

# **Economic Development and Other Legislation Amendment Regulation**

Explanatory notes for SL 2023 No. 135

made under the

*Economic Development Act 2012*

*State Development and Public Works Organisation Act 1971*

## **General Outline**

### **Short title**

*Economic Development and Other Legislation Amendment Regulation 2023*

### **Authorising law**

Sections 37, 38, 42 and 176 of the *Economic Development Act 2012* (ED Act)

Sections 77 and 173 of the *State Development and Public Works Organisation Act 1971* (SDPWO Act)

### **Policy objectives and the reasons for them**

The policy objectives of the *Economic Development and Other Legislation Amendment Regulation 2023* (Amendment Regulation) are to:

- amend the *Economic Development Regulation 2023* to revoke the Woolloongabba Cross River Rail (CRR) Priority Development Area (PDA);
- amend the *Economic Development Regulation 2023* to declare the Woolloongabba PDA; and
- amend the *State Development and Public Works Organisation (State Development Areas) Regulation 2019* to revoke the Queensland Children's Hospital State Development Area (QCHSDA).

Section 3 of the ED Act provides that the main purpose of the Act is to facilitate economic development, and development for community purposes, in the state. Section 4 of the ED Act, provides that the main purpose of the Act 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 ED Act) to facilitate economic development, and development for community purposes, in or for the parts.

Section 37(1) of the ED Act provides that a regulation may declare a part of the state to be a PDA. Section 37(2)(a) of the ED Act, provides that in making a declaration regard must be had to the main purpose of the ED Act. Under section 37(2)(b)(i) and (ii) of the ED Act, 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 ED Act, 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 and Other Legislation Amendment Regulation 2023* (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 Planning Act. To regulate development from the time the PDA is declared until a detailed development scheme is finalised, section 38(2) of the ED Act 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 40AB of the ED Act provides that an ILUP for a PDA expires 12 months after it commences unless the MEDQ under sections 37(3) and (4) recommends 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 sections 37(3) and (4) that is longer than 12 months.

Section 42(1) of the ED Act provides that a regulation may amend or repeal a provision of a declaration regulation made under sections 34 or 37 so that land will no longer be in the PDA. Section 42(4) of the ED Act provides that a planning instrument change is not required if the part of the state comprising the excluded land is to be declared a PDA and the declaration is to commence at the same time.

The policy intent is to revoke the existing QCHSDA as it has fulfilled its original purpose to facilitate and manage the development and operation of the area and associated infrastructure for health and education purposes.

## **Achievement of policy objectives**

### ***Woolloongabba CRRPDA***

It is proposed to revoke the current Woolloongabba CRRPDA to accommodate a new, expanded PDA in Woolloongabba, the intention of which was publicly announced by the Queensland Government on 17 February 2023.

The Amendment Regulation achieves the policy objective by revoking the Woolloongabba CRRPDA and declaring the Woolloongabba PDA. Under section 38(2) of the EDQ, the MEDQ has made one ILUP for the entire PDA.

### **QCHSDA**

The QCHSDA was declared in 2008 to facilitate and effectively manage the planned development and operation of the area and associated infrastructure for health and education purposes.

The QCHSDA has fulfilled its purpose to consolidate health services for children and young people by providing one world-class tertiary and quaternary hospital for the children and young people of Queensland. The Queensland Children's Hospital opened in late November 2014 and the QCHSDA has remained in place.

Upon revocation, a portion of the QCHSDA will be included in the Woolloongabba PDA and regulated by the ED Act, whilst the remainder will revert to being regulated by the *Planning Act 2016*.

The declaration of the Woolloongabba PDA, together with the proposed revocation of the QCHSDA will provide for the implementation of a streamlined land use planning and development assessment framework within the PDA.

Declaration of an expanded Woolloongabba PDA will capitalise on the once-in-a-lifetime opportunities presented by Brisbane 2032, and the State's investment in major infrastructure, including CRR, Brisbane Metro, the Gabba Stadium, and upgrades to key connections.

## **Consistency with policy objectives of authorising law**

The Amendment Regulation is consistent with the objectives of the ED Act and with section 173(1) of the SDPWO Act

Revoking the current Woolloongabba CRRPDA and declaring the Woolloongabba PDA by the Amendment Regulation achieves the main purpose of the ED Act to facilitate economic development, and development for community purposes by providing for a streamlined planning and development framework for the proposed development within the PDA.

Section 173(1) of the SDPWO Act, which provides for the Governor in Council to make regulations, not inconsistent with the SDPWO Act in respect to a range of matters, including State Development Areas.

## **Inconsistency with policy objectives of other legislation**

The Amendment Regulation is consistent with the policy objective of other legislation.

## **Benefits and costs of implementation**

The Amendment Regulation will revoke the Woolloongabba CRRPDA, declare the Woolloongabba PDA and revoke the QCHSDA, and seeks to:

- provide a streamlined land use planning framework that will reduce the regulatory burden and complexity on landowners;
- capitalise on the opportunities presented by Brisbane 2032, and the State's investment in major infrastructure, including CRR, Brisbane Metro, the Gabba Stadium, and upgrades to key connections; and
- enable more diverse living options (including affordable, social and accessible housing) and more employment opportunities – leveraging proximity to future high-frequency public transport, health and knowledge centres, and the cultural and events precinct.

Costs related to the PDA declaration will be sourced from the within the Department of State Development, Infrastructure, Local Government and Planning's (DSDILGP) existing budget.

There are no costs associated with the proposed amendment regulation revoking the QCHSDA.

## **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. Sufficient regard has been given to the rights and liberties of individuals and the institution of Parliament.

## **Consultation**

The draft ILUP (containing the proposed PDA boundary and interim land use and infrastructure planning policy) was shared with the Brisbane City Council (BCC) and relevant state agencies to ensure that stakeholder interests were captured. Updates were made to the draft ILUP to reflect relevant comments received during this process.

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

Targeted stakeholder consultation undertaken with BCC, Mater Health Services, Somerville House and St Laurence's College supported or noted the proposed revocation of the QCHSDA.

A self-assessment by DSDILGP determined that no further regulatory impact analysis is required under the Better Regulation Policy as the proposal does not increase the costs or regulatory burden on business or the community.