



Introduction to priority development areas

October 2013



The Department of State Development, Infrastructure and Planning is responsible for driving the economic development of Queensland.

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1.0 Purpose

This document provides councils with information about identifying, declaring and planning provisional and priority development areas (PPDA/PDAs) under the *Economic Development Act 2012* (the ED Act). The ED Act provides an opportunity for state and local governments to work together to facilitate economic development and development for community purposes.

2.0 Legislation, key decision makers and delegation

Economic Development Act 2012

The ED Act came into effect on 1 February 2013. Its main purpose is to facilitate economic development, and development for community purposes, in the state. The declaration of a PPDA/PDA is one principal way of achieving the ED Act's purpose.

The declaration of a PPDA/PDA removes the affected land from the planning and development processes included in the *Sustainable Planning Act 2009* (SPA). Development is streamlined through effective plan making and development assessment processes with shorter timeframes and fewer requirements than SPA.

Minister for Economic Development Queensland

The ED Act establishes the Minister for Economic Development Queensland (MEDQ) as a corporation sole which has responsibility for Economic Development Queensland (EDQ), a commercialised business unit within the Department of State Development, Infrastructure and Planning (DSDIP).

One of EDQ's key roles is to actively engage and consult with councils on potential new declarations and new development projects. The decision to declare a PPDA or PDA is made by the MEDQ after consultation with local government.

Under the ED Act the MEDQ is required to act commercially and has broad powers including:

- declaring PPDA's and PDAs
- planning for PDAs
- deciding development applications
- carrying out economic development and development for a community purpose both inside and outside PPDA's and PDAs
- coordinating the provision of infrastructure
- constructing roads
- fixing charges.

Economic Development Board

The Economic Development Board is an important advice and decision making body, reporting to the MEDQ. The functions of the board include advising and making recommendations to the MEDQ on a range of matters and performing functions which have been delegated to the board.

In relation to the declaration of a PPDA/PDA the board plays a key role, including recommending to the MEDQ whether to proceed to declaration following a request from council.

Under the ED Act the board consists of no more than six members. Currently it includes:

- Director-General of Department of State Development, Infrastructure and Planning (Chair)
- The Under Treasurer
- Director-General of Department of Premier and Cabinet
- Director-General of Local Government, Community Recovery and Resilience
- Deputy Director-General of Planning in DSDIP.

Local representative committees

A local representative committee (LRC) may be established for a PDA to help the MEDQ (or delegates) perform the MEDQ's functions in the area. An LRC consists of persons appointed by the MEDQ including:

- an Economic Development Board member
- no more than four other persons who represent the interests of entities affected by development in the PDA (e.g. a local government councillor).

Functions of an LRC include advising and making recommendations to the MEDQ regarding the impact of proposed development in the area and reporting to the MEDQ about the committee's performance of its functions under the ED Act. An LRC established for an area would also perform any functions or exercise any powers delegated to it by the MEDQ.

Delegation

The MEDQ may delegate any of its functions or powers under the ED Act to any of the following:

- the chief executive of a department
- the Economic Development Board
- a board member
- a local representative committee (if appointed)
- a committee member
- a council
- an appropriately qualified officer or employee of a department.

Delegates must perform the function, or exercise the power, subject to the general direction and control of the MEDQ and any specific written directions given to them by the MEDQ. The ability to delegate functions to a council means that the identification of any legislative functions should be part of council's consideration of a possible declaration.

There are some functions of the MEDQ that are unlikely to be delegated, including:

- s.58(2)(b)(i) – the MEDQ will decide what government entities and government owned corporations (GOCs) should be consulted about the proposed development scheme.
- s.59(1)(a) – the MEDQ will review the draft development scheme and require changes, if required, before public notification. Only the MEDQ can publish the proposed development scheme on the department's website.
- s63(1)(a) and (2) – the MEDQ will 'make the development scheme' and publish the submissions report on the department's website.
- S87(4)(b) – the MEDQ will retain the power to determine if there is a relevant state interest that must be considered when assessing a development application.

3.0 Comparison of the ED Act and SPA

The *Sustainable Planning Act 2009* is the key legislative framework for Queensland's planning and development and building system and governs planning schemes for entire local government areas. The *Economic Development Act 2012* generally applies to parcels of land or key precincts within local government areas where specific economic development outcomes are being sought. The key differences between the ED Act and SPA as they relate to plan making and development assessment are as follows.

Plan making

When a PPDA/PDA is declared, new planning controls immediately come into force, either through a preliminary land use plan (PLUP) for a PPDA or an interim land use plan (ILUP) for a PDA. The PLUP remains the planning instrument for a declared PPDA until the declaration expires after three years. For a PDA, the ILUP remains in place for 12 months or until a development scheme is prepared and gazetted, whichever happens first.

A development scheme must be prepared within 12 months. As the development scheme covers a smaller area than a planning scheme and is intended to facilitate the purpose of the ED Act, it is a relatively simple and flexible document comprising a land use plan, an infrastructure plan and an implementation strategy.

Specifically, under the ED Act:

- a declaration immediately changes planning rules within the declared area – the PLUP/ ILUP comes into force, replacing the planning scheme requirements for the declared area
- a development scheme must be completed within 12 months after a PDA declaration
- the development scheme is not required to be reviewed after a certain period of time and remains in place for as long as the PDA declaration (see section 9.0 for more information about the cessation and revocation of PPDA/PDAs).

Development assessment

The process for development assessment differs significantly between the ED Act and SPA, due to the removal of the state agency referral process and appeals against development assessment decisions under the ED Act. The removal of state agency referrals is recognition of the collaboration with state agencies during the plan making process to resolve issues. The lack of an appeals process is to avoid potential delays to development within PPDA/PDAs, which undermines the objectives of the ED Act to facilitate economic development.

Specifically, under the ED Act:

- there is no code or impact assessment
- there are no state agency referrals
- there are no negotiated decisions
- there are no third party appeal rights
- an applicant can only appeal a nominated assessing authority condition.

Section 10.0 provides for further information relating to the ED Act's development assessment process.

4.0 Provisional and priority development areas

Provisional priority development area (PPDA)

A PPDA may be declared if there is an overriding economic or community need to expedite the proposed development so that it can be brought to the market quickly.

PPDAs are intended to provide for development that does not compromise the implementation of any relevant planning instrument (e.g. planning scheme).

A provisional land use plan (PLUP) is prepared to coincide with the declaration of a PPDA to regulate development within the declared area. A PPDA and the PLUP cease three years after declaration.

Under a PLUP any PDA assessable development for reconfiguration of a lot or material change of use development application must be publicly notified. This is to address potential concerns from the community as they are not required to be consulted during the preparation of the PLUP.

Priority development area (PDA)

A PDA may be declared for sites which are likely to be larger and more complex than a PPDA, however unlike a PPDA the intent for a PDA does not need to be consistent with the council's planning scheme.

An interim land use plan (ILUP) is prepared to coincide with the declaration of a PDA to control development within the area while a development scheme is being prepared. The ILUP comes into effect on the day of the PDA declaration.

The ILUP can allow some development to occur or prohibit all development within the declared area until the development scheme comes into effect. Similar to a PLUP, the community is not required to be consulted during the preparation of the ILUP, however community consultation is a requirement during the preparation of the development scheme which replaces an ILUP.

The ILUP remains in place until the development scheme is prepared, approved by the MEDQ, and becomes a regulation. This is a period of up to 12 months after which the ILUP expires.

5.0 Criteria for potential declaration of a PPDA/PDA

To determine whether a site should be considered for declaration it must satisfy the mandatory requirements under the ED Act, and then the relevant planning or development aspects must be considered. Consultation between EDQ and the relevant council is required for any potential declaration.

Mandatory requirements under the ED Act

The site must meet the main purposes of the ED Act – to facilitate economic development, and development for community purposes, in the state.

Examples may include:

- job generation (through construction and in the completed development)
- increased investor confidence (e.g. will attract development and new business)
- government facilitation (e.g. of catalyst infrastructure to enable broader local investment)
- delivery of development with community benefit (e.g. housing, community infrastructure and key services).

Other considerations

Regard must also be given to the impact of the *Sustainable Planning Act 2009* (SPA) on the delivery of the proposed development if SPA was to apply to development in the area; for example:

- What level of assessment, codes and policies would have been applicable under SPA?
- Would referral to the State Assessment Referral Agency (SARA) and/or public notification have been required?
- Could this have led to a protracted appeals process?
- Has a SPA timeline been thoroughly investigated and mapped out?

For a PPDA, a declaration may also be made if:

- the type, scale, intensity and location of proposed development on the site does not compromise the implementation of any relevant planning instrument (e.g. planning scheme).
- there is an overriding economic or community need to start the proposed development quickly.

While not specified in the legislation, there are other matters that may also be taken into consideration when recommending a possible PPDA/PDA declaration to the MEDQ. These are:

Accelerated development

Is there confidence that economic development will happen more quickly than under SPA as a consequence of the declaration and subsequent planning process?

Provides certainty

Will the declaration and the preparation of a PLUP or development scheme create certainty for the market to invest with confidence?

Provides a special purpose

Is the need for a declaration driven by the need to develop the land for a particular purpose e.g. a major event, a significant community facility?

Unlocks government land

Will the declaration create the catalyst required to enable government agencies to make strategic decisions about the need for disposing or retaining a land asset?

Examples of declared areas

A number of areas have been declared as PDAs to date, responding to the criteria listed above. These include:

Special purpose

Parklands PDA on the Gold Coast enables the Commonwealth Games Village to be delivered as well as future longer term development opportunities on the site. Developers and investors now have a more certain planning and development framework.

Unlocking government land

Blackwater East PDA will potentially release up to 130 hectares of land for predominantly residential development, in the Central Highlands region.

Accelerated development and market certainty

Toondah Harbour and Weinam Creek PDAs in Redland City Council currently consist of ferry terminals and associated car parking to service North Stradbroke Island and the Bay Islands. These areas will potentially transform into mixed use residential, tourism and retail precincts, including dedicated ferry terminals, public open space and possibly marinas.

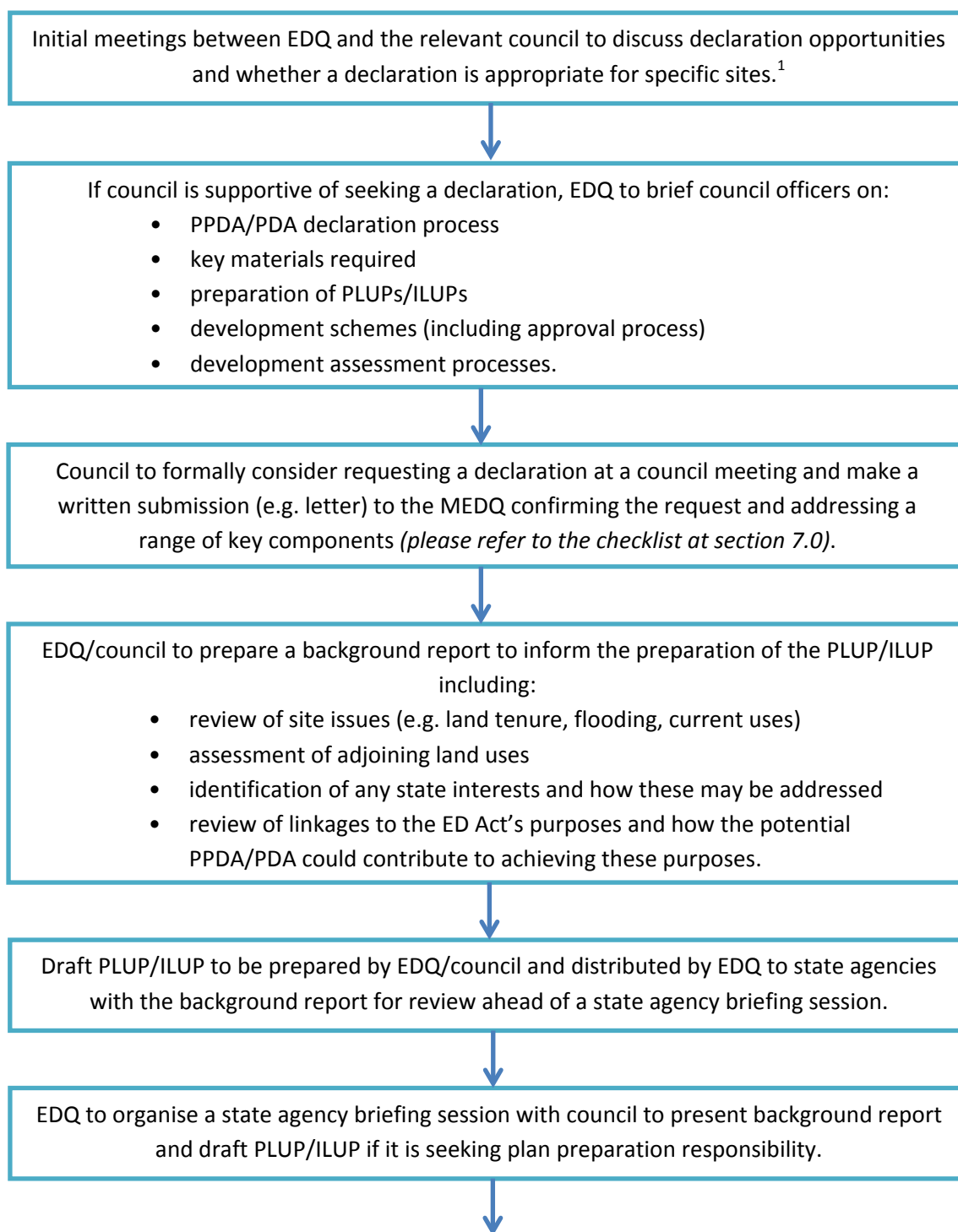
Maroochydore City Centre PDA will assist the Sunshine Coast Council to build a regional centre providing civic, commercial, office and recreational open space facilities.

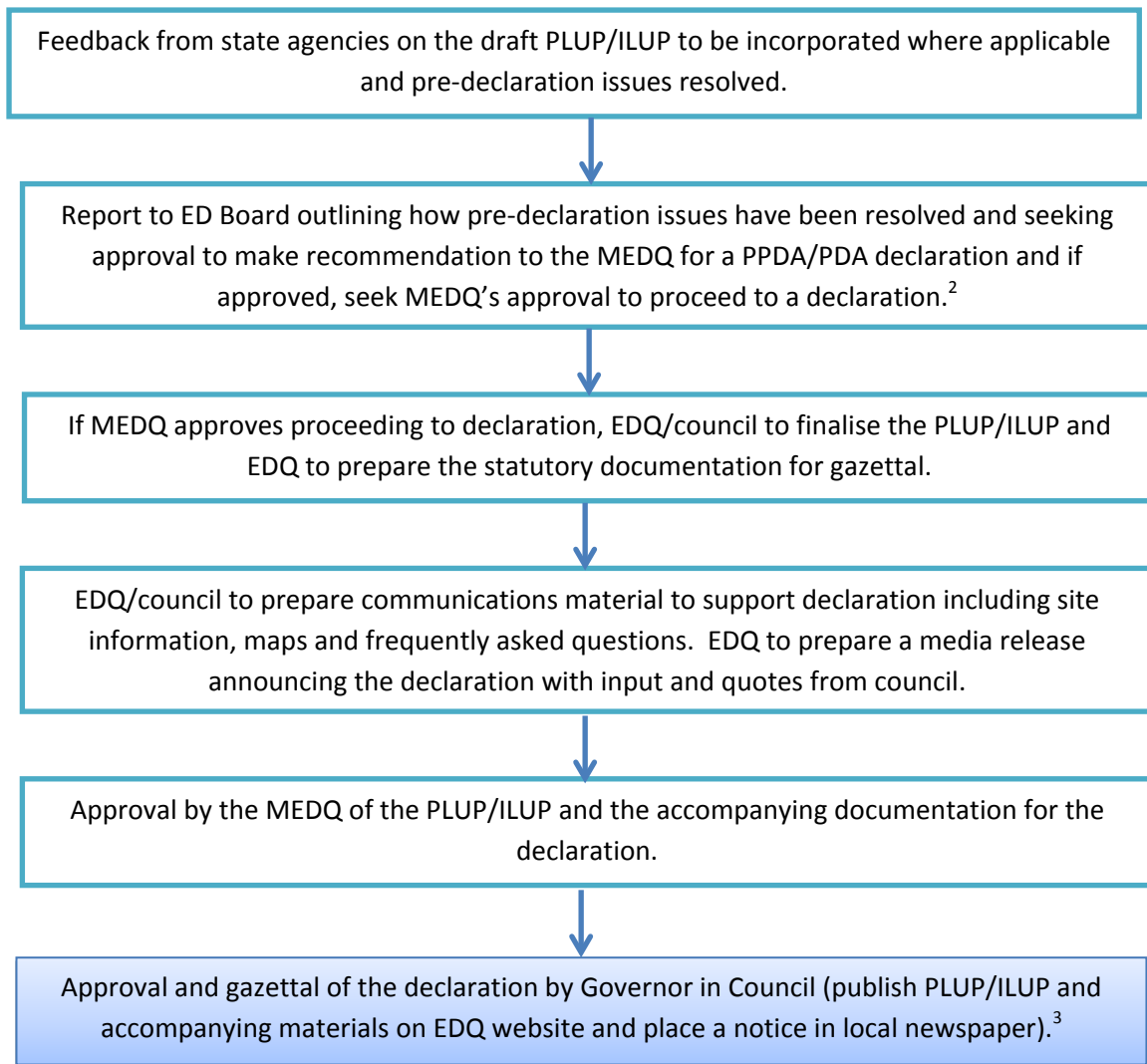
Southport PDA will help City of Gold Coast to promote Southport as the central business district for the Gold Coast.

More information about any declared PPDA/PDA can be found on the EDQ website at www.edq.qld.gov.au by clicking on the Planning and Priority Development Areas tab.

6.0 Process for the identification and declaration of PPDA/PDA

The following flow chart outlines the process for the investigation and declaration of a PPDA/PDA. While responsibility for some aspects of this process may be delegated to a council, the general processes, statutory timeframes and requirements for each stage are standard.





¹ If a potential role for EDQ in development delivery or facilitation is identified through this process, development team representatives can provide advice on the feasibility of EDQ involvement and initially guide council if it is considering carrying out this function.

² While formal approval from the ED Board is sought at this stage, the ED Board will be kept apprised of the progress of PPDA/PDA declaration discussions with councils through regular updates at the board's monthly meetings.

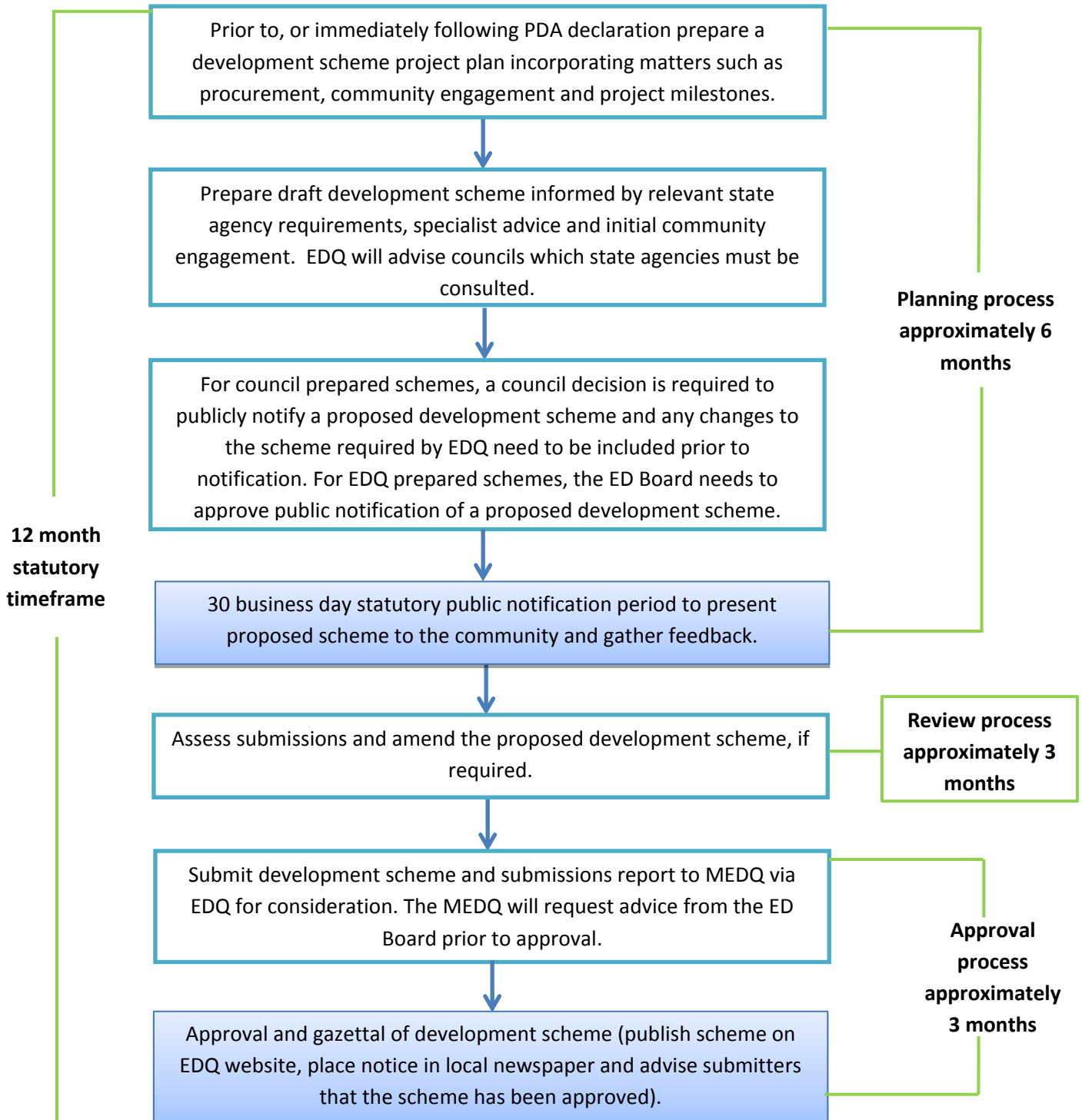
³ Following declaration of the PPDA/PDA there will be a range of implementation tasks relating to stakeholder engagement (e.g. communications plan including website information, newsletters and consultation plan) and DA practices (e.g. fees, advice to applicants and DA forms) on which EDQ can assist in providing advice.

7.0 Check list for council submission to MEDQ formally requesting PPDA/PDA declaration:

- Advise whether council is seeking a PPDA or PDA declaration.
- Provide a map of the proposed area with the boundary clearly articulated.
- Demonstrate that the proposed project meets the main purposes of the ED Act (i.e. economic development / development for community purposes) and that the project cannot be delivered effectively under SPA.
- Outline council's preferred role (i.e. plan preparation (ILUP and/or development scheme) + development assessment manager).
- Outline council's expectation regarding the state's role (i.e. plan preparation and/or development assessment).
- Has a feasibility been undertaken to demonstrate that development is viable?
- Outline the timing required for the declaration and why; i.e. is this timing required to meet specific project delivery milestones?
- Identify the key stakeholders, both internal and external to the site (including relevant state agencies).
- Advise whether stakeholders have been consulted on the proposed project and/or council's intention to make a declaration request under the ED Act.
- Identify any key issues (especially state agency issues) that will require resolution and whether this can be done prior to the declaration of the PPDA/PDA or during the plan preparation phase for the PDA. EDQ to provide assistance with the state agency input.
- Confirm that council has adequate resources and funding to undertake the planning aspects of the project (Note: s129(3) enables the recovery of costs of preparing a development scheme through development application fees).
- If council is seeking the appointment of a local representative committee (LRC) does it have recommendations for potential appointees to the committee?

8.0 Process for the preparation of a PDA development scheme

The following chart outlines a recommended process, including statutory timeframes, for the preparation of a PDA development scheme.



9.0 Cessation and revocation of a PPDA/PDA declaration

This is a brief overview of the process to amend a local government planning instrument in preparation for the cessation or reduction/revocation of a PPDA/PDA as per s41 and s42 of the ED Act. More detailed information and assistance will be provided by EDQ at the time of cessation or revocation.

A PPDA designation automatically ceases three years after its declaration. The reduction/revocation of a PDA can occur at any time if agreed to by council and the MEDQ.

If revocation is sought EDQ will work with council during the revocation process to address all matters, such as state interests and land owner interests, in a streamlined manner.

The revocation of a PDA requires the preparation of an amendment (planning instrument change) to a local government planning instrument. The planning instrument change takes effect at the same time as the PDA change.

10.0 Development assessment

This is a brief overview of the development assessment functions of the MEDQ or delegate (e.g. council) under the ED Act. If development assessment is delegated to a council, more detailed information about DA functions and processes will be provided by EDQ.

Development applications

All development applications must be lodged with the development assessment manager e.g. DSDIP or the relevant council if development assessment functions have been delegated as part of the PPDA/PDA declaration.

In relation to a development application for a PPDA which is assessed under the relevant PLUP, each application must be publicly notified if it is seeking:

- reconfiguring a lot
- a material change of use of premises.

For a PDA, applications may be assessed under the ILUP (if the ILUP does not prohibit development ahead of the development scheme coming into force) and the proposed development scheme until the development scheme is in effect.

The MEDQ or delegate must decide the application within 40 business days after it is satisfied:

- the applicant has complied with any information requests
- the applicant has complied with any requirements for public notification of the application
- the submission period of at least 20 business days for a publicly notified application has ended.

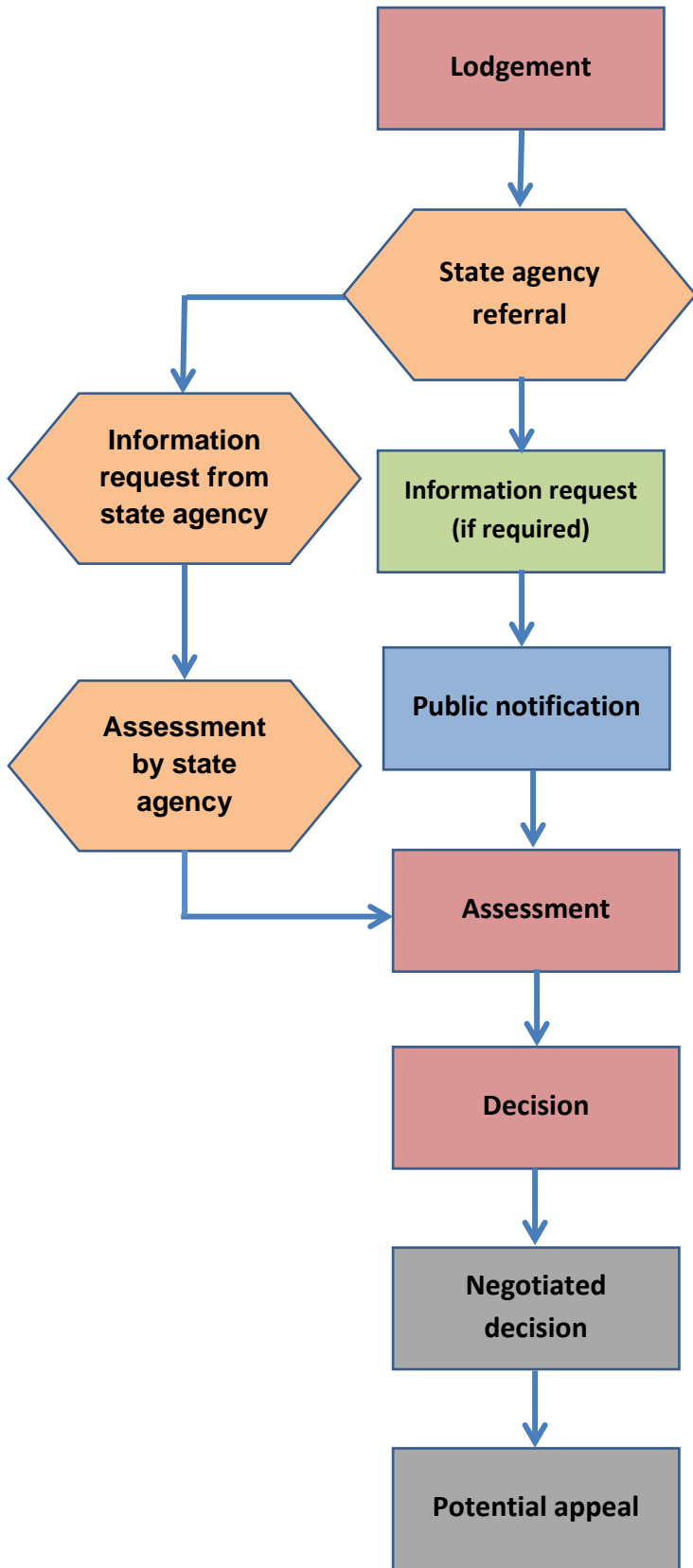
Appeals

Unlike the provisions in the *Sustainable Planning Act 2009*, there is no general right of appeal on the merits against a refusal to grant, or the imposition of conditions by the development assessor, on a PDA development approval. Allowing for the imposition of appeal processes similar to those under SPA could lead to substantial delays in the development of PDAs, which undermines the object of the ED Act in ensuring economic development and development for community purposes is completed in a timely way.

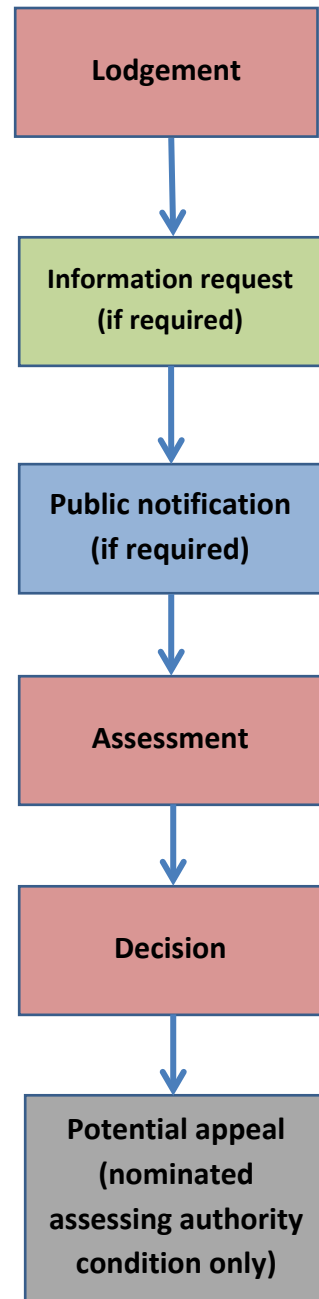
The development assessment manager can impose conditions on a DA that relate to a particular state agency or council which has requested a condition relating to their interest. The ED Act defines these entities as nominated assessing authorities (NAAs). Applicants have a limited right to appeal against any particular approval conditions that relate to an NAA.

A comparison of the development assessment process under the ED Act and SPA is outlined in the following chart. It should be noted that the DA process under the ED Act can be undertaken by the state (DSDIP) or delegated to a council while the IDAS process under SPA is undertaken by the relevant council.

SPA DA process



ED Act DA process



Emphasis on pre-application negotiations to minimise information requests

No code or impact assessment

No state agency referrals

No negotiated decision

No third party appeal rights

Application can only appeal a nominated assessing authority condition

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