

# **Economic Development (Vegetation Management) (Prescribed PDAs) Amendment By-law 2016**

Explanatory notes for SL 2016 No. 218

made under the

*Economic Development Act 2012*

## **General Outline**

### **Short title**

*Economic Development (Vegetation Management) (Prescribed PDAs) Amendment By-law 2016*

### **Authorising law**

Section 54 of the *Economic Development Act 2012*.

### **Policy objectives and the reasons for them**

The *Economic Development (Vegetation Management) By-law 2013* (the VMB) identifies vegetation within prescribed priority development areas (PDAs) that is to be managed to maintain biodiversity, preserve natural landforms, ensure its continued contribution to the character of the landscape or protect its historical, cultural heritage or amenity value to the public.

Section 4 of the VMB prescribes three PDAs in the City of Brisbane to which the VMB currently applies – Bowen Hills, Fitzgibbon and Northshore Hamilton. The remaining three PDAs in the City of Brisbane – Woolloongabba, Queen's Wharf Brisbane and Herston Quarter – are not prescribed PDAs under the VMB and consequently fall under the ambit of Brisbane City Council's *Natural Assets Local Law 2003* (BCC's local law).

In September 2016, Destination Brisbane Consortium (the proponents of Queen's Wharf Brisbane) requested the Department of Infrastructure, Local Government and Planning (the Department) amend the VMB so that the VMB (rather than BCC's local law) applies to the Queen's Wharf Brisbane PDA, in order to reduce delays on commencement of early works and remove the duplication of costs incurred under BCC's local law process.

An extensive policy and legislative investigation by the Department considered the matter in the context of the potential for broader application of the VMB to all PDAs in the City of Brisbane (not only to the Queen's Wharf Brisbane PDA).

The objective of the by-law is to extend the application of the VMB to all existing and future PDAs in the local government area of Brisbane.

Section 54 of the *Economic Development Act 2012* (ED Act) provides that the Minister for Economic Development Queensland may make by-laws for PDAs about any matter for which a local law may be made. A by-law may provide that all or part of a stated local law does not apply, or applies with stated changes, within a PDA.

Under section 54(6) of the ED Act the by-law must be approved by the Governor in Council.

## **Achievement of policy objectives**

The Minister for Economic Development Queensland made the proposed by-law on 17 November 2016.

The by-law achieves the policy objectives by amending the VMB to automatically apply the VMB to all existing PDAs in the local government area of Brisbane, namely Bowen Hills, Fitzgibbon, Northshore Hamilton, Woolloongabba, Queen's Wharf Brisbane and Herston Quarter, in addition to any PDAs in the City of Brisbane that may be declared in the future.

The definition of **Brisbane** under the *City of Brisbane Act 2010* means the City of Brisbane.

## **Consistency with policy objectives of authorising law**

The by-law is consistent with the main purpose of the *Economic Development Act 2012* which is to facilitate economic development, and development for community purposes, in the State.

## **Inconsistency with policy objectives of other legislation**

The by-law is consistent with the policy objectives of the *Economic Development Act 2012* that is a unique piece of legislation and specific to the State of Queensland.

## **Benefits and costs of implementation**

The proposed amendments will facilitate development by ensuring a streamlined approval process and enable the Department to regulate interference with significant vegetation through the VMB. Further, the application of the VMB to the Queen's Wharf Brisbane PDA will reduce delays on commencement of early works and remove the duplication of costs incurred under BCC's local law process.

The costs to Government as a result of the proposed amendments are negligible.

## **Consistency with fundamental legislative principles**

The by-law has been drafted with regard to the fundamental legislative principles as defined in the *Legislative Standards Act 1992* and is consistent with these principles.

## **Consultation**

Brisbane City Council was consulted and raised concerns about the limited time given to comment on the proposed amendments. The proposed amendments are considered to be minor and will provide consistency in the way vegetation is managed in all Brisbane PDAs.

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