

# **State Development and Public Works Organisation (State Development Areas) (Mackay) Amendment Regulation 2024**

Explanatory notes for SL 2024 No. 8

made under the

*State Development and Public Works Organisation Act 1971*

## **General Outline**

### **Short title**

*State Development and Public Works Organisation (State Development Areas) (Mackay)  
Amendment Regulation 2024*

### **Authorising law**

Sections 77, 82 and 173 of the *State Development and Public Works Organisation Act 1971*.

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

In accordance with Section 77 of the *State Development and Public Works Organisation Act 1971* (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 (SDA), 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. In considering whether the public interest or general welfare of persons requires the declaration of an SDA, the Governor in Council may have regard to the purposes for taking or acquiring land within an SDA under section 82(1) of the SDPWO Act and other matters the Governor in Council considers relevant.

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

Section 82(1)(b) of the SDPWO Act, provides that the Coordinator-General may take or otherwise acquire land situated in an SDA for the purposes of providing for the establishment or relocation of population, industry or essential services, the establishment of an infrastructure corridor or for the replacement of open space in the course of the development of any other part of the State.

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

SDAs are intended to:

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

## **Achievement of policy objectives**

Since 2016, the Queensland Government has been committed to leveraging its strategic advantages to secure regional investment in bioproducts and services market, particularly in Mackay. This is supported by the *Queensland New Industry Development Strategy* and the *Queensland Biofutures 10 Year Roadmap*.

The Coordinator-General led investigations into a new SDA in Mackay to regulate the establishment of emerging industries, including biomanufacturing and bioenergy. Two non-contiguous areas around Racecourse Mill and Rosella were identified as suitable, due to their strategic location close to feedstocks, access opportunities, limited constraints and consolidated land ownership providing master planning opportunities.

The proposed Mackay SDA will leverage the strong agricultural base of Mackay and create industrial synergies with the Racecourse Mill, to support small-scale startups that can be upscaled to regionally significant industries at Rosella.

The declaration of the Mackay SDA secures industrial land supply and affords the long-term protection of land that prevents encroachment from incompatible land uses and enables effective infrastructure coordination.

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

The *State Development and Public Works Organisation (State Development Areas) (Mackay) Amendment Regulation 2024* (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 declare any part of the State or of any area over which the State claims jurisdiction to be an SDA, 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 Mackay SDA will provide for significant investment opportunities in emerging industries, including biofutures. The proposed Mackay SDA builds on the strong agricultural base of Mackay to transition and diversify the region's economy.

The declaration of the Mackay SDA will provide the following benefits:

- supports the diversification of the sugar industry in Mackay, as one of the largest sugar producers in Queensland;
- supports the establishment of new and emerging industry, generating economic development to the Mackay region;
- provides jobs and additional tax revenue; and
- supports a more robust and diversified regional economy.

As with other SDAs, costs associated with assessment of SDA applications against the development scheme are proposed to be recovered from the developers of industrial and infrastructure projects within the Mackay SDA.

## **Consistency with fundamental legislative principles**

The declaration of the proposed Mackay 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**

From 16 August to 15 September 2023, the Coordinator-General undertook public consultation on the proposed Mackay SDA, including its boundary. Industry proponents, affected landholders, Mackay Regional Council, elected officials, business organisations, relevant government departments and government owned corporations were consulted.

Key stakeholders and all affected landowners within and adjoining the proposed SDA boundary were advised by letter and provided an information package. Advertisements were placed in local and State newspapers regarding the formal consultation stage and the Coordinator-General's website was updated to include information about the proposal.

The community and stakeholders were invited to provide written submissions about the proposed Mackay SDA and/or contact a dedicated phone number for further information. Three community information sessions were undertaken, in addition to several key stakeholder briefings.

The Office of the Coordinator-General reviewed all submissions received, which informed the revised Mackay SDA boundary. The revised boundary of the Mackay SDA has considered and addresses community and stakeholder feedback to achieve a balanced outcome having regard to economic, environmental and social values, and the wider regional benefits. As such, the Coordinator-General is satisfied that the declaration of the Mackay SDA is in the public interest of residents in the Mackay region and in Queensland.

Subject to the declaration of the Mackay SDA, a development scheme will be prepared. As part of the process, the Coordinator-General will undertake further precinct planning to inform the rules and regulations of the Mackay SDA, with feedback being sought from the general public and stakeholders to guide the development scheme provisions.

The Office of Best Practice Regulation in the Queensland Productivity Commission was notified of the regulatory proposal under the *Queensland Government Better Regulation Policy*. An Impact Analysis Statement has been prepared and will be published on the Department of State Development and Infrastructure's website.