



Dedicated to a better Brisbane

1 February 2016

Dr Jacqueline Dewar
Research Director
Infrastructure, Planning and Natural Resources Committee
Parliament House
George Street
BRISBANE QLD 4000

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Dear Dr Dewar

Brisbane City Council (Council) is pleased to provide a submission on the Queen's Wharf Brisbane Bill 2015 (the Bill).

The key points outlined in Council's submission, are as follows:

- Council supports the redevelopment of the QWB precinct into a world-class tourism, cultural and entertainment destination for Brisbane.
- Council is seriously concerned about the proposal to expand the planning authority of the Minister for Economic Development Queensland (MEDQ) through the declaration of Priority Development Area-associated development (PDA-associated development) for areas outside a normal PDA.
- The insertion in the EDA of the new concept of 'PDA-associated development' results in State-wide changes that will give significant discretion to the MEDQ to undertake or approve development in Brisbane City outside PDAs remotely associated with those areas and without reference to Council.
- In Brisbane, there are currently five PDAs covering approximately 774 hectares. There is potentially a significant part of the city where proposed PDA-associated development could be applied.
- The QWB proposal includes a bridge over the Brisbane River from the proposed development to South Bank Parklands.
- As the proposed bridge is only partially in the QWB PDA, the State is concerned that the development application process would be uncoordinated as it would require approval from both Council and MEDQ. The inclusion of a PDA-associated development definition has been proposed by the State to remedy this issue. However, this view is not supported by Council.
- Council recommends that the State explore other legislative mechanisms specific to QWB to achieve a streamlined assessment and single assessment authority for the pedestrian bridge associated with the QWB proposal.

- In this context Council would be supportive of EDQ as the assessment manager for a pedestrian bridge, provided that Council is consulted in its design and impact on both river edge precincts.

Should you require any further information about Council's submission, please contact Ms Erica Gould, Council's Principal Coordinator – Regional and City Strategy on 3178 1363 or via email at erica.gould@brisbane.qld.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'C Jensen', written in a cursive style.

Colin Jensen
CHIEF EXECUTIVE OFFICER

Att:

cc: Mr Luke Hannan, Manager – Advocacy, Local Government Association of Queensland

Brisbane City Council's submission on the Queen's Wharf Brisbane Bill 2015

Part 1

Queen's Wharf Brisbane Bill 2015

Brisbane City Council (Council) is pleased to provide a submission to the Queensland Parliament's Infrastructure, Planning and Natural Resources Committee (the Committee) on the Queen's Wharf Brisbane Bill 2015 (the Bill).

Strategic comments

Council supports the redevelopment of the Queen's Wharf Brisbane (QWB) precinct into a world-class tourism, cultural and entertainment destination for Brisbane.

QWB is a priority project in the *Brisbane City Centre Master Plan 2014*, which encourages waterfront revitalisation and a heritage precinct, catalysed by the major redevelopment of Queensland Government-owned land.

Council's key comments on the Bill are as follows.

Part 4 – Amendment to the *Economic Development Act 2012* (EDA)

Council is seriously concerned about the proposal to expand the planning authority of the Minister for Economic Development Queensland (MEDQ) through the ability to declare Priority Development Area-associated development (PDA-associated development) for areas outside a PDA. The objectives of the Bill purport to apply to the QWB development. The insertion in the EDA of the new concept of PDA-associated development results in State-wide changes to give discretion to MEDQ and powers (e.g. plan making, development assessment, road closures etc.), beyond the declared PDAs, which are geographically defined. It is unclear whether it is the intention of the Queensland Government based upon the Bill's Explanatory Notes.

Council understands that the QWB proposal includes a bridge over the Brisbane River from the proposed development to South Bank Parklands. As the proposed bridge is partially in the QWB PDA, the Department of State Development (DSD) and Economic Development Queensland (EDQ) are concerned that the development application process would be uncoordinated and require approval from both Council and MEDQ. The inclusion of the PDA-associated development definition has been proposed by the Queensland Government to overcome this complexity. Council is not supportive of the concept of PDA-associated development, due to the potential far reaching implications of this approach as outlined below.

Council's position is that the Committee explore other legislative mechanisms to achieve a streamlined assessment and single assessment authority for the pedestrian bridge associated with the QWB proposal. In this context Council would be supportive of EDQ as the assessment manager for a pedestrian bridge, provided that Council is consulted on its design and impact on both river edge precincts.

There are currently 26 PDAs in Queensland, including five PDAs within Brisbane (i.e. Northshore Hamilton, Bowen Hills, Fitzgibbon, Woolloongabba and QWB). The PDAs within Brisbane currently cover a total of approximately 774 hectares. There is potentially a significant part of the city where the proposed PDA-associated development provisions could be applied.

In addition, Council has several concerns with the EDA amendments and does not support them due to the following legislative, land use, community consultation, infrastructure planning and financial implications.

- The above comments about PDA-associated development also apply to the proposed amendment to the *South Bank Corporation Act 1989*.
- The effect of this amendment would be that any development application for development on land outside a current PDA declared area could be now declared as PDA-associated development, assessed and decided by MEDQ and not by Council. This would result in development being beyond the jurisdiction of Council, Council's planning scheme and Council's Adopted Infrastructure Charges Resolution. Council would not be able to collect infrastructure charges relating to the development and would not be able to condition the development to provide trunk and/or non-trunk infrastructure to Council's standards.
- The decision making framework proposed external to the geographically defined PDAs would also have implications for the community, as the requirement to publicly notify development applications is discretionary and no appeal rights apply. In addition, there are likely to be complexities in the management of planning decisions where multiple decision makers apply.
- Council is concerned that the proposed requirements for declaration of a PDA-associated development are too broad. Council does not support the MEDQ exercising discretion beyond the PDAs.
- PDA-associated development is not required to be located on sites contiguous with the existing PDA boundaries. Therefore, the application of the EDA amendments could potentially be on sites which are considered to have a tenuous association with the PDA. Depending on the extent to which the MEDQ chooses to exercise their powers, this represents a potential increased dilution of Council's planning powers and a further loss of infrastructure charge revenue for Council. This has implications for infrastructure planning and delivery for Council as well as community expectations.
- While some local governments are the assessment manager and/or have participated in the preparation of development schemes for PDAs in their local government areas, in Brisbane, EDQ manages the PDAs independently of Council. The resultant outcome is that the PDA development schemes do not align with Council's planning scheme and EDQ does not insist on compliance with Council's infrastructure standards. This inconsistency in the standard of infrastructure results in asset management challenges for the city. If the PDA-associated development is applied externally to the PDAs, there will be a greater likelihood of a mix of development outcomes occurring more frequently.
- An additional concern is the uncertainty relating to the frequency at which MEDQ may exercise the powers and the generalised nature of the description of the 'PDA-associated development'. Currently, there are differences between the EDQ development schemes and *Brisbane City Plan 2014*. Should MEDQ declare PDA-associated development indiscriminately across the city, there may be increased inconsistency in planning outcomes.
- EDQ, as the assessment manager for the five Brisbane PDAs, collects infrastructure charges within the PDAs. None of the infrastructure charges collected for development demand generated within the PDAs are redistributed to Council. The PDAs impact on infrastructure well beyond the boundaries of the PDAs themselves, including creating significant demand on local government networks (stormwater, transport and community purposes infrastructure). This arrangement represents a significant financial impact for Council and exacerbates the existing infrastructure charges situation where Council is operating in a capped-charge environment. This affects Council's ability to deliver infrastructure outcomes to residents outside the PDAs at Council's desired standard of service.
- Council is also particularly concerned about impacts on bus layovers and services within the precinct.
- Furthermore, the intent of the Bill to amend the EDA does not take the opportunity to address the financial burden on Council to cover the cost of trunk infrastructure to support development in the QWB PDA. The financial situation for Council is not sustainable with respect to recovering the costs of providing infrastructure, particularly through redevelopment in the inner-city.

- The Explanatory Notes for the Bill outline that as 'it is considered that there is no other PDA-related development in the remainder of the South Bank Corporation Area, the proposed amendment is unlikely to impact on other areas of South Bank Parklands'. However, if there are to be any impacts on the broader South Bank Parklands area, Council requires advice on this and clarification of the relationship between this legislation and the *Heritage Act 1992* (as it is not clearly defined). This is particularly important because the Cultural Forecourt at the South Bank Parklands is now heritage listed.

Council draws to the Committee's attention the importance of the Queensland Government continuing to liaise with Council about the development of the QWB precinct and the establishment of by-laws for the future governance of the precinct. Council recommends that clear roles and responsibilities are outlined for Council and EDQ.

Part 5 – Amendment to the *Liquor Act 1992*

Council is also concerned that the changes to the *Liquor Act 1992*, which significantly differentiate between the opening hours of a Casino and other cultural and entertainment precincts in the city. This provision will provide the QWB precinct with a significant competitive advantage and consequently undermine the economic revitalisation of key cultural and entertainment precincts in the city.

Specific Comments

The following table outlines specific comments on key provisions of the Bill.

Queen's Wharf Brisbane Bill 2015 (the Bill)

Comment No.	Clause	Comment	Recommendation
Chapter 8 – Amendment of Acts			
Part 4 – Amendment to the <i>Economic Development Act 2012</i>			
1	89	Amends section 13 of the EDA to expand the MEDQ's functions to apply to land that is for PDAs.	<p>Council does not support this amendment.</p> <p>For the reasons outlined in Council's strategic comments, Council recommends that the Committee explore other legislative mechanisms to achieve a streamlined assessment and single assessment authority for the pedestrian bridge associated with the QWB proposal. In this context Council would be supportive of EDQ as the assessment manager for a pedestrian bridge, provided that Council is consulted in its design and impact on both river edge precincts.</p>
2	90	Amends sections 33 and 34 of the EDA to expand the definitions of PDA assessable development and PDA self-assessable development to include reference to PDA-associated development.	Refer to the recommendation for comment 1.
3	93	Inserts new Division 2A Declaration of PDA-associated development by MEDQ in Chapter 3, Part 2 of the EDA.	Refer to the recommendation for comment 1.

Comment No.	Clause	Comment	Recommendation
4	93	<p>This clause requires that before declaring a PDA-associated development, the MEDQ must consult in the way it considers appropriate with the relevant local government. While the consultation is noted, there is no commitment to ensure that PDA-associated infrastructure will be planned, built or managed in a way that ensures that it integrates with and does not adversely impact on the surrounding infrastructure networks, without adequate funding contribution to mitigate the impacts.</p>	<p>Council does not support this provision. Refer to the recommendation for comment 1.</p> <p>Irrespective of which legislative mechanism the Committee supports, Council requests the inclusion of provisions that ensure that adequate financial contributions will be made to Council to deal with any impacts on Council infrastructure networks (stormwater, transport and community purposes infrastructure).</p> <p>In addition, Council is particularly concerned about impacts on bus layovers and services within the precinct and requests discussions with the Queensland Government about this important consideration.</p>

Comment No.	Clause	Comment	Recommendation
5	93	<p>Council understands the Queensland Government's desire to simplify the approval process for the QWB pedestrian bridge, however, it would appear that the amendments proposed will have unintended, far reaching changes.</p> <p>Council is concerned about the Queensland Government expanding the planning authority of MEDQ to any PDA-associated development. The Bill proposes a very broad definition of what constitutes PDA-associated development, effectively allowing MEDQ to decide that a development outside the PDA is PDA-associated development and consequently removing the local government as planning authority for relevant development. The criteria could be utilised frequently, depending on how MEDQ chooses to exercise the powers in the amended EDA.</p> <p>This power is not limited to Queen's Wharf Brisbane PDA, and MEDQ can apply it to any PDA in Queensland. MEDQ is only required to consult the local government and other entities 'in a way it considers appropriate'. MEDQ is not required to consider any impacts on the local government or the community surrounding the declared PDA-associated development.</p>	<p>Council does not support this provision. Refer to the recommendation for comment 1. Council does not support the PDA-associated development approach applying on a State-wide basis, due to the significant impacts on the local government's role and inconsistent planning outcomes that could result. It is recommended that the State work with local governments in a constructive and consultative manner to address issues of development outside a PDA, including impacts on Council and surrounding community.</p>
6	Clause 93 – section 40C(3)	<p>The EDA amendment (section 40C(3)) requires the declaration of the PDA-associated development not to compromise the implementation of the relevant development instrument for the PDA. There is no requirement for the PDA-associated development to not compromise the implementation of the local government's planning scheme, which applies to the site or for the PDA-associated development to integrate with the surrounding local government infrastructure networks.</p>	<p>Refer to the recommendation for comment 1.</p>
7	Clause 93 – section 40C(4)	<p>The EDA amendment (section 40C(4)) requires MEDQ to decide whether a PDA-associated development is assessable, self-assessable or exempt development. This represents a further opportunity for there to be inconsistencies with <i>Brisbane City Plan 2014</i> in terms of the level of assessment.</p>	<p>Refer to the recommendation for comment 1.</p>

Comment No.	Clause	Comment	Recommendation
8.	Clause 108 – section 87(2A)	The EDA amendment (section 87(2A)) provides that MEDQ may give weight to any planning instrument, or a plan, policy or code made under <i>Sustainable Planning Act 2009</i> or another Act, that would have applied if the development were not PDA-associated development.	<p>Refer to the recommendation for comment 1.</p> <p>In addition, Council does not support such broad discretion being given to the MEDQ particularly with respect to determining the development standards that should be met before a relevant development approval is given.</p> <p>Council supports the retention of the assessment provisions that would otherwise exist under SPA.</p> <p>In the event that the Committee recommends that the QWB Bill should proceed in its current form, Council requests an amendment that EDQ consult with Council prior to MEDQ assessment of a development application that is PDA-associated development, to offer guidance as to how development is ordinarily assessed by Council, for example, the technical requirements in Council's planning scheme codes and the <i>Sustainable Planning Regulation 2009</i>.</p>
9	111	Amends section 123 (Application of local government entry powers for MEDQ's functions or powers) of the EDA in relation to PDA-associated development.	Refer to the recommendation for comment 1.

Comment No.	Clause	Comment	Recommendation
10	112	Amends section 124 (Roads and road closures) of the EDA in relation to PDA-associated development.	Refer to the recommendation for comment 1.
Part 5 – Amendment to the <i>Liquor Act 1992</i>			
11	121	Council is also concerned that the changes to the <i>Liquor Act 1992</i> will significantly differentiate between the opening hours of a Casino and other cultural and entertainment precincts in the city. The State is proposing to limit the opening hours for most licensed venues in the State, but not licensed venues associated with the Casino. This will provide the QWB precinct with a significant competitive advantage over other cultural and entertainment precincts in the city and consequently undermine their economic vitality.	It is recommended that the State consider the competitive disadvantage they are imposing on important cultural and entertainment precincts in the city and consider measures that would support their economic viability.
Part 6 – Amendment to the <i>South Bank Corporation Act 1989</i>			
12	122	Amends section 4 of the <i>South Bank Corporation Act 1989</i> to exclude development in a PDA and PDA-associated development for a PDA from the definition of assessable development.	Council does not support the amendment of the <i>South Bank Corporation Act 1989</i> . Refer to the recommendation for comment 1.