

# **Economic Development (Albert Street Cross River Rail PDA) Amendment Regulation 2018**

Explanatory notes for SL 2018 No. 212

made under the  
*Economic Development Act 2012*

## **General Outline**

### **Short title**

*Economic Development (Albert Street Cross River Rail PDA) 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 Albert Street Cross River Rail (CRR) Priority Development Area (PDA) and to make an Interim Land Use Plan (ILUP) regulating development in the area.

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 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, unless otherwise stated in the ILUP. 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 (Albert Street Cross River Rail PDA) Amendment Regulation 2018* achieves the policy objective by amending the ED Regulation to declare the Albert Street CRR PDA and make the associated ILUP.

The proposed Albert Street CRR PDA falls under the EDA purpose of supporting economic development and development for community purposes. The intent of the PDA includes the following:

- enable appropriate integration of development with the future Albert Street CRR station;
- contribute to a sense of arrival at this new landmark destination within the Brisbane City Centre;
- help manage potential interface risks between the Albert Street CRR tunnel, station and over station development delivered as part of the CRR project;
- ensure development is designed to manage high-volume pedestrian movements from the new station; and
- facilitate economic development through job generation and increased investor confidence particularly to facilitate over station development above the new Albert Street CRR station and of the broader precinct.

Although the head of power to declare a PDA is provided for by the EDA, the purpose of the *Cross River Rail Delivery Authority Act 2016* includes establishing the Cross River Rail Delivery Authority (CRRDA) to plan, carry out, promote or coordinate activities to facilitate economic development, and development for community purposes, in a cross river rail PDA. The EDA also provides for delegation of functions and powers under the EDA to the CRRDA.

In declaring the proposed Albert Street CRR PDA and making the associated ILUP, regard has been had to the matters listed in section 37(2)(a),(b)(i) and (ii) of the EDA. Analysis by Economic Development Queensland (EDQ) indicates that the declaration of a PDA for the Albert Street CRR will:

- create jobs through construction and completed development;
- increase investor confidence and certainty to attract development and new business; and
- support the delivery of the CRR project and associated community benefit.

In accordance with section 37(2)(b)(iii) of the EDA, regard has also been had to the impact the PA may otherwise have on the delivery of the proposed development if it were to apply. The relevant PA planning scheme (the Brisbane City Plan 2014) does not anticipate the new rail station on Albert Street including relevant design considerations. An alternative to a PDA declaration is an amendment to the planning scheme. This would be a lengthy process and could cause delays to the project. Declaration of a PDA will streamline plan making and development assessment including addressing key state interests (e.g. heritage) up-front in the plan making process.

The Albert Street CRR PDA 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 ILUP. Under section 64 of the EDA, the development scheme for the Albert Street CRR PDA will be subject to approval under a later regulation.

## **Consistency with policy objectives of authorising law**

Declaring the Albert Street CRR PDA and making the associated ILUP 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 Albert Street CRR development.

## **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 CRR project will provide a 10.2 kilometre rail line from Dutton Park to Bowen Hills including a 5.9 kilometre tunnel under the Brisbane River and Brisbane City Centre. The project has been designed to alleviate constraints at the core of the rail network, so it can grow and evolve to benefit communities across the region.

Costs related to the PDA process will be sourced from the existing Department of State Development, Manufacturing, Infrastructure and Planning budget.

Declaration of a PDA 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 Council.

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.

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 the proposal to declare the Albert Street Cross River Rail Station a PDA and adopt an associated ILUP, does not appear likely to result in significant adverse impact. Therefore, no further regulatory impact analysis under the *Queensland Government Guide to Better Regulation* is required.