

# **Economic Development (Revocation of Moranbah PDA) Amendment Regulation 2025**

Explanatory notes for SL 2025 No. 5

Made under the

*Economic Development Act 2012*

## **General Outline**

### **Short title**

*Economic Development (Revocation of Moranbah PDA) Amendment Regulation 2025*

### **Authorising law**

Section 42 of the *Economic Development Act 2012* (ED Act)

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

The policy objectives of the *Economic Development (Revocation of Moranbah PDA) Amendment Regulation 2025* (Amendment Regulation) are to amend the *Economic Development Regulation 2023* (ED Regulation) to remove any reference to the Moranbah Urban Development Area, Moranbah Priority Development Area (PDA) and associated mapping, and in effect, revoke the PDA.

Section 42 of the ED Act provides for the Minister for Economic Development Queensland (MEDQ) to recommend to the Governor in Council the making of a regulation to amend or repeal a provision of a declaration regulation made under section 34 or 37 (the PDA change) so land in a PDA (the excluded land) will no longer be in the PDA.

Section 42(4)(c) of the ED Act states a planning instrument change (under Section 42(2)-(3)) is not required if the MEDQ is satisfied that:

- (i) without amendment, the relevant local government's planning instruments adequately provide for the excluded land or
- (ii) any amendments required to be made to the relevant local government's planning instruments to provide for the excluded land are minor, have been the subject of adequate consultation and have been made.

Isaac Regional Council currently has a planning instrument (Isaac Regional Planning Scheme 2021) in effect which provides an appropriate planning framework for the land to be excluded. The Isaac Regional Planning Scheme 2021 provides zones, overlays and assessment

benchmarks that apply to the land within the PDA. The Isaac Regional Planning Scheme 2021 adequately provides for the PDA land and as such the preparation of a planning instrument change is not required prior to revocation of the Moranbah PDA. Further the Isaac Regional Council Planning Scheme 2021 has undertaken public notification requirements in accordance with the *Planning Act 2016* (Planning Act) prior to the Planning Scheme taking effect.

On this basis, the MEDQ is satisfied that the Isaac Regional Council Planning Scheme 2021 provides an appropriate planning framework for the land once the PDA is revoked.

The ED Act provides transitional provisions (sections 50-51AG) from the ED Act framework to the Planning Act framework for development applications and development approvals (among other things). These relevant provisions provide for matters including the following, upon cessation of the PDA:

1. an existing PDA development approval is taken to be a development approval under the Planning Act that took effect at the same time as the PDA development approval;
2. an existing PDA exemption certificate is taken to be an exemption certificate under the Planning Act for:
  - a. if the PDA exemption certificate is for carrying out development on former PDA land—carrying out the development on the land; or
  - b. if the PDA exemption certificate is for carrying out former PDA-associated development on land—carrying out the development on the land.

The exemption certificate under the Planning Act takes effect at the same time as the PDA exemption certificate; and

3. PDA development applications, amendment applications and applications to extend the currency period made, but not decided, at the cessation of the PDA continue to be decided under the ED Act as if the cessation had not happened.

Section 121 of the ED Act specifies that, upon cessation of the PDA, if the MEDQ elects to no longer be a party to an Infrastructure Agreement, the superseding public sector entity for the relevant infrastructure will be taken to be a party to the Infrastructure Agreement and MEDQ's rights and responsibilities under the Infrastructure Agreement for the infrastructure become the rights and responsibilities of the superseding public sector entity.

## **Achievement of policy objectives**

The Amendment Regulation achieves the policy objectives by revoking the Moranbah PDA and removing any reference to the Moranbah Urban Development Area, Moranbah PDA and associated mapping from the ED Regulation. Following revocation, the planning framework will revert to the Planning Act framework.

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

The Moranbah PDA revocation achieves the policy objectives of the authorising law.

The ED Act allows the MEDQ to recommend to the Governor in Council to repeal a declaration of a PDA. The Isaac Regional Planning Scheme 2021 provides a suitable planning framework for the land to be excluded from the Moranbah PDA, with applicable zones, overlays, and benchmarks. Public consultation on the proposed planning scheme (leading to the adoption of the Isaac Regional Planning Scheme 2021) was conducted in 2018 and 2020 under the Planning Act.

The Amendment Regulation is consistent with the purpose of the ED Act and the Planning Act. The amendments will allow for the transition from the ED Act framework to the Planning 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**

Moranbah PDA infrastructure charges are currently calculated using the applicable Isaac Regional Council's Charges Resolution. Consequently, the method of calculating infrastructure charges will not change following the revocation of the PDA. There will be no associated costs of implementation.

## **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**

Economic Development Queensland has consulted with Isaac Regional Council throughout the revocation process. State agencies, including landowners within the PDA, were also consulted during the preparation of the Isaac Regional Planning Scheme 2021 and the proposed revocation of the Moranbah PDA. No objections to the revocation of the Moranbah PDA have been raised.