

Economic Development and Other Legislation (Waraba PDA) Amendment Regulation 2024

Explanatory notes for SL 2024 No. 138

made under the

Economic Development Act 2012
Planning Act 2016

General Outline

Short title

Economic Development and Other Legislation (Waraba PDA) Amendment Regulation 2024

Authorising law

Sections 37, 38, 39, 40AB and 176 of the *Economic Development Act 2012* (ED Act)
Section 284 of the *Planning Act 2016* (Planning Act).

Policy objectives and the reasons for them

The policy objectives of the *Economic Development and Other Legislation (Waraba PDA) Amendment Regulation 2024* (Amendment Regulation) are to:

- amend the *Economic Development Regulation 2013* (ED Regulation) to declare the Waraba Priority Development Area (PDA);
- amend the ED Regulation to state the expiry date for the Interim Land Use Plan (ILUP) for the Waraba PDA; and
- amend the provisions in schedule 10, part 2A of the *Planning Regulation 2017* (Planning Regulation) as it relates to land within the Waraba PDA.

Section 3 of the ED Act provides that the main purpose of the Act is to facilitate the following within the state:

- economic development;
- development for community purposes;
- the provision of diverse housing, including, for example, social housing and affordable housing; and
- the provision of premises for commercial or industrial uses.

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 in the State the main purpose of the ED Act while also:
 - seeking the achievement of ecological sustainability;
 - valuing, protecting and promoting Aboriginal and Torres Strait Islander knowledge, culture and tradition;
 - recognising the cultural heritage significance of places;
- providing for a streamlined planning and development framework for particular parts of the State (declared as PDAs) to facilitate the main purpose of the Act; and
- providing for MEDQ to undertake strategic leadership and coordination of place renewal areas.

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) of the ED Act provides that prior to recommending to the Governor in Council the making of a regulation declaring a PDA, the Minister administering the ED Act must:

- consult with the Minister administering the Planning Act; and
- have regard to the main purpose of the ED Act, any proposed development for land in the area, the impact the Planning Act may have on the delivery of the proposed development if the declaration regulation were not made, and any State planning instrument applying to land in the area.

Once a PDA is declared, schedule 6 of the Planning Regulation prohibits the Moreton Bay Regional Planning Scheme 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 ILUP regulating development in the entire area proposed to be declared under the declaration regulation.

Under section 39 of the ED Act, an ILUP takes effect on the commencement of the declaration regulation. Section 40AB of the ED Act provides that an ILUP for a PDA will expire, where the declaration regulation states an expiry date for the ILUP, on the stated expiry date. Under section 37(3) of the ED Act, the expiry date must be a date that is more than 12 months, but not more than 24 months, after the declaration regulation commences.

The Waraba PDA boundary encompasses land that is subject to the provisions in Schedule 10, Part 2A Caboolture West Interim Structure Plan (CWISP) of the Planning Regulation, made under the Planning Act. The purpose of the Planning Act is to establish an efficient, effective, integrated, coordinated, and accountable system of land use planning, development assessment and related matters that facilitates the achievement of ecological sustainability.

On declaration of the Waraba PDA and commencement of the ILUP, in order to appropriately transition the planning framework for the Waraba PDA from the Planning Act to the ED Act, specific amendments to the Planning Regulation are required.

There is no reasonable alternative to the PDA declaration to achieve government's policy objectives. An alternative to a PDA declaration is an amendment to the planning scheme. However, this would be a lengthy process, subject to Moreton Bay City Council resourcing, and could cause further delays to development within the Waraba PDA. Further, amendments to the

planning scheme would not be able to coordinate the planning for state agency interests or resolve the limitations of the infrastructure charging framework that is hindering timely development of Waraba. Declaration of a PDA will streamline plan-making and provide a fit for purpose land use and infrastructure planning, charging, funding and offsetting framework that is demonstrated to perform effectively to facilitate development in comparable large scale greenfield communities in South East Queensland.

Achievement of policy objectives

Declaration of the Waraba PDA

The Amendment Regulation achieves the policy objectives by declaring the Waraba PDA. Under section 38(2) of the EDA, the MEDQ has made one ILUP for the entire PDA.

Waraba PDA ILUP

The Amendment Regulation also achieves the policy objective by stating a date for the expiry of the Waraba PDA ILUP, being a date that is more than 12 months, but not more than 24 months, after the declaration regulation commences.

The expiry date for the Waraba PDA ILUP is stated as 2 August 2026.

Planning Regulation Amendments

The Amendment Regulation also achieve the policy objectives by introducing an amendment to the Planning Regulation to support the transition of the planning framework for the area from the Planning Act to the ED Act. In summary, the proposed changes will:

- ensure that the prohibition of development within the Caboolture West Investigation Area continues to apply to development applications and development the subject of an application properly made prior to the Waraba PDA declaration, unless made exempt by 3A.
- ensure development on a state school site within the Caboolture West Growth Area remains prohibited for development applications and development the subject of an application properly made prior to the Waraba PDA declaration, unless made exempt by 3B.
- only certain operational works applications outlined by 3C will remain assessable development.

Consistency with policy objectives of authorising law

The Waraba PDA declaration achieves the purpose of the EDA, to support economic development, development for community purposes, provision of diverse housing (including, for example, social housing and affordable housing) and the provision of premises for commercial or industrial uses. The Waraba PDA will ultimately:

- provide for a streamlined and integrated land use and infrastructure planning and development assessment framework for the entire PDA;
- facilitate the delivery of dwelling supply targets for the Moreton Bay local government area by 2046, as outlined in *ShapingSEQ 2023* including the delivery of social and affordable dwellings;

- facilitate the development of employment-related land uses, including retail and commercial activity centres, industrial activities and mixed industry/business uses to meet the broader land demands of the Moreton Bay Local Government Area;
- facilitate the delivery of a broad range of civil, civic and community infrastructure and services that are required to support the future community; and
- establish a transparent and equitable infrastructure planning, charges and delivery framework.

The amendments to the Planning Regulation are consistent with the purpose of the Planning Act. The amendments will allow for the transition from Schedule 10 Part 2A of the Planning Regulation to the ED Act framework.

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 PDA declaration will provide a streamlined and integrated planning framework that addresses land use and infrastructure requirements for Waraba to develop into a regional city. The PDA framework will increase certainty and transparency for the community and for industry to invest and develop in the PDA.

Costs that are incurred relevant to the PDA declaration are funded from existing approved budget allocations.

There are no costs associated with the proposed amendment to the Planning Regulation.

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

There are no requirements for general public consultation prior to the declaration. However, the Minister administering the ED Act consulted with the Minister administering the Planning Act about the proposed declaration of the PDA, as required by section 37(2) of the ED Act.

Further, targeted stakeholder consultation was undertaken with Moreton Bay City Council as the relevant local government and Unitywater as the relevant local water distributor-retailer. A draft of the PDA development scheme will be subject to public notification prior to coming into effect and replacing the ILUP.