



Speech by

Hon. T. M. MACKENROTH

MEMBER FOR CHATSWORTH

Hansard 6 August 1998

INTEGRATED PLANNING AND OTHER LEGISLATION AMENDMENT BILL

Hon. T. M. MACKENROTH (Chatsworth— ALP) (Minister for Communication and Information and Minister for Local Government, Planning, Regional and Rural Communities) (11.49 a.m.): I move—

"That the Bill be now read a second time."

The Integrated Planning and Other Legislation Amendment Bill proposes necessary changes to the Integrated Planning Act and related legislation to address operational issues encountered since the commencement of the Act at the end of March. The Integrated Planning Act is a fundamental reform of the way planning and development is administered in Queensland. At its core is the integrated development assessment system, or IDAS as it is known. Fully implemented, IDAS will create a single system for the administration of all development related assessment in Queensland. The achievement of this single system, however, involves the consequential amendment of a substantial number of Acts and regulations. In all it has been estimated IDAS will collapse about 60 separate approval processes into this single system.

The Integrated Planning Act was passed by the previous coalition Government late last year. The fundamentals of this Act are, however, exactly the same as those proposed by the former Goss Government. When I was previously Minister for Housing, Local Government and Planning, I released for public comment a draft of a Bill then known as the Planning, Environment and Development Assessment Bill. This Bill had at its core an integrated development assessment system which is the cornerstone of the current Act, and also proposed a system of private building certification. IDAS is now operating as is the private building certification system. The Integrated Planning Act is new legislation and is wide ranging in its effect. As such I have given a commitment to closely monitor the operation of the legislation and to make adjustments and refinements as necessary.

The Integrated Planning Act redefines how planning and development assessment is carried out in Queensland. It brings together into one system operating practices from a range of different systems. Inevitably some teething problems will emerge. Indeed, I observed during the second reading of the first amending Bill for the Act that we should fully expect to see the Act needing to be amended once it came into operation. The important point is not that these problems have emerged. Anything dealing with the wide range of issues addressed by this Act will experience some problems. The important thing is for any operating difficulties to be dealt with quickly so they do not develop into major problems. In some cases the teething problems have resulted from a lack of familiarity or understanding of the new system and many are able to be addressed through ongoing training and education programs. It is important to ensure the legislation operates in the way intended and to not allow contrary operating practices to be imported into the system and to become entrenched. If specific legislative change is necessary to make the legislation work as intended I will move quickly to introduce amendments into this House.

The current round of amendments address issues identified through discussions and workshops held with a wide cross-section of users, including local government, State agencies and representatives of the environment, property and development sectors. The changes proposed in the Bill are essentially machinery in nature. The changes fall into two categories. Some changes clarify the intent of provisions or fill in identified gaps. In other cases, as operational experience with the legislation has developed,

the way some aspects of the legislation operate has been reviewed and streamlined to remove unnecessary administration. I will now deal with these in turn.

The Bill proposes drafting changes to a number of provisions to clarify the original intent of the provisions or to fill in unintended gaps. For example, under the former Local Government (Planning and Environment) Act provision was made for public submissions made about a development application to be carried over if, for some reason, the public notification period had to be repeated. This facility was inadvertently omitted from the Integrated Planning Act and is now proposed to be inserted. Also, provision is now made for public notices to be published in a newspaper circulating generally in the locality of the land. The current wording requires notices to be published in a newspaper circulating generally in the local government's area. This places an unintended restriction on the use of some regional and local newspapers because they do not circulate throughout all of a particular local government's area, even though those papers were routinely and successfully used under the provisions of the former Act. The wording change is intended to allow these types of newspapers to again be used for public notice requirements.

Minor changes are proposed to the operation of building and development tribunals to bring their operation into line with how building tribunals previously operated. The procedures to be followed when issuing decision notices have been refined to more clearly deal with cases where an application is refused. Under IDAS an applicant may negotiate with the local government about its decision but only if its decision is to approve the application. This is to minimise the need to appeal to the court about disputes about conditions and the like. The process is structured to allow those negotiations to occur and for a new decision notice to be issued before the submitter's appeal period commences. If an approval is changed by negotiation submitters then may review the final decision and decide if they wish to exercise their appeal rights. The current process is based around these two appeal periods. It does not deal with the situation where an application is refused. In this case there is no right to negotiate with the local government. Therefore both the applicant's appeal period and the submitter's appeal period need to run concurrently. The amendment achieves this.

Changes are made to the private certification provisions to allow companies and local governments to be accredited as private building certifiers, rather than restricting accreditation to individuals only. This will overcome the situation where employees in council building certification units have to seek individual accreditation when it is the company or the council business unit that ultimately takes responsibility for the work. Consequential amendments are also proposed to the Building Act to give effect to the intent of these changes. The private certification provisions also have been amended to further clarify the limitations imposed on certifiers exercising their powers under the Act. This is to further minimise any potential for private building certifiers to assess building plans before other prerequisite approvals have been issued, such as approvals flowing from the planning scheme relating to the use of the land. The transitional provisions have been amended to clarify the original intent of the Act in terms of assessable and self-assessable development under planning schemes.

Changes are proposed to the Environmental Protection Act to clarify the operation of certain aspects of the provisions inserted in March this year to integrate the environmental authority process under IDAS. Changes are also made to the Land Title Act to clarify how leases involving the reconfiguration of land are dealt with. This amendment carries forward the arrangements that previously applied under the former Local Government (Planning and Environment) Act and which were meant to apply under this Act. The second category of amendments deals with changes to reflect operational experience.

The major change resulting from direct operational experience relates to the need for acknowledgment notices issued after applications are lodged. The acknowledgment notice is designed to provide an applicant with basic information about the procedures for dealing with the application. For example, it informs the applicant whether there are referral agencies which must be given copies of the application, and whether the applicant must publicly notify the application. It was intended the process of issuing the notice be a straightforward administrative action. However, experience indicates there is no net benefit in issuing the notices for simpler applications. In fact, the need for the notice is slowing down the processing of simpler applications such as straightforward building permits without providing applicants with any benefit. Accordingly, changes are proposed that do away with the need for notices to be issued if the application does not involve public advertising or any referrals. This will significantly streamline the processing of the vast majority of applications dealt with under IDAS, particularly simple applications such as domestic building applications and the like.

Changes are also proposed to the local law provisions under the Local Government Act in so far as those laws deal with development. The existing provisions have been found to be unnecessarily restrictive and changes are proposed to address specific concerns raised by local government about the relationship between development related local laws and ideas.

This Bill is a response to discussions held with the key users of the Integrated Planning Act, and in particular the users of IDAS. Problems have been identified requiring legislative change. Rather than

let the users of the system make do with inadequate operating provisions I have responded by proposing necessary changes to address known deficiencies. It is essential the Government remain responsive and act quickly and decisively to address problems as they emerge. This is necessary to ensure development is environmentally sustainable, to keep Queensland's development sector competitive and to improve the quality of life for all Queenslanders into the 21st century. I commend the Bill to the House.
