

Economic Development (Variation of Caloundra South UDA) Amendment Regulation 2023

Explanatory notes for SL 2023 No. 12

made under the

Economic Development Act 2012

General Outline

Short title

Economic Development (Variation of Caloundra South UDA) Amendment Regulation 2023

Authorising law

Section 40F and 176 of the *Economic Development Act 2012* (ED Act).

Policy objectives and the reasons for them

The policy objective is to amend the *Economic Development Regulation 2013* (ED Regulation) to update the Caloundra South regulatory map (Map No. UDA 14) to reflect the inclusion of additional land (13.5 hectares) in the Priority Development Area (PDA).

The *Economic Development (Variation of Caloundra South UDA) Amendment Regulation 2023* (Amendment Regulation) has the effect of realigning the boundary of the Caloundra South PDA with the Bells Creek Road corridor, resulting in a minor and logical expansion of the PDA. This will allow for the streamlined *Economic Development Act 2012* (ED Act) land use planning and development assessment framework to apply.

Section 40F of the ED Act, provides that a regulation (a boundary change regulation) may amend a declaration regulation made under section 34 or 37 of the ED Act to include additional land (a minor boundary change) in the PDA declared under the declaration regulation.

A boundary change regulation may only be made if:

- The minor boundary change is to correct an error in the boundary of the PDA; or
- The Minister for Economic Development Queensland (MEDQ) is satisfied the minor

boundary change promotes the proper and orderly planning, development, and management of the additional land to be included in, or the land to be excluded from, the PDA (*example from the ED Act – including additional land in a priority development area so part of the boundary of the area aligns with a road constructed after the area was declared*)

Achievement of policy objectives

The Amendment Regulation achieves the policy objective by amending the ED Regulation to include additional land in the PDA. Under section 40F (2) of the ED Act, a boundary change regulation may only be made if:

- the minor boundary change is to correct an error in the boundary of the PDA; or
- MEDQ is satisfied the minor boundary change promotes the proper and orderly planning, development, and management of the additional land to be included in, or the land to be excluded from, the PDA.

The inclusion of the additional land in the Caloundra South PDA is minor, as it promotes the proper and orderly planning, development, and management of the additional land and:

- the proposed boundary change does not take the PDA in a new or changed direction from what was intended at the time of declaration,
- the additional land in the PDA aligns the boundary of the area with a road that was constructed after the area was declared (i.e., Bells Creek Arterial),
- under the council's planning scheme, the land was zoned Rural. The size, configuration and location of the land was no longer considered by the Department of State Development, Infrastructure, Local Government and Planning to be conducive with rural uses, and
- including the land in the PDA enables the MEDQ to apply the provisions of the Caloundra South PDA Development Scheme to the additional land.

Consistency with policy objectives of authorising law

The Amendment Regulation achieves the main purpose of the ED Act to facilitate economic development, and development for community purposes by enabling the land to be developed for residential purposes, providing much needed housing for the Sunshine Coast.

Inconsistency with policy objectives of other legislation

There is no inconsistency with the policy objectives of other legislation.

Benefits and costs of implementation

The ED Act provides a coordinated and comprehensive framework for efficient delivery of appropriate outcomes with net benefit and potential flow on benefits to the community and broader area.

The Amendment Regulation will provide proper orderly planning, development and management of the land to be included in the Priority Development Area by aligning the boundary with a road constructed after the area was declared. The amendment achieves the main purpose of the ED Act (to facilitate economic development, and development for community purposes) by ensuring the appropriate and responsible development of this land. The amendment will allow for a streamlined land use planning and development assessment framework to apply.

There are no resource or financial implications for the Department of State Development, Infrastructure, Local Government and Planning.

Consistency with fundamental legislative principles

The Amendment Regulation has been drafted with regard to the fundamental legislative principles outlined in section 4 of the *Legislative Standards Act 1992* and is consistent with these principles.

Consultation

Consultation about the minor boundary change and the resultant PDA instrument change was undertaken with the Sunshine Coast Regional Council (the council) as the relevant local government.

The council advised that it does not support the boundary change due to its long-held position that the land should be included in the Northern Inter Urban Break under the South East Queensland Regional Plan.

Stockland, as master developer of the PDA and the owner of the land to be included in the PDA as a result of the boundary change regulation, provided its written support to the boundary change.

The Office of Best Practice Regulation (OBPR) was also consulted under the Queensland Government Guide to Better Regulation to determine if further assessment was required under the Regulatory Impact Analysis framework. OBPR advised that the proposal to include additional land in the Caloundra South PDA does not appear likely to result in significant adverse impact and therefore, no further regulatory impact analysis under the guidelines is required.

No changes were made to the boundary change regulation as a result of this consultation.