

~~Question put—That the bill be now read a first time.~~

~~Motion agreed to.~~

~~Bill read a first time.~~

~~Referral to the Legal Affairs and Community Safety Committee~~

~~Madam DEPUTY SPEAKER (Ms Farmer): Order! In accordance with standing order 131, the bill is now referred to the Legal Affairs and Community Safety Committee.~~

~~Portfolio Committee, Reporting Date~~

~~Hon. YM D'ATH (Redcliffe—ALP) (Attorney-General and Minister for Justice and Minister for Training and Skills) (3.24 pm), by leave, without notice: <I move>~~


~~That under the provisions of standing order 131 the Legal Affairs and Community Safety Committee report to the House on the Relationships (Civil Partnerships) and Other Acts Amendment Bill 2015 by 17 November 2015.~~

~~Question put—That the motion be agreed to.~~

~~Motion agreed to.~~

<LOCAL GOVERNMENT AND OTHER LEGISLATION AMENDMENT BILL (NO. 2)

Introduction

 **Hon. JA TRAD** (South Brisbane—ALP) (Deputy Premier, Minister for Transport, Minister for Infrastructure, Local Government and Planning and Minister for Trade) (3.24 pm): <I present a bill for an act to amend the City of Brisbane Act 2010, the Local >Government Act 2009, the Local Government Electoral Act 2011, the South-East Queensland Water (Distribution and Retail Restructuring) Act 2009 and the Sustainable Planning Act 2009 for particular purposes. I table the bill and the explanatory notes. I nominate the Infrastructure, Planning and Natural Resources Committee to consider the bill.

Tabled paper: Local Government and Other Legislation Amendment Bill (No. 2) 2015.

Tabled paper: Local Government and Other Legislation Amendment Bill (No. 2) 2015, explanatory notes.

I am pleased to introduce into the House today the Local Government and Other Legislation Amendment Bill (No. 2) 2015. The bill proposes several amendments to the Sustainable Planning Act 2009. Firstly, the bill provides for a local government to seek an extension of time to complete its local government infrastructure plan. Earlier this year, I foreshadowed the proposed extension of time in the *Better planning for Queensland* directions paper. This government recognises the critical role of local government in implementing the planning reforms to ensure they are delivered smoothly. This will have an impact on their resources.

To support local government in planning reform, one of our priorities is to extend the current statutory time frame for the making of a local government infrastructure plan. A local government infrastructure plan is that part of the planning scheme that identifies the local government's plans for infrastructure that are necessary to service development in a coordinated, efficient and financially sustainable manner, and at the desired standard of service. Infrastructure in a local government infrastructure plan may only include infrastructure for water supply, sewerage, stormwater, local transport or public parks and land for community facilities, commonly referred to as trunk infrastructure.

The infrastructure planning and charges framework under the Sustainable Planning Act provides for local governments to levy infrastructure charges when approving development. This enables them to recover some of the costs of delivering infrastructure that are necessary to support development. Local government infrastructure plans are important instruments to support the process to deal with development applications and approvals. Through a prescribed preparation process, it presents information about necessary infrastructure in a transparent and consistent way.

The new framework, that commenced under the previous Labor government, and was finally implemented last year, provides a more level playing field between local governments and developers by clarifying the charges and conditions local government can impose on development. The objectives of the new framework include certainty, transparency and fairness while supporting local government financial sustainability and development feasibility.

After 30 June 2016 local governments will not be able to levy infrastructure charges if they do not have an infrastructure plan in place. Local governments that do not intend to levy infrastructure charges are not required to prepare an infrastructure plan.

To support local governments in implementing this aspect of planning reform, we are taking the necessary steps to introduce amendments to the Sustainable Planning Act 2009 to extend the deadline up to 1 July 2018, with extensions to be considered on a case-by-case basis. Local governments will, by resolution, have to submit a request to me with supporting information outlining the steps they intend to take to prepare the required infrastructure plan, time frames and the necessary resources. The purpose of the process is to ensure that both councillors and staff are aware of the final deadline and are committed to complete their local government infrastructure plan by that date.

Without this amendment, local governments will not be able to impose infrastructure charges on a development approval after 30 June 2016. The proposed amendment has no impact on those local governments with a local government infrastructure plan in place by 30 June 2016.

The bill also amends the Sustainable Planning Act 2009 and the South-East Queensland Water (Distribution and Retail Restructuring) Act 2009, also known as the South-East Queensland Water Act. In July 2014 a new water and sewerage connection approval process was introduced. Under the new process, water and sewerage matters of a development are assessed and approved under the South-East Queensland Water Act by distributor-retailers, for the local government areas of Brisbane, Ipswich, Somerset, Scenic Rim, Lockyer Valley, Moreton Bay, Sunshine Coast and Noosa.

028 To ensure infrastructure charging for water and sewerage matters are kept transparent and consistent with the infrastructure charging framework for all other aspects of development, the Sustainable Planning Act provisions were mirrored in the South-East Queensland water act. The proposed amendments enable applicants for a development approval and water connection approval to advise the local government or the distributor-retailer that they are not seeking information about an offset or refund in an infrastructure charges notice.

The Sustainable Planning Act and the South-East Queensland water act outline the information a local government and a distributor-retailer is required to include in an infrastructure charges notice, which is issued when it approves a development or connections application. This information is required to ensure that the developer has a clear understanding of how the charge has been calculated and whether an offset or refund has been taken into consideration for any trunk infrastructure the developer has been conditioned to provide by either the local government or the distributor-retailer.

The information enables a developer to consider whether to negotiate or appeal the amount of the offset or refund allowed by the local government or the distributor-retailer. This has been effective in encouraging local governments and distributor-retailers to take proper account of the trunk infrastructure being delivered by the developer when the local government or the distributor-retailer determines the appropriate charge.

It has also provided certainty to applicants in relation to the value of their contribution to the cost of providing the trunk infrastructure. While this provision supports certainty and transparency at the approval stage, it can take some time to do the necessary analysis to determine the costs of required infrastructure. If a significant refund is involved, it may require budget considerations and, for a local government, a council resolution—which can take up more time and delay development approval.

For this reason, the bill includes amendments to allow developers to indicate to a local government or distributor-retailers their preference to receive an infrastructure charges notice without offset and refund information. This arrangement will allow for those applicants who are either unconcerned about the prospect of an offset or refund or are prepared to receive this information at a later time, and will allow for a speedier development approval.

In addition, the bill amends the City of Brisbane Act 2010 and the Local Government Act 2009 to enable local governments to make accepted how-to-vote cards available for public inspection in the local government's public office during the caretaker period for a local government election. Under the Local Government Electoral Act 2011, the Electoral Commission is responsible for accepting or rejecting how-to-vote cards. The Electoral Commission will only accept a card if satisfied that the card is unlikely to mislead or deceive an elector in voting and if the card complies with administrative requirements.

The same scrutiny is applied to how-to-vote cards used in state elections. The Electoral Act 1992 requires the Electoral Commission, or the returning officer, to accept how-to-vote cards before the cards are made available to the public. Before polling day, the Local Government Electoral Act requires a

returning officer to ensure how-to-vote cards are available for public inspection at the place of nomination, the local government's public office—if not also the place of nomination—and on the Electoral Commission's website. Without amendment, however, the City of Brisbane Act and the Local Government Act prohibit a local government from publishing or distributing accepted how-to-vote cards during the caretaker period, inconsistent with the Local Government Electoral Act.

The government made a promise to the people of Queensland before the state election that local government elections are to be run to the same high standards of independence and efficiency as state elections. The amendments to the City of Brisbane Act and the Local Government Act align local government how-to-vote card electoral laws with state electoral laws and provide certainty in this respect for local governments leading into the 2016 quadrennial local government elections to be held on 19 March 2016.

Finally, a minor amendment is proposed to the Local Government Electoral Act 2011 to remove an obsolete reference to mayoral 'first past the post' voting. The amendment is machinery in nature and is required as a consequence of the change on 1 January 2015 to the system of voting for mayors in undivided local governments from 'first past the post' to optional preferential voting. I commend the bill to the House. >

First Reading

Hon. JA TRAD (South Brisbane—ALP) (Deputy Premier, Minister for Transport, Minister for Infrastructure, Local Government and Planning and Minister for Trade) (3.34 pm): I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

Referral to the Infrastructure, Planning and Natural Resources Committee

Mr DEPUTY SPEAKER (Mr Furner): Order! In accordance with standing order 131, the bill is now referred to the Infrastructure, Planning and Natural Resources Committee.

Portfolio Committee, Reporting Date

Hon. JA TRAD (South Brisbane—ALP) (Deputy Premier, Minister for Transport, Minister for Infrastructure, Local Government and Planning and Minister for Trade) (3.34 pm), by leave, without notice: <I move>—


That, under the provisions of standing order 136, the Infrastructure, Planning and Natural Resources Committee report to the House on the Local Government and Other Legislation Amendment Bill (No. 2) by 2 November 2015.

Question put—That the motion be agreed to.

Motion agreed to.

~~MINISTERIAL STATEMENT~~

~~<Moreton Bay Rail Project, Independent Hydraulic Review~~

 **Hon. JA TRAD** (South Brisbane—ALP) (Deputy Premier, Minister for Transport, Minister for Infrastructure, Local Government and Planning and Minister for Trade) (3.34 pm): ~~The extreme weather event experienced in South-East Queensland on 1 May 2015 was unprecedented and severe. More than 300 millimetres of rain fell within three hours, making it akin to a one in 1,000 year flood event. To put that into perspective, the rain event triggered by Cyclone Marcia in February 2015 which caused devastation in Central Queensland was estimated to have been slightly larger than a one in 50 year event. No one could have predicted the severity of the storm. Immediately following the event, concerns were raised by residents in the Moreton Bay rail project area that the project may have impacted on flood levels in the area. This government listened and we took immediate action.~~

~~We commissioned Snowy Mountain Engineering Corporation, SMEC, to undertake an independent hydraulic review to investigate if the project works had an impact on flood levels. The government has now received the report from SMEC and has made it publicly available on the Moreton Bay project website. I table a copy of the report for the benefit of the House.~~