

Economic Development (Boggo Road Cross River Rail PDA) Amendment Regulation 2020

Explanatory notes for SL 2020 No. 237

made under the

Economic Development Act 2012

General Outline

Short title

Economic Development (Boggo Road Cross River Rail PDA) Amendment Regulation 2020

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 Boggo Road Cross River Rail (CRR) Priority Development Area (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 *Economic Development (Boggo Road Cross River Rail PDA) Amendment Regulation 2020* (amendment regulation) were not made.

Once a PDA is declared, schedule 6 of the *Planning Regulation 2017* prohibits the Brisbane City Plan 2014 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 amendment 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 amendment regulation for the PDA state a longer period (up to 24 months). The MEDQ has recommended a 24-month expiry period for the ILUP under section 37(3) and (4).

Achievement of policy objectives

The amendment regulation achieves the policy objective by amending the ED Regulation to declare the Boggo Road 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 amendment regulation state an expiry date of 24 months.

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

- be transit oriented and provide a safe, legible, and convenient transport interchange with high-quality connections to, and between, rail and bus services to improve accessibility for users;
- deliver a mix of land uses facilitating employment and precinct supporting services, amenity and community facilities;
- provide a cohesive and interconnected public realm, which creates a focus for community activity incorporating high-quality landscaping treatment;
- achieve a highly permeable environment, with a connected movement network within the PDA and to surrounding areas which prioritises pedestrian and cyclist movements;
- deliver high-quality sub-tropical architecture and buildings, landscaping (including public art) and public realm that are open, welcoming, engaging and green;
- protect the functional requirements of state transport infrastructure, state transport corridors and future state transport corridors, to ensure the operational efficiency, capacity, integrity and safety of the transport network is maintained including any future planned upgrades; and
- provide for the conservation, including adaptive reuse, of heritage places within the PDA and adjacent to the PDA.

Although the head of power to declare a PDA is provided for by the EDA, the purpose of the amendment regulation 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 Boggo Road 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 Boggo Road CRR station 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 station precinct.

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 the declaration were not made. The relevant PA planning scheme the Brisbane City Plan 2014 does not anticipate a new CRR rail station, significant redevelopment in this location and the associated 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, transport interface) up-front in the plan making process.

Once declared, the Boggo Road 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 Boggo Road CRR PDA by the amendment 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 the Boggo Road 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, Tourism and Innovation budget.

Declaration of a PDA will help facilitate these outcomes in a streamlined and timely method.

Consistency with fundamental legislative principles

The amendment 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 (BCC) in determining the PDA boundary and in preparing the ILUP. BCC's comments have been incorporated where appropriate. As there is no requirement under the EDA to undertake public consultation prior to declaration BCC will have a further opportunity to comment during the public notification period of the draft PDA development scheme.

A community engagement strategy (the 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* (the guidelines) to determine if further assessment was required under the Regulatory Impact Analysis system. OBPR advised that the proposal to declare the Boggo Road CRR PDA, does not appear likely to result in significant adverse impact. Therefore, no further regulatory impact analysis under the guidelines is required.