



Speech by

## Stirling Hinchliffe

MEMBER FOR STAFFORD

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### PLANNING (URBAN ENCROACHMENT—MILTON BREWERY) BILL

**Mr HINCHLIFFE** (Stafford—ALP) (3.01 pm): Urban environments are full of conflicting land uses that have the potential to cause great stress and disquiet to the community. Indeed, in this debate so far the member for Callide has focused on the conflicts in what I would describe as periurban areas. But this bill focuses on a specific urban conflict.

By way of illustration, let me refer to another urban land use conflict that I am becoming intimately aware of. Recent media reports have highlighted the challenges around the Wilston State School in the redistributed electorate of Stafford. Parent and staff parking, traffic generally and the development of school facilities have all been the cause of concerns from neighbouring residents to varying degrees. While in that instance student safety needs to be the highest concern, I can understand that some people see it as an issue of conflicting land use. The blog response to the issue in Friday's *Courier-Mail* could be summarised as 'the school was there first', and that is a very fair point to make.

Wilston State School was opened in 1920, and I venture that none of the school neighbours were resident then. However, I would also venture that there were very few students in the 1920s who arrived by motor vehicle. They walked or rode bikes, and I suggest that this was the case for the vast majority until about 20 years ago. Equally, the size of the school is different and the intensification of land use is manifest. So I want to suggest that, as is always the case in the context of land use planning, there is more than one side to the story.

Equally, there is an increasing need to balance the importance of maintaining industry and managing the growth of the community. A key growth area that the Treasurer has referred to eloquently in the debate so far that faces this challenge is the Milton area, which hosts existing industrial uses but also faces increasing pressure and interest for more intense residential development given its attractive environs, its closeness to Brisbane's CBD and the significant opportunity it offers as a transit oriented development area. As a result, the Queensland government has developed a responsible approach to these emerging issues in Milton through this bill before the House, the Planning (Urban Encroachment—Milton Brewery) Bill.

The introduction of this bill provides clarity in an environment and at a time where it is vital to maintain the growth of existing industry and maintain attractive, livable communities. This bill provides an approach to managing these interests at a time when this issue can be expected, in a persisting environment of growth, to continue to be realised across other areas of the state and across a range of different industries and established uses facing pressure for more and more intense residential development.

This bill establishes important conditions that provide clarity to both the community and an existing industry in a specific area around the Castlemaine brewery at Milton. Under the bill, the owners or occupiers of properties in new developments that fall within the bill's parameters, as was well set out by the Treasurer, for relevant development that results in intensification would be unable to take nuisance based proceedings against the Milton Brewery. This protection for the brewery is a specific one and it is a limited one. It only applies if the basis of the legal action in nuisance arises from air, noise and light emissions where the brewery is operating within its licence conditions. It also only applies to certain relevant

development—that is, the protection of the brewery is limited to pursuit by owners or occupiers of premises within a small defined area and that fall within the certain types of new development defined in the bill that results from a more intense density in the area.

The Castlemaine brewery has operated at Milton since 1877 and is genuinely iconic. Even using the member for Southport's pedantic definition of that term, which others in the House may be aware of, it could be ventured that for some in our state the small picture of the brewery on the label of XXXX products has a religious meaning. It is therefore right that the industrial use at the brewery be protected to support employment but also as a kind of cultural and heritage protection. However, the protection will not apply if the Milton Brewery seeks intensification of its use at the site. The bill provides protection to the Milton Brewery only to the extent of its current licence conditions at the time of commencement. The Milton Brewery loses its protection if it is subsequently authorised to produce greater emissions of light or noise or a greater release of contaminants into the atmosphere. Obviously, it has no protection if it is operating outside the limits of its licence.

For transparency, there will be a requirement for the brewery to make its licence conditions publicly available for the life of its protection under this legislation. Thus, the bill before the House strikes the right balance, which I explored in my reference to the Wilston State School and which the member for Callide focused on in his contribution. The bill is in the zone where it sets that right balance. The difference between this instance of the Milton Brewery and the example of Wilston State School is that the current use of the brewery is well defined by operational licences which can be made public to the whole of the community. These limitations in the brewery's protection under the bill have been designed in a manner that achieves a balance, as I say, between the community and the existing use at the Milton Brewery. These conditions continue to encourage and provide a mechanism that allows sustainable growth in Queensland and provide clarity for future owners and occupiers of property within the Milton railway precinct that forms the affected area.

This bill allows the Milton Brewery to continue its operation in an environment in which the obligations and rights of the brewery, developers and the new owners or occupiers are clear within the ambit of the legislation and only provides protection for the brewery to the extent of its current licence conditions. The bill includes provision for five-yearly reviews of its operation, and this will allow government to review the impact on residents of the new development. It will be able to review the changes in the brewery's current operations and obviously the land use issues in the area more generally and issues that may have arisen due to climate change, technological advancement and indeed population growth.

This bill sets out a clear and enabling environment in which to manage growth in the Milton area. It sets out requirements for both the brewery and certain new developers and occupiers to enable the continued operation of a well-established business as well as the management of growth that will inevitably come to the area, and which will be very good for that area and for the development and nature of the urban environment of our city.

Put simply, complaints from those new residents about the rich, malty smell or the blinking of the famous XXXX sign will not be entertained. I commend this bill, trusting that Mr Fourex will look down on the members of this House, the future residents and the users of the Milton transit oriented development and wink.