

# Economic Development (North Harbour PDA and Other Matters) Amendment Regulation 2025

Explanatory notes for SL 2025 No. 85

made under the

*Economic Development Act 2012*

## General Outline

### Short title

*Economic Development (North Harbour PDA and Other Matters) Amendment Regulation 2025*

### Authorising law

Sections 37, 38 and 176 of the *Economic Development Act 2012* (ED Act).  
Section 22 of the *Statutory Instruments Act 1992*.

### Policy objectives and the reasons for them

The policy objective of the *Economic Development (North Harbour PDA and Other Matters) Amendment Regulation 2025* (Amendment Regulation) is to amend the *Economic Development Regulation 2013* (ED Regulation) to declare the North Harbour Priority Development Area (PDA) and rename The Mill at Moreton Bay PDA to Moreton Bay Central 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, and
- 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 Moreton Bay Regional Planning Scheme 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 North Harbour PDA.

Section 22(1)(b) of the Statutory Instruments Act enables a statutory instrument to be made if it is necessary or convenient to be prescribed for carrying out or giving effect to the authorising law or other law. The renaming of the PDA is considered necessary or convenient to improve industry and community recognition of the location of the PDA, resulting in increased economic activity and investment certainty.

## **Achievement of policy objectives**

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

The North Harbour PDA is envisaged to develop into a mixed-use development comprising residential neighbourhoods, enterprise precincts providing marine industry and local services as well as recreation and conservations areas in a unique development form that is responsive and resilient to its coastal location and attributes.

ShapingSEQ: South East Queensland Regional Plan 2023 (ShapingSEQ) includes the land:

- in the Urban Footprint and establishes an intent for the land to be developed for urban purposes, and
- in an SEQ development area (Burpengary East) to ensure that out of sequence development does not occur until detailed land use and infrastructure planning for the site is undertaken.

Further, ShapingSEQ sets out a range of critical matters to be resolved to enable development of the land:

- Understanding the economic benefits of future development within the area.
- Resolving the approval pathway under the EPBC Act.

- Confirmation that the governance and maintenance arrangements for the proposed Caboolture River works will not expose the Queensland Government to any financial risk or burden.
- The City of Moreton Bay (council) and the developer agreeing to fund the bring-forward costs associated with the delivery of necessary state infrastructure, including roads, schools, emergency services facilities, etc.
- Resolving native title matters for the marina development under the Native Title Act 1993.
- Mitigating and/or managing significant environmental values including MSES and MSES connectivity.
- Effectively mitigating flood hazard for the area.

Economic analysis prepared on behalf of Council identifies that once developed, the North Harbour PDA will generate almost 2,000 jobs and add \$456 million into the regional economy per annum.

The Amendment Regulation will declare a PDA over the land included in the Urban Footprint and SEQ development area (Burpengary East). 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 can address some of the critical matters set out in ShapingSEQ. The development proponent is in the process of addressing EPBC and native title matters. Governance and maintenance arrangements for the proposed Caboolture River will be confirmed concurrently with preparation of the development scheme.

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 ED Act provides that the MEDQ may, where suitable, include requirements in PDA development instruments related to the supply of diverse housing, including for example affordable and social housing, and to condition PDA development approvals in accordance with those requirements. Affordable or social housing requirements will be considered during the preparation of the development scheme.

Various constraints and State interest have been identified as affecting land in the PDA.

On declaration of the PDA, the North Harbour ILUP will immediately take effect to regulate development. Precinct 1 enables the first stage of residential development to commence, providing a new land supply that can deliver a range of housing options. The ILUP includes assessment criteria to ensure new development addresses site constraints and avoids negative effects on other properties.

Precinct 2 is not anticipated to be developed for urban until the development scheme is finalised.

Site constraints and State interests will be further investigated during the preparation of the PDA development scheme for the PDA. Appropriate mitigation measures and provisions will be incorporated into the development scheme to ensure development adequately responds to these matters.

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 an 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 PDA development scheme.

An alternative to a PDA declaration is an amendment to the planning scheme. This would be a lengthy process and could cause delays to the delivery of housing. Declaration of a PDA will streamline plan-making and development assessment.

Once declared, the North Harbour PDA will be administered by the MEDQ.

The Amendment Regulation also seeks to rename The Mill at Moreton Bay PDA to Moreton Bay Central PDA. The Mill at Moreton Bay PDA was declared on 2 September 2016, at the request of former Moreton Bay Regional Council. The council requested the name be changed to Moreton Bay Central PDA for better industry and community recognition, aiming to increased economic activity and investment certainty. The council requested the name change be included in the amendment regulation declaring the North Harbour PDA.

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

Declaring the North Harbour 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 North Harbour.

Renaming The Mill at Moreton Bay PDA to Moreton Bay Central PDA achieves the main purpose of the ED Act to facilitate the purpose of the Act by improving industry and community recognition of the location of the PDA, resulting in increased economic activity and investment certainty.

## **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 and employment needs of the Moreton Bay region.

Government costs related to the PDA declaration will be sourced from the existing Economic Development Queensland (EDQ) budget and recouped through charges on development activity in the PDA.

Costs incurred by EDQ associated with renaming The Mill at Moreton Bay PDA to Moreton Bay Central PDA sourced from the existing EDQ budget.

## 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 council as the relevant local government about the PDA boundary and the ILUP. The council requested the name change of the existing The Mill at Moreton Bay PDA.

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.