

Queensland

Economic Development Act 2012

Economic Development Regulation 2023

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Economic Development Regulation 2023

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Economic Development Regulation 2023

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Economic Development Regulation 2023*.

2 Definition

In this regulation—

repealed regulation means the repealed *Economic Development Regulation 2013*.

Part 1A Affordable housing

2A Definitions for part

In this part—

affordable purchase price, for a household, means a price that enables the cost of servicing a mortgage for 90% of the purchase price to be not more than 30% of the gross income of the household.

affordable rent, for a household, means a rent of not more than 30% of the gross income of the household.

first home buyer household means a household that has a gross household income within the range nominated in a housing needs analysis for identifying a first home buyer household for the priority development area in which the household is situated.

housing needs analysis means a document called 'Housing needs analysis' that—

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(a) analyses the need for particular types of housing for particular types of households in a particular priority development area; and

(b) nominates a range of gross household income within which a household may be identified as a first home buyer household or a key worker household for a particular priority development area; and

(c) is published on MEDQ's website.

key worker household means a household that has a gross household income within the range nominated in a housing needs analysis for identifying a key worker household for the priority development area in which the household is situated.

low to moderate income household means a household that has a gross household income of more than 50% and less than 120% of the median household income for the local government area in which the household is situated.

market rent, of housing, means the estimated amount for which an interest in the housing should be leased on the open market between a willing lessor and willing lessee on appropriate terms in an arm's length transaction, after proper marketing and if the parties had each acted knowledgeably, prudently and without compulsion.

market value, of housing, means the estimated amount for which the housing should exchange on the open market between a willing buyer and a willing seller in an arm's length transaction, after proper marketing and if the parties had each acted knowledgeably, prudently and without compulsion.

median household income, for a local government area, means the median household income for the area published by the Australian Bureau of Statistics and indexed by the Queensland wage price index published by the Australian Bureau of Statistics.

very low income household means a household that has a gross household income of 50% or less than the median

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household income for the local government area in which the household is situated.

2B Affordable housing—Act, s 7B

(1) This section prescribes, for section 7B of the Act, housing that is affordable to the following types of households—

(a) very low income households;

(b) low to moderate income households;

(c) key worker households;

(d) first home buyer households.

(2) Housing is affordable to very low income households if the housing satisfies either or both of the following criteria—

(a) the housing is provided for rental by a registered provider under the *Housing Act 2003*, schedule 4 at an affordable rent for very low income households;

(b) the housing is provided as part of a program, funded by any of the following entities, to support the provision of housing that is affordable to very low income households—

(i) a public sector entity under the *Public Sector Act 2022*, section 8;

(ii) a local government;

(iii) the State;

(iv) the Commonwealth.

(3) Housing is affordable to low to moderate income households if the housing satisfies 1 or more of the following criteria—

(a) the housing is provided for rental by a registered provider under the *Housing Act 2003*, schedule 4 at an affordable rent for low to moderate income households;

(b) the housing is provided for rental at a rent of not more than 74.9% of the market rent of the housing;

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(c) the housing is provided as part of a program, funded by any of the following entities, to support the provision of housing that is affordable to low to moderate income households—

(i) a public sector entity under the *Public Sector Act 2022*, section 8;

(ii) a local government;

(iii) the State;

(iv) the Commonwealth;

(d) the housing has a market value that is not more than the affordable purchase price for low to moderate income households in the local government area in which the housing is located;

(e) the housing has a market value that is not more than 20 times the affordable rent, calculated on a yearly basis, for low to moderate income households in the local government area in which the housing is located;

(f) the housing has a market rent that is not more than the affordable rent for low to moderate income households in the local government area in which the housing is located.

(4) Housing is affordable to key worker households if the housing satisfies 1 or more of the following criteria—

(a) the housing has a market value that is not more than the affordable purchase price for key worker households in the priority development area in which the housing is located;

(b) the housing has a market value that is not more than 20 times the affordable rent, calculated on a yearly basis, for key worker households in the priority development area in which the housing is located;

(c) the housing has a market rent that is not more than the affordable rent for key worker households in the priority development area in which the housing is located.

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(5) Housing is affordable to first home buyer households if the housing has a market value that is not more than the affordable purchase price for first home buyer households in the priority development area in which the housing is located.

Part 1B Categories of development

2C PDA accepted development—Act, s 33

For section 33(4)(a) of the Act, the following development is PDA accepted development—

(a) a material change of use of premises for a solar farm as defined under the *Planning Regulation 2017*;

(b) a material change of use of premises for a wind farm as defined under the *Planning Regulation 2017*;

(c) a material change of use of premises for a battery storage facility as defined under the *Planning Regulation 2017*.

Part 1C Provisional priority development areas

2D Provisional priority development areas—Act, s 34

For section 34(1) of the Act, each part of the State identified as a provisional priority development area on a map mentioned in schedule 1AA, column 2 is declared to be the provisional priority development area mentioned opposite in schedule 1AA, column 1.

Note—

See section 41 of the Act in relation to the cessation of a provisional priority development area.

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Part 2 Priority development areas

3 Priority development areas—Act, s 37

For section 37(1) of the Act—

(a) each part of the State identified as a priority development area on a map mentioned in schedule 1, part 1, column 2 and declared as a priority development area under the repealed regulation continues to be declared as the priority development area mentioned opposite in schedule 1, part 1, column 1; and

(b) each part of the State identified as a priority development area on a map mentioned in schedule 1, part 2, column 2 is declared to be the priority development area mentioned opposite in schedule 1, part 2, column 1.

Note—

Each map is available for inspection on the department's website.

3A Expiry date for particular interim land use plans—Act, s 37

For section 37(3)(a) of the Act, the expiry date for an interim land use plan for a priority development area mentioned in schedule 1A, column 1 is the date mentioned opposite the priority development area in schedule 1A, column 2.

Note—

See also section 40AB of the Act in relation to the expiry of an interim land use plan for a priority development area.

4 Transitioned UDAs—Act, s 196

For section 196(1)(a) of the Act, each part of the State identified as an urban development area on a map mentioned in schedule 2, column 2 is the transitioned UDA, or transitioned UDA as amended, mentioned opposite in schedule 2, column 1.

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Notes—

1 A transitioned UDA is taken to be a priority development area. See sections 177, definition *transitioned UDA* and 190 of the Act.

2 Each map is available for inspection on the department's website.

5 Placing notice about PDA development application on land—Act, s 84

(1) For section 84(2)(b) of the Act, this section prescribes the way a notice about a PDA development application must be placed on the relevant land.

(2) The notice must—

(a) be placed on, or within 1.5m of, the road frontage for the relevant land; and

(b) be mounted at least 300mm above ground level; and

(c) be positioned so it is visible from—

(i) any road adjoining the relevant land; or

(ii) if the only access to the relevant land is across other land—any road adjoining the other land at the point of access; and

(d) be made of weatherproof material; and

(e) be not less than 1,200mm x 900mm in size.

(3) If the relevant land has more than 1 road frontage, a notice must be placed on each road frontage for the land.

(4) The applicant must maintain the notice from the day it is placed on the relevant land until the end of the submission period for the application.

(5) In this section—

road frontage, for relevant land, means—

(a) generally—the boundary between the relevant land and any road adjoining the land; or

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(b) if the only access to the relevant land is across other land—the boundary between the other land and any road adjoining the other land at the point of access.

Part 3 Plans of subdivision

6 Process for approving plans of subdivision—Act, s 104

For section 104(2) of the Act, the process stated in schedule 3 is prescribed.

Part 4 Temporary use licences

7 Applications for temporary use licences—Act, s 171F

For section 171F(2)(b) of the Act, the following matters are prescribed—

(a) the applicant's name and contact details;

(b) a description of the premises to which the application relates;

(c) details of the relevant change the subject of the application;

(d) the grounds for the relevant change.

7A Applications to extend temporary use licences—Act, s 171JB

For section 171JB(2)(b) of the Act, the following matters are prescribed—

(a) the applicant's name and contact details;

(b) the period of the extension sought;

(c) the grounds for the extension.

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7B Applications to amend temporary use licences—Act, s 171JG

For section 171JG(2)(b) of the Act, the following matters are prescribed—

(a) the applicant's name and contact details;

(b) details of the amendment sought;

(c) the grounds for the amendment.

Part 5 Repeal and transitional provision

8 Repeal

The Economic Development Regulation 2013, SL No. 2 is repealed.

9 References to repealed regulation

A reference in a document to the repealed regulation may, if the context permits, be taken to be a reference to this regulation.

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Schedule 1AA Provisional priority development areas

section 2D

Column 1 Provisional priority development area	Column 2 Description of area
Land Activation Program (SEQ Tranche 1)	Map No. PPDA 2 - Land Activation Program (SEQ Tranche 1) Provisional Priority Development Area
Land Activation Program (Tranche 2)	Map No. PPDA 3 - Land Activation Program (Tranche 2) Provisional Priority Development Area
Port Hinchinbrook	Map No. PPDA 1 - Port Hinchinbrook Provisional Priority Development Area

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Schedule 1 Priority development areas

section 3

Part 1 Priority development areas continued in existence

Column 1 Priority development area	Column 2 Description of area
Albert Street Cross River Rail	Map No. PDA 15 - Albert Street Cross River Rail Priority Development Area
Blackwater East	Map No. PDA 2 - Blackwater East Priority Development Area
Boggo Road Cross River Rail	Map No. PDA 18 - Boggo Road Cross River Rail Priority Development Area
Herston Quarter	Map No. PDA 11 - Herston Quarter Priority Development Area
Mackay Waterfront	Map No. PDA 12 - Mackay Waterfront Priority Development Area
Maroochydore City Centre	Map No. PDA 5 - Maroochydore City Centre Priority Development Area
Moreton Bay Central *Note—* This priority development area was named The Mill at Moreton Bay when it was declared on 2 September 2016.	Map No. PDA 10 - Moreton Bay Central Priority Development Area
Oxley	Map No. PDA 13 - Oxley Priority Development Area

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Column 1 Priority development area	Column 2 Description of area
Parklands	Map No. PDA 27 - Parklands Priority Development Area
Queen's Wharf Brisbane	Map No. PDA 8 - Queen's Wharf Brisbane Priority Development Area
Roma Street Cross River Rail	Map No. PDA 16 - Roma Street Cross River Rail Priority Development Area
Southport	Map No. PDA 19 - Southport Priority Development Area
Sunshine Coast Airport	Map No. PDA 20 - Sunshine Coast Airport Priority Development Area
Toondah Harbour	Map No. PDA 3 - Toondah Harbour Priority Development Area
Toowoomba Railway Parklands	Map No. PDA 9 - Toowoomba Railway Parklands Priority Development Area
Townsville City Waterfront	Map No. PDA 7 - Townsville City Waterfront Priority Development Area
Weinam Creek	Map No. PDA 4 - Weinam Creek Priority Development Area
Yeronga	Map No. PDA 14 - Yeronga Priority Development Area

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Part 2 Priority development areas declared under this regulation

Column 1 Priority development area	Column 2 Description of area
Caloundra Aerodrome	Map No. PDA 28 - Caloundra Aerodrome Priority Development Area
Halls Creek	Map No. PDA 26 - Halls Creek Priority Development Area
Mount Peter	Map No. PDA 25 - Mount Peter Priority Development Area
North Harbour	Map No. PDA 24 - North Harbour Priority Development Area
Southern Thornlands	Map No. PDA 23 - Southern Thornlands Priority Development Area
Waraba	Map No. PDA 22 - Waraba Priority Development Area
Woolloongabba	Map No. PDA 21 - Woolloongabba Priority Development Area

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Schedule 1A Expiry date for particular interim land use plans

section 3A

Column 1 Priority development area	Column 2 Expiry date for interim land use plan
Mount Peter	30 January 2027
North Harbour	30 January 2027
Southern Thornlands	4 October 2026
Waraba	2 August 2026

Schedule 2 Transitioned UDAs

section 4

Column 1 Transitioned UDA	Column 2 Description of area
Andergrove	Map No. UDA4 - Andergrove Urban Development Area
Blackwater	Map No. UDA8 - Blackwater Urban Development Area
Bowen Hills	Map No. UDA2 - Bowen Hills Urban Development Area
Bowen Street, Roma	Map No. UDA9 - Bowen Street, Roma Urban Development Area
Caloundra South *Note—* The transitioned UDA is as amended under section 40F of the Act.	Map No. UDA18 - Caloundra South Urban Development Area
Central Queensland University Rockhampton	Map No. UDA17 - Central Queensland University Rockhampton Urban Development Area
Clinton	Map No. UDA5 - Clinton Urban Development Area
Fitzgibbon	Map No. UDA3 - Fitzgibbon Urban Development Area
Greater Flagstone *Note—* The transitioned UDA is as amended under section 40F of the Act.	Map No. UDA19 - Greater Flagstone Urban Development Area

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Column 1 Transitioned UDA	Column 2 Description of area
Northshore Hamilton	Map No. UDA1 - Northshore Hamilton Urban Development Area
Oonoonba	Map No. UDA6 - Oonoonba Urban Development Area
Ripley Valley *Note—* The transitioned UDA is as amended under section 42 of the Act.	Map No. UDA20 - Ripley Valley Urban Development Area
Tannum Sands	Map No. UDA15 - Tannum Sands Urban Development Area
Toolooa	Map No. UDA16 - Toolooa Urban Development Area
Yarrabilba	Map No. UDA13 - Yarrabilba Urban Development Area

Schedule 3 Approving plans of subdivision

section 6

1 Request for approval of plan of subdivision

(1) A person may, under this section, ask MEDQ to approve a plan of subdivision.

(2) The request must—

(a) be in writing; and

(b) be accompanied by—

(i) a copy of the proposed plan of subdivision; and

(ii) evidence allowing the request to be assessed under section 2; and

(c) be made during the relevant period, if any, for the request.

(3) For subsection (2)(c), the ***relevant period*** for the request is—

(a) if the request relates to a plan of subdivision for reconfiguring a lot that is authorised under a PDA development permit—the period during which the PDA development permit is in effect; or

(b) if the request relates to a plan of subdivision for reconfiguring a lot that is required under a PDA development condition of a PDA development permit—

(i) if the PDA development permit states a currency period under section 100(4) or (5) of the Act—the stated currency period; or

(ii) otherwise—the period of 4 years after the PDA development permit takes effect; or

(c) if the request relates to a plan of subdivision for reconfiguring a lot that is required under a PDA exemption certificate—

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(i) if the certificate states a period within which the plan must be given to MEDQ for its approval—the stated period; or

(ii) otherwise—the period during which the certificate is in effect.

2 Assessing request

(1) The request must be assessed against—

(a) the criteria that apply in relation to the request under subsection (2), (3) or (4); and

(b) the general criteria under subsection (5).

(2) If the request relates to a plan of subdivision for reconfiguring a lot that is authorised under a PDA development permit or is required under a PDA development condition of a PDA development permit, the criteria are—

(a) the plan has been prepared in accordance with the requirements of the PDA development permit; and

(b) if the PDA development permit is subject to PDA development conditions—

(i) the conditions have been complied with; or

(ii) the applicant has given satisfactory security to MEDQ to ensure compliance with the conditions.

(3) If the request relates to a plan of subdivision for reconfiguring a lot that is required under a PDA exemption certificate, the criterion is that the plan has been prepared in accordance with the requirements of the certificate.

(4) If the request relates to a plan of subdivision for reconfiguring a lot that is not PDA assessable development, the criterion is that the plan is consistent with any PDA development permit relevant to the land.

(5) The ***general criteria*** are the following—

(a) there are no outstanding local government rates or charges or expenses that are a charge over the land under any Act;

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(b) there are no outstanding special rates or charges, or infrastructure expenses recoupment charges, in relation to the land;

(c) the conditions of any water approval under the *South-East Queensland Water (Distribution and Retail Restructuring) Act 2009* in relation to the land have been complied with;

(d) there are no outstanding fees or charges in relation to the land levied by a distributor-retailer under the *South-East Queensland Water (Distribution and Retail Restructuring) Act 2009*.

(6) A reference in this section to the land, in relation to a plan of subdivision, is a reference to the land the subject of the plan of subdivision.

(7) In this section—

local government rates or charges means rates or charges levied by a local government.

special rate or charge means a special rate or charge levied under section 115 of the Act.

3 Deciding request

(1) If the request complies with the criteria against which it must be assessed under section 2, MEDQ must approve the plan of subdivision.

(2) MEDQ must give notice of the approval to the applicant within—

(a) 20 business days after receiving the request; or

(b) another period agreed between MEDQ and the applicant.

(3) If the Act under which the plan of subdivision is to be registered or recorded requires a particular form for the registration or recording, the approval of the plan of subdivision must be in that form.

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