



Introduction to PDA-associated development

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1. Introduction

On 19 April 2016, the Queensland Parliament passed the *Queen's Wharf Brisbane Act 2016*. This Act amended the *Economic Development Act 2012* (the ED Act) to introduce the concept of PDA-associated development. These amendments became effective on 27 May 2016.

The amendments provide a mechanism for efficiently managing development that is associated with a priority development area (PDA) but proposed to be located outside the PDA. This provides for the proposed development to be dealt with under the ED Act in a similar way to development proposed within the PDA. However, there is no requirement for the proposed development outside a PDA to be declared as PDA-associated development. The alternative is for the proposed development to be dealt with under the *Sustainable Planning Act 2009* (SPA) and the local government planning scheme.

PDA-associated development may be identified through:

- a process of declaration by the Minister for Economic Development Queensland (MEDQ); or
- specific mention in the interim land use plan or development scheme for the PDA.

The overall process for declaration of PDA-associated development is shown in figure 1.

Criteria for declaring PDA-associated development

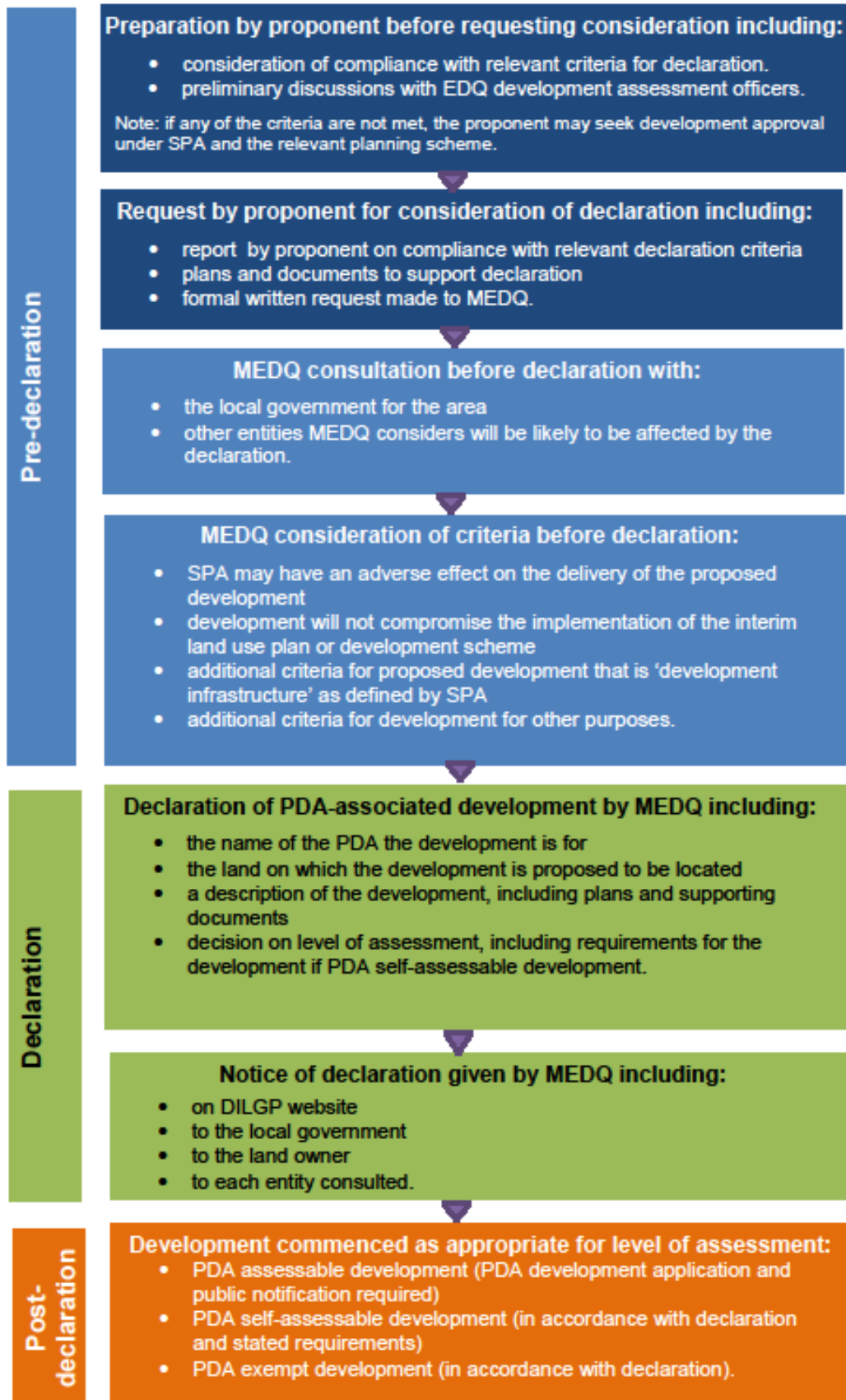
The matters to be considered before declaring PDA-associated development are specified in s40C of the ED Act and vary according to whether the proposed development provides development infrastructure (as defined in the *Sustainable Planning Act 2009*), or another type of development.

MEDQ may declare development to be PDA-associated development if satisfied:

- that delivery of the proposed development may be adversely affected if SPA were to apply and one of the following applies:
 - the proposed development provides development infrastructure to address the impacts of any development within the PDA; or
 - the proposed development:
 - promotes the proper and orderly planning, development and management of the PDA in accordance with the relevant development instrument for the PDA; and
 - has an economic or community benefit for the State or region in which the PDA is located; and
 - cannot reasonably be located or accommodated entirely within the PDA.

In addition, any declaration must not compromise the implementation of the relevant development instrument for the PDA.

Figure 1: Process for declaration and assessment of PDA-associated development



Consultation before declaring PDA-associated development

Before making a declaration, MEDQ is required to consult with the local government in whose area the development is proposed to be located. In addition, others (including relevant government entities) may be consulted if MEDQ considers they would be likely to be affected by the declaration.

The form and extent of consultation will be determined in each case dependent on the nature and location of the proposed development.

Circumstances when declaration of PDA-associated development may be appropriate

The circumstances when declaration of PDA-associated development may be appropriate include if an existing PDA development permit has identified the need for external development infrastructure, such as an extension of a water or sewer main as a condition of approval, or during pre-lodgement discussions that indicate infrastructure will be necessary outside the PDA to address the impacts of development proposed inside the PDA.

In other cases, the need for infrastructure outside a PDA might emerge in its own right as development within a PDA proceeds. Alternatively, infrastructure, such as a new intersection or bridge, may have been identified as part of the interim land use plan (ILUP) or development scheme for the PDA.

In other circumstances it may emerge that external development, other than development infrastructure, may be appropriate for the PDA. In such circumstances, a more extensive set of criteria must be satisfied for the proposed development to be declared as PDA-associated development.

In all of these cases, following preliminary discussions with EDQ development assessment officers, and once the scale and nature of that development can be accurately specified in plans and documents, then steps for MEDQ to consider a proposed declaration of PDA-associated development may begin.

2. Preparation for potential declaration

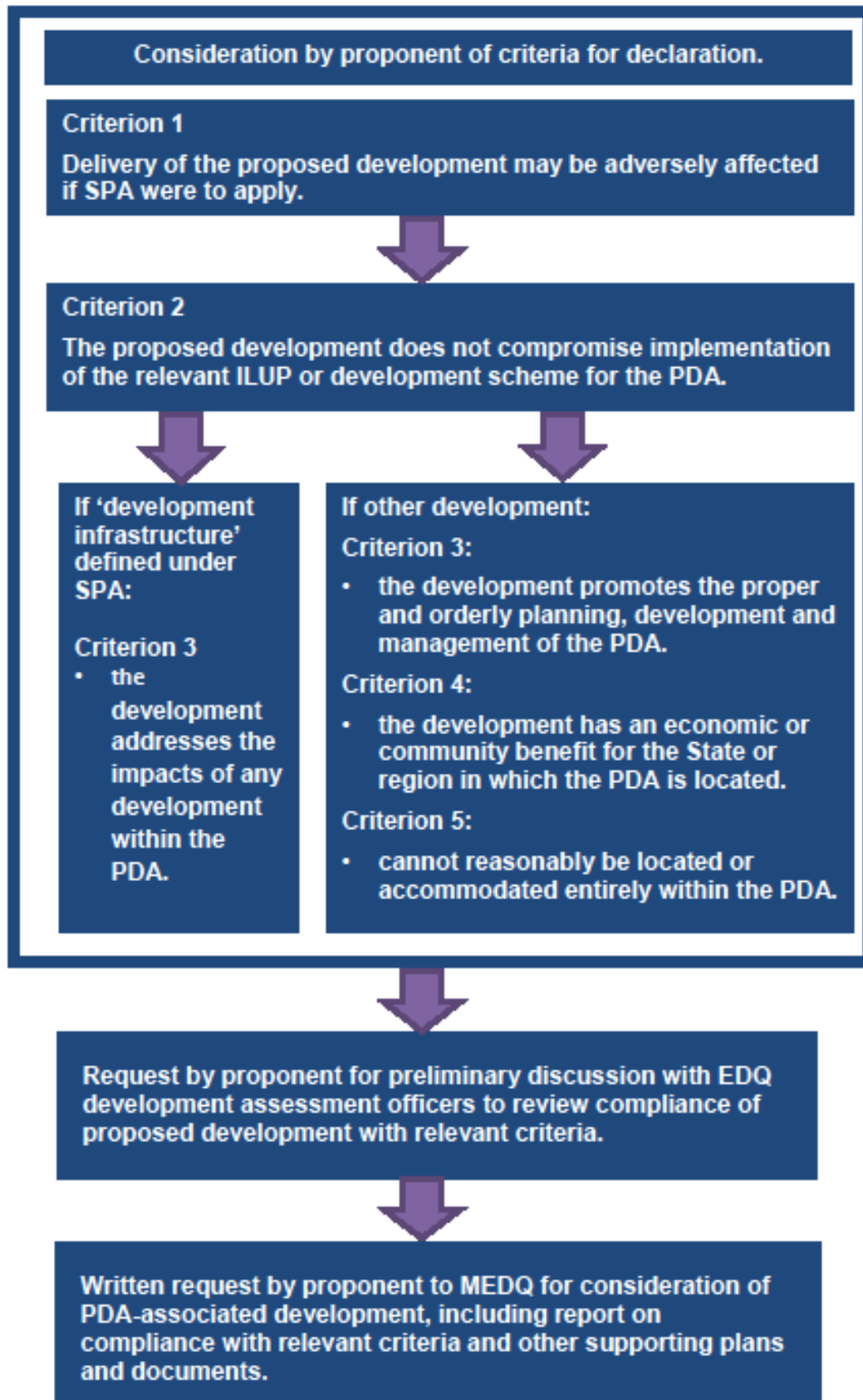
Before a formal request is made to MEDQ to consider a potential declaration of PDA-associated development, the proposal should be discussed with EDQ development assessment officers. To assist these discussions material should be prepared that describes the location of the proposed development and addresses all relevant criteria applicable to the type of development. The process for preparation by the proponent is shown in figure 2.

Location of the land proposed to be developed

The following information should be prepared relevant to the location of the land:

- the name of the relevant PDA;
- the name of the local government area;
- a description of the nature of existing and planned development in the locality;
- a description of the land on which the development is proposed to be located in terms of its proximity to the PDA, or whether it crosses the PDA boundary;
- the real property description of the land or equivalent; and
- the location of the land on a map.

Figure 2: Preparation by proponent before requesting consideration of declaration of PDA-associated development



Criteria applicable to all types of development

Adverse effect of SPA on delivery of the proposed development

The following information should be prepared to support consideration of this criterion for declaration of PDA-associated development:

- a description of each type of development proposed
- the level of assessment required for each type of development under SPA, including:
 - referrals for State agency assessment; and
 - any requirements for public notification;
- the estimated time frames for when the development is required to be commenced and completed, and the factors underlying those estimates
- the estimated time frame for obtaining the required SPA approvals, including:
 - the factors underlying that estimate; and
 - a comparison with the estimated time frames under the ED Act.

No compromise on implementation of the development scheme

To support consideration of this criterion for declaration of PDA-associated development, a statement should be prepared demonstrating that the proposed development does not compromise implementation of the development scheme for the associated PDA. The statement should refer to the PDA vision and relevant PDA-wide criteria in the interim land use plan or development scheme.

Additional criteria applicable to proposed development infrastructure

For proposed development infrastructure, written information and plans should also be prepared that:

- demonstrate the proposed development meets the definition of 'development infrastructure' under SPA, section 627:
development infrastructure means:
 - (a) land or works, or both land and works, for:
 - (i) water cycle management infrastructure, including infrastructure for water supply, sewerage, collecting water, treating water, stream managing, disposing of waters and flood mitigation, but not water cycle management infrastructure that is state infrastructure; or
 - (ii) transport infrastructure, including roads, vehicle lay-bys, traffic control devices, dedicated public transport corridors, public parking facilities predominantly serving a local area, cycle ways pathways and ferry terminals; or
 - (iii) public parks infrastructure, including playground equipment, playing fields, courts and picnic facilities; or
 - (b) land, and works that ensure the land is suitable for development, for local community facilities, including, for example, the following:
 - (i) community halls or centres
 - (ii) public recreation centres
 - (iii) public libraries.
- describe the nature, scale and purpose of the proposed development;
- describe the location of use and works on the site; and
- demonstrate that the infrastructure addresses the impacts of development within the PDA, e.g. a PDA approval may have required the proposed development to be provided as a condition of approval.

Additional criteria applicable to proposed development other than development infrastructure

For proposed development other than development infrastructure, written information and plans should also be prepared that:

- describe the nature, scale and purpose of the proposed development: and
- describe the location of use and works on the site.

It should also be demonstrated that the proposed development promotes the proper and orderly planning, development and management of the PDA in accordance with the relevant development instrument for the PDA. In demonstrating compliance, the following questions should be addressed:

- Is the proposed development, including its nature, scale and location, consistent with the PDA-wide criteria in the development scheme? If not, is the proposed development consistent with the PDA vision, structural elements or infrastructure plan in the development scheme?
- Is the proposed development compatible with the nature and location of other uses in the PDA?
- Can the proposed development be integrated with development in the PDA?

In addition, it should be demonstrated that the proposed development has an economic or community benefit for the State or region in which the PDA is located. The following questions should be addressed:

- What is the nature of the economic or community benefit?
- Can the benefit be quantified in any way?
- Who will the benefit extend to?
- What parts of the State or region will benefit?

Finally, it should be demonstrated that the proposed development cannot reasonably be located or accommodated entirely within the PDA. The following questions should be addressed:

- Does the development scheme make provision for the proposed type of development within the PDA?
- Is there suitable and sufficient land for the proposed development within the PDA? Explain any lack of suitability or sufficiency.

3. Request to MEDQ for consideration of potential declaration

Following discussions with EDQ development assessment officers and preparation of necessary material to support the potential declaration, a formal written request should be made to MEDQ accompanied by the supporting material. It is likely that follow-up discussions with the EDQ development assessment officers will be required to address matters of detail.

4. Decision to declare PDA-associated development and content of a declaration

Following consultation, MEDQ may decide to declare development to be PDA-associated development if all applicable criteria have been satisfied.

When making a declaration MEDQ will decide the level of assessment for each aspect of the proposed development, that is:

- PDA assessable development; or
- PDA self-assessable development; or
- PDA exempt development.

If made PDA self-assessable development, the requirements for carrying out that development will also be determined.

A declaration for PDA-associated will include the following information:

- the PDA the development is for;
- a description of the land on which the development is proposed to be located;
- a description of the development, including the plans and supporting documents.

Following declaration by MEDQ, the declaration will be published on the EDQ website. In addition, a copy of the declaration will be given to:

- the relevant local government;
- the owner of the land on which the development is proposed to be located; and
- each entity that was consulted before making the declaration.

5. After declaration – proceeding with PDA-associated development

PDA-assessable development

If the PDA-associated development is made PDA assessable development, an application for PDA development approval is required and the development will be assessed following the usual process under the ED Act, with two variations.

1. Other instruments for assessment: under section 87(2A), in addition to the development being assessed against the relevant interim land use plan or development scheme, weight may also be given to any planning instrument or other instrument under SPA that would otherwise have applied if the development were not PDA-associated development; and.
2. Public notification: under section 84(1)(b), public notification is required for all development that is PDA-assessable development.

The PDA-associated development must be declared before any PDA development application that includes or is for PDA-associated development can be made.

PDA self-assessable development

If the PDA-associated development is made PDA self-assessable development, the requirements for carrying out the development will be determined at the same time.

The development may proceed in accordance with those requirements.

PDA exempt development

If the PDA-associated development is made PDA exempt development, the development may proceed as described in the declaration (including by the plans and documents).

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