

Economic Development (Port Hinchinbrook Provisional PDA) Amendment Regulation 2025

Explanatory notes for SL 2025 No. 136

made under the

Economic Development Act 2012

General Outline

Short title

Economic Development (Port Hinchinbrook Provisional PDA) Amendment Regulation 2025

Authorising law

Sections 34, 35 and 176 of the Economic Development Act 2012

Policy objectives and the reasons for them

The policy objective of the *Economic Development (Port Hinchinbrook Provisional PDA) Amendment Regulation 2025* (Amendment Regulation) is to amend the *Economic Development Regulation 2023* (ED Regulation) to declare the Port Hinchinbrook Provisional 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 34(1) of the ED Act provides that a regulation may declare a part of the state to be a Provisional PDA. Section 34(2)(b)(i) of the ED Act, provides that in making a declaration, regard must be had to the main purpose of the Act. Under section 34(2)(b)(ii) of the ED Act,

regard must also be had to any proposed development for land in the area. Further, under section 34(2)(b)(iii) and (iv) 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 and any State planning instrument applying to the land in the area.

Once a Provisional PDA is declared, schedule 6 of the *Planning Regulation 2017* prohibits the Cassowary Coast Planning Scheme (the planning scheme) from making PDA-related development assessable under the Planning Act. To regulate development from the time the Provisional PDA is declared, section 35(2) of the ED Act, provides that the MEDQ must make a draft provisional land use plan (draft PLUP) regulating development in the area proposed to be declared under the Amendment Regulation.

Section 36E of the ED Act provides that the provisional land use plan (PLUP) must be made no later than 60 business days after the draft provisional land use plan takes effect. The draft PLUP must be publicly notified for a minimum of 15 business days following the declaration. The MEDQ must consider the submissions made on the draft PLUP and consult with the Cassowary Coast Regional Council (the Council) and relevant state agencies following public notification and prior to making the PLUP.

Achievement of policy objectives

The Amendment Regulation achieves the policy objective by amending the ED Regulation to declare the Port Hinchinbrook Provisional PDA.

The Amendment Regulation will declare a Provisional PDA over the majority of the established Port Hinchinbrook area within the locality of Cardwell on the Cassowary Coast. The declaration of the area as a Provisional PDA provides a pathway for the MEDQ to undertake an integrated land use and infrastructure planning process for the area that addresses the current matters related to infrastructure provisioning.

Section 35(2) of the ED Act provides that the MEDQ must make a draft PLUP regulating development in the area proposed to be declared as a Provisional PDA.

The draft PLUP is a temporary PDA development instrument that regulates development in the Provisional PDA from the date of declaration until it is replaced by a PLUP, no later than 60 business days following declaration. Section 41 provides that a Provisional PDA ceases 3 years following the date of declaration.

An alternative to a Provisional 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 timely infrastructure works. Declaration of a Provisional PDA will streamline plan-making and development assessment and ensure development can be appropriately serviced by essential infrastructure.

Once declared, the Port Hinchinbrook Provisional PDA will be administered by the MEDQ.

Consistency with policy objectives of authorising law

Declaring the Port Hinchinbrook Provisional PDA by the Amendment Regulation achieves the main purpose of the ED Act by providing for a streamlined planning and development framework for the proposed development of Port Hinchinbrook.

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 Provisional PDA declaration will provide a streamlined planning framework that facilitates coordinated and timely delivery of development and infrastructure works.

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

There is no requirement for public consultation under the ED Act prior to the declaration of a Provisional PDA. The draft PLUP for the Provisional PDA is subject to public notification. A community engagement strategy to support the public notification has been prepared and guides the public notification of the draft PLUP for the Provisional 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.