

Economic Development Amendment Regulation (No. 3) 2016

Explanatory notes for SL 2016 No. 158

made under the

Economic Development Act 2012

General Outline

Short title

Economic Development Amendment Regulation (No. 3) 2016.

Authorising law

Sections 37, 38 and 176 of the *Economic Development Act 2012*.

Policy objectives and the reasons for them

The purpose of this regulation is to declare certain land at The Mill at Moreton Bay as a priority development area (PDA) and to make an interim land use plan (ILUP) regulating development in the area.

The *Economic Development Act 2012* (EDA) section 3 provides that the main purpose of the EDA is to facilitate economic development, and development for community purposes, in the State. The EDA section 4 provides that the main purpose of the EDA is achieved by establishing Minister for Economic Development Queensland (MEDQ) to plan, carry out, promote or coordinate activities to facilitate economic development, and development for community purposes, in the State; and providing for a streamlined planning and development framework for particular parts of the State (declared as PDAs under the EDA) to facilitate economic development, and development for community purposes, in or for the parts.

Section 37 provides that a regulation may declare a part of the State to be a PDA. In making a declaration regard must be had to the main purpose of the EDA, any proposed development for land in the area, the economic and community benefit to the State that may be gained by the proposed development and the impact of the *Sustainable Planning Act 2009* (SPA) on the delivery of the proposed development if SPA were to apply to development in the area.

Once a PDA is declared, the local government planning scheme and some triggers under SPA no longer apply to the area. For example, environmental triggers for clearing of regulated vegetation under SPA do not apply in a PDA. In order to regulate development from the time the PDA is declared until a detailed development scheme is finalised, the EDA section 38 provides that a regulation must also make an ILUP regulating development in the PDA declared under the same regulation. The ILUP may provide for any matter mentioned in EDA section 57(2)(a),(3) or (3A), which outline the contents of a development scheme. The ILUP provides the MEDQ or delegate with a planning instrument against which to assess development applications while preparing the development scheme. The EDA section 39 provides that an ILUP for a PDA expires 12 months after it commences. The ILUP has effect until the earlier of the following: a development scheme for the area take effect; or the ILUP expires under EDA section 39.

ILUPs are temporary planning instruments, intended to protect the future intent of a PDA from inappropriate development and enable appropriate development to occur in advance of adoption of a development scheme for the area. While an ILUP is in place, MEDQ prepares a development scheme for the PDA which is publicly notified under the EDA section 59. The EDA section 64 provides that the development scheme does not take effect until it has been approved under a regulation. Once approved it replaces the ILUP. All subsequent development applications are then assessed against the development scheme.

Once declared, The Mill at Moreton Bay PDA will be administered by MEDQ or any delegated entity under the EDA section 169. The local government planning scheme will no longer apply, unless otherwise stated in the ILUP. The development scheme for The Mill at Moreton Bay PDA will be subject to approval under a regulation.

Achievement of policy objectives

To achieve the objectives of the EDA, the *Economic Development Amendment Regulation (No. 3) 2016* (the regulation) amends the *Economic Development Regulation 2013* to declare The Mill at Moreton Bay PDA and make the associated ILUP. The declaration of The Mill at Moreton Bay PDA is to facilitate economic development and development for community purposes. The strategic location, scale and significant opportunity to provide a university for the region make the precinct a critical building block for the Moreton Bay region. The declaration of The Mill at Moreton Bay PDA is to assist in providing more diverse economic and employment opportunities in many sectors including education, commercial, retail, construction and engineering. It also addresses the impact that SPA would otherwise have, by facilitating consideration of State interests upfront rather than separately for each development application, helping to streamline and shorten the development assessment process.

Consistency with policy objectives of authorising law

Declaring The Mill at Moreton Bay PDA and making the associated ILUP aims to achieve the purposes of the EDA to facilitate economic development and development for community purposes in the area by generating jobs, stimulating industries and bringing innovative products to market through planning and development activity. The primary objectives of the PDA are to:

- deliver land for a university with complementary commercial, retail, residential, and community uses
- enable strong integration and connection of development to the surrounding suburbs and the adjoining train station to facilitate transit oriented development outcomes
- enhance the environmental and ecological values of the site.

Inconsistency with policy objectives of other legislation

The regulation is consistent with the policy objectives of the EDA which is a unique piece of legislation and specific to the State of Queensland.

Benefits and costs of implementation

The MEDQ or delegate will seek to achieve high quality urban development appropriate to the delivery of a regional university campus in The Mill at Moreton Bay PDA. This will include land use and infrastructure integration and best practice urban design. The EDA provides a coordinated and comprehensive framework for efficient delivery of appropriate outcomes with net benefit and potential flow on benefits to the community and broader area.

The declaration of the PDA is to:

- facilitate economic development through job generation and increased investor confidence in the region
- deliver the new University of the Sunshine Coast campus with associated community uses including health, sport and recreation
- provide for a diverse range of commercial, retail and residential opportunities while ensuring appropriate environmental management and conservation
- facilitate redevelopment of complex or difficult sites.

Consistency with fundamental legislative principles

The regulation has been drafted with regard to the fundamental legislative principles as defined in the *Legislative Standards Act 1992* and is consistent with the principles.

Consultation

Extensive consultation has been undertaken with Moreton Bay Regional Council (MBRC) and State agencies in relation to the declaration and boundaries of the PDA and preparation of the ILUP. MBRC has undertaken consultation with community stakeholders and the University of the Sunshine Coast. The Queensland Productivity Commission was also consulted regarding the proposed amendments

A community engagement strategy will be prepared on behalf of the MEDQ to assist in the preparation and public notification of the development scheme for the PDA. The strategy is to address the consultation requirements of the EDA and other complementary activities associated with the development of the PDA. The strategy is to ensure issues and concerns in the PDA are identified and managed.