STATE DEVELOPMENT AND REGIONAL INDUSTRIES COMMITTEE

Members present:
Mr CG Whiting MP—Chair
Mr JJ McDonald MP
Mr MJ Hart MP
Mr RI Katter MP
Mr JE Madden MP
Mr TJ Smith MP

Staff present:
Ms S Galbraith—Committee Secretary
Ms R Duncan—Assistant Committee Secretary
Dr K Kowol—Assistant Committee Secretary

PUBLIC BRIEFING—INQUIRY INTO THE HOUSING AVAILABILITY AND AFFORDABILITY (PLANNING AND OTHER LEGISLATION) AMENDMENT BILL 2023

TRANSCRIPT OF PROCEEDINGS

Monday, 23 October 2023

Brisbane

MONDAY, 23 OCTOBER 2023

The committee met at 10.18 am.

CHAIR: Good morning. I declare open this public briefing for the committee's inquiry into the Housing Availability and Affordability (Planning and Other Legislation) Amendment Bill 2023. My name is Chris Whiting. I am the member for Bancroft and chair of the committee. I would like to respectfully acknowledge the traditional custodians of the land on which we meet today and pay our respects to elders past and present. We are very fortunate to live in a country with two of the oldest continuing cultures in Aboriginal and Torres Strait Islander peoples whose lands, winds and waters we all share. With me today are: Jim McDonald, deputy chair and member for Lockyer; Michael Hart, member for Burleigh; Robbie Katter, member for Traeger; Jim Madden, member for Ipswich West; and Tom Smith, member for Bundaberg.

This briefing is a proceeding of the Queensland parliament and is subject to the parliament's standing rules and orders. Only committee members and invited witnesses may participate in today's proceedings. Witnesses are not required to give evidence under oath or affirmation, but I remind witnesses that intentionally misleading the committee is a serious offence. I remind committee members that the departmental officers are here to provide factual or technical information on the bill. Any questions seeking an opinion about policy should be directed to the minister or left to debate on the floor of the House. These proceedings are being recorded and broadcast live on the parliament's website. Media may be present and are subject to the committee's media rules and my direction at all times. You may be filmed or photographed during the proceedings and images may also appear on the parliament's website or social media pages. Could you please turn your mobile phones and devices on to silent mode or off.

ASTON, Mr Christopher, Executive Director, Policy and Statutory Planning, Planning Group, Department of State Development, Infrastructure, Local Government and Planning

AUSTIN, Ms Danae, Manager, Strategic Policy and Legislation, Policy and Statutory Planning, Planning Group, Department of State Development, Infrastructure, Local Government and Planning

WALL, Ms Kate, Director, Strategic Policy and Legislation, Policy and Statutory Planning, Planning Group, Department of State Development, Infrastructure, Local Government and Planning

CHAIR: I welcome the representatives from the Department of State Development, Infrastructure, Local Government and Planning. Would you like to make an opening statement of about five minutes before we move on to questions from committee members?

Mr Aston: Thank you, good morning. Thank you for the opportunity to come and brief you all about the Housing Availability and Affordability (Planning and Other Legislation) Amendment Bill and also for allowing the department to provide that additional material last week so all stakeholders have a complete picture of what is going on in relation to the bill. All of that material is available on the department's website as well. I begin today by recognising the First Nations people on the land on which we are meeting here in Meanjin, being the Yagara and Turrbal people, their young people and also their elders past and present.

The objective of this bill is to amend the Planning Act to optimise it as the planning framework to be more responsive to the housing challenges and land supply challenges we are facing and to provide a suite of operational and process improvements—or updates really—which respond to a range of matters raised by stakeholders since the Planning Act commenced in 2017. The bill also amends other legislation to give effect to the changes proposed including: the Acquisition of Land Act 1967; the Economic Development Act 2012; the Environmental Offsets Act 2014; the Integrated Resort Development Act 1987; the Sanctuary Cove Resort Act 1985; and the Planning and Environment Court Act 2016.

Since 2021, overall housing supply in Queensland has not kept pace with demand. The Queensland government reaffirmed its commitment to make changes to the planning framework to help facilitate and address these concerns at the recent Housing Summit. This bill is a direct response to this. The collective package is intended to streamline supply pipelines and allow for new housing stock when it is urgently needed. It represents a comprehensive approach to the key challenges that affect housing and land supply and also affordability by including provisions that facilitate the delivery and coordination of essential development infrastructure and key landholdings where they are a barrier to the delivery of this; ensure greater efficiency in the delivery of roads and schools; support growth by ensuring developments are approved in the right areas at the right time; and support the delivery of diversity of housing types—so more and different types of housing in different infill and greenfield development areas.

The legislative tools provided for in the bill include the ability for the state to acquire land to create easements for development infrastructure. When I say development infrastructure that is water infrastructure, transport infrastructure, parks and community facilities. It also provides an alternate pathway for development assessment that is a priority to the state—and that must include affordable housing for it to be a priority for the state—and also includes a new zone called the urban investigation zone. That is about helping local governments better manage growth, particularly in greenfield land supply.

The bill also includes a number of updates to the planning framework which respond to a number of matters that have arisen since its commencement in 2017. We have used these provisions as there are now practical examples of the need to fix some of these issues. Some of those relate to the efficiency of the planning framework; provision for a temporarily accepted development—so a development that will only be around for a given period of time; the power for the state to direct local governments to make changes to update their planning schemes where we have done some consultation on regulations or other types of instruments like regional plans; public notice requirements and updating those so they can be electronic versions updated with some other provisions that have been progressed across government; operational changes to the temporary use licences and applicable provisions we introduced during the COVID pandemic; removal of duplicate assessment processes that exist across the statute; and changes in development approvals and infrastructure charges notices.

Finally, the bill also introduces some updates to two key areas of the planning framework: development control plans, which have been in place since the Integrated Planning Act 1997; and urban encroachment provisions. The development control plan updates validate past approvals granted in development control plan areas in response to the Planning and Environment Court judgement in JH Northlakes Pty Ltd v Moreton Bay Regional Council called the North Lakes judgement and modernises the development assessment process which applies in those. Effectively, it says the Planning Act process applies. Updates to the urban encroachment provisions simplify and remove duplication that currently exists in practice between the Planning Act and environmental planning regulations.

The department has undertaken extensive consultation on components of the bill with community, industry and peak bodies. Public consultation about the policy and the proposed amendments occurred earlier this year between April and May. We undertook community consultation on other parts of the bill earlier in 2022 between March and April. Further meetings since that time were held with key stakeholders that made submissions to that public consultation. The team, particularly led by Kate and Danae beside me, have worked through those in relation to land and housing supply, acquisition and easement provisions, planning and other tools to sequence development that you see reflected in the proposed bill before the committee.

Finally, in June this year we briefed the Growth Areas Advisory Committee which is made up of the Local Government Association of Queensland, the Council of Mayors, the Planning Institute of Australia, Urban Development Institute of Australia, the Property Council of Australia and the Housing Supply Expert Panel on the proposals put forward in the bill. There was general support for the intent with further refinement to occur in relation to some of the detail, particularly the suite of legislative tools that should be applied statewide, views of the ability to identify and protect land infrastructure was critical and there are too many growth funds to respond to at the moment, making it very difficult for local governments to help sequence development. The bill has been informed by this feedback received that is considered critical to the implementation of the ShapingSEQ plan which we have recently consulted on and are working to finalise this year. The bill also supports our share of the National Housing Accord—that is, our share of the 1.2 million well located homes over the next five years.

The officers behind me that I would like to thank for their preparation of the bill are Mandie, Rebecca, Karen, Mallani, Chloe and Dash. That concludes my opening statement and I welcome questions from the committee in relation to the bill.

CHAIR: Thank you. I have a number of questions. The explanatory notes to the bill talk about the ability to acquire land for easements but also fragmentation. Can you describe the powers that this bill gives the minister to overcome issues of fragmentation? Feel free to talk about that in detail.

Mr Aston: Particularly in large greenfield areas, it is rare to find one large piece of land in single ownership. Quite often you will get multiple owners across a piece of land. They may be, particularly in greenfield development, quite a distance from a piece of water or sewerage infrastructure. There is a need for that development to come online to have an easement to construct that pipeline to where it connects to. We heard from industry that there were a lot of challenges in negotiating individual land of sale agreements, and that was delaying some of those development proposals. What this power proposes is for them to be able to come to the minister—this is the process at a high level; I defer to Kate and Danae if they have any more detail for the committee—to effectively express the extent to which they have gone to try and reach agreements with all those landowners; they done everything reasonably possible in their power to negotiate sales agreements. The minister would have to determine if the development they are looking to facilitate is of significant scale. We are talking about a significant residential development. The minister would then have the power to acquire that easement for infrastructure. The most practical example I have is a piece of sewer infrastructure—to physically go in and dig up that land. There would be a right of use of the easement for the necessary repair or maintenance of that infrastructure as it was needed, but, depending on the circumstance, there may be an ability to put other open space or other uses over that land once it is built.

CHAIR: The issues that we are talking about with fragmentation are just in relation to the provision of easements and not the proposed master plan or development as a whole; is that correct?

Mr Aston: The easement would facilitate the development of the master plan, yes. That is what it is intended for.

CHAIR: Is it the establishment of the easement by acquiring the land or laying the easement over the top of the land or would it depend on the circumstances?

Mr Aston: I think it would depend on the circumstances. I will defer to Kate Wall to answer the detail on that question, if that is okay, or Danae.

Ms Austin: I can answer, if you like. The bill sets up for both possibilities—for the acquisition of land and for the creation of easements. Particularly if it is the type of request Chris is speaking of in terms of linear infrastructure for water or sewer infrastructure, it would more lean towards the use of an easement. You do not need to acquire the full use of that land. You can continue with the existing purpose and you need a portion of it for the use of that infrastructure. If there is a fragmentation of ownership, you might not be able to, by negotiation, agree to use that easement for all owners on the land. The powers allow for the minister to step in and use that land for the easement, but also it sets up for acquisition powers for different types of infrastructure that might be more related to transport infrastructure to require land for an upgrade of transport infrastructure. You might require that land. The bill sets up for both powers—acquisition and easement powers.

CHAIR: So it is one case if obviously laying a pipe across there, but if you need a pumping station right at a crucial point, that is where it has to go, and therefore you may need not just an easement; you need to establish some land to do that.

Ms Austin: Correct.

CHAIR: Thank you. Another issue is the alternative development assessment process. What is being proposed is to give the planning minister powers to give that alternative assessment process for social and affordable housing. That is a holistic consideration—that is, there is a need for that in this area. One of the questions I have on that is how do we get a local point of view about really localised impact? We can talk about the holistic provision in the region of providing more of that particular kind of housing. With that alternative assessment process, it says, 'Talk to other state departments and the local government for advice,' but how did you ensure the local community have a say, for example, on traffic impact or issues such as that?

Mr Aston: There are a couple of ways. The state facilitated development pathway still requires public notification of a development proposal, so the submissions would be provided to either the state government or the minister, depending on who the assessor and decider was on that, and also, as you mentioned quite rightly, the requirement to negotiate and discuss with the local government about their views about the proposal. Similar to, I suppose, the way ministerial infrastructure

designations are undertaken, the state government consults with not only the local government but also the applications undergo public notification. There is also a pre-notification step or pre-application step proposed that is similar to, again, infrastructure designations that we deal with under a ministerial power, that the applicant would undertake consultation with surrounding landowners and local communities before submitting the proposal. We do anticipate these to be significant types of development.

CHAIR: If they had lodged the application with a local government—it is an impact assessable application—in this case they would still need to have the white sign up saying, ‘This is what is being proposed’?

Ms Austin: That is correct.

Mr McDONALD: My first question was going it be about how you would integrate with the local planning schemes and the consultation process for that. Do you have anything more you wish to add?

Mr Aston: The only other thing I would add is we are looking to require the applicant to actually also address the local planning requirements in their application, to clearly spell out where they do meet them, where they do not meet them and justifications and reasons for why that might be the case.

Mr McDONALD: Can you explain to us a little bit more about the court case in the Planning and Environment Court, that it must be under repealed planning legislation under the Integrated Planning Act and how this is going to fix that?

CHAIR: That is my patch. I could brief you on it, but I will certainly defer to Mr Aston.

Mr Aston: At a high level—if you have any more questions than this, I might defer to Kate—effectively the court found that the process and procedures that need to be used in the development control plan areas were that of the Integrated Planning Act 1997. There were some transitional provisions proposed when the Planning Act was drafted that were intended to say that development applications in DCP areas should be afforded not only the modern policies but also procedures associated—application processes, public notification et cetera. We had been progressing on the understanding that they were proper and true until this court case said, ‘No, you have to use the older provisions.’ Given the only real difference is procedures and processes, what this bill does is validate any approvals that have been given since that time, and also say without any doubt that it is the Planning Act process that is to apply in these areas, so that with any application afoot, any application proposed, it is clear what requirements they need to comply with, and also that the policies developed since 1997—key koala policies and other things like that—also apply to the extent relevant in these areas.

Mr McDONALD: When we come to estimates each year, we are hearing about these wonderful opportunities with master plans in different areas, including Caboolture West or what have you. Is this going to enable those planning opportunities to be developed?

Mr Aston: They only apply in the three development control plan areas which are Springfield, North Lakes and Kawana, I believe, was the third one. They have been effectively ring fenced since those provisions were grandfathered—I will use the term ‘grandfathered’ if the committee understands that term—and since that time, the more modern structure planning processes have been incorporated into the Planning Act. What these DCP provisions do is recognise, for areas like Springfield, for argument sake—actually, all three—that a lot of detailed planning work has gone into those areas and it is about recognising those investment decisions that have been made and we do not want to pull the rug out from underneath them. We want to honour those commitments as government and allow housing to progress in those areas.

Mr McDONALD: I understand. It has no benefit to any of the PDAs across the state at all?

Mr Aston: Not through these DCP provisions, no. It is solely focused in those DCP areas.

Mr McDONALD: One of the interests for me particularly, and through my experience, is unlocking opportunities that have not been captured under the South-East Queensland regional planning process at this stage. Will this assist through any of those processes or is that a separate animal altogether?

Mr Aston: That is the focus of the state facilitated development side of the bill, to do exactly that. Where there are undeveloped areas that government policy, if you read it, would say, ‘Hang on, this should be an area where the development is coming forward,’ the state facilitated development pathway provides an opportunity for an applicant to come to the minister at the time and say, ‘This is my proposal. This is why I think it has legs. This is why it is falling over.’ There may be a myriad

reasons around why it is falling over, but it does provide that pathway towards that overall objective of, 'We need more housing. We are behind. We need to deliver 900,000 new homes in South-East Queensland alone.' It does provide another pathway to help with that.

Mr McDONALD: Can you expand on that and how that will assist in areas like in my community at Plainland? The industry has taken a lead and are developing areas there, and we have almost filled that entire planning area, and the new residential plan has not added anything significant in that area. How will this assist in that opportunity?

Mr Aston: While not the subject of the committee, the SEQ regional plan, as you would all be aware, has a strong focus on infill development. This is not about getting around prohibitions about greenfield versus infill—they are set; this is about sticking within those realms. We have had issues in scenarios where local governments particularly have found it quite challenging to deliver infill developments, probably to the heights and development densities we are looking for in the SEQ plan, in order to be able to meet our targets. This provides an ability for almost a third party, being the state government, to come into play, whereas normally it would just be local government and an applicant, to say, 'Actually maybe the higher density is warranted in these areas.' What I mean by that is areas close to public transport, areas close to centres that have good access and good amenity, and also allowing for the percentage and, I suppose, the mix or dispersion of social and affordable housing as part of that development. We have a ministerial infrastructure designation pathway for solely social or affordable housing developments. This will allow the private sector to mix social housing or affordable housing with private sector development and provide development pathways through that for that development as well, therefore, increasing not only the supply of market housing but also social and affordable housing.

Mr McDONALD: I understand that. I am interested, though, even though you are creating that opportunity for social housing, how it will be of benefit if the urban zone has not been increased in different areas?

Mr Aston: That is not a matter under this bill. These provisions will not really allow that to be considered.

Mr McDONALD: That is my concern.

Mr Aston: Yes, that is a decision of government more in relation to where we want to allow development to occur and where we do not want development to occur, through a variety of different regions, cost, sequencing of infrastructure, things like that.

CHAIR: To clarify, that issue is probably more fully addressed in the SEQ plan? Have I got that right?

Mr McDONALD: Yes, it is.

Mr Aston: That is right. I think the key issue you are getting at there, if I am correct, to repeat it, is that the land that is currently not designated as urban footprint should become urban footprint land?

Mr McDONALD: Yes.

Mr Aston: Yes, that is something that the SEQ Regional Plan is considering at the moment.

Mr McDONALD: I understand that. So the benefits of this bill are not going to apply to those areas unless there has been an increase in the urban zoning?

Mr Aston: That is the intent. This is to apply in urban development; that is correct.

CHAIR: It still all comes down to the urban footprint.

Mr McDONALD: Yes.

Mr Aston: Or urban areas, just to clarify. It does not necessarily need to be in SEQ in an urban footprint; it just needs to be in an urban zone. The growth areas advisory committee certainly suggested that these should apply statewide because there are issues like you are mentioning there around the state, and they saw this as an opportunity to potentially assist with that.

Mr McDONALD: Talk us through that process then. Is it a matter of doing a growth strategy for that particular area and convincing yourselves to be able to increase that through this process for these reasons? Will that assist? At the moment we are saying, 'Well, we have growth pressures and here it is here.' Is there a process that we can use to improve the opportunities?

Mr Aston: This bill is not the process to do the urban versus non-urban land, but where it is zoned urban land, it would be just like a normal structure plan development application process.

Mr MADDEN: Thank you for coming in today. I was going to ask you about urban footprints and how they would apply to small country towns. There are a few in my electorate. I am wondering about this process with regard to adjusting the urban footprint. Will this bill, through the minister's direction power, allow the state government to be proactive with regard to the urban footprint, or will it remain guided by the local government authority?

Mr Aston: Through the minister's direction power, yes. The intent of the direction power is that where we have consulted on provisions at a state or regional level and they need to be given effect through a local government planning scheme, the provision is clarifying that the minister has authority to direct those local governments to make those changes.

Mr MADDEN: Will that create a major change in the way local governments operate? This is not a criticism, but will that be a major change for local authorities to have to deal with that?

Mr Aston: I think it is more a variation on the theme. The minister can already direct local governments, but what we have found—and I am really going back to the COVID response and from that time—is a number of, I suppose, idiosyncrasies around what that process looks like. Currently, despite the fact that we may have consulted as the state government on a variety of proposals, the minister still has to signal intention to signal a direction, seek feedback about that direction and then consider that feedback before then issuing that direction. What this does is say, 'We have already consulted on that amendment and here is now the direction to go and amend your scheme accordingly.'

Mr MADDEN: What would be the impetus for the minister to operate? Would it be through studies of growth and where would it be appropriate for the urban footprint to be widened, or could it come from industry?

Mr Aston: The impetus for policy change can come from local government or industry, but the direction, as proposed in this bill, would come from policy that the state has consulted on and then there would be some type of need for urgent action or urgent update to make sure there is no confusion from the community, given they get probably 90 per cent of their local planning knowledge and requirements from local planning schemes. Where there are outdated local planning schemes with state policy, that is where a natural tension exists, and that is what this is designed to help shorten.

Mr MADDEN: Thank you for clarifying that for me and thank you for coming in today.

Mr HART: In the briefing that you have given the committee, there is a line under easements and acquisitions that says these powers also extend beyond the scope of other acquisition legislation by allowing the state to acquire land even when there is a benefit to a private entity such as a developer. What is the situation now: the state cannot direct if there is a benefit to a landowner; is that right?

Ms Austin: There are currently different acquisition powers that exist under various forms of legislation. There is the Acquisition of Land Act, which is powers for the state, there are powers for the Coordinator-General and also local government have powers. In terms of the state powers, there is limitation in that it must be for a state benefit, a state purpose. We are finding that to be a challenge in terms of the fragmentation of land issues and the ability to acquire or deliver critical infrastructure. The local government powers and state powers are only to be used to acquire land where we are finding the lockup of land for delivering housing. These powers, in particular, are different to other land acquisition powers because they allow the ability to confer rights to a third party or give a measurable benefit to a third party. It is critical to be able to, for the greater public benefit, acquire land to facilitate development that will result in a benefit to the existing landholder or developer.

Mr HART: Given that, Chris, when you were talking about the process being that somebody comes to the minister, I assume that is not exactly right. Can you explain how the system works? They would not go to the minister; they would go to the department or something. Given that there is a benefit for a developer here, you would not want a developer going and talking directly to a politician.

Mr Aston: Developers and all sorts talk to elected representatives. The decision for a state facilitated development would be a ministerial decision and it is at the minister's discretion to determine whether the tests in the act have been met. The department would be part of that process to advise. Obviously, a proponent would make their case to an elected representative, being the minister at the time, but the department would, as we would do for all ministerial powers, put up an assessment and a recommendation on whether we think those tests have been met or not. What we want to ensure in the bill is that there is appropriate checks and balances to say, 'Minister, we recommend that the use of these powers are used for these reasons' or not. That is what is intended by the bill, to make sure that it is a department recommendation.

Mr HART: So if a developer is having trouble developing something because they are missing a bit of infrastructure and they cannot buy that land, they would go to the minister or another politician and talk to them and that would then be referred to the department for investigation and recommendation?

Mr Aston: It may happen in a variety of ways, but certainly that may be one avenue it proposes, yes.

Ms Austin: The bill sets out that the minister or state must be satisfied that development infrastructure is needed to facilitate development so it has certain tests in it, and that the requests actually must meet the regulation too. There are certain processes and requirements in that bill which are in regulation as well.

Mr HART: Does not the ministerial designation already fix this sort of issue to a certain extent? What is the difference?

Mr Aston: Bear with me; I am going to get all 'plannery' on you for a second.

Mr HART: Please keep it low level.

Mr Aston: I will try. A ministerial infrastructure designation effectively says the following type of development is accepted or expected on that land. What that power does not extend to is the ability for those easements or that acquisition of the property for a use. All it does is say, 'Within the planning framework, everyone, these are the rules and development that can come out of the ground there.' Danae, do you want to furnish any more detail on that answer? Do you have anything else to add?

Mr HART: Does a ministerial designation supply information to the local government area around those bits of infrastructure?

Mr Aston: The consultation process associated with a ministerial infrastructure designation does, yes.

Mr HART: Any sort of directions?

Ms Wall: No, no directions.

Mr HART: Is that the difference: this one does and a ministerial designation does not?

Ms Wall: A ministerial designation ends up with, in effect, an approval which sets out requirements a developer needs to follow whereas the state facilitator development is a development approval. It does provide the applicant with a series of conditions that they have to comply with. That does not have to be done with easement and acquisition. Easement and acquisition is the state enabling a developer to be able to build infrastructure.

Mr HART: So a ministerial designation provides the direction that things are going to go in, but then it leaves it to the council and the utility providers to provide the infrastructure for that and this overrides that whole thing, does it?

Ms Wall: It is a separate pathway. Infrastructure designations are only for a set list of infrastructure that is already set out so it is usually things like schools and hospitals et cetera.

Mr HART: Are there any examples that you are aware of immediately that this would fix?

Mr Aston: The bill provisions?

Mr HART: Yes. Something must have triggered the department or the government wanting to do this. Is there a specific thing that triggered this?

Mr Aston: Yes, there were a couple of pieces of work that we were doing that, I suppose, as we went through it we uncovered some issues in the planning framework. One of them was the structure planning the department was doing at Waraba or Caboolture West. We were doing our darnedest to unlock and help unlock greenfield development as quickly as we could. Some of the state coordinating parts of the bill are from that because we effectively realised through that process that, since the early 2000s, we had been pushing local governments in the middle of the dance floor, getting them to coordinate state agencies. That was difficult when we as a state government were doing it, through the planning department. That is one of them.

Through that we also found the fragmented land issue and the difficulties in trying to navigate easements for infrastructure because some of those development growth areas, as you sequence the infrastructure through, did require negotiations with a lot of landowners. Also the ability for us to secure land for state government infrastructure for schools and other things came out of that as well. If we are doing our planning properly, we are thinking about not only where the residential needs to go but also how big the schools need to be and what size that catchment needs to be so that we can secure land at the rural cost before it is flipped over to residential costs, for the state to be able to acquire land at a reasonable price.

Finally, the other part of the bill we found through that was the challenges, I suppose, in the planning framework as, under the planning framework, the minister has powers to come in and come out whereas the MEDQ and the priority area is a more comprehensive development management side of the pathway. We found effectively where the limits of the planning framework were and where it is more suitable to use the MEDQ process and the priority development areas under the Economic Development Act.

Mr HART: I refer to the ministerial directions power. I am from the Gold Coast. We have been going backwards and forwards with the council and the department, trying to get the local planning scheme approved. Excuse my ignorance but am I correct in saying that the department or the minister goes back to the council and says, 'Here's what I would like you to do: submit your planning and I'll approve it or not approve it.' This changes that to, 'I am sick of talking to you guys. Here's the decision.' Is that basically what is happening here?

Mr Aston: Not entirely, no. What you have just communicated, I suppose, is the spectrum of directions. The Gold Coast or other planning scheme type processes similar to the one the Gold Coast is going through have conditions attached to them sometimes and other times there are directions to say, 'I would like you to bring forward an amendment to me that'—for argument's sake—'proposes more medium-density development in your local government area.'

Mr HART: It does, yes.

Mr Aston: The local government comes back to the state with a full picture of how that comprises the local government's housing strategy. The minister and state department assess and consider that and make recommendations to the minister for either approval or directions or conditions. What is being proposed here is the other end of that spectrum which is, for argument's sake, say we have changed the planning regulation and added a new definition into the state planning framework. We need local governments to update and amend their planning schemes so that definition is reflected so people do not get confused.

To use a completely arbitrary term, we might invent a new definition that says 'a cricket bat store'. We need every local government to know what a cricket bat store is, because we might have done that and said every cricket bat store needs to be code assessment in the whole state. If a local planning scheme does not have that defined—a lot of planning schemes are typically structured to say any undefined use is impact assessment. If we want to do a change of use like that, the minister can direct that every planning scheme must be updated to say cricket bat store so, therefore, the regulation works with the scheme.

Mr HART: I understand that and that makes sense.

Mr Aston: Great.

Mr HART: My concern is, particularly on the Gold Coast, if a local government decides that they are going to build only seven-storey buildings on the beach but the government comes back and says, 'No, we want 100 storeys,' the state government will override the council. Is that possible?

Mr Aston: It is possible under the planning framework without any of these changes.

Mr HART: Will this bill speed up the process for the minister to make that decision, then?

Mr Aston: No, that is not the intention of these provisions. They are not intended to override that process at all.

Mr HART: It is not the intention, but would it allow it?

Mr Aston: I will defer to Kate.

Ms Wall: These ministerial direction powers are only applied if there has been adequate consultation that has already been undertaken. There has to be consultation that has been undertaken that can be contextualised at the local level for the minister to be able to direct that the planning scheme is updated. If there has not been consultation of that nature undertaken then this power cannot apply.

Mr HART: What is adequate consultation? With whom?

Ms Wall: It has to be contextualised at a local level. A great example of this, and it is actually Gold Coast relevant, would be The Spit master plan. That went through a very extensive consultation process. The community had the opportunity to engage and it resulted in—

Mr HART: They did not come and talk to me as a local state member of parliament. Is that adequate consultation? I will make that a comment.

CHAIR: I think that is more of a point than a question. Forgive me for a moment, member for Burleigh: is the biggest power to changing what happens here giving notice that there has been adequate consultation and the minister would have the power to make that change? Is that the biggest part of those direction powers we are talking about?

Ms Wall: The change with the direction powers, it does; it removes that notice to council and council respond and then the ministerial direction coming back. It removes that middle step of intent to council and response.

CHAIR: Would there be regulations coming on, as the member for Burleigh has talked about, in terms of helping you to contextualise what has been adequate consultation? Are there regulations that would help meet the local member's concern?

Mr Aston: It is certainly something we can look at, absolutely, if the committee thinks that would warrant further consideration. That is absolutely something that we can take on board.

Ms Austin: It is not a definition in the bill currently. It is intended to be an operational amendment. We will look to produce information so we can be clear to our community and the government that there has been adequate consultation.

Mr HART: We might take note of that. It is something that concerns me.

Mr KATTER: I have two questions, if I may. On the first question, to me this is geared around that highly competitive and intense urban expansion around the major metropolitan areas whereas I am more interested in the rural areas. If I use Mount Isa as an example, the big constraint is that you have a small urban footprint dumped in amongst million-acre pastoral leases so expansion is near impossible and there is no competitive environment for any land development. Most things have to be activated by the government. All the heavy lifting, in terms of breaking up land and making land available, will not happen organically as it does in typical market conditions. There does not seem to be anything in this for that. If you talk about expansion I will get excited and think, 'That's good. Perhaps you are going to look at some of those pastoral leases and get through the ILUAs and everything that constrains any development in my part of the world.' I do not see that. That is question No. 1. Can we deal with that one first?

Mr Aston: You would be correct; that is certainly not the focus of the bill. I can see when I read the words 'state facilitated development' how that could be seen as exactly what you have just suggested, but that is not the focus of this bill and it is not the intention of any of the provisions proposed. That would be a separate part of our department—state development and the minister and other planning schemes.

Mr KATTER: Pardon my ignorance, but is the oversight of that the direction it came from? You say it is not part of the intention, but I would argue part of the rural solution is displacing the effort that is increasingly being put on the highly urbanised areas. Can it be put back on the table, or is it just that it was not considered at all or it was deliberately left out?

CHAIR: You are probably straying into policy there.

Mr KATTER: I say that a little bit in ignorance.

CHAIR: I think that Mr Aston has the answer for you. You are absolutely right.

Mr Aston: What was identified in terms of gaps is what tools are already available in the framework. We know the government is working with some of the regional councils to do local housing action plans across the state. Some of those are identifying situations that you have just mentioned such as some of the regional areas are landlocked and are surrounded by non-urban purposes. There needs to be some work to investigate some of those issues you were mentioning earlier such as ILUAs and other things, but that is certainly not the focus of this bill, which was to address the gap around the urban areas particularly in high growth.

Mr KATTER: My second question may be seen as counteracting the intention of the bill. I have a view that there has been a loss of focus on strategic industries and self-sufficiency. I think that is best illustrated by the ACC abattoir here in Brisbane where there are competing urban interests with a critical piece of the commercial infrastructure that I would say is vital to the cattle industry. The government has the intention of preserving manufacturing and industry. Those intentions sit in one silo over here and then we have this planning which creates this conduit or it is trying to fast-track the pathway. If it is all about community consultation, the local community might say, 'Yeah, bloody oath we want to get rid of the abattoir,' but the government has its strategic values and has to be the tough parents sometimes and say, 'Guys, we know what you want, but we actually need this sort of development here.'

Is this opening it up a bit too much to say, 'The community has spoken. We better knock down this abattoir'? There are probably a couple of layers to this question. Is there anything embedded in it that comes from the outside like strategic agricultural land or strategic benefit that has identified this area that can trump these other processes? I am not too sure I understand this. I forget the wording for it, but once it goes through that, does that mean you are subject to the community consultation and that is it?

Mr Aston: There is a lot in there, so I will break it down. When the relevant minister at the time considers the state facilitated development the bill proposes that all state interests need to be weighed up. In the instance you are talking about, say the ACC at Colmslie, there are a couple of state interests there. You mentioned significant industry and value-add for feedstock and the agricultural industry for the meat processing. That is a significant industry that the government have supported through the temporary local planning instrument they have made twice around that area to protect that industry.

The consideration that the bill proposes for the relevant minister would be no different to that. It would be what is being proposed versus what is contextually around it. That is why the process we are proposing requires not only state government but also local government consideration as part of that process. It would be about weighing up the checks and balances. It is not development at development cost, and that is what I mentioned in my opening statement about the right development in the right place. It does not throw good strategic planning out the window. It does not throw good industry planning out the window. If it does not make sense from a land use perspective, this is not about getting around something that does not make sense. This is more about if an area is close to a train station, it is already zoned for urban development but for some reason a planning scheme or state policy may be outdated to say that you can only have a very low density on that site. This is about saying, 'Actually, we need to move on with the times and there is a different way we can facilitate a greater yield out of these different sites.'

Ms Austin: In addition to the state facilitated development tools in the bill there are also amendments to the urban encroachment provisions which are existing provisions in the Planning Act. There are amendments in there to create efficiencies. Of interest to you, these provisions protect existing businesses from civil and criminal proceedings relating to nuisance such as air, light, noise and emissions for property owners and geographic areas registered to be protected from changes in density to development potential, which may encroach on the registered premises. An example of the one existing is the Milton XXXX brewery.

CHAIR: Member for Traeger, I was going to say the urban encroachment part of that bill deals with a lot of those areas specifically to stop those impacts of urban encroachment on these industries. That applies across the state, not just in South-East Queensland.

Ms Austin: That is correct.

Mr Aston: That is correct. The reason we have made the changes to that section is that those provisions are meant to be about helping business and they are not very business friendly as currently drafted. The provisions aim to recognise where processes have been undertaken—and by that I mean if an application has been lodged under the Planning Act and has been consulted on and approved and separately through the environmental planning legislation has been consulted on or not and approved—the urban encroachment should not have to redo all that work. It should be able to just reflect those processes that have already been undertaken and instead be focused on its purchase, which is, as Danae rightly said, limiting the ability for nuisance appeals where they are complying with those approvals on the underlying legislation they have already been through.

Mr SMITH: With regard to the growth area tools and the new type of zone called an urban investigation zone, could you speak to the principal intention and the reasons behind this zone becoming a new type of category?

Mr Aston: Certainly. It is in direct response to some of the concerns that have been expressed to us by local governments, particularly with—we used the 'urban footprint' previously. There have been historic expansions of the urban footprint and local government have then been left to do the structure planning behind it and the detail. Where there is a significant number of those, there are only so many planners and infrastructure people within local government, and in the development industry the work goes on. While we are busy trying to structure plan and work out where infrastructure needs to go and how much cost-effectively it is to deliver the community infrastructure to service that growth, the development industry are rightly pushing on because they need to go and develop homes; we need to develop homes. This is about allowing local governments the opportunity to say, 'Actually stop in all these other areas. We are going to focus here,' and allow that orderly sequencing of development within their local government area.

What we have proposed through the bill is a time cap for them to be able to sit land in that zone. There is also an ability for a proponent that is in that zone, if they feel they are being adversely affected by the local government's decision to keep it in that zone, to come to the minister under the state facilitated development pathway to get an exhaust valve and get out of that zone. Everything we have mentioned before about what needs to be taken into account to be approved—I am going to use the term SFD—state facilitated development would still apply in that instance.

Mr SMITH: Is there an example where, through amalgamation, developments continue on and local government does not have the ability right now to go in and put in some of that service infrastructure that they would be doing? They are then finding the development industry is coming back and putting pressure on them. So this is a way of saying, 'Hold up. We are going to deal with what we can deal with.' In terms of the impact then on investment and development, is it putting a pause there and saying, 'If you want to invest, this is the corridor for you to be investing in and developing right now'? Is there an avenue there where the state government could come in and say, 'We can actually come and help,' through your local government officers, and start doing some planning in that other space as well? If you are pausing on a particular site is there a chance that development would walk away from that region?

Mr Aston: Where there are development applications afoot it is not intended to be able to say—in fact, it does not allow you to say stop. What it is intended to do is, like you say, allow the orderly sequencing. Yes, there is the ability for the state to come in where a local government may be struggling and say, 'Hey, we're going to help out and assist.' That is what we have done in Waraba at Caboolture West; that is what we are doing there. Also the ability for someone to come to the state under the SFD mechanism allows the private sector, which they can do, to say, 'We have this covered. Here is how we're going to service the development. Here's how we're going to bring it forward.' It may be at no cost to local government other than the capped charges framework. We can consider that as the state government as well under that process. That is why you might have noticed in the detailed reading of the bill there is that one exemption from the prohibition. That is for us as the state facilitated development to recommend to the minister at the time.

Mr SMITH: Just going further, in terms of zone prohibiting it from most types of development, what other types of development are there that cannot be prohibited?

Mr Aston: It might be a rural area for argument's sake, and the prohibition is around, 'Hang on, you cannot now turn that into 2,000 lots overnight.' That is recognising there may be existing operational issues, pig farming sheds, other types of rural uses that need to continue that do not prejudice the ability of that development to then be turned into that higher yield. It is recognising that day-to-day life still goes on and we do not want to get in the way of that.

Ms Austin: To add to that point, there are a lot of low-risk uses that allow local government to determine what is accepted and what they are happy to allow to continue in that time as well.

Mr SMITH: I might quickly move to clause 96. This is about the benchmark and the assessment of buildings that are listed as local heritage and then Queensland state heritage. I will read it out for you. It states—

> Clause 96 amends section 43 to insert new subsections which provide that the local categorising instrument may not include an assessment benchmark about the effect or impact of development on the cultural heritage significance of a local heritage place that is also a Queensland heritage place ...

Is it simply the case that if you are going to do a new development and you are near a building that is recognised as local heritage but also a state heritage building, you do not have to do two lots of assessment? Now you can just do one and you put it to the state government benchmark. Is that just fixing up a quirk of bureaucracy effectively?

Mr Aston: You could put it that way, yes.

Mr HART: Chris, I congratulate you and your staff on the briefing paper that you provided the committee. It really assisted us. The way you structured it and the examples you gave make our job a lot easier. Well done on that. My question is around native title application ILUAs and how those processes would affect each of the processes that this bill deals with—the state facilitated application, ministerial direction and everything else. How are native title applications covered by this? Would changes in regulation be required because of that? Is there anything else that we need to be aware of?

Mr Aston: As the committee would be aware, it is a challenging space. I am not aware of anything in this bill that seeks to override any of those provisions, but I will defer to Kate or Danae if they have more detail on that.

Mr HART: Sorry, I point you to your briefing paper. Under 'state facilitated applications', on the last page it mentions development assessors and it talks about how native title affects a state facilitated application.

Ms Austin: That is just ensuring that existing processes and legislation for native title apply to the new development pathway. As Chris said, the existing framework for native title is not intended to be amended or changed with the bill. It is just reflecting that they still apply.

Mr HART: So nothing changes there. It is looked at, at the time an application is made or a discussion is had, as to what is—

Ms Austin: Yes, the same as with other types of development application; that same process applies for this new development pathway for state facilitated development.

Mr HART: Does it take into account applications that are underway as well?

Ms Austin: Yes.

Mr HART: For example, just about the whole of Gold Coast is under an application, so that is going to affect outcomes here?

Ms Wall: If native title and ILUAs would normally apply to that development application, then they still do. This bill does not change any of the normal interactions between native title and the planning framework.

Mr HART: It is a little unclear to me in a lot of cases how native title affects things, especially applications. How will the department deal with that or understand that? I guess you have a process in place, have you?

Ms Wall: Yes, we have a current process. The native title framework sets out the steps for when it applies. We have a current process for that and it would not change under this.

Mr HART: Maybe I need some sort of native title declaration where we should not have 100-storey buildings on the Gold Coast.

Mr McDONALD: I would like to continue with the urban investigation zone opportunities. I go back to my original questions around the mapping and the regional plan. I thought that this was going to be an opportunity to see some of those areas grow across the state and then have other work done with them, but it is really a sort of stop of development in application to the benefit of a council area for infrastructure. Is that right?

Mr Aston: It is a temporary stop; that is right. I do not want to infer anything from your previous comments, so I will leave it there.

Mr McDONALD: I understand that. I cannot see right now how this is going to add to the housing stock in the short term—five years.

CHAIR: Is that in your area, for example?

Mr McDONALD: Across the state. That is a great example, but the urban investigation zone is not just for those three particular areas; it is across the whole state. In my mind I am thinking why do we not just increase the urban zone and have some better coordination of things, as opposed to stopping? I am worried that we are not having that pathway of additional parcels.

Mr Aston: A couple of points. Some local government areas have up to nine growth fronts open at the moment and if there is only, for argument's sake, five people across them all, they can only do a little bit on each one at a time, therefore time frames blow out in terms of when they can come online. Part of the purpose behind this is two things: it is sending a signal that you can focus on one area at a time in that orderly sequencing and step it out, so hopefully we actually then start moving growth fronts quicker, as opposed to trying to do a little bit on all of them at the same time. We focus on one, move it on, focus on another one and move it on. When I say 'we', I mean primarily local governments. This is through resourcing concerns. The second side of that is, as I mentioned before, we have put a time limit on that, and the ability of the private sector to come to the state, if they want to. This is not a bill about stopping development; it is about helping prioritise it and deliver it.

The other part of it, for industry sake, we have heard from industry that they like the ability to know where the next growth front is going to be and allowing them to, I suppose, get the wheels rolling and in motion on the initial investment certainty and acquisition of land side of it so that by the

time it is open and ready to go, or get the proposal and bring it forward to the state, they are in a better position. It is not start, okay, now look at it. We are well aware they are more commercially astute than that. I understand your concern on the zone. That is not what it is intended to do. Through the operational side of it and drafting the bill, we can look for opportunities to make that clearer, but that is certainly the intent of it.

Mr McDONALD: I am still uncomfortable. I understand the coordination issue, but I am worried that government trying to control some of those pressures of growth fronts that we are actually creating a bigger problem and that it will not be coordinated. That is the concern I have. I am still not convinced that the urban investigation zone is actually going to benefit the development and release of land.

Mr Aston: For a local government to put that zone into their scheme, they do need to come to the state for approval to do it. Maybe that is where the answer to this question is at the moment; that is, in our support to them to allow them to have that zone, we need to actually assess that they do have adequate land sitting in the pipeline at the moment, and we do that particularly in areas like SEQ where we know we need to build almost 900,000 new homes. We have a very sophisticated growth modelling program in South-East Queensland, and the consideration in allowing a local government to use that zone would be predicated that they do have enough land in their zero- to five-year, probably five- to 10-year plan. I appreciate, Chair, we are getting a bit off topic from the bill, but that gives some understanding behind it, if that assists.

CHAIR: I think so, yes. The fact that the local government can press that trigger probably assuages that. How does the urban investigation zone interact with the emerging community zone? That goes to the same question.

Mr Aston: I expect that in the majority they would overlap. That is the inherent challenge. Our planning framework allows the ability for the emerging community zone and what is called a variation application. A developer can come in to say, 'Look, I understand, council, you have brought this in an emerging community zone. Here are your structure planning principles. Here is my application and here is how I want to progress with that piece of land.' It is where they are doing that in nine separate areas that is exactly the distracting point for local governments, and they have said, 'Can we just have the ability, please, to sequence that a bit better and allow us to then more quickly to deal with that growth because we are focusing and doing what we need to do piece by piece rather than collectively?'

Ms Austin: From our consultation, we found that the emerging community zone was being used for multiple purposes, so some local governments are using it as their green light, ready to go, next growth front indication, but others are using it to say, 'This is emerging. We need to do the planning here. The government is not ready yet. We cannot afford to sequence the infrastructure there. We do not know where the schools are going to go. We do not know where the commercial areas are.' This urban investigation zone allows them to work together so that local government can determine whether they want to use the urban investigation zone to say, 'No, this is a holding pattern. This is not our next growth front. Our next growth front is the emerging community zone.' They would make a choice, in terms of their planning scheme, which areas are going to change the zoning to the new zone and give them more time to do the planning work and which areas they are going to say, 'No, we are ready here. This is our emerging community zone.' There are amendments in the bill to change the purpose of emerging community zones so that the new zones work together.

CHAIR: Is there anything further on that?

Mr McDONALD: No. I understand the intention. I was excited when I read about it. It is for a different purpose than I thought it was intended.

Mr SMITH: Staying along the same line, I remember once I had a conversation with a planner and I said, 'Well, what are you doing?' They said, 'Well, we are planning.' I said, 'What does planning mean?' They said, 'We are planning.' I said, 'Okay.' Maybe just for this one where you are talking about the urban investigation zone means that you do not have to have plans for a little bit here, a little bit there, a little bit there, a little bit there; they can focus on the one. Could you maybe do a bit of a brief nuts-and-bolts overview what the local government planners are doing in these growth areas? Who are they working with? Who are they in discussion with? Which stakeholders are they meeting with? How long does it take to plan out a growth area of a particular size? Maybe give us some insight into how a better understanding of what planners are actually doing allows us to get a better appreciation of this new type of zoning?

Mr Aston: Certainly. I will try to keep it at a level that is—

Mr SMITH: A simple level would be good.

Mr Aston: Let us use a figure of 2,000 new dwellings, and the area we are looking at is currently grazing such as farmland at the moment, and it is not actually productive farmland anymore; they have moved out. It is not productive agricultural land; it is future urban zoned. Council have a challenging role. They need to work out all the local infrastructure. They need to look at local water supply, local sewer supply, transport and parks. Then we, as the state government, have other layers that we put over the top—schools, hospitals, community emergency services, and larger roads, so big highways and intersection feeders. What the local governments need to do when they are planning out for that area is look at their forecasting for how much growth they anticipate and where that growth is going to go. That is important because they have particular locations of where the sewer lines, their water lines and their pump stations are located. Naturally, there are cost efficiencies in forward planning out in that they have a local government infrastructure plan. Brisbane City Council has a long-term infrastructure plan. They are a 10- to15-year document, or in a 15-year document and beyond. What that does is spell out what infrastructure is going to be needed when that growth occurs, and how much that infrastructure is going to cost and how council is proposing to pay for that.

Councils can do infrastructure agreements, they can do capped charges under our framework, effectively working with developers as they go forward and develop areas, because the private sector is the one that actually makes this come to life, and work out particularly for those local infrastructure pieces when they can be afforded and paid for.

As planners—when that person said that they were planning—they are trying to get actual communities, not just housing developments out there. The challenging part happens when you are creating a level of development that then requires an upgrade to a big state controlled road or a new highway intersection, and you then need to be consulting with the state government and the federal government about when that big, maybe a Bruce Highway, interchange is going to be developed. Then the state government might come along and put a big highway right in the middle of all that detailed community planning you had done for the last 10 years, and then the local government has to start again, because basically now there is just a huge wall through the middle of your community, severing east and west.

Local governments want to be able to better sequence that. That is a bit of an insight into what they go through. You can imagine that level of detail and that level of work, and then someone comes along and they have been doing their own version of that over here, very different to where they had proposed to do it, and then suddenly they have to come out of the head space of doing all that work and sequencing it, to over there.

The difference with planners—and, I think, member, this is where you are coming from—is that we are not in control of everything. We can only best plan as best we can. We can put tools in place to best plan as best we can, but we are not ultimately masters of our own destiny. If there is a good idea over there, it is never going to not be a good idea over there, and that is why there is the exhaust valve. I hope that helps with a bit of an explanation as to the level of detail councils need to get to for their local planning and state planning, and why they want to be able to focus on that.

The important part is they need to be able to continually move with that, and if you pause in one area for too long and progress over there, times have changed so much—the cost of materials and the cost of labour—development might have occurred somewhere down here that took capacity you thought you had up here. It is an ever evolving beast. Roads and parks can be sweated. You can sweat the use of a road, you can sweat the use of a park, but you cannot really sweat the use of sewerage infrastructure. When they go bang, people notice. It is things like that that they need to be on top of, as the local government do in their planning. That is certainly what they have expressed to us.

Mr SMITH: Would the application to the minister for this come through the mayor and CO, or is there provision where it would have to be voted on and approved by the council, or can it just simply be a letter from the mayor and CO requesting?

Mr Aston: Each local government across the state is different, but generally when we get a proposal to amend the planning scheme, the council have to propose that amendment.

CHAIR: I am looking for examples of the temporary accepted developments—and we have not talked about that yet. The way I envisage it is, for example, after a natural disaster, we need to use the local showgrounds to drop in some dongas to house hundreds of people or dozens of people for the short term until they can go back to their house. Is that an example of what we would use a temporary accepted development for?

Ms Wall: Temporary accepted development has basically come as a learning following COVID-19. The things we are envisaging are things like quarantine facilities or vaccination centres. Yes, it could be used in a scenario like you have explained where there is a natural disaster and we need to house people quickly and our emergency housing provisions are not enough.

CHAIR: That is a gap that has been noticed? Once something has happened it has been a case of, 'Wow, we need something fast because of this emerging situation.'

Ms Wall: That is correct.

CHAIR: The planning system has not had that immediate flexibility?

Ms Wall: That is correct. It is only intended to be temporary for a set period of time. Once that period ends, using your scenario, it goes back to being a showgrounds. You do not get continuing use rights of that.

CHAIR: You have answered the question I had about the new direction powers when you said that there is currently ability to direct changes to a planning scheme if it conflicts with state interests. This new bill brings in the ability to change or direct a change to a planning scheme with a different notice period, once again, if the minister is satisfied there has been adequate consultation on that. I hope I have that right. In my reading of that, that change is the biggest change in those direction powers within this bill.

Ms Wall: Yes, it is a reduction in the time. Instead of having to do the notice of intent and the response back from council and then that follow through, it takes that part out.

CHAIR: We talked before about having better regulation of how that consultation can occur and what it has to include.

Mr HART: In terms of the ability of councils to impose infrastructure charges, my understanding is a ministerial designation can overcome the council's ability to charge infrastructure charges; is that correct? Do any of these other changes impact on council's ability to charge infrastructure charges?

Ms Wall: Infrastructure charges do not apply to a ministerial infrastructure designation. The state facilitated development process specifically in the bill still says that local government can levy an infrastructure charge against those approvals, so it does not remove the infrastructure charges regime.

Mr HART: What about the rest of the other changes?

Ms Wall: The rest of the other charges do not remove the infrastructure charges regime, either.

Mr McDONALD: One of the concerns that the industry talk about is a lack of coordination between the different departments, and, Chris, you spoke earlier about some improvements in that area. If we look at transport that will be either TMR or local government and it would be Urban Utilities for water and sewerage in South-East Queensland. What decisions can the minister make that will activate areas of transport or water to better coordinate this under this bill? Does that apply just to the development control plans in those three areas, or is it across the state?

Mr Aston: To answer that I have to answer how the bill operates in context with the other parts of the planning framework. The development control plans were an historic way of doing that where there are large land holdings, how we coordinate planning and land use infrastructure. The regional plans and regional infrastructure plans being prepared at the moment are the vehicle by which the government is looking to do that—so not this bill. That is where the work done by our transport colleagues is integrated with the land use planning work that we are doing. We are joined at the hip to try to make sure the land use and infrastructure is aligned because it does not make any sense when you explain to anyone that that is done separately.

Under this bill when I say right development in the right place, those processes via the regional plans will identify, 'These are the areas where we want to see this development.' This bill is about saying in those areas we want development to come out of that ground as quickly as it can and providing a pathway to help facilitate that.

Mr McDONALD: The minister will not actually have any authority over Transport and Main Roads and their process? It is just approving the development and then it still has to be a process through TMR, for example?

Mr Aston: Yes, I suppose in part the decision to designate it will be after consideration of what those other state documents say. As Kate mentioned previously, it is a development application, so there are conditioning powers associated with it. To the extent that the development approval has the ability to condition requirements and infrastructure contributions, state facilitated development will as well.

Mr McDONALD: There is no additional authority by the minister across other areas? It is still a coordinated process?

Mr Aston: Yes.

Mr MADDEN: I want to clarify one thing. It is to do with the dual listed heritage place assessment and the changes there. It had not occurred to me that there may be a conflict on occasions between a local government heritage listing and a state government heritage listing. I should have realised it happens. At the current time what happens when we have that conflict? Does the state prevail? Are there discussions? How is it dealt with?

Mr Aston: That is one of the reasons we are doing this bill. At the moment if a state has a place listed for a particular reason and the local government planning scheme has that same place listed for that same reason but call it local heritage, we do our assessment as the state government against those matters. That is the state's perspective and local governments do theirs on the local perspective. The Planning and Environment Court is the vehicle by which they determine and finalise that. It takes a lot of time and is a costly process. This bill proposes that a more straightforward way of dealing with that is to remove that duplicative assessment.

Mr MADDEN: So it is P and E. As an example, say there was a building associated with a church that was heritage listed and the local government agreed that the building could be demolished but the state felt the building needed to be retained, currently would that be dealt with by P and E?

Mr Aston: If that were listed on the state Heritage Register and we felt it should be retained versus they think it should be demolished, I think we would trump them on that.

Ms Wall: I think we would prevail but that is speculative rather than—

CHAIR: One of the reasons this is before us is because there is no hard and fast rule.

Ms Wall: That is right. The other thing we have found is that in most cases where there is a local heritage listing and a state listing, we have found that the local listing does not provide additional detail; it quite often refers to the detail of the state listing. In a number of cases we are looking at the same detail and considering the same things that we may want to protect or give away.

Mr MADDEN: I can quite understand why we need to resolve this issue. Have there been cases where in the scenario that I put forward, a building associated with a church, the state has prevailed without having to go to the Planning and Environment Court? Sorry if this is a difficult question.

Ms Wall: It is a case-by-case scenario, so I would have to speculate. There is no hard and fast rule that says the state would always prevail or the local government would always prevail.

Mr MADDEN: I can quite understand why we need to rectify that situation to save the court's time in dealing with matters where we are in conflict with the local government.

CHAIR: That concludes the public briefing. We have no questions on notice. Thank you very much for your attendance today. Thank you to our Hansard reporters and also our secretariat. A transcript of these proceedings will be available on the webpage in due course. I declare the briefing closed.

The committee adjourned at 11.39 am.