

Economic Development (Woolloongabba Cross River Rail PDA) Amendment Regulation 2020

Explanatory notes for SL 2020 No. 45

made under the

Economic Development Act 2012

General Outline

Short title

Economic Development (Woolloongabba Cross River Rail PDA) Amendment Regulation 2020.

Authorising law

Sections 37, 38, 42 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 repeal the Woolloongabba Priority Development Area (PDA) and declare the Woolloongabba Cross River Rail (CRR) PDA.

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 declaration regulation were not made.

Once a PDA is declared, schedule 6 of the *Planning Regulation 2017* prohibits the *Brisbane City Plan* from making PDA-related development assessable under the PA. In order to regulate development, from the time the PDA is declared until a detailed development scheme is finalised, section 38(2) of the EDA provides that the MEDQ must make an interim land use plan (ILUP) regulating development in the entire area proposed to be declared under the regulation. Section 38(3) of the EDA provides the MEDQ with the ability to make more than one ILUP for the PDA. The MEDQ has made only one ILUP for the PDA under section 38(2).

Section 40AB of the EDA provides that an ILUP for a PDA expires 12 months after it commences unless the MEDQ under section 37(3) and (4) recommended that the declaration regulation for the PDA state a longer period (up to 24 months). The MEDQ has recommended an 18-month expiry period for the ILUP under section 37(3) and (4).

Section 42 of the EDA provides for the Minister to recommend to the Governor in Council the making of a regulation to amend or appeal a declaration regulation (the PDA change). Section 42(4) provides that the planning instrument change, that would ordinarily be required under section 42(2), is not required if the part of the State comprising or including the excluded land is to be declared a PDA and the declaration is to commence at the same time as the PDA change.

Achievement of policy objectives

The *Economic Development (Woolloongabba Cross River Rail PDA) Amendment Regulation 2020* (the regulation) achieves the policy objective by amending the ED Regulation to repeal the Woolloongabba PDA and declare the Woolloongabba CRR PDA. Under section 38(2) of the EDA, the MEDQ has made one ILUP for the entire PDA. Under section 37(3) and (4) of the EDA, the MEDQ has recommended that the regulation state an expiry date of 18 months.

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

- contribute to a sense of arrival at this new landmark destination within the Brisbane;
- help manage potential interface risks between the Woolloongabba CRR tunnel, station and surrounding development;
- 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.

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* (CRRDA Act) 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 CRR PDA. The EDA also provides for delegation of functions and powers under the EDA to the CRRDA.

The existing Woolloongabba PDA is not a CRR PDA for the purposes of the CRRDA Act. To enable the CRRDA to carry out its functions under the CRRDA Act with respect to the land surrounding the Woolloongabba CRR station, it is recommended the existing Woolloongabba PDA be revoked and a new CRR PDA declared in its place.

The existing 10 hectare Woolloongabba PDA, declared on 23 April 2010, was declared under the now repealed *Urban Land Development Authority Act 2007* as part of the then government's affordable housing strategy. It is now significantly out of date and does not support the delivery of the CRR project. Therefore, it is recommended the existing Woolloongabba PDA be repealed and replaced with the new 21 hectare Woolloongabba CRR PDA.

This CRR PDA boundary includes all land within the existing Woolloongabba PDA as well as the road casements and land east of Main Street, including the Brisbane Cricket Ground (the Gabba). The inclusion of road casements is now standard practice with PDAs to best manage access and interface arrangements, and the inclusion of the Gabba enables the delivery of a dedicated pedestrian connection from the new CRR station, over Main Street to the Gabba Stadium.

In declaring the proposed Woolloongabba 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 Woolloongabba 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 and integration between the Station and the Brisbane Cricket Ground (the Gabba).

Once declared, the Woolloongabba CRR PDA will be administered by the MEDQ or the delegated entity under section 169 of the EDA.

Consistency with policy objectives of authorising law

Declaring the Woolloongabba CRR PDA by regulation 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 of Woolloongabba CRR rail station and surrounding 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 the 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 (the Commission) was also consulted under the *Queensland Government Guide to Better Regulation* (the guidelines) to determine if further assessment was required under the Regulatory Impact Analysis (RIA) system.

OBPR advised that in considering the proposals, the Commission notes:

- the EDA allows minor boundary changes to PDAs and delegation of any of the MEDQ's functions or powers under the EDA to the CRRDA;
- the Department of State Development, Manufacturing, Infrastructure and Planning's advice that the proposed amendments will provide additional opportunities for consultation with state agencies, the Brisbane City Council and key stakeholders.

With the above information, the Commission considers the proposal appears unlikely to result in significant adverse impacts. Therefore, no further regulatory impact analysis is required under the guidelines.