

Economic Development (Sunshine Coast Airport PDA) Amendment Regulation 2023

Explanatory notes for SL 2023 No. 90

made under the

Economic Development Act 2012

General Outline

Short title

Economic Development (Sunshine Coast Airport PDA) Amendment Regulation 2023

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 Sunshine Coast Airport (SCA) 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* (Planning Act) may have on the delivery of the proposed development if the *Economic Development (Sunshine Coast Airport PDA) Amendment Regulation 2023* (amendment regulation) were not made.

Once a PDA is declared, schedule 6 of the *Planning Regulation 2017* prohibits the Sunshine Coast Planning Scheme 2014 from making PDA-related development assessable under the Planning Act. 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 not recommended an expiry period for the ILUP under section 37(3) and (4) that is longer than 12 months.

Achievement of policy objectives

The amendment regulation achieves the policy objective by amending the ED Regulation to declare the SCA PDA. Under section 38(2) of the EDQ, the MEDQ has made one ILUP for the entire PDA.

PDA declaration is considered necessary to realise the key strategic objectives for the Sunshine Coast. Declaration will:

- provide for the implementation of a streamlined land use planning and development assessment framework to apply over the site,
- increase investor confidence and certainty which will enable investment in the delivery of an expanded aerospace precinct with improved infrastructure to better position the general aviation sector for growth and development,
- attract development and new business to the state,
- deliver the outcomes of the South East Queensland Regional Plan 2017 by facilitating the growth of the airport as a major economic enabling infrastructure,
- deliver the strategic objectives of the Sunshine Coast Regional Council's (the council) Regional Economic Development Strategy 2013-2033, and
- build resilience and diversification in the SCA business to secure new revenue streams, by developing activities that are complimentary to the functions of the SCA.

In accordance with section 37(2)(b)(iii) of the EDA, regard has also been had to the impact the Planning Act may otherwise have on the delivery of the proposed development if the declaration regulation were not made. The relevant Planning Act planning scheme (the Sunshine Coast Planning Scheme 2014) requires development on the site to be in accordance with the Sunshine Coast Airport Master Plan 2007, which pre-dates the runway expansion and strongly relates to airport and aviation-related development. Since then, the 2040 Master Plan has been prepared and endorsed by the SCC, but not reflected in the planning scheme.

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 expansion of the Sunshine Coast Airport. Declaration of a PDA will streamline plan-making and development assessment.

Once declared, the SCA PDA will be administered by the MEDQ.

Consistency with policy objectives of authorising law

Declaring the SCA 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 SCA.

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 PDA declaration will provide a streamlined planning framework that accommodates the future needs of the airport.

Government costs related to the PDA declaration will be sourced from the existing Department of State Development, Infrastructure, Local Government and Planning budget.

Consistency with fundamental legislative principles

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

Consultation

Consultation was undertaken with the SCC as the relevant local government and land owner of the land, as well SCA Pty Ltd as the lessee and operator of the airport, about the PDA boundary and the ILUP.

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 SCA PDA, does not appear likely to result in significant adverse impact. Therefore, no further regulatory impact analysis under the guidelines is required.

There is no requirement for public consultation prior to the declaration. The development scheme for the PDA is subject to public notification. A community engagement strategy (the strategy) will be prepared to guide the preparation and public notification of the development scheme for the PDA.