



Queensland

Queensland Reconstruction Authority Amendment Regulation (No. 1) 2011

Explanatory Notes for SL 2011 No. 150

made under the

Queensland Reconstruction Authority Act 2011

General outline

Short title

The short title of the Regulation is the *Queensland Reconstruction Authority Amendment Regulation (No. 1) 2011* (the Amendment Regulation).

Authorising law

Section 74 of the *Queensland Reconstruction Authority Act 2011* (the Act).

Policy objectives and the reasons for them

The Act commenced on 21 February 2011 to establish the Queensland Reconstruction Authority (the Authority) and provide for appropriate measures to ensure Queensland effectively and efficiently recovers from the impact of the disaster events of flooding and Tropical Cyclone Yasi which occurred during the period December 2010 to February 2011.

On 8 April 2011, the Grantham area was declared a "reconstruction area" through the *Queensland Reconstruction Authority Regulation 2011* (the Regulation), which enabled the preparation of a proposed development scheme for the area. The proposed development scheme for the Grantham

reconstruction area was prepared following extensive planning work and consultation between the Authority, the Lockyer Valley Regional Council (the Council), government agencies and the community. Consultation processes as required by the Act have been undertaken in preparing the final development scheme for the Grantham reconstruction area.

Achievement of policy objectives

The development scheme for the Grantham reconstruction area will not take effect until such time as it has been approved under a regulation. Following completion of community consultation and consideration of submissions, the Amendment Regulation proposes the adoption of the development scheme.

Consistency with policy objectives of authorising law

The Regulation is consistent with the main objects of the Act, that is, to provide measures to assist with the rebuilding and recovery of Queensland communities affected by disaster events. The approval of the development scheme for the Grantham reconstruction area will facilitate the reconstruction, recovery and protection of the Grantham community.

Alternative ways of achieving policy objectives

The declaration of the Grantham reconstruction area was considered the quickest and most effective means for rebuilding the Grantham community. In accordance with section 74 of the Act, the development scheme for the Grantham reconstruction area may only be approved under a regulation.

Benefits and costs of implementation

The adoption of the development scheme for the Grantham reconstruction area will benefit the Grantham area by facilitating the rebuilding, recovery and protection of the area following the severe effects of flash flooding.

Consistency with fundamental legislative principles

There is a potential for infringement of fundamental legislative principles, as the declaration of the Reconstruction Area and the taking effect of a

Development Scheme for the area will override the current local planning scheme and state planning instruments. This could adversely affect the rights and liberties of individual, noting however, that any relocation by residents will be entirely on a voluntary basis.

However, the Act requires that a process of public consultation be undertaken on the proposed development scheme, which gave affected residents the opportunity to make submissions on amendments to the scheme prior to approval.

Consultation

Extensive consultation has been undertaken with the Grantham community on the development scheme for the Grantham reconstruction area, as required by the Act.

The proposed development scheme for the Grantham reconstruction area was publicly notified for a period of 30 business days between 11 May 2011 and 23 June 2011. Community information sessions were also held during the public notification period including sessions on 11 May 2011 and 14 May 2011.

Government agencies were also consulted to ensure that their jurisdictions and functions were duly considered in the preparation on the proposed development scheme. State agencies were invited to provide comment on the proposed development scheme and all agencies provided comment by 15 June 2011.

Under section 70 of the Act, the Authority is required, having regard to the matters raised in submissions, to amend the proposed development scheme and provide it to the Minister as a "submitted scheme". On 30 June 2011, the Authority provided the Premier and Minister for Reconstruction with the submitted scheme and the submissions report. These documents are available on the Authority's website at www.qldreconstruction.org.au.

Submitters to the proposed development scheme for the Grantham reconstruction area were also provided with a copy of the submitted scheme and the submissions report on 30 June 2011. Submitters who own land within, or that adjoin the Grantham reconstruction area had 20 business days to request that the Minister amend the submitted scheme. No representations have been made by affected owners.

Notes on provisions

Clause 1 sets out the short title of the regulation.

Clause 2 provides that the regulation amends the *Queensland Reconstruction Authority Regulation 2011*.

Clause 3 inserts a new section 4 into the *Queensland Reconstruction Authority Regulation 2011* which states that the development scheme for the Grantham reconstruction area is approved. The development scheme is available on the Queensland Reconstruction Authority's website at www.qldreconstruction.org.au.

ENDNOTES

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is the Department of the Premier and Cabinet.

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