



Submission No. 007

11.1.14

11 February 2016

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

Dear Dr. Dewar

Queen's Wharf Brisbane Bill 2015

The Local Government Association of Queensland (LGAQ) welcomes the opportunity to provide feedback to the Infrastructure, Planning and Natural Resources Committee on the *Queen's Wharf Brisbane Bill 2015 Bill*. The LGAQ's submission is limited to the Bill's proposed amendments to the *Economic Development Act 2012*. Disappointedly, the LGAQ was not consulted in the drafting of the Bill, and to our knowledge, nor was any local government.

The LGAQ is seriously concerned with the Bill's proposed broadening of the Minister for Economic Development Queensland's (MEDQ's) powers to assess and decide development to be located outside of all Priority Development Areas (PDAs) and be identified as "PDA-associated development". This expansion of powers to the Minister is seemingly at odds with Queensland Labor's election commitment to transparency and assurance that legislation "does not place undue power in the hands of the Planning Minister."

The primary concern in the Bill is that the scope of what constitutes "PDA-associated development" is very broad. More specifically, Section 40C of the Bill states –

- (2) A declaration (of PDA-associated development) 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.

In addition to these vague criteria, "PDA-associated development" does not have to be contiguous with the PDA and could include development scenarios that range from:

- a sewerage treatment plant outside the PDA to maximise development yield within the PDA (at the expense of our developable land and having implications for surrounding land); or
- additional stages of a residential development to maximise the value of sunk infrastructure (such as along the waste water connection); or
- buffer areas or the like to mitigate the impacts of development within the PDA.

Given the potential scope of development that may be considered as “PDA-associated development”, the LGAQ is concerned as to the potential ongoing consequences of these broad criteria and the uncertainty it creates to both councils and the community, particularly as the community does not have appeal rights. The rationale in the explanatory notes for why this new power for the MEDQ is required and could be applied to all 26 existing PDA’s State-wide is equally ambiguous –

“Rather than a project-specific provision for QWB, the preferred approach is for a broader amendment to the Economic Development Act to separately define development carried out for a PDA located outside the PDA as ‘PDA-associated development’ and then allow MEDQ to declare what is PDA-associated development. MEDQ would also determine the level of assessment and assess and decide a development application. This would include the ability to exercise enforcement and compliance powers MEDQ has under the Economic Development Act in respect of development, including infrastructure. The declaration of the PDA-associated development will be made only in accordance with stated criteria and the information required to identify the development will also be stated in the Act. This approach will manage the QWB bridge scenario and similar situations where proposed infrastructure or land uses traverse the boundaries of a PDA and have complications around approval and conditioning powers.”(p.4)

The State’s primary rationale is to manage the QWB bridge scenario, however the explanatory notes do not cite a thorough review of other legislative options, processes, MOUs, or why the bridge scenario was not considered in the original PDA declaration. These broadened powers should not be adopted lightly due to their broader implications for the community. The proposed framework allows public notification of development applications to be discretionary and with no appeal rights. As such, the proposed process represents a further diminishment of both local governments’ and the communities’ role in the land-use planning and is at odds with the Queensland Labor belief in a planning system that is “grounded in local communities, to recognise and support the central role of Local Government in land-use planning and decision-making.”

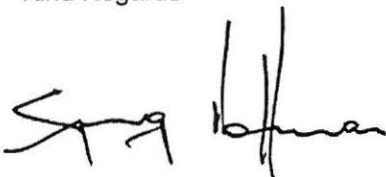
The LGAQ does not support the proposed amendments to the *Economic Development Act 2012* and recommends to Committee that, at a minimum, the Bill be amended to:

- Significantly limit the scope of what constitutes “PDA-associated development”, and / or
- Ensure MEDQ reaches agreement with each local government before declaring a “PDA-associated development” (*not merely consult in the way the MEDQ considers appropriate as per Section 40B in the Bill*).

This LGAQ Submission was unanimously endorsed on 11 February 2016 by the LGAQ’s Policy Executive which is responsible for the determination of the LGAQ’s policy on behalf of member councils.

For further information please do not hesitate to contact either myself or
on

Kind Regards



Greg Hoffman PSM
GENERAL MANAGER - ADVOCACY