

STATE DEVELOPMENT AND REGIONAL INDUSTRIES COMMITTEE
Report No. 51, 57th Parliament
Housing Availability and Affordability (Planning and Other Legislation Amendment)
Bill 2023

QUEENSLAND GOVERNMENT RESPONSE

Introduction

On 11 October 2023, the *Housing Availability and Affordability (Planning and Other Legislation Amendment) Bill 2023* (the Bill) was introduced into Parliament.

The Bill was referred to the former State Development and Regional Industries Committee (the Committee). On 24 November 2023, the Committee tabled its Report No. 51, 57th Parliament on the Bill.

The Queensland Government response to the Committee's Report and recommendations is provided below.

Committee recommendation 1:

The committee recommends that the Housing Availability and Affordability (Planning and Other Legislation Amendment) Bill 2023 be passed.

Queensland Government response:

The Government thanks the Committee for its thorough consideration of the Bill and notes the Committee's recommendation 1 that the Bill be passed.

Committee recommendation 2:

That the Department of State Development, Infrastructure, Local Government and Planning undertake a consultation process on amendments to the Planning Regulation 2017 and supporting instruments which underpin this Bill outside of the local government caretaker period.

Queensland Government response:

The Government supports recommendation 2.

The Department of Housing, Local Government, Planning and Public Works (formerly the Department of State Development, Infrastructure, Local Government and Planning) (the department) will undertake consultation on amendments to the Planning Regulation 2017, Ministers Guidelines and Rules and Development Assessment Rules in April 2024 following passage of the Bill. This timeframe will provide for consultation with local governments and

other key stakeholders outside the local government caretaker period and following the local government election.

Committee recommendation 3:

That in relation to the state facilitated application process, the Government consider amending the Bill to clarify arrangements where an application is the subject of a decision by the Planning and Environment Court or an application is before the Planning and Environment Court.

Queensland Government response:

The Government supports recommendation 3.

The Government proposes amendments to the Bill to clarify the arrangements where an application is subject to a decision by the Planning and Environment Court. Similar to the existing Ministerial Call-In provisions in the planning framework, the State facilitated application process is only intended to apply to applications that are made to, but not yet decided by the Planning and Environment Court. It is not intended to override a decision of the Planning and Environment Court.

The amendment to the Bill clarifies that for an application to be declared a State facilitated development where it has also been subject to a decision by the Planning and Environment Court, the application must be substantially different to the one decided by the Planning and Environment Court. This amendment ensures that the State facilitated development process does not override a decision of the Planning and Environment Court

Committee recommendation 4:

That in relation to Urban Investigation Zones, the Government consider amending the Bill to reduce the review period from 5 years to 2 years.

Queensland Government response:

The Government supports recommendation 4 to consider amendments to the Bill associated with the review period of the Urban Investigation Zone.

The Government also acknowledges the comments raised by the Committee and the submitters on the operation of the Urban Investigation Zone as drafted. Considering the extensive feedback received and in response to the Committee's recommendation, the department has undertaken further consultation with key stakeholders, including the Local Government Association Queensland in relation to the operation of the zone. As a result of this consultation, the Government has determined that any proposed sequencing or zoning tool such as the Urban Investigation Zone requires further detailed design, testing and consideration in collaboration with local governments to ensure that it meets the needs of all stakeholders effectively.

Furthermore, the ability to engage with local government submitters directly was impacted by the caretaker period for local government elections.

Therefore, the Government proposes that the provisions associated with the Urban Investigation Zone be held over and removed from this Bill package to allow this detailed consultation to occur. The department will work with local governments to find alternative ways through Queensland's planning framework to resolve areas facing multiple growth fronts and out of sequence development.

Committee recommendation 5:

That in relation to dual listed heritage places, the Minister clarify in the second reading speech whether amendments sufficiently protect local heritage values.

Queensland Government response:

The Government supports recommendation 5, clarifying that the Bill sufficiently protect local heritage values. The policy intent of the dual heritage provisions is to remove the complexity and duplication of State government and local government assessment of matters of cultural heritage significance on a place that is State heritage listed. The Bill also aims to address the inefficiencies raised for Queensland heritage matters and prevent these from happening in the future. It is not the intent that local heritage values are not protected through this process but rather to remove the ability to have a state decision and local decision on cultural heritage matters for the same 'place' that conflict.

The Government has proposed amendments to the Bill to clarify that a local government is only able to prescribe assessment benchmarks, for local heritage place and not Queensland heritage places (otherwise known as a State heritage place). Therefore, the local government may only assess, decide and impose conditions on matters relating to the local heritage place, while the State will continue to assess, decide and impose conditions relating to the Queensland heritage place.

Queensland Legislative Assembly

Number: 5724T567



16 APR 2024

Tabled

By Leave

MP: Hon. M. Scanlon

Clerk's Signature: