

Regional Planning Interests Regulation 2014

Explanatory notes for Subordinate Legislation 2014 No. 88

made under the

Regional Planning Interests Act 2014
Sustainable Planning Act 2009

General Outline

Short title

The short title of the regulation is the *Regional Planning Interests Regulation 2014*.

Authorising law

Section 95 of the *Regional Planning Interests Act 2014*.
Section 251(a) and 254(1) of the *Sustainable Planning Act 2009*

Policy objectives and the reasons for them

The purpose of the *Regional Planning Interests Regulation 2014* is to give effect to the provisions in the *Regional Planning Interests Act 2014* by detailing the land use planning policy which supports the Act.

The *Regional Planning Interests Act 2014* establishes a regulatory framework to apply the land use planning policies contained in regional plans to resource activities and integrate existing regional land use policy contained in other government legislation, including the *Strategic Cropping Land Act 2011* and the *Wild Rivers Act 2005*.

The *Regional Planning Interests Act 2014* is ‘framework legislation’ with the policy detail contained in a regional plan or regulation under the Act.

Achievement of policy objectives

The *Regional Planning Interests Regulation 2014* achieves the policy objective of the Act which is to manage the impact of resource activities and other regulated activities on areas of the State that contribute, or are likely to contribute, to Queensland’s economic, social and environmental prosperity.

The *Regional Planning Interests Regulation 2014* prescribes:

- a regionally significant water source
- Strategic Environmental Areas and their environmental attributes
- regulated activities
- referable assessment applications
- assessing agencies and their functions
- notifiable assessment applications
- assessment criteria
- strategic cropping land mitigation requirements
- application fees and
- assessment timeframes.

The *Regional Planning Interests Regulation 2014* also removes strategic cropping land provisions from the *Sustainable Planning Regulation 2009*.

Consistency with policy objectives of authorising law

The regulation is consistent with the purpose of the *Regional Planning Interests Act 2014* that is, to—

- (a) identify areas of Queensland that are of regional interests because they contribute, or are likely to contribute, to Queensland's economic, social and environmental prosperity; and
- (b) give effect to the policies about matters of State interests stated in regional plans; and
- (c) manage, including in ways identified in regional plans—
 - (i) the impact of resource activities and other regulated activities on areas of regional interest; and
 - (ii) the coexistence, in areas of regional interest, of resource activities and other regulated activities with other activities, including, for example, highly productive agricultural activities.

To achieve its purposes the *Regional Planning Interests Act 2014* provides for a transparent and accountable process for the impact of proposed resource activities and regulated activities on area of regional interest to be assessed and managed. The *Regional Planning Interests Regulation 2014* supports this outcome by establishing key elements of the assessment process such as criteria, assessing agencies, and notification requirements.

Inconsistency with policy objectives of other legislation

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

Benefits and costs of implementation

The government has committed to the development of new generation statutory regional plans to ensure that government policy reflects the desires and aspirations of local communities and fosters the four economic pillars of agriculture, resources, tourism and construction. The policy contained within these new generation regional plans is applied to

most development through the *Sustainable Planning Act 2009*. The *Regional Planning Interests Act 2014* combined with the *Regional Planning Interests Regulation 2014* ensures this policy is also applied to resource activities and other regulated activities not subject to the provisions of the *Sustainable Planning Act 2009*.

The costs of implementation of the *Regional Planning Interests Act 2014* will be partially funded through application fees that are prescribed in the *Regional Planning Interests Regulation 2014*. Any remaining costs will be met through departmental budget allocations.

Consistency with fundamental legislative principles

The subordinate legislation is consistent with the fundamental legislative principles of the *Legislative Standards Act 1992*.

Consultation

Preparation of the draft *Regional Planning Interests Regulation 2014* was informed by the consultation on the Central Queensland, Darling Downs and Cape York regional plans that was carried out over 18 months prior to their commencement in October 2013. This included consultation with the agricultural sector, landholders, the resource sector, local government and community groups.

Consultation of the assessment criteria for Priority Agricultural Areas contained in schedule 2 was carried out with the Queensland Resources Council, the Australian Petroleum Production and Exploration Association, the Association of Mining and Exploration Companies, Queensland Farmers Federation, Cotton Australia, AgForce, the Department of Agriculture, Fisheries and Forestry, the Department of Environment and Heritage Protection, and the Department of Natural Resources and Mines.

Consultation on the assessment criteria for Priority Living Areas contained in schedule 2 was carried out with all local governments in the Central Queensland and Darling Downs regions, the Queensland Resources Council, the Australian Petroleum Production and Exploration Association, the Association of Mining and Exploration Companies, the Local Government Association of Queensland, and the Department of Natural Resources and Mines.

An exposure draft of the *Regional Planning Interests Regulation 2014* was tabled in the Legislative Assembly on 19 March 2014 for a consultation period of 60 days.