

Economic Development and Other Legislation Amendment Bill 2024

Explanatory Notes

For

Amendments to the be moved during consideration in detail by the Honourable Grace Grace MP, Minister for State Development and Infrastructure, Minister for Industrial Relations and Minister for Racing

Title of the Bill

Economic Development and Other Legislation Amendment Bill 2024

Policy objectives of the amendments

The Economic Development and Other Legislation Amendment Bill 2024 (EDOLA Bill) has been introduced in response to the Queensland Housing Summit Outcomes Report, which highlighted the significant housing challenges in Queensland. The EDOLA Bill aims to modify the *Economic Development Act 2012* (ED Act) and other relevant laws. The primary goal of the EDOLA Bill is to enhance the capacity of Economic Development Queensland to increase housing supply across the state.

The EDOLA Bill completed its committee process on 10 May 2024 where it was recommended that the Bill be passed.

EDQ has independently identified a need for amendments to the EDOLA Bill to provide certainty about how applications and approvals under the *Planning Act 2016* (Planning Act) are administered, where a priority development area (PDA) is declared.

The proposed amendments recognise the significant role PDAs and their associated development schemes will play in meeting these objectives by ensuring PDA development instruments regulate the supply of housing, including social, affordable and diverse housing in PDAs to deliver more housing supply across the State, and the new

Minister for Economic Development Queensland conditioning powers for social and affordable housing can be applied for development within PDAs to ensure timely delivery of housing outcomes.

Achievement of the policy objectives

The proposed amendments support the Bill to achieve its policy objectives by:

- Clarifying that extension and cancellation applications that are made but undecided under the Planning Act prior to a PDA declaration, must continue to be decided under the Planning Act.
- Providing that only a minor change application or cancellation application may be made under the Planning Act following declaration of a PDA.
- Providing transitional and validating provisions to provide certainty about how applications and approvals already made or decided under the Planning Act apply where a PDA has been declared.

Alternative ways of achieving the policy objectives

There are no alternative ways to achieve the policy objectives other than by legislative amendment.

Estimated cost for government implementation

There are no additional costs for government associated with the amendments.

Consistency with fundamental legislative principles

The amendments are consistent with the fundamental legislative principles under the *Legislative Standards Act 1992*.

Consultation

EDQ has consulted Planning Group in the Department of Housing, Local Government, Planning and Public Works (DHLGPPW) as the agency responsible for administering the Planning Act.

EDQ has also engaged with relevant local governments regarding the policy intent of the amendments.

Consistency with legislation of other jurisdictions

The amendment is specific to the State of Queensland and is not uniform with legislation of the Commonwealth or another state.

Notes on provisions

Amendment 1 inserts Clause 25A Replacement of s 44 (Existing development applications and change applications under Planning Act)

Amendment 1 inserts clause 25A to replace section 44 of the ED Act. Clause 25A expands on the current section 44 to also provide that an extension application or cancellation application properly made and undecided under the Planning Act prior to the relevant area being declared a PDA must continue to be decided under the Planning Act.

Amendment 2 inserts Clause 25B Replacement of s 45 (Existing development approvals under Planning Act)

Amendment 2 inserts clause 25B to replace section 45 (Existing development approvals under Planning Act). The amendment identifies that for a development approval under the Planning Act that was in effect immediately before the declaration or given for an application stated in section 44, the approval continues in effect for carrying out the development. Further the amendment states that only a change application to make a minor change or a cancellation application under the Planning Act may be made to the development approval.

Amendment 3 amends Clause 32 (Amendment of s 77 (Exemption for particular development approvals and designations under Planning Act))

Amendment 3 amends clause 32 which amends section 77 (Exemption for particular development approvals and designations under Planning Act) to update the cross-referencing in subsection 77(1)(a).

Amendment 4 amends Clause 39 (Insertion of new ch 3, pt 6, div 4)

Amendment 4 amends new section 117C(2) to insert a note about when a development approval under the Planning Act may be changed after a priority development area is declared.

Amendment 5 amends Clause 61 (Insertion of new ch 7, pt 4)

Amendment 5 amends Clause 61 to amend the title of new ch 7, pt 4 to 'Transitional and validation provisions for Economic Development and Other Legislation Amendment Act 2023'.

Amendment 6 amends Clause 61 (Insertion of new ch 7, pt 4)

Amendment 6 amends Clause 61 to add a new provision, being section 246 (Validation of particular extension and cancellation applications under Planning Act). The new section 246 applies if, before the commencement, an extension or cancellation application was made or purportedly made under the Planning Act in relation to premises in an area and the area was subsequently declared as a PDA. This new section validates the application and anything done in relation to the application.

Amendment 7 amends Clause 61 (Insertion of new ch 7, pt 4)

Amendment 7 amends Clause 61 to add a new provision, being section 247 (Validation of particular applications and decisions under Planning Act). The new section 247 applies if, before the commencement an area was declared a PDA and change, extension or cancellation application was subsequently made and then decided (or purportedly made and then decided) under the Planning Act. This new section validates the application and the decision.

Amendment 8 amends Clause 61 (Insertion of new ch 7, pt 4)

Amendment 8 amends Clause 61 to add a new provision, being section 248 (Continued consideration of particular applications under Planning Act). The new section 248 applies if, before the commencement an area was declared a PDA and a change, extension or cancellation application was subsequently made or purportedly made under the Planning Act, and then immediately before the commencement the application had not lapsed or been decided. This new section provides that the Planning Act applies to the application as if the PDA had not been declared.