



## Fact Sheet No.6: Land Acquisition

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**This fact sheet provides an overview of the land acquisition provisions in the Economic Development and Other Legislation Amendment Bill 2024 (the Bill).**

### What are the new land acquisition powers?

The Bill creates the power for the Minister for Economic Development Queensland (MEDQ) to acquire land, including an easement, for the provision of infrastructure to benefit a Priority Development Area (PDA) or to give effect to a Place Renewal Framework for a Place Renewal Area.

### Why does the MEDQ need these powers?

The MEDQ is responsible for creating and investing in sustainable places for Queensland to prosper including creating economic growth, investment and sustainable and liveable communities through specialist planning, infrastructure and end to end property development expertise. This is particularly relevant for development within PDAs and future Place Renewal Areas. The MEDQ needs the relevant powers to undertake the planning and development to deliver on these responsibilities.

Inclusion of land acquisition powers in the *Economic Development Act 2012* (the Act) recognises the MEDQ's role and enables the MEDQ to deliver critical infrastructure to unlock development within PDAs. These powers are similar to powers currently provided to local governments and utility providers who play a similar role in infrastructure planning and delivery.

Land acquisition powers for Place Renewal Areas will enable the MEDQ to deliver on key Queensland Government priorities identified in the Place Renewal Framework (Framework) for the Place Renewal Area, such as facilitating economic growth, boosting housing supply and delivering key community facilities in an efficient and effective manner.

The MEDQ must be satisfied that the land is for the benefit of a PDA or to give effect to the Framework. The Minister must be satisfied that the taking of the land is in the public interest.

### Illustrative Examples

#### Acquisition to provide infrastructure for the benefit of a PDA

A PDA could be declared to facilitate the delivery of new communities including housing, commercial or industrial developments to benefit the state. For each PDA a development scheme outlines the vision for the area.

Sometimes, the most appropriate alignment for infrastructure required for the delivery of the PDA vision, is across private land. Where no agreement can be reached with a landowner on the sale of their land, the MEDQ can acquire the necessary land to deliver the infrastructure.

The land can then be vested in the entity who will own the infrastructure (for example, the local council or distributor-retailer). This will unlock the development potential of additional land to deliver more housing consistent with the vision for the PDA.

This power would only be used after taking all reasonable steps to purchase the necessary land via agreement, and where the infrastructure provided as a result of the land take is required to





unlock significant development potential within a PDA and therefore facilitate delivery of new communities.

Where land is acquired, MEDQ will follow the processes under the *Acquisition of Land Act 1967* for acquiring the land and paying compensation to the land owner.

### **Acquisition to give effect to a Place Renewal Framework for a Place Renewal Area**

The declaration of a Place Renewal Area within an existing PDA or on PDA-associated land will allow the MEDQ to take a place-making and leading coordination role across a precinct. Once a Place Renewal Area is made, the Framework must be drafted within 12 months. The Framework will outline the vision, objectives and outcomes for the Place Renewal Area and include a plan for how the vision will be achieved.

The MEDQ could use its acquisition powers to give effect to the Framework.

For example, if a key purpose of the Place Renewal Framework within a PDA was to increase the amount of affordable key worker housing close to a major train station, and this was not being achieved through private development, the Minister could acquire the land required to amalgamate a site large enough to deliver this housing.

Once again, this power would only be used after taking all reasonable steps to purchase the necessary land via agreement, and where the land acquisition would unlock significant development potential within a Place Renewal Area.

## **Key Features of the Bill**

- The MEDQ can acquire land including an easement, where the land is necessary for:
  - providing infrastructure for the benefit of a PDA; or
  - giving effect to a Place Renewal Framework for a Place Renewal Area.
- The MEDQ must follow the processes in the *Acquisition of Land Act 1967* when acquiring the land, including providing compensation.
- The MEDQ may retain the land it acquires, or it may vest the land in a third party. This may be another public sector entity (for example a state agency, utility provider or local government) or a non-public sector entity (for example a Community Housing Provider).





## What are the Amendments?

To create new powers for the MEDQ to acquire land, the Bill inserts new provisions in the Act.

Proposed Amendments <sup>1</sup>	
<b>Economic Development Act 2012</b>	<p>The Bill includes new provisions in the Act relating to the acquisition of land which provide for matters including the following:</p> <ul style="list-style-type: none"><li>• The MEDQ may acquire land where the MEDQ is satisfied the acquisition is necessary for providing infrastructure for the benefit of a PDA or to give effect to a Place Renewal Framework for a Place Renewal Area.</li><li>• The MEDQ's power to acquire land includes the power to acquire an easement, as well as interest in state land.</li><li>• The process for acquiring land and paying compensation for taking land under the <i>Acquisition of Land Act 1967</i> is to be applied to the acquisition by the MEDQ.</li><li>• The MEDQ may vest land that is acquired in another entity including a public sector entity or a non-public sector third party. This applies even where the third party may derive a measurable benefit from action on the land.</li><li>• The MEDQ must also be satisfied that where the acquisition confers rights or interests in the land in a third party, reasonable steps have been taken to obtain the agreement of the owner, but the owner has not agreed to the actions.</li><li>• The Minister (separate to the MEDQ as a corporation sole) must be satisfied the acquisition of the land is in the public interest.</li><li>• The acquisition of land is to be carried out in a way that is consistent with the <i>Native Title (Queensland) Act 1993</i> and the <i>Native Title Act 1993 (Cwlth)</i>.</li><li>• MEDQ may enter into an agreement with an entity to guarantee or secure the costs of acquiring the land before the land is acquired.</li><li>• If an entity in whom land is vested decides within seven years that the land is no longer required by it, the entity must offer the land back to the previous landowner.</li><li>• The MEDQ cannot delegate land acquisition powers.</li></ul>

### Further information

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

<sup>1</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.

