



## Fact Sheet No.9: Effectiveness and Efficiency Amendments

Version 1 – Issued 20 March 2024

**This fact sheet provides an overview of new provisions and amendments to existing provisions in the Economic Development and Other Legislation Amendment Bill 2024 (the Bill) that will provide greater flexibility for the Minister for Economic Development Queensland (MEDQ) to respond to emerging planning issues and improve the implementation of current planning and regulatory functions.**

### Why are the changes needed?

Economic Development Queensland (EDQ)<sup>1</sup> is progressing the Bill which provides new and expanded powers to the MEDQ to support more diverse housing to be delivered in more places, including quality social and affordable housing.

To support this initiative, EDQ has identified opportunities to amend existing operational arrangements in the *Economic Development Act 2012* (the Act) to provide greater flexibility to respond to emerging planning issues and improve the implementation of current planning functions. This is driven by the need to:

- improve timescales for delivering outcomes within PDAs.
- be more agile and responsive to market dynamics and government priorities.
- reduce red-tape and operational inefficiencies when making or amending planning documents.
- reflect the true value and cost of providing regulatory services by EDQ.
- align the provisions of the Act with the Planning Act where practical.

### Key Features of the Bill

The amendments include:

- the ability to extend the expiry of an interim land use plan (ILUP) and to make minor administrative amendments to the ILUP.
- the ability to make a Temporary Planning Instrument that affects the operation of a priority development area (PDA) development instrument (e.g. development scheme).
- changes to support the long-term financial sustainability of EDQ.
- changes to the enforcement provisions for development offences to align the powers of EDQ with those of a local government.

### Interim Land Use Plans – amendments and extensions

An ILUP is a PDA development instrument that regulates development in a PDA until a PDA development scheme takes effect.

The Bill inserts new provisions into the Act for the MEDQ to extend the expiry date for an ILUP that would otherwise expire 12 months after the ILUP took effect. The extended period cannot be more than 24 months from the date the ILUP took effect, and the new powers cannot be used to extend the expiry date if it has been fixed by regulation. The amendments provide MEDQ with the flexibility to extend the operation of the ILUP where necessary to ensure sufficient time to prepare a PDA development scheme for the PDA.

<sup>1</sup> The Minister for Economic Development Queensland (MEDQ) as the corporation sole is the legal entity under the *Economic Development Act 2012*. However, for ease of reference, when addressing the day to day operations of the MEDQ, Economic Development Queensland is used in this fact sheet.





The Bill also enables the MEDQ to make a minor administrative amendment to an ILUP. As minor or administrative amendments can currently be made to PDA development schemes, it is appropriate that these provisions also apply to ILUPs as they are similar instruments.

### **Temporary Planning Instruments**

The Bill provides that the MEDQ may make a Temporary Planning Instrument to immediately effect the operation of a PDA development instrument. To make a Temporary Planning Instrument MEDQ must be satisfied that:

- it is necessary or desirable to immediately affect the operation of the affected instrument, and
- there is a risk, or potential risk, of serious adverse cultural, economic, environmental, or social conditions happening in the relevant area for the affected instrument; or
- for an ILUP or PDA development scheme, it is necessary or desirable to align the affected instrument with the Place Renewal Framework for a Place Renewal Area.

The Temporary Planning Instrument has effect for a period of two years from the date it commences, or another date stated in the instrument, or by an amendment to the effected planning instrument.

### **Amendments to support the long-term sustainability of EDQ**

To support EDQ's ongoing financial sustainability, two amendments are being proposed which enable the MEDQ to recover costs for services it provides. These amendments provide for the MEDQ to:

- deliver services relating to its function and to charge a fee for these services.
- recover planning and regulatory costs associated with the proper and orderly planning, development, and management of a PDA by including a reasonable amount in the fee for development applications, amendment applications and applications for approval of a plan of survey.

An additional measure being proposed to support EDQ's long-term financial sustainability is a new fee schedule for its regulatory services. *Fact Sheet No.10 Regulatory Service Fees* provides further information.

### **Enforcement Actions**

The Act currently provides the framework for enforcement notices and orders with respect to development offences. There are no provisions to remedy those enforcement notices if a person fails to comply with a notice given by the MEDQ and urgent remedy is required. An amendment is proposed to allow the MEDQ to take remedial action if needed and recover the cost of taking that action.

A provision has been added to provide EDQ officers with the same ability as local government officers under the *Local Government Act 2009*, to take the action required under the enforcement notice where a person has failed to comply with that notice.





## What are the Amendments?

Proposed Amendments <sup>2</sup>	
<b>Economic Development Act 2012</b>	<p>The Bill includes amendments to the Act in relation to ILUPs that:</p> <ul style="list-style-type: none"> <li>• provide for the MEDQ, by gazette notice, to extend the expiry date of an ILUP.</li> <li>• limit the extended expiry date to a period not greater than 24 months from the date the ILUP commenced.</li> <li>• provide for the MEDQ to make a minor administrative amendment to an ILUP.</li> </ul> <p>The Bill includes new sections into the Act which relate to temporary planning instruments that:</p> <ul style="list-style-type: none"> <li>• provide for the MEDQ to make a Temporary Planning Instrument that affects the operation of a PDA development instrument.</li> <li>• provide that the Temporary Planning Instrument expires 2 years after it commences, or an earlier date stated in the instrument.</li> <li>• provide for the repeal of a Temporary Planning Instrument through the making of an amendment to the affected PDA development instrument.</li> </ul> <p>The Bill includes new sections into the Act in relation to <u>the EDQ fees that</u>:</p> <ul style="list-style-type: none"> <li>• require the MEDQ, to the extent practicable, to carry out its functions in a way that facilitates the long-term financial sustainability of the MEDQ.</li> <li>• provide for the MEDQ to deliver services in relation to its functions and to charge a fee for those services.</li> <li>• provide for the MEDQ to recover a reasonable component of its costs associated with the proper and orderly planning, development, and management of the PDA through fees levied on development applications, amendment applications and applications for approval of a plan of subdivision.</li> </ul> <p>The Bill includes new sections into the Act in relation to <u>enforcement actions that</u>:</p> <ul style="list-style-type: none"> <li>• provide that if a person fails to comply with an enforcement notice, an authorised employee or agent of the MEDQ may enter land without the permission of the occupier and take action that is required under the enforcement notice.</li> <li>• the authorised employee or agent may only enter the land if notice is given to the occupier 7 days prior to entering the land.</li> <li>• provide for the MEDQ to recover the amount that the MEDQ properly and reasonably incurs in taking action to remedy the non-compliance under the enforcement notice.</li> </ul>

### Further information

For more information, please contact Economic Development Queensland via [EDQ@dasilqp.qld.gov.au](mailto:EDQ@dasilqp.qld.gov.au)

<sup>2</sup> The 'Proposed Amendments' table provides an overview of the amendments. For further detail refer to the Economic Development and Other Legislation Amendment Bill 2024.

