

14 January 2016

Submission No. 001  
11.1.14

Research Director  
Infrastructure, Planning and Natural Resources Committee  
Parliament House  
George Street  
Brisbane Qld 4000

Dear Sir or Madam

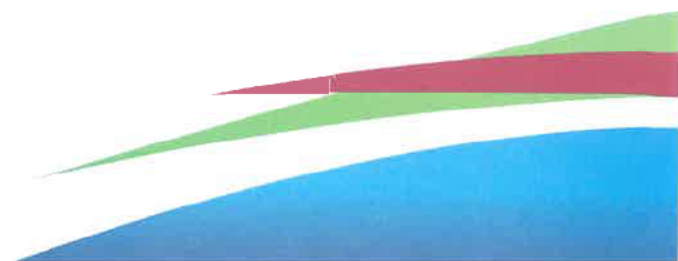
Re: Submission on the Queen's Wharf Brisbane Bill 2015

Thank you for the opportunity to provide a submission on the Queen's Wharf Brisbane Bill 2015. Whilst the Bundaberg Regional Council is not concerned with the majority of the Bill as it relates to a particular development in Brisbane, the Council wishes to raise its objection to the proposed amendments to the *Economic Development Act 2012*.

The Council's primary concern relates to the introduction of the "PDA-associated development" and associated provision, and the effect these may have on Council's ability to plan for and regulate development in its local government area. It is the Council's view that what might constitute "PDA-associated development" is too broad and may well have the effect of allowing development to occur outside of the PDA that is inconsistent with a local planning instrument against the wishes of the Council.

Whilst clearly in the Queen's Wharf example there is a need for connecting infrastructure that cannot be contained within the PDA, the test under the proposed amendments is so open that it could potentially see any development "associated" with the PDA being developed whether there is a need for this to happen or not. For example, in a residential PDA it could be identified that a shopping centre would be beneficial to be located nearby to meet a perceived lack of social infrastructure and/or employment opportunities for residents of the PDA. In such a case under the tests contained in proposed section 40C(2) it might well be interpreted that the shopping centre would alleviate social impacts of the PDA or is necessary for the proper and orderly development of the PDA.

Clearly such development would be completely at odds with the understanding of the Council and the community at large about what was to be expected for the PDA. Because the provisions seek to include all development (as defined by the *Sustainable Planning Act 2009*), these powers represent a major broadening of the powers of the Minister and the effects a PDA declaration may have on surrounding communities.



If it is desirable to apply such provisions to all PDAs, and not just the Queen's Wharf development, then it is Council's view that the development should both be necessary to the delivery of the PDA and also unable to be located within the PDA. The Queen's Wharf bridge example on the surface of things would pass this test. An amended wording for clause 40C(2) is suggested. We offer two versions, one that incorporates the existing requirements which may be a harder test to pass, and a second that strips down the test to the issues raised above:


- (2) *A declaration may be made only if MEDQ is satisfied—*
- (a) *the Sustainable Planning Act may have an adverse effect on the delivery of the proposed development if that Act were to apply to it; and*
  - (b) *the proposed development—*
    - (i) *mitigates impacts of any development in the priority development area; or*
    - (ii) *provides infrastructure for the priority development area; or*
    - (iii) *promotes the proper and orderly planning, development and management of the priority development area in accordance with the relevant development instrument for the area; or*
    - (iv) *satisfies another requirement prescribed by regulation;*
- and*
- (c) *the proposed development –*
    - (i) *is necessary for the development of the PDA; and*
    - (ii) *cannot reasonably be located within the PDA.*

OR

- (2) *A declaration may be made only if MEDQ is satisfied—*
- (a) *the Sustainable Planning Act may have an adverse effect on the delivery of the proposed development if that Act were to apply to it; and*
  - (b) *the proposed development –*
    - (i) *is necessary for the development of the PDA; and*
    - (ii) *cannot reasonably be located within the PDA.*

I trust that you find our submission useful in your deliberations and will give serious consideration to limiting the potential impact of these amendments. If you require any further information regarding the Council's submission, please contact me on 1300 883 699.

Yours faithfully



Michael Ellery  
Group Manager Development