

Economic Development (Oxley and Yeronga PDAs) Amendment Regulation 2018

Explanatory notes for SL 2018 No.115

made under the

Economic Development Act 2012

General Outline

Short title

Economic Development (Oxley and Yeronga PDAs) Amendment Regulation 2018.

Authorising law

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

Policy objectives and the reasons for them

The policy objective is to amend the *Economic Development Regulation 2013* (ED Regulation) to declare the Oxley and Yeronga Priority Development Areas (PDAs) and to make an Interim Land Use Plan (ILUP) for each of the PDAs to regulate development in the areas.

Section 3 of the EDA, provides that the main purpose of the EDA is to facilitate economic development, and development for community purposes, in the State. Section 4 of the EDA, provides that the main purpose of the EDA is achieved primarily by:

- establishing the 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(1) of the EDA, provides that a regulation may declare a part of the State to be a PDA. Section 37(2)(a) of the EDA, provides that in making a declaration regard must be had to the main purpose of the EDA. Under section 37(2)(b)(i) and (ii) of the EDA, regard must also be had to any proposed development for land in the area; and the economic and community benefit to the State that may be gained by the proposed development. Further, under section

37(2)(b)(iii) of the EDA, regard must be had to the impact the *Planning Act 2016* (PA) may have on the delivery of the proposed development if the PA were to apply to development in the area.

Once a PDA is declared, the local government planning scheme and some triggers under the PA no longer apply to the area. In order to regulate development from the time the PDA is declared until a detailed development scheme is finalised, section 38(1) of the EDA, provides that a regulation must make an ILUP regulating development in the PDA. Under section 38(2) of the EDA, the ILUP may provide for any matter mentioned in section 57(2)(a), (3) or (3A) of the EDA, which outline the content of a development scheme.

The ILUP provides the MEDQ or delegate with a planning instrument to assess development applications while preparing the development scheme. Section 38(3) of the EDA, provides that the ILUP has effect until the earlier of the following: a development scheme for the area takes effect; or the ILUP expires under section 39 of the EDA. Section 39(1) of the EDA, provides that an ILUP for a PDA expires 12 months after it commences. Section 39(2) of the EDA, extends the expiry period where a caretaker period occurs during the 12 months.

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 section 59 of the EDA. Section 64 of the EDA, 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.

Achievement of policy objectives

The *Economic Development (Oxley and Yeronga PDAs) Amendment Regulation 2018* achieves the policy objective by amending the ED Regulation to declare the Oxley and Yeronga PDAs and make the associated ILUPs.

The Oxley and Yeronga sites have been identified as key urban renewal opportunities under the Queensland Government's *Advancing our cities and regions* strategy.

Since the Oxley Secondary College closed in 2000, the site has had a number of temporary government uses but has remained as an underutilised parcel of State-owned land. The vision for the Oxley PDA is to deliver a predominantly residential community with a strong identity and access to facilities that meet local needs. Areas for passive and active open space will be retained and endangered remnant vegetation will be protected.

The vision for the Yeronga PDA is to deliver a predominantly residential community along with a new community hub for Yeronga on an underutilised parcel of State-owned land. The site was formerly the Yeronga TAFE and has been vacant since 2010. The delivery of the community hub was an election commitment made in the 2017 election.

Economic Development Queensland (EDQ) consider that the redevelopment of the Oxley and Yeronga sites would not be viable under the existing planning framework primarily due to the existing zoning and the need for catalytic infrastructure. The PDAs will provide certainty for investment and ensure timing requirements for development can be met.

In declaring the proposed Oxley and Yeronga PDAs and making the associated ILUPs, regard has been had to the matters listed in section 37(2)(a), (b)(i) and (ii) of the EDA. Analysis by EDQ indicates that the declaration of a PDA for Oxley and Yeronga will:

- create jobs through construction and completed development
- increase investor confidence and certainty to attract development and new business
- unlock government land to help catalyse urban renewal of underutilised or surplus sites, and
- deliver development with community benefit (e.g. community infrastructure, key services, and public realm improvements).

In accordance with section 37(2)(b)(iii) of the EDA, regard has also been had to the impact that the PA may otherwise have on the delivery of the proposed developments if it were to apply. It is considered that the proposals would not be viable under the existing planning framework for the site. An alternative to the PDA declarations is an amendment to the planning scheme. This would be a lengthy process and could cause delays to the projects. Declaration of the PDAs will streamline plan making and development assessment including addressing key State interests up-front in the plan making processes.

The Oxley and Yeronga PDAs will be administered by the MEDQ or the delegated entity under section 169 of the EDA and the planning scheme will no longer apply, unless otherwise stated in the ILUPs. The development schemes for the Oxley and Yeronga PDAs will be subject to approval under a regulation under section 64 of the EDA.

Consistency with policy objectives of authorising law

Declaring the Oxley and Yeronga PDAs and making the associated ILUPs achieves the main purpose of the EDA to facilitate economic development, and development for community purposes by providing for a streamlined planning and development framework for the proposed development in the Oxley and Yeronga PDAs.

Inconsistency with policy objectives of other legislation

There is no inconsistency with the policy objectives of other legislation.

Benefits and costs of implementation

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 projects aim to deliver urban renewal on underutilised State land to revitalise the sites and deliver community outcomes including a new community hub for Yeronga. Declaration of PDAs will help facilitate these outcomes in a streamlined and timely method.

Consistency with fundamental legislative principles

The regulation has been drafted with regard to the fundamental legislative principles outlined in section 4 of the *Legislative Standards Act 1992* and is consistent with these principles.

Consultation

Consultation has been undertaken with Brisbane City. The community has also been consulted in regard to concept plans and design principles for the sites. There is no requirement under the EDA to undertake public consultation prior to declaration of a PDA. Key stakeholders and the community will have further opportunity to comment during the public notification period of the draft PDA development schemes.

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

The Office of Best Practice Regulation (OBPR) in the Queensland Productivity Commission was also consulted under the *Queensland Government Guide to Better Regulation* to determine if further assessment was required under the Regulatory Impact Analysis (RIA) system. OBPR advised that further assessment under the RIA system was not required for the proposed regulation.