

Economic Development Regulation 2023

Explanatory notes for SL 2023 No. 107

made under the

Economic Development Act 2012

General Outline

Short title

Economic Development Regulation 2023

Authorising law

Sections 37, 84, 104, 171F and 196 of the *Economic Development Act 2012*

Policy objectives and the reasons for them

The *Economic Development Regulation 2023* (the regulation) repeals and replaces the *Economic Development Regulation 2013* (EDR) that would have otherwise expired on 1 September 2023.

The policy objectives of the regulation are to:

- continue the effect of Priority Development Areas (PDAs) declared under the *Economic Development Act 2012* (ED Act) prior to the expiry of the EDR;
- continue the effect of transitioned urban development areas (UDAs) under the repealed *Urban Land Development Authority Act 2007* as PDAs under the ED Act;
- establish the requirements for placing a notice about a PDA development application on land;
- establish the process for approving plans of subdivision; and
- establish the requirements for applications for temporary use licences.

Achievement of policy objectives

The regulation commences on 1 September 2023 and achieves the policy objectives by providing a schedule:

- of PDAs including transitioned UDAs;
- of development schemes for transitioned UDAs; and
- that provides a process for a person to apply, and the Minister for Economic Development Queensland to assess requests, for approval of a plan of subdivision.

The regulation carries forward policy from the repealed EDR with necessary and convenient drafting changes to ensure its continued operation.

Consistency with policy objectives of authorising law

The Regulation is consistent with the main purpose of the ED Act that is, to facilitate economic development and development for community purposes. The purpose is achieved by providing for a streamlined planning and development assessment framework in PDAs which have been declared under the regulation or continue under the regulation.

Inconsistency with policy objectives of other legislation

The regulation is consistent with the policy objectives of other legislation.

Alternative ways of achieving policy objectives

As part of the sunset review of the EDR an assessment of alternative ways of achieving policy objectives was undertaken. The review found that the EDR should continue in order to avoid:

- creating uncertainty for industry and government regarding the status of current PDAs (potentially undermining development entitlements for land within the PDAs);
- increasing the regulatory burden as declaration of new PDAs would require the making of a new regulation; and
- creating ambiguity in the process for placing a notice on land, assessing plans of subdivision and in lodging applications for Temporary use licences.

Benefits and costs of implementation

The purpose of the ED Act is to facilitate economic development and development for community purposes across Queensland through a streamlined planning practice and processes. The regulation supports the ED Act by continuing the effect of planning mechanisms (PDAs and development instruments) by which the streamlined planning and development system operates. There are no budgetary costs to the Government except where funding to enable development to proceed will be sought under the usual Queensland Treasury processes.

Consistency with fundamental legislative principles

The regulation is consistent with the fundamental legislative principles set out in the *Legislative Standards Act 1992* as it is only re-making the existing EDR which would otherwise expire.

Consultation

There has been no consultation undertaken specifically about the regulation as it remains relevant and effective for the specified development and external stakeholders have little to no direct engagement with the regulation. The Office of Best Practice Regulation advised that no further regulatory impact analysis is required and that the sunset review undertaken by the Department of State Development, Infrastructure, Local Government and Planning indicates that the regulation continues to be required and is effective.