

Economic Development (Southport PDA) Amendment Regulation 2021

Explanatory notes for SL 2021 No. 163

made under the

Economic Development Act 2012

General Outline

Short title

Economic Development (Southport PDA) Amendment Regulation 2021

Authorising law

Section 40F and 176 of the *Economic Development Act 2012* (ED Act).

Policy objectives and the reasons for them

The policy objective is to amend the *Economic Development Regulation 2013* (ED Regulation) to update the Southport regulatory map (Map No. PDA 6) to reflect the inclusion of additional land (approximately 3.5 hectares) in the Priority Development Area (PDA).

Since declaration of the Southport PDA on 4 October 2013, the Gold Coast City Council (the council) has undertaken improvement works to the Broadwater Parklands. Stage 3 of the Southport Broadwater Parklands Master Plan was delivered by the council in 2015–2016 and included the creation of an additional 3.5 hectares of public parkland through reclamation of land from the Broadwater. The reclaimed land was located outside the gazetted Southport PDA boundary.

Section 40F of the *Economic Development Act 2012* (ED Act), provides that a regulation (a boundary change regulation) may amend a declaration regulation made under section 34 or 37 of the ED Act to include additional land (a minor boundary change) to the Priority Development Area (PDA) declared under the declaration regulation.

A boundary change regulation may only be made if:

- The minor boundary change is to correct an error in the boundary of the PDA; or
- The Minister for Economic Development Queensland (MEDQ) is satisfied the minor boundary change promotes the proper and orderly planning, development, and

management of the additional land to be included in, or the land to be excluded from, the PDA (*example from the ED Act – including additional land in a priority development area so part of the boundary of the area aligns with the boundary of land that was reclaimed after the area was declared*).

Achievement of policy objectives

The *Economic Development (Southport PDA) Amendment Regulation 2021* (Amendment Regulation) achieves the policy objective by amending the ED Regulation to include additional land in the PDA. Under section 40F (2) of the ED Act, a boundary change regulation may only be made if:

- the minor boundary change is to correct an error in the boundary of the PDA; or
- MEDQ is satisfied the minor boundary change promotes the proper and orderly planning, development, and management of the additional land to be included in, or the land to be excluded from, the PDA.

The proposed minor boundary change promotes proper and orderly planning, development, and management of the additional land to be included in the PDA on the basis that:

- the PDA boundary will align with the boundary of land that was reclaimed after the PDA was declared;
- the ED Act includes an example of a minor boundary change that is consistent with the change being proposed being: *including additional land in a priority development area so part of the boundary of the area aligns with the boundary of land that was reclaimed after the area was declared*; and
- the land to be included in the PDA is currently within the council's jurisdiction, however it is unzoned land. Since the completion of the reclamation works in 2015-16, the land has been used for public parkland. Given its location immediately adjoining the PDA's open space precinct and the consistency of the precinct with the current use of the land, it is considered that the inclusion of this land in the PDA promotes the proper and orderly planning, development, and management of the land.

The proposed amendment to the boundary is determined to be 'minor' for the following reasons:

- the additional land to be included in the PDA is 3.5 hectares, which is 1.8 per cent of the current total PDA area, it is therefore not a large area that significantly extends the PDA;
- the proposed boundary change will not take the PDA in a new or changed direction from what was intended at the time of declaration;
- the reclaimed land adjoins the PDA open space precinct and is sought to be included in this precinct; and
- the existing use of the land (for public parkland) is consistent with the open space zone provisions in the PDA.

Consistency with policy objectives of authorising law

The Amendment Regulation achieves the main purpose of the ED Act to facilitate economic development, and development for community purposes by aligning the boundary of land that

was reclaimed after the PDA was declared. This will allow for a streamlined land use planning and development assessment framework to apply.

Inconsistency with policy objectives of other legislation

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

Benefits and costs of implementation

The ED Act 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 Amendment Regulation will provide proper orderly planning, development and management of the land to be included in the Priority Development Area by incorporating reclaimed land and aligning it with the planning intent of the adjoining land.

There are no resource or financial implications for the Department of State Development, Infrastructure, Local Government and Planning, as the council is the delegate for the MEDQ.

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 council who confirmed support for the Amendment Regulation.

The Office of Best Practice Regulation advised that the proposal to include additional land in the Southport PDA does not appear likely to result in significant adverse impact. Therefore, no further regulatory impact analysis under the guidelines is required.