

# Impact Analysis Statement

## Summary IAS

### Details

<b>Lead department</b>	Department of State Development, Infrastructure and Planning
<b>Name of the proposal</b>	<i>Brisbane Olympic and Paralympic Games Arrangements and Other Legislation Amendment Act 2024</i>
<b>Submission type</b>	Authority to Introduce
<b>Title of related legislative or regulatory instrument</b>	<i>Brisbane Olympic and Paralympic Games Arrangements Act 2021, Work Health and Safety Act 2011 and Electrical Safety and Other Legislation Amendment Act 2024.</i>
<b>Date of issue</b>	November 2024

<b>Proposal type</b>	<b>Details</b>
<b>Regulatory proposals where no regulatory impact analysis is required</b>	<p>The proposal will enable the Authority's to undertake a 100 day review to assess and map the infrastructure and transport needs for Queensland and the Games; amend the composition of the Authority's Board, including that at least one director must represent regional Queensland; streamline the appointment process for the Authority's Board; make changes to several of the Authority's legislative obligations, and clarify the Interim Chief Executive Officer's powers.</p> <p>The proposal relates to the internal management of the public sector and, in accordance with the Better Regulation Policy, no regulatory impact analysis is required.</p>
<b>Minor and machinery in nature</b> <b>Deregulatory</b>	<p>The regulatory proposal also includes urgent and necessary changes to the <i>Work Health and Safety Act 2011</i> and <i>Electrical Safety and Other Legislation Amendment Act 2024</i> to progress the following key work health have safety priorities:</p> <ul style="list-style-type: none"> <li>reintroduce a requirement for work health and safety entry permit holders to provide at least 24 hours' notice of entry before entering into a workplace, except in circumstances where there is an imminent health and safety risk to a worker</li> <li>clarify that health and safety representatives are empowered to issue cease work notices directly to a worker and not the person conducting a business or undertaking, and</li> <li>not proceed with commencing new rights/powers introduced in the recent <i>Electrical Safety and Other Legislation Amendment Act 2024</i> for WHS entry permit holders and health and safety representatives to take photos, videos, measurements and conduct tests which would have commenced on 1 January 2025.</li> </ul> <p>The reintroduction of requiring 24 hours' notice for entry is aligned with other WHS entry permit holder right of entry requirements in the <i>Work Health and Safety Act 2011</i>, reducing the regulatory burden on business, and is, therefore, considered minor and machinery in nature.</p>



	The other proposed amendments are deregulatory as they remove regulation, including newly introduced requirements which have not yet commenced in Queensland's health and safety framework.
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**Signed**

Mr John Sosso  
Director-General  
Department of State Development,  
Infrastructure and Planning

Date: <sup>24</sup> 11 / 2024

Honourable Jarrod Bleijie MP  
Deputy Premier, Minister for State  
Development, Infrastructure and Planning and  
Minister for Industrial Relations

Date: <sup>24</sup> 11 / 2024

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## Summary IAS

### Details

<b>Lead department</b>	Department of State Development, Infrastructure and Planning
<b>Name of the proposal</b>	<i>Brisbane Olympic and Paralympic Games Arrangements and Other Legislation Amendment Act 2024</i> , including amendments to amend the <i>Planning Act 2016</i> to clarify that the Planning Minister may amend and repeal a State Facilitated Development
<b>Submission type</b>	Summary IAS
<b>Title of related legislative or regulatory instrument</b>	<i>Planning Act 2016</i> <i>Planning and Environment Court Act 2016</i>
<b>Date of issue</b>	November 2024

#### **What is the nature, size and scope of the problem? What are the objectives of government action?**

State Facilitated Development (SFD) is a new alternative, state-assessed pathway under the *Planning Act 2016* for development that is a priority to the State. Eligible projects must be predominantly for residential development and include at least 15 per cent affordable housing as defined under the Planning Regulation.

The two stage SFD process involves:

- Stage 1 – an applicant lodges a request to declare an SFD, the request is considered, a notice of the proposed declaration is given with a representation period for stakeholders, and the Minister decides whether to declare an SFD; and
- Stage 2 – following declaration of an SFD, the applicant submits a development application for assessment, notification and decision by the chief executive (the Director-General) to approve or refuse the development.

Once an SFD declaration is declared (stage 1), the subsequent development application must be aligned with the declaration under the Planning Act. However, the current process does not anticipate that changes may be necessary after an SFD is declared. Emerging information may necessitate a change to the development application if a better planning outcome is identified or may identify that the project is no longer an eligible project for the SFD pathway and should be repealed.

This is inconsistent with other assessment pathways under the Planning Act, like the Ministerial Infrastructure Designation (MID) process, which provides for the making, amendment and repeal of MID. Further, the current SFD process does not enable the declaration for an SFD to be repealed.

#### **What options were considered?**

The Planning Act does not expressly state powers for the making, amending or repeal of an SFD declaration which creates ambiguity, especially when considered against similar assessment pathways in the Planning Act that state making, amendment and repeal powers.

To provide clarity and certainty, it is proposed to amend the Planning Act and *Planning and Environment Court Act 2016* to provide:

- clarify that the Planning Minister may amend or repeal a declaration made for SFD under the Planning Act;



- provide that the Planning Minister may request an amendment to a development application made to the chief executive for SFD declared development under the Planning Act and that the application lapses if the change is not made;
- provide for procedural matters associated with the Planning Minister's decision to amend or revoke an SFD under the Planning Act, for example, the giving of notices and the effect of the notice; and
- clarify that declaratory proceedings may be started under *Planning and Environment Court Act 2016* (PEC Act) if there is uncertainty about how to administer a development application that is no longer declared as SFD and may progress through the usual assessment pathway.

The proposed amendments are considered the best option to provide certainty and clarity, given that there may be different legal interpretations of the *Acts Interpretation Act 1954* about whether the powers to make a decision include powers to repeal or amend the decision under the Planning Act.

**What are the impacts?**

The SFD declaration is not a development permit or type of approval. It provides an alternative process for a development application to be assessed and decided by the chief executive. Benefits of the SFD include reduced assessment timeframes and a tailored notification process. However, an SFD declaration does not guarantee the development will be approved.

If an SFD declaration is repealed, the applicant may seek approvals through the standard development assessment process (typically assessed and decided by the relevant local government). There are no changes to the applicant's rights to seek an approval.

If an SFD declaration is amended, the applicant may proceed to lodge a development application with the chief executive for assessment and decision or may also opt to proceed through the standard assessment process if preferred. There are no fees associated with the SFD assessment pathway.

At any point in time (including if the SFD declaration is amended or repealed), the applicant may seek development approval through the usual pathway rather than an SFD, typically requiring development approval from the local government rather than the chief executive.

**Who was consulted?**

Targeted stakeholder consultation including all local governments, local government peak bodies, utility providers, and legal, community and industry peak bodies occurred on the policy intent of the new SFD process in 2022 and 2023.

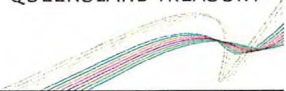
The proposed amendments to enable the Planning Minister to amend or repeal an SFD declaration seek to remove any doubt that the Planning Minister may amend or repeal an SFD declaration, given there may be differing views in interpreting these provisions under the Acts Interpretations Act.

As the amendments seek to clarify the Minister's decision-making powers to amend or repeal an SFD declaration under the Planning Act, consultation has not been carried out on the proposed amendments on this basis.

**What is the recommended option and why?**

It is proposed to amend the Planning Act and *Planning and Environment Court Act 2016* to provide that the Minister may amend or repeal a declaration made for SFD under section 106 of the Planning Act.

Legislative amendments are recommended to provide clarity and certainty that SFD declarations may be amended and repealed and the steps that must be taken in those circumstances.



**Impact assessment**

*All proposals – complete [do not delete]:*

	First full year	First 10 years**
<b>Direct costs – Compliance costs*</b>	0	0
<b>Direct costs – Government costs</b>	0	0

\* The *direct costs calculator tool* (available at [www.treasury.qld.gov.au/betterregulation](http://www.treasury.qld.gov.au/betterregulation) ) should be used to calculate direct costs of regulatory burden. If the proposal has no costs, report as zero. \*\*Agency to note where a longer or different timeframe may be more appropriate.

**Signed**

John Sosso  
Director-General  
Department of State Development,  
Infrastructure and Planning

Date: *22.11.2024*

Jarrod Bleijie MP  
Deputy Premier  
Minister for State Development, Infrastructure and  
Planning  
Minister for Industrial Relations

Date: *24/11/24.*