (SDA) is a clearly defined area of land, which may be established to promote economic development in Queensland.

SDAs are intended to:

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

Achievement of policy objectives

The Gladstone State Development Area (SDA), located 15 kilometres north-west of Gladstone, was declared in 1993 to provide an appropriate area for industrial development.

The most recent variation to the Gladstone SDA boundary and the Gladstone SDA development scheme occurred in 2015.

The Office of the Coordinator-General has undertaken a strategic review of the Gladstone SDA boundary and development scheme to ensure the Gladstone SDA provides realisable development opportunities, supports economic growth and job creation for the region, responds and adapts to economic and market changes, and aligns with key Queensland Government policies and legislative requirements.

The strategic review identified several proposed amendments to the Gladstone SDA boundary and development scheme. Targeted stakeholder consultation was undertaken on a preliminary draft precinct map, which proposed the removal of approximately 143 hectares from the Gladstone SDA, and on a preliminary draft development scheme. The removal of 143 hectares was proposed to provide a clear and consistent approach to the boundary of the Gladstone SDA and avoid multiple planning authorities regulating a single lot of land.

During targeted stakeholder consultation, Gladstone Ports Corporation Limited (GPC), the Government Owned Corporation managing and operating the Port of Gladstone, requested the removal of land that is now designated as Strategic Port Land from the Gladstone SDA. The Strategic Port Land would instead be regulated by the GPC Land Use Plan 2012, noting that a new Land Use Plan is currently being prepared by GPC.

Following consideration of the feedback received by stakeholders, the Office of the Coordinator-General subsequently expanded the proposed variation to the boundary of the Gladstone SDA to a total of 260.4 hectares of land. This included the 143 hectares identified prior to targeted stakeholder consultation as well as the designated Strategic Port Land identified by GPC and a small land parcel surrounded by the Strategic Port Land.

Lots identified for removal from the Gladstone SDA include land parcels where only a portion of the land parcel sits within the Gladstone SDA. New uses on these land parcels would be subject to regulation by both the Gladstone SDA development scheme and Gladstone Regional Council's planning scheme. These land parcels are not of strategic importance to the Gladstone SDA and removing these portions of land parcels will reduce regulatory burden and complexity on landowners.

The other land proposed to be removed from the Gladstone SDA consists of undevelopable coastal areas mapped as road parcels and part of a seabed lease area, which are also not of strategic importance to the Gladstone SDA. Removing this land from the Gladstone SDA provides a consistent approach for the SDA boundary and provides further clarity to proponents.

Concurrent to the identification of the potential boundary variation, the Coordinator-General prepared a draft varied development scheme to regulate development in the Gladstone SDA.

The Gladstone SDA will, through its development scheme, streamline development assessment, coordinate infrastructure and planning, and encourage the facilitation of the Government's priority industry sectors.

Consistency with policy objectives of authorising law

The *State Development and Public Works Organisation (State Development Areas) (Gladstone) Amendment Regulation 2022* (amendment regulation) is consistent with the objectives of the SDPWO Act and amends the *State Development and Public Works Organisation (State Development Areas) Regulation 2019*.

The amendment regulation is also consistent with Part 6 of the SDPWO Act, which specifically provides that a regulation may vary an SDA, by excluding therefrom any part of the State, 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 law

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

Benefits and costs of implementation

The variation to the boundary of the Gladstone SDA seeks to:

- avoid multiple planning authorities regulating a single lot of land
- reduce regulatory burden and complexity on landowners by having one planning authority
- align the boundary of the Gladstone SDA to the purpose of the SDA and the development scheme.

Funds are being sourced from the existing budget for the costs associated with the proposed variation and administration of the Gladstone SDA. However, as with other SDAs, costs associated with development assessment of SDA applications are proposed to be recovered from the developers of projects within the Gladstone SDA.

Consistency with fundamental legislative principles

The proposed variation of the Gladstone SDA, 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

The Office of the Coordinator-General undertook targeted consultation on a preliminary draft development scheme and precinct map with relevant State agencies, Gladstone Regional Council, and Gladstone Ports Corporation Limited between 1 July 2021 and 23 July 2021.

Public consultation was undertaken on the potential variation to the boundary of the Gladstone SDA (and a draft development scheme) between 24 September 2021 and 8 November 2021.

Key stakeholders, all landholders within and adjoining the existing boundary of the Gladstone SDA, as well as landholders directly impacted by the proposed variation area, were advised by letter and provided with a fact sheet and map identifying the potential boundary variation and draft development precinct. An advertisement was placed in local newspapers (The Observer, Gladstone and The Courier Mail) regarding the formal consultation stage and the Coordinator-General's website was updated to include information about the proposal. The community was invited to provide formal submissions about the proposed variation to the boundary of the Gladstone SDA (and on the draft development scheme) or contact a dedicated phone number or email for further information. A range of stakeholder meetings were also held during and following the formal consultation period.

A total of nine submissions were received in response to the public consultation period, from the following submitter categories:

- One landholder/resident within the SDA
- Four government agencies
- One landholder/resident affected by potential boundary variation
- Two existing industries within the SDA
- One conservation group.

Seventy-eight per cent of submissions either supported or were neutral (i.e., only raised interests to be considered) to the potential boundary variation and draft development scheme for the Gladstone SDA, which included the one submitter identified as a landholder/resident affected by the proposed boundary variation.

The following submitters raised issues related specifically to the potential boundary variation:

- One landowner within the SDA objected to being in the SDA boundary due to rate increases and unsuitability of land for industrial development (it is noted rates are charged by the local authority and the property has been in the Gladstone SDA prior to the 2015 amendments)
- One existing quarry partially in the SDA requested to be in an extractive industry specific zone or precinct whether in the SDA or not to protect resources, as well as ensuring road access is not limited.

All submissions received have been thoroughly considered and no changes to the potential boundary variation were required in response to submissions. There are no significant issues that would prevent the potential variation to the Gladstone SDA boundary being approved.

The Office of Best Practice Regulation (OBPR) advised it considers the proposal to be deregulatory in nature and appears unlikely to result in significant adverse impacts. No further RIA assessment is required under the guidelines therefore no further regulatory impact assessment is required under the *Queensland Government Guide to Better Regulation*.