



Introduction to priority development areas

June 2019



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An electronic copy of this report is available on the Department of State Development, Manufacturing, Infrastructure and Planning's website at www.dsdmip.qld.gov.au.

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1.0 Purpose

This document provides information about identifying, declaring and planning provisional priority development areas (PPDAs) and priority development areas (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 or PDA is one primary way of achieving the ED Act's purpose.

New instruments for planning and managing development come into effect when a PPDA or PDA is declared changing how the *Planning Act 2016* (Planning Act) and local government planning instruments apply to the area. Development is streamlined through efficient plan making, and development assessment processes with shorter timeframes and fewer statutory steps than the statewide system.

Minister for Economic Development Queensland

The ED Act establishes the role of the Minister for Economic Development Queensland (MEDQ) as a corporation sole with responsibility for Economic Development Queensland (EDQ), a specialist land use planning and property development unit within the Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP). EDQ engages with state and local government, the development industry and the public to identify, plan, facilitate and deliver property development and infrastructure projects.

One of EDQ's key roles is to actively engage with local governments on potential new declarations of PPDAs and PDAs. The State may identify the prospect of a declaration, or consideration may be initiated by a local government.

Under the ED Act the MEDQ has broad powers and functions including:

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

The MEDQ is required to act on a commercial basis when dealing in land or property, and when providing or coordinating the provision of infrastructure and other services.

Economic Development Board

The Economic Development Board is an important advisory 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 or PDA the board plays a key role, including recommending to the MEDQ whether to proceed to declaration.

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

- Director-General, Department State Development, Manufacturing, Infrastructure and Planning (Chair)
- Under Treasurer, Queensland Treasury
- Director-General, Department of Premier and Cabinet
- Liza Carrol, Director-General, Department of Housing and Public Works.

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 chief executive of a local government).

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, including development assessment.

Local consultative committees

A local consultative committee (LCC) is required to be established for a PPDA as soon as practicable after the area is declared. An LCC consists of up to five members and includes the chief executive or a senior executive of DSDMIP (Chair), the chief executive or a senior executive of the relevant local government, and members appointed by the MEDQ to represent the local community, and any entity the MEDQ considers is likely to be affected by development in the PPDA.

Within the scope of its terms of reference, the LCC advises the MEDQ about the impact of proposed development in the PPDA, and community needs and expectations in the area. The LCC also reports to the MEDQ about the performance of its functions.

Delegation

Under the ED Act, section 169, 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 local government
- the Cross River Rail Delivery Authority
- an appropriately qualified officer or employee of a department.

Under the ED Act, section 170 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. Plan preparation and development assessment functions are generally delegated to senior DSDMIP officers (the Director-General and officers of Economic Development Queensland), or a local government. The delegation of these functions should be considered by a local government in making any request for declaration of a PDA.

3.0 Comparison of the ED Act and Planning Act

The Planning Act is the key legislative framework for Queensland's planning and development assessment system and governs planning schemes that apply to local government areas. The ED Act generally applies to parcels of land or key precincts within local government areas where specific economic or community development outcomes are being sought. Below is an outline of the key differences between the ED Act and Planning Act as they relate to plan making and development assessment.

Plan making

When a PPDA or PDA is declared, new planning controls immediately come into force, either through a draft provisional land use plan (PLUP) for a PPDA or an interim land use plan (ILUP) for a PDA.

The draft PLUP is finalised following consultation by the MEDQ and the MEDQ's consideration of any submissions received during a 15-business day submission period. The finalised PLUP remains the planning instrument for a declared PPDA until the declaration ceases after three years.

For a PDA, the ILUP is in effect for up to 12 months, or for a longer period (up to 2 years) if an expiry date is stated in the declaration regulation. A development scheme made by the MEDQ replaces the ILUP and takes effect on publication of a gazette notice.

State interests relevant to the PPDA or PDA are considered during preparation of the respective development instruments and involve consultation with the relevant State agencies.

Specifically, under the ED Act:

- a declaration immediately changes development assessment rules within the declared area – the draft PLUP or ILUP comes into force changing how the Planning Act and local government planning scheme apply to the declared area
- a draft PLUP must be finalised within 60 business days after the PPDA is declared
- a development scheme for a PDA must be completed within 12 months or the stated expiry period after declaration
- until the PPDA ceases or a PDA is revoked the development scheme remains in place and the PLUP or development scheme may be amended during that time.

See section 10.0 for more information about the cessation or revocation of PPDA's and PDA's.

Development assessment

The process for development assessment differs significantly between the ED Act and Planning Act. In particular, under the ED Act there is no statutory State agency referral process and appeal rights for development assessment decisions are more limited. In place of the statutory referral process MEDQ delegates consider State interests and collaborate with State agencies to resolve issues during the plan making process and are required to consider State interests when making a decision on a PDA development application. Limited appeal rights avoid potential delays to development within PPDA's or PDA's which would compromise the ED Act objectives to facilitate economic or community development.

Specifically, under the ED Act:

- there are no categories of code or impact assessment for PDA assessable development
- there are no statutory State agency referrals
- there are no negotiated decisions
- there are no third party appeal rights
- an applicant can only appeal against a nominated assessing authority condition.

Section 11.0 provides further information relating to the ED Act's development assessment process.

4.0 Provisional priority development areas and priority development areas

Provisional priority development area (PPDA)

A PPDA is declared for a three-year period. A draft provisional land use plan (PLUP) takes effect immediately on declaration. There is a 60-business day period after declaration during which consultation is undertaken and submissions considered. The public submission period is 15 business days. Once the PLUP is finalised by the MEDQ it remains in effect until the PPDA ceases, three years after declaration. The PLUP is published on the DSDMIP website.

A local consultative committee (LCC) is required to be established for a PPDA as soon as practicable after the area is declared. The LCC advises the MEDQ about the impact of proposed development in the PPDA and community needs and expectations in the area.

Priority development area (PDA)

A PDA may be declared for sites which are likely to be larger and more complex than a PPDA. An interim land use plan (ILUP) comes into effect on the day of the PDA declaration and expires after 12 months, unless a longer expiry period (up to 2 years) has been stated in the declaration regulation.

The ILUP manages development within the declared area until the development scheme comes into effect. The community is consulted during preparation of the development scheme.

During the period the ILUP is in effect, the development scheme is prepared, formally 'made' by the MEDQ and published on the DSDMIP website. It takes effect on publication of a gazette notice.

5.0 Considerations for potential declaration of a PPDA or PDA

To determine whether a site should be considered for declaration it must satisfy the requirements under the ED Act, sections 34 and 37, and then the relevant planning and development aspects must be considered. Consultation between EDQ and the relevant local government is recommended for any potential declaration.

In declaring an area, regard must be had to the main purposes of the ED Act which is to facilitate economic development, and development for community purposes, in the state. Within this context, consideration must be given to the economic and community benefit to the state that may be gained by proposed development of the land within the area.

Examples of economic or community benefit may include:

- job generation (through the construction phase and subsequent occupation by employers in the completed development)
- increased investor confidence (e.g. by attracting development and new business)
- government facilitation (e.g. by providing catalyst infrastructure to enable broader local investment or facilitating strategic decisions to dispose of or activate land assets)
- delivery of development with community benefit (e.g. by providing housing, community infrastructure or key services)
- facilitation of a major event (e.g. by providing land and infrastructure).

Regard must also be had to the impact of the Planning Act on the delivery of the proposed development on the site if the declaration were not made; for example:

- What level of assessment, codes and policies would be applicable under the planning scheme?
- Would referral to the State Assessment Referral Agency (SARA) and/or public notification be required?
- Could an appeals process potentially occur under the Planning Act?

Examples of declared areas

A number of areas declared as PDAs that achieve some of the benefits listed above include:

Special purpose

The Parklands PDA on the Gold Coast enabled the Commonwealth Games Village to be delivered and now provides for future longer-term development opportunities. Developers and investors now have a more certain planning and development framework.

The Queen's Wharf Brisbane PDA facilitates the development of an integrated resort and other development on a significant parcel of land in the Brisbane CBD.

The Herston Quarter PDA facilitates the redevelopment of the former Royal Children's Hospital into a mixed-use health and knowledge precinct.

The Mill at Moreton Bay PDA facilitates the redevelopment of a former paper mill site into a new university campus for the Moreton Bay region. It also provides the opportunity for acceleration of transit-oriented development around the three railway stations in the PDA on the new Redcliffe Peninsula Line.

The Albert Street Cross River Rail PDA assists with delivery of the Cross River Rail Project by facilitating development in the vicinity of the proposed Albert Street underground station.

Unlocking government land

The Townsville Waterfront and Toowoomba Railway Parklands PDAs provide a framework for developing underutilised government land.

The Oxley and Yeronga PDAs facilitate the renewal of former educational facilities to deliver residential and community development.

Accelerated development and market certainty

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

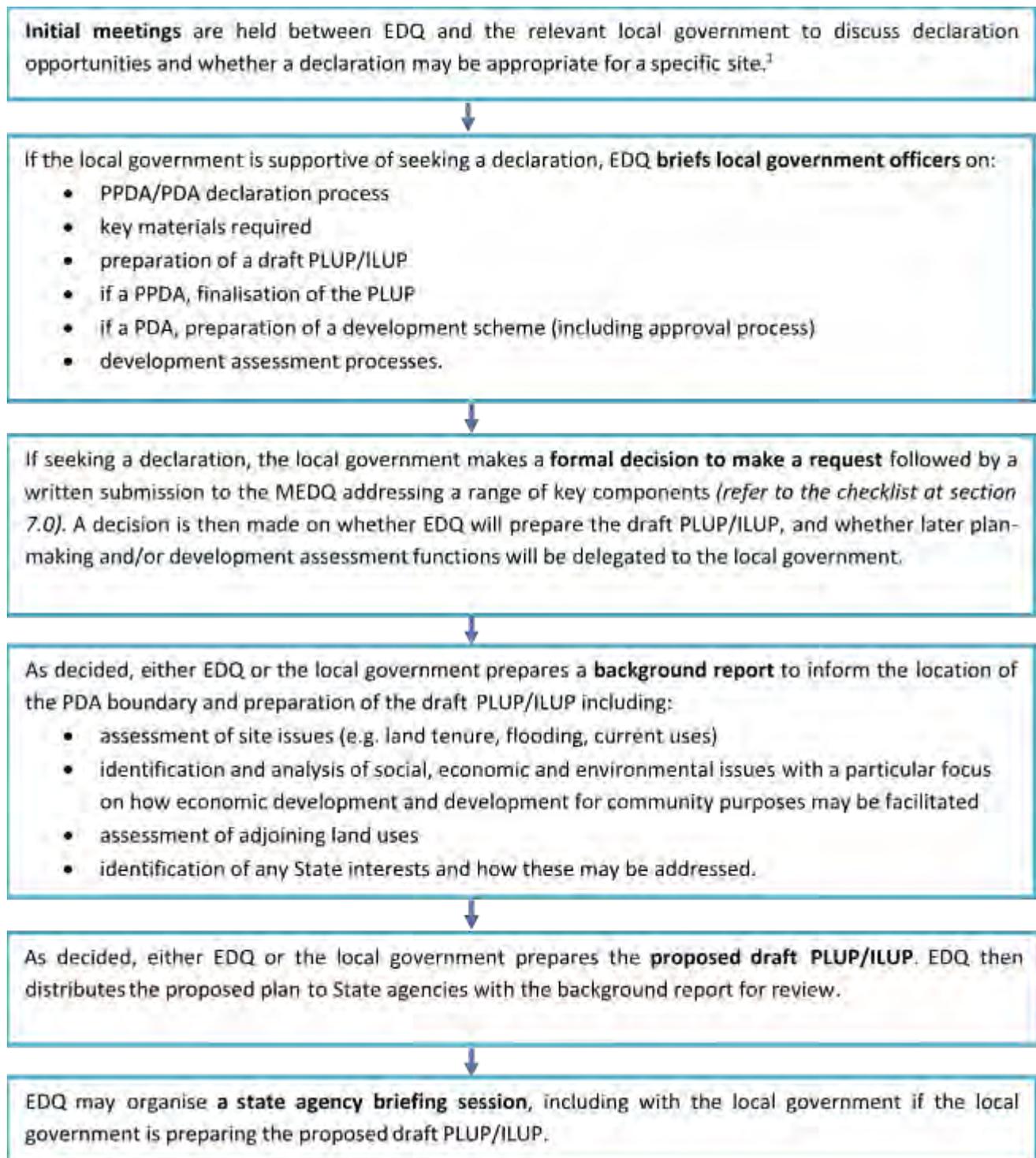
Southport PDA will help the City of Gold Coast to promote Southport as the central business district for the Gold Coast.

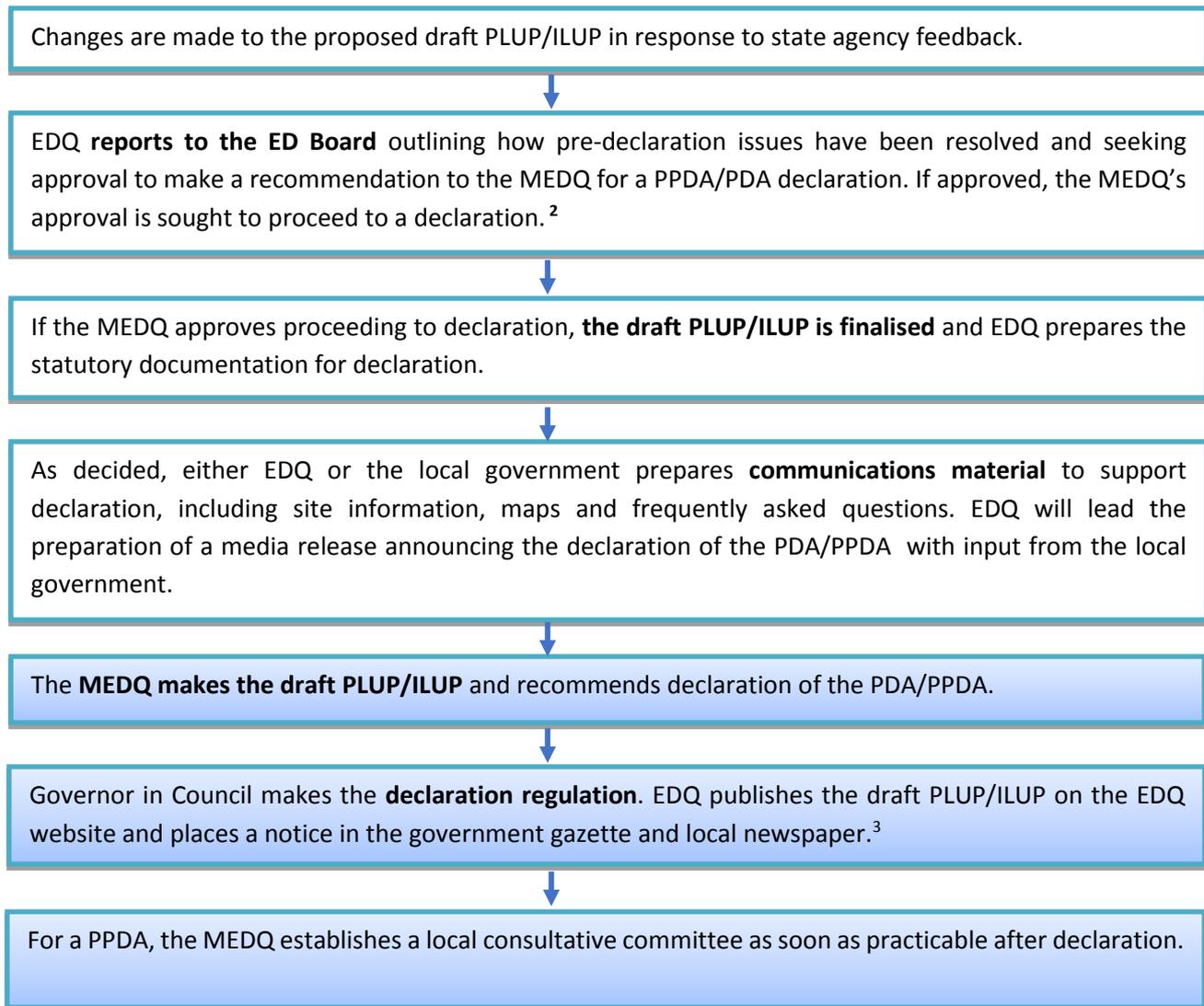
The Mackay Waterfront PDA will help Mackay Regional Council promote the city centre as a key business hub and provide opportunities for redevelopment of public spaces and the establishment of innovative and knowledge-based industries.

More information about any declared PPDA/PDA can be found on the department's website at <http://www.edq.qld.gov.au/planning/priority-development-areas.html>

6.0 Process for the identification and declaration of a PPDA or PDA

The following flowchart outlines the process for the investigation and declaration of a PPDA or PDA. While responsibility for some aspects of this process may be delegated to a local government, rather than a DSDMIP delegate, the general process and requirements for each stage are standard.





¹ If this process identifies a potential role for EDQ in the delivery or facilitation of development, representatives from EDQ's SEQ or Regional Development teams can provide advice to the local government on the feasibility of EDQ involvement and other initial guidance.

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 local governments through regular updates at the board's monthly meetings.

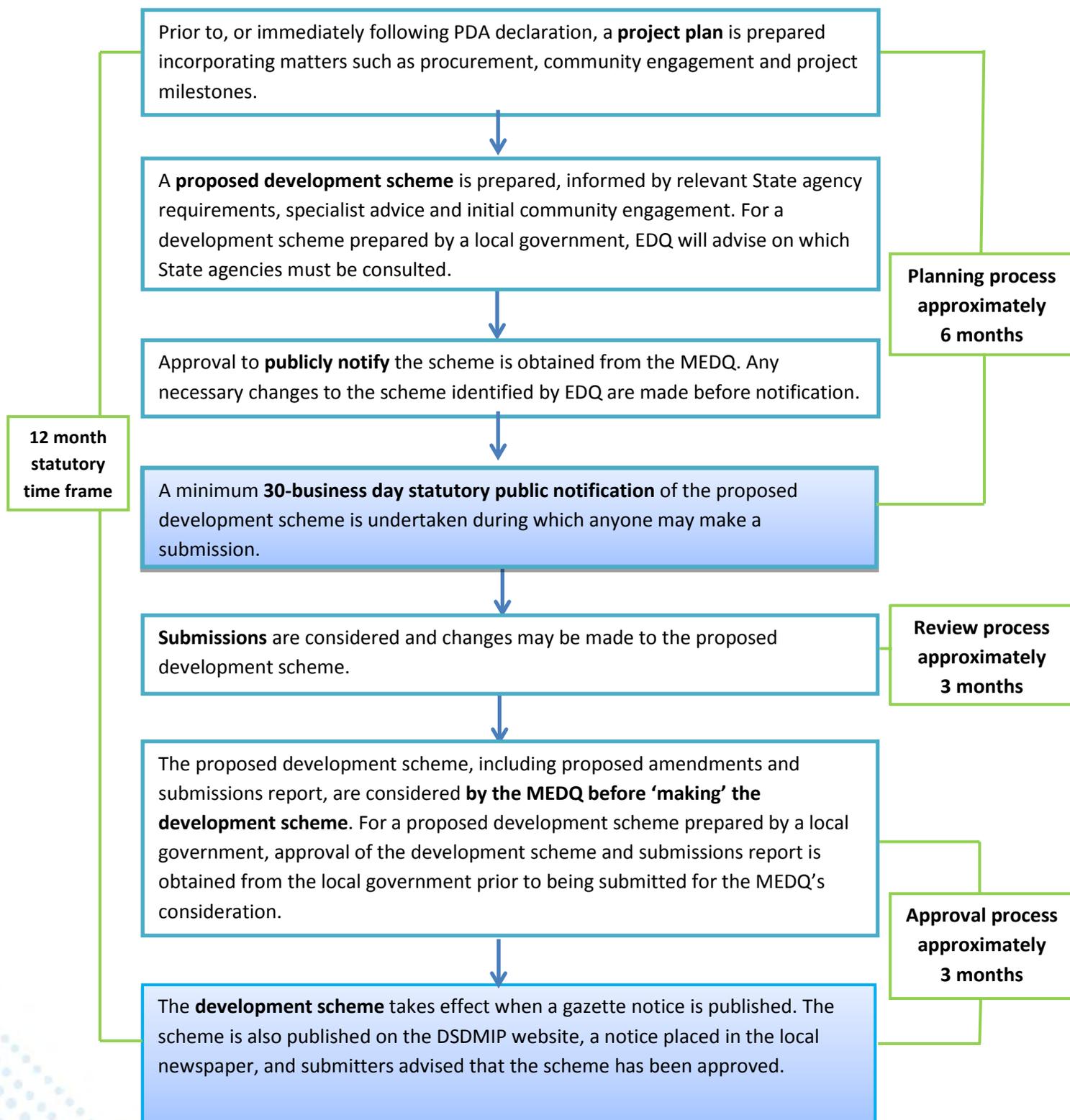
³ Following declaration of the PPDA/PDA EDQ Planning and Urban Design can assist in providing advice on a range of implementation tasks relating to stakeholder engagement (e.g. communications plan including website information, newsletters and consultation plan) and development assessment practices (e.g. fees, advice to applicants and PDA development application forms).

7.0 Checklist for local government submission to the MEDQ formally requesting PPDA/PDA declaration:

- Advise whether the local government is seeking a PPDA or PDA declaration.
- Provide a map of the proposed area with the boundary clearly articulated.
- Demonstrate that the proposed declaration meets statutory requirements (*refer to section 5.0*).
- Identify any relevant social, environmental or economic issues that are applicable to the area and how these may be addressed.
- Outline the local government's preferred role (i.e. plan preparation (draft PLUP/PLUP, ILUP and/or development scheme), development assessment, or both).
- Outline the local government's expectations regarding the role of EDQ (i.e. plan preparation, development assessment, or both).
- Demonstrate that economic development and development for community purposes will be facilitated.
- Outline the proposed timing required for the declaration and the reasons for this timing, e.g. 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). For example, advise how the community/stakeholders will be engaged early in the process.
- Advise whether stakeholders have been consulted on the local government's intention to make a request for declaration.
- Identify any key issues (especially State agency issues) that will require resolution, and whether this can be done for a PDA prior to the declaration or during the development scheme preparation phase. (EDQ Planning and Urban Design will provide assistance with the State agency input).
- Confirm that the local government has adequate resources and funding to undertake the planning requirements for the declaration, including ensuring internal corporate planning and financial planning initiatives align with the vision and aspirations for the PDA. (Note: ED Act, section 129(3) enables the recovery of costs of preparing development instruments through development application fees).
- For a PPDA, provide any recommendations for potential appointees for a local consultative committee, and if the local government is seeking the establishment of a local representative committee (LRC), potential appointees for an LRC.

8.0 Process for the preparation of a PDA development scheme

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



9.0 PDA boundary change

Under limited circumstances minor changes may be made to a PDA boundary to correct an error or to promote the proper and orderly planning, development and management of the land to be included, or excluded from, the PDA. For example, a boundary might be changed to achieve alignment with a cadastral boundary or with a road constructed after the PDA was declared.

Other changes to a PDA boundary may be made by declaring a new PDA with a different shape or area that replaces the original PDA.

10.0 Cessation or revocation of a PPDA/PDA

A PPDA automatically ceases three years after its declaration. The reduction or revocation of a PDA requires a regulation to amend or repeal the declaration regulation.

Cessation or revocation involves the transition of PDA development approvals to a Planning Act development approval or, if applicable, to a water approval under the *South-East Queensland Water (Distribution and Retail Restructuring) Act 2009*. A regulation may be made to address transitional matters at cessation or revocation.

The cessation of a PPDA or revocation of a PDA usually requires the preparation of an amendment to a local government planning instrument (planning instrument change). A planning instrument change takes effect at the same time as the cessation or revocation. EDQ will work with local governments during the cessation or revocation process to address matters of transition in a streamlined manner.

11.0 PDA-associated development

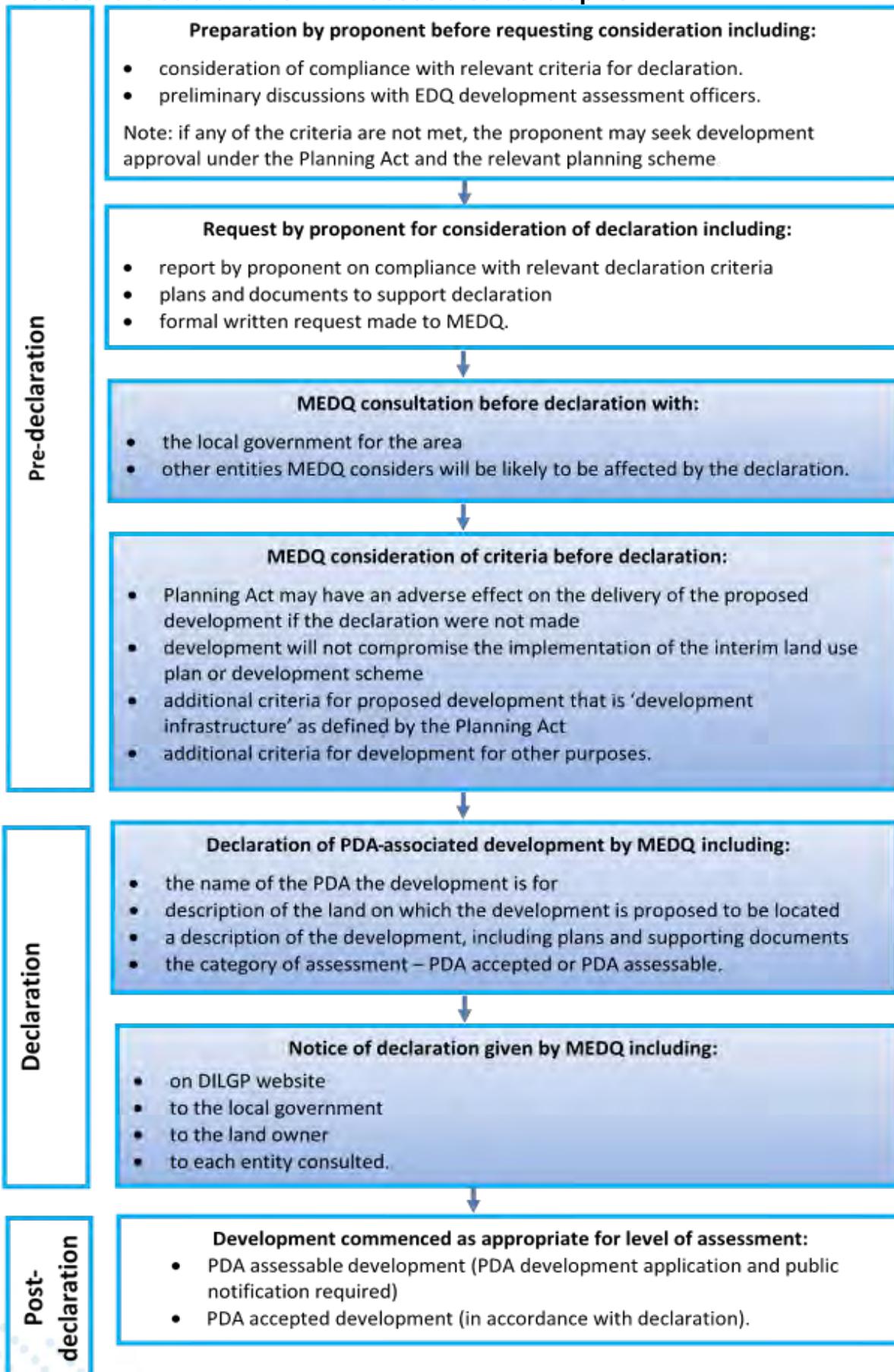
PDA-associated development is a mechanism in the ED Act for efficiently managing development that is associated with a PDA but proposed to be located outside the PDA. This mechanism provides for the proposed development to be dealt with under the ED Act in a similar way to development proposed within the PDA. However, it is not a requirement that the proposed development for the PDA be declared as PDA-associated development. The alternative is for the proposed development to be dealt with under the Planning Act and the local government planning scheme.

PDA-associated development may be declared by the MEDQ or identified in the interim land use plan or development scheme for the PDA. The matters to be considered before declaring PDA-associated development are stated in section 40C and section 57 of the ED Act and vary according to whether the proposed development provides development infrastructure (as defined in the Planning Act), or another type of development.

Before making a declaration, the MEDQ is required to consult with the local government in whose area the development is proposed to be located. In addition, others (including relevant government entities) may be consulted if the MEDQ considers they would be likely to be affected by the declaration. The form and extent of consultation will be determined in each case dependent on the nature and location of the proposed development.

The following flowchart outlines the process for declaration of PDA-associated development.

Process for declaration of PDA-associated development



12.0 Development assessment

Below is a brief overview of the development assessment functions of the MEDQ or delegate under the ED Act. If development assessment is delegated to a local government, more detailed information about development assessment functions and processes will be provided by EDQ.

PDA development applications

All PDA development applications are made to EDQ, or if development assessment functions have been delegated, to the delegate.

For a PDA development application in a PPDA, assessment is under the draft PLUP until the PLUP takes effect.

For a PDA, PDA development applications are assessed under the ILUP until the development scheme takes effect. However, before that time, weight may also be given to a proposed development scheme.

The MEDQ or delegate must decide the application within 40 business days after it is satisfied all the following apply¹:

- the applicant has been given a notice that any information request has been complied with
- the applicant has substantially complied with any requirements for public notification of the application
- for an application requiring public notification, the submission period of at least 20 business days has ended.

Pre-application meetings

The streamlined development assessment process under the ED Act is facilitated by pre-lodgement advice and meetings. This approach identifies matters early in the process and provides the opportunity to collaboratively work towards resolving concerns prior to lodgement.

Nominated Assessing Authority

The ED Act provides for conditions to be imposed on a PDA development approval that relate to a particular State agency or local government issue, and for that relevant entity to be the nominated assessing authority (NAA) for that condition.

Appeals

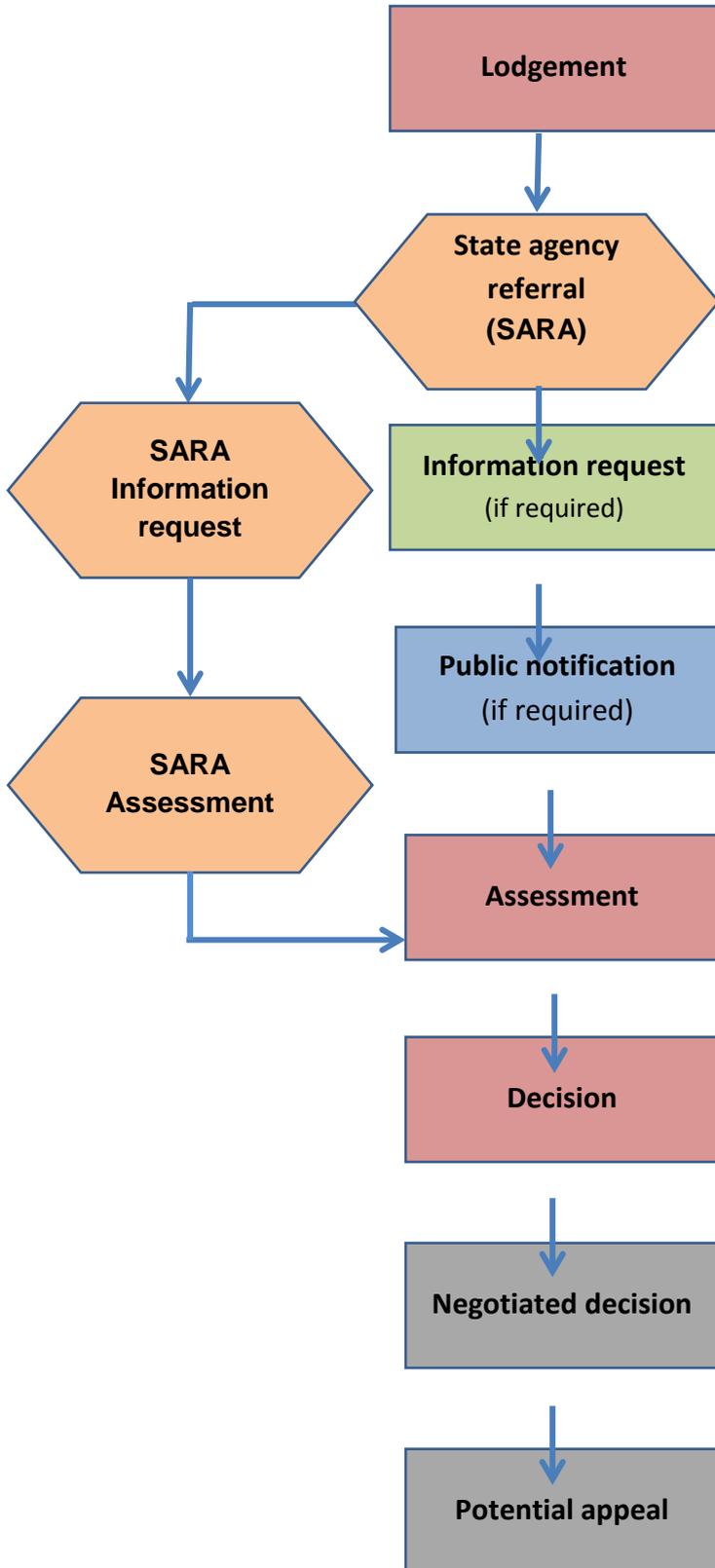
Unlike the Planning Act, the ED Act does not provide a general right of applicant or third party appeal against a PDA development approval. This is to facilitate economic development and development for community purposes in a timely way. However, applicants have a right to appeal against a condition that includes an NAA.

¹ Note: the following reflect amendments to the ED Act by the *Economic Development and Other Legislation Act 2019* which are expected to commence in the second half of 2019

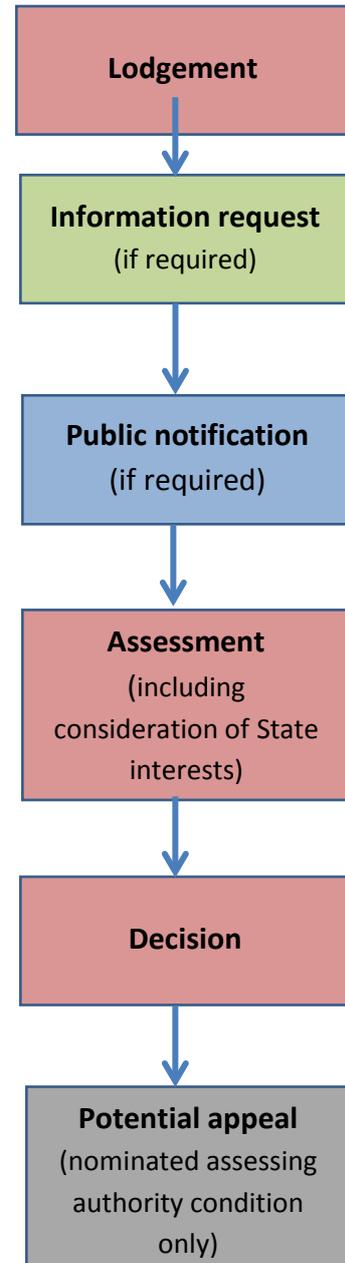
Comparison of ED Act and Planning Act development assessment processes

A comparison of the development assessment process under the ED Act and Planning Act is outlined in the following chart. The development assessment process under the ED Act is undertaken by MEDQ or a delegate. The development assessment process under the Planning Act is managed by the relevant local government in conjunction with the State Agency Referral Assessment (SARA) managed by DSDMIP.

Planning Act DA process



ED Act DA process



- **Emphasis on pre-application negotiations to resolve issues and minimise information requests**
- **No categories of code or impact assessment for PDA assessable development**
- **No statutory State agency referrals**
- **No negotiated decision**
- **No third party appeal rights**
- **Applicant can only appeal a nominated assessing authority condition**

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