

Economic Development (Mount Peter PDA) Amendment Regulation 2025

Explanatory notes for SL 2025 No. 84

made under the

Economic Development Act 2012

General Outline

Short title

Economic Development (Mount Peter PDA) Amendment Regulation 2025

Authorising law

Sections 37, 38 and 176 of the *Economic Development Act 2012* (ED Act).

Policy objectives and the reasons for them

The policy objective of the *Economic Development (Mount Peter PDA) Amendment Regulation 2025* (Amendment Regulation) is to amend the *Economic Development Regulation 2013* (ED Regulation) to declare the Mount Peter Priority Development Area (PDA).

Section 3 of the ED Act provides that the main purpose of the ED Act is to facilitate economic development, development for community purposes, the provision of diverse housing and the provision of premises for commercial or industrial uses. Section 4 of the ED Act, provides that the main purpose of the ED Act is achieved primarily by:

- establishing the Minister for Economic Development Queensland (MEDQ) to plan, carry out, promote or coordinate activities to the main purpose of the Act, and
- providing for a streamlined planning and development framework for particular parts of the state (declared as PDAs under the ED Act) to facilitate the main purpose of the Act
- providing for MEDQ to undertake strategic leadership and coordination of place renewal areas.

Section 37(1) of the ED Act provides that a regulation may declare a part of the state to be a PDA. Section 37(2)(a) of the ED Act, provides that in making a declaration, regard must be had to the main purpose of the Act. Under section 37(2)(b)(i) and (ii) of the ED Act, regard must also be had to the main purpose of the Act, and any proposed development for land in the area. Further, under section 37(2)(b)(iii) of the ED Act, regard must be had to the impact the *Planning*

Act 2016 (Planning Act) may have on the delivery of the proposed development if the Amendment Regulation were not made.

Once a PDA is declared, schedule 6 of the *Planning Regulation 2017* prohibits the Carins Planning Scheme (CarinsPlan) from making PDA-related development assessable under the Planning Act. To regulate development from the time the PDA is declared until a detailed development scheme is finalised, section 38(2) of the ED Act, provides that the MEDQ must make an interim land use plan (ILUP) regulating development in the entire area proposed to be declared under the Amendment Regulation. Section 38(3) of the ED Act provides the MEDQ with the ability to make more than one ILUP for the PDA. The MEDQ has made only one ILUP for the PDA under section 38(2).

Section 40AB of the ED Act provides that an ILUP for a PDA expires 12 months after it commences unless the MEDQ under section 37(3) and (4) recommended that the Amendment Regulation for the PDA state a longer period (up to 24 months). The MEDQ has recommended an expiry period for the ILUP under section 37(3) and (4) that is 18 months from the date of declaration of the Mount Peter PDA.

Achievement of policy objectives

The Amendment Regulation achieves the policy objective by amending the ED Regulation to declare the Mount Peter PDA. Under section 38(2) of the EDQ, the MEDQ has made one ILUP for the entire PDA.

The *Far North Queensland Regional Plan 2009–2031* (the Regional Plan) identifies Mount Peter as a key growth area for the region, to be prioritised ahead of any other major greenfield developments. As the last remaining area of developable land within the Cairns region, the Regional Plan also emphasises the importance of delivering innovative and integrated housing solutions to support sustainable growth.

According to the Regional Plan, two thirds (~70,000 people) of population growth will be accommodated in Cairns and up to 50,000 people will ultimately live within the Mount Peter area. A target of 15-20 dwellings per hectare (net) has been set to achieve the required density for Mount Peter.

Further, the Regional Plan notes that planning will need to achieve the relevant policy objectives including:

- delivery of trunk infrastructure to catalyse growth, in particular wastewater reticulation and treatment infrastructure
- protection of areas of ecological significance, waterways and other natural values
- avoidance of natural hazards including flooding and acid sulfate soils
- protection of cultural values, local identity and sense of place
- appropriate dwelling densities and housing mixes
- open spaces that are linked where possible to maximise their function as wildlife corridors and for outdoor recreation
- provision of a range of economically viable activity centres of a scale that will maximise the availability of local employment opportunities and available services

- an efficient public transport network, with higher housing densities and mixed use developments within transit oriented communities. Understanding the economic benefits of future development within the area.

The Amendment Regulation will declare a PDA over the majority of the established Mount Peter Local Plan Area which is identified in the CairnsPlan. The declaration of the area as a PDA provides a pathway for the MEDQ to undertake an integrated land use and infrastructure planning process for the area that addresses the specific matters set out in the Regional Plan.

Section 38(2) of the ED Act provides that the MEDQ must make an ILUP regulating development in the entire area proposed to be declared as a PDA.

The ILUP is a temporary PDA development instrument that regulates development in the PDA from the date of declaration until it is replaced by a PDA development scheme. Section 37(3) of the ED Act provides for a declaration regulation to state an expiry date for ILUP. The Amendment Regulation provides that the ILUP will expire on 30 January 2027 (being 18 months following PDA declaration) unless a development scheme is made prior. The expiry date is required for the proper and orderly planning, development and management of the PDA and to provide sufficient time to prepare a development scheme for the PDA.

An alternative to a PDA declaration is an amendment to the planning scheme and local government infrastructure plan to better align the delivery of infrastructure and land use outcomes. This would be a lengthy process, potentially result in out of sequence development and could cause delays to the delivery of housing. Declaration of a PDA will streamline plan-making and development assessment and ensure development can be appropriately serviced by essential infrastructure.

Once declared, the Mount Peter PDA will be administered by the MEDQ.

Consistency with policy objectives of authorising law

Declaring the Mount Peter PDA by the Amendment Regulation achieves the main purpose of the ED Act to facilitate the purpose of the Act by providing for a streamlined planning and development framework for the proposed development of Mount Peter.

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 PDA declaration will provide a streamlined planning framework that accommodates the future housing needs of the Far North Queensland region.

Government costs related to the PDA declaration will be sourced from the existing Economic Development Queensland budget and offset through charges on development activity.

Consistency with fundamental legislative principles

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

Consultation

Consultation was undertaken with the Cairns Regional Council as the relevant local government about the PDA boundary and the ILUP.

There is no requirement for public consultation under the ED Act prior to the declaration of a PDA. The development scheme for the PDA is subject to public notification. A community engagement strategy will be prepared to guide the preparation and public notification of the development scheme for the PDA.

An Impact Analysis Statement for the Amendment Regulation has been prepared. The regulatory proposal is minor and machinery in nature being that it is a declaratory provision. No regulatory impact analysis is required under the Queensland Government Better Regulation Policy.