

LAND AND OTHER LEGISLATION AMENDMENT BILL (NO. 2) 2023

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Submitter Comments:



Dedicated to a better Brisbane

12 December 2023

Committee Secretary
Transport and Resources Committee
Parliament House
George Street
BRISBANE QLD 4000
trc@parliament.qld.gov.au

Dear Sir/Madam

I write to provide Brisbane City Council's (Council) submission on the *Land and Other Legislation Amendment Bill (No.2) 2023* (the Bill), which was introduced to Parliament on 15 November 2023, and proposes changes to a range of legislation. Council's submission focuses on proposed changes to the *Land Act 1994* (the Land Act) and *Land Regulation 2020* (the Land Regulation).

Council is supportive of measures to increase efficiencies under the Land Act and Land Regulation, however, it is important that these changes provide clarity, do not result in adverse outcomes in the management of state reserves, and there is appropriate and transparent consultation.

Council's specific comments on the proposed amendments to the Land Act and Land Regulation are attached.

Council would welcome the opportunity to discuss this submission with the Department of Resources, to better understand the drivers behind the proposed changes, and ensure that the policy objectives of the Bill are met, without creating unintended impacts on critical operations for Council and other local governments.

If you would like to discuss Council's submission, please contact Mr Alex Milligan, A/Team Manager Regional and Citywide Planning, City Planning and Economic Development on [REDACTED].

Yours sincerely

[REDACTED]
Colin Jensen
CHIEF EXECUTIVE OFFICER



Council's comments on proposed amendments to the *Land Act 1994* and *Land Regulation 2020*

Issue	Council's comments
Changes to process for declaration and dedication of state reserves	<p>Council is concerned that changes introduced by the Bill regarding the process for the declaration and dedication of state reserves reduces transparency and increases uncertainty in relation to how state reserves will be managed. Council's concerns relate to:</p> <ul style="list-style-type: none"> • the ability for the Minister to dedicate a state reserve for a purpose other than a community purpose • the proposed change to the definition of 'Public interest' to include economic matters • replacing the existing list of specific community purposes under the Land Act with six broader categories of community purpose. <p>While Council understands that the purpose of these changes is to create flexibility to respond to contemporary issues, in doing so the framework loses specificity and transparency. Council requests that further clarity is provided with the Bill or through other guidance on when the Minister would see it as appropriate to dedicate a reserve for a purpose other than a community purpose. Examples of economic considerations overriding the community purposes outlined in Schedule 1 of the Land Act would be of particular interest.</p>
Replacing existing list of specific community purposes	<p>Council is concerned that several purposes, in particular road and drainage, are no longer considered a community purpose when dedicating a state reserve under the amended legislation. Council manages and maintains a large amount of road and drainage reserves as part of Council's infrastructure networks, critical to a well-planned city. Council also conditions the dedication of private land, including for road and drainage purposes, through the development assessment framework, which in some circumstances may include the dedication of a reserve on trust.</p> <p>While Council acknowledges that the explanatory notes consider these to be an operational aspect rather than a community purpose, Council seeks further clarity on how the amended legislation will ensure that relevant land required for Council's infrastructure networks will be preserved for this function when they are no longer considered a community purpose. Specifically in relation to the development assessment framework, Council seeks clarity on the follow matters:</p> <ul style="list-style-type: none"> • How the changes introduced by the Bill are intended to interact with the conditioning of land required for road and drainage under the <i>Planning Act 2016</i>, to ensure there is no impact Council's ability to secure the land for that purpose. • How conditions which have already been imposed on developments for the dedication of land on trust for drainage or road purposes, but have not yet been carried out, can be complied with. • How the amended legislation will ensure no unintended impacts on the ability to deliver infrastructure works within state reserves, such as water, sewer or stormwater infrastructure, which may be the subject of a development approval condition, both for existing conditions that are yet to be fulfilled and conditions that may be imposed in future.

Issue	Council's comments
Expanded trustee functions and powers	Council is supportive in principle of the expanded trustee functions and powers, however further guidance or clarification on process and responsibilities is required for Council to fully consider this change and understand the impact this new framework will have on resourcing and operational capacity.
Additional purposes for a lease	Council would also like clarification on changes to the process for the Minister approving applications for additional or fewer purposes under a lease. Noting the restriction on any changes to additional purposes that would impact the rental category, Council would like clarity around the process by which such additional purposes could be considered i.e. apply to surrender an existing lease and take up a new lease.