Speech by

Hon. T. M. MACKENROTH

MEMBER FOR CHATSWORTH

Hansard 19 November 1998

INTEGRATED PLANNING AND OTHER LEGISLATION AMENDMENT BILL (No. 2)

Hon. T. M. MACKENROTH (Chatsworth— ALP) (Minister for Communication and Information and Minister for Local Government, Planning, Regional and Rural Communities) (8.27 p.m.): I move—

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

The Integrated Planning and Other Legislation Amendment Bill (No. 2) proposes changes to the Transport Infrastructure Act, and to related provisions of the Integrated Planning Act to integrate within the integrated development assessment system (IDAS) the assessment provisions for development having an impact on State-controlled roads. In addition, as part of the ongoing refinement of the Integrated Planning Act, the Bill clarifies the operation of, and makes some minor corrections to, other provisions of the Integrated Planning Act. The Bill also repeals redundant provisions of the Stock Act.

I seek leave to have incorporated in Hansard the remainder of the second-reading speech.

Leave granted.

This is the second Integrated Planning Act Amendment Bill I have introduced this year. As I explained previously, the Integrated Planning Act is a fundamental reform of the way planning and development is administered in Queensland. The Act was passed by the previous coalition Government late last year. The essential components of this Act are, however, the same as those proposed by the former Goss Government in its proposed planning and development legislation then known as the Planning Environment and Development Assessment Bill.

That Bill had at its core an integrated development assessment system. The same system, known as IDAS, is the cornerstone of the current Act. When fully implemented, IDAS will be a single system for the administration of all development related assessment in Queensland. The achievement of this single system involves the consequential amendment of a substantial number of Acts and regulations to integrate about 60 separate approval processes into this single system.

Since the Integrated Planning Act commenced in March this year the development assessment regimes in the repealed Local Government (Planning and Environment) Act, the Building Act and the Environmental Protection Act have commenced operation within IDAS. The proposed amendments to the Transport Infrastructure Act represent the next step in the implementation process.

The Transport Infrastructure Act contains various assessment processes about development affecting State-controlled roads, on strategic port land, for railways and miscellaneous transport infrastructure. This Bill only deals with those provisions establishing the powers and responsibilities of the Department of Main Roads for dealing with development which impacts on State-controlled roads infrastructure. Further legislation will be brought forward at a later stage to integrate the other development assessment processes in the Transport Infrastructure Act within IDAS.

Section 40 of the Transport Infrastructure Act currently requires a local Government to obtain the approval of the Department of Main Roads before approving certain subdivisions, rezonings or development of land. The section authorises the Department of Main Roads to require the local Government to impose conditions about monetary contributions, off-site works, and other conditions on development approvals .

The proposed Bill removes this process from the Transport Infrastructure Act and provides similar powers under the Integrated Planning Act.

In addition, related amendments are made to the Integrated Planning Act to provide for :

- a regulation to prescribe additional circumstances specific to State-controlled roads infrastructure where cost impact conditions may be imposed and
- to provide for the Roads Implementation Program, a publicly notified program of works, to operate as a form of benchmark development sequence until actual sequences are developed and included in planning schemes. This is a transitional measure with a limited life of up to 5 years.

Amendments will also need to be made to the Integrated Planning Regulation— once this Bill is passed—to specify the types of development which will "trigger" referral of development applications to the Department of Main Roads. The amendments to the regulation are integral to the operation of the legislation proposed today if the Department of Main Roads is to become a concurrence agency under IDAS.

The operation of section 40 has been of long standing concern of the development industry. The integration of section 40 processes into the Integrated Planning Act will clarify the Department of Main Roads' role in development assessment and the scope of their powers in relation to conditions, works, and contributions.

The amendments have been drafted in the light of feedback received from key stakeholders, including the Local Government Association of Queensland, the Urban Development Institute of Australia and the Northern Development Industry Association. These stakeholders have indicated their support for this Bill, while recognising that some matters in relation to the amendments to the regulation are still to be resolved.

In addition to the amendments to the Transport Infrastructure Act, this Bill proposes minor amendments to the Stock Act by repealing provisions about the licensing of feedlots. The feedlot licensing provisions were inserted in the Stock Act in 1989 to provide for the management of the environmental impacts of the industry. They were superseded by the designation of cattle feedlotting as an environmentally relevant activity under the Environmental Protection Act. That Act is specifically designed to address the environmental sustainability of environmentally relevant activities. The Environmental Protection Act has, since 1996, required cattle feedlot operators holding licences under the Stock Act to be relicensed under the Environmental Protection Act. Since 1 July 1998 the environmental licensing provisions of the Environmental Protection Act have been integrated with IDAS.

The licences which still remain in place under the Stock Act will be automatically terminated upon the repeal of the provisions. The repeal of these provisions and the termination of remaining licences will reduce the regulatory burden on the feedlot industry by reducing inspection fees.

This is a further example of how, by integrating processes into the Integrated Planning Act, the Government is reducing the burden of red tape—in this case on our feedlot industry.

I have previously stated my commitment to closely monitor the operation of the Integrated Planning Act, and quickly address operating difficulties to avoid their developing into major problems. Accordingly, I have taken the opportunity in this Bill to address a small number of issues that have arisen since the previous amending Bill. For the most part the amendments clarify the intent of provisions or fill in identified gaps. I shall address the proposed amendments individually.

Firstly all uses of premises lawfully established before the Integrated Planning Act came into effect are to be protected. The original provision on this matter in the Integrated Planning Act was framed in terms of uses lawfully established under the previous Local Government (Planning and Environment) Act. A recent Court of Appeal decision suggests however, that uses could be lawfully established other than under the previous Act. The amendment removes the reference to the previous Act as the source of lawfulness and ensures that all lawfully established uses are recognised and protected.

Secondly this Bill puts beyond doubt the intent of the Act that development includes the ongoing management of an activity which is the subject of a development approval, and that conditions dealing with the operation or management of the activity may satisfy the test for reasonableness and relevance under the Act. This amendment is made retrospective to the date of commencement of the Integrated Planning Act to ensure all permits issued since 30 March 1998 containing use related conditions are recognised.

This ensures certainty, both for permit holders and the public generally in that the operating parameters established under permits (and set in good faith) are valid and able to be honoured. It also should be pointed out the amendment merely clarifies what was the case under the previous planning legislation, and the environmental legislation, that operating conditions could be imposed. The effect of the provision is that for development approved since 30 March 1998, the public can anticipate with certainty and in good faith how development will operate, and developers will know their permits are lawful.

Amendments relating to the definitions of assessable and self assessable development for transitional planning schemes are also proposed to put beyond doubt that the enforcement provisions under the Integrated Planning Act apply equally to development under both transitional and integrated planning Act schemes.

In addition, the current definitions of assessable and self assessable development under transitional schemes may not be sufficiently broad to include development newly made assessable or self-assessable, or changed from one category to the other, since the commencement of the Integrated Planning Act. The proposed amendments address this matter and the commencement of the amendment, because of its beneficial effect for the majority of people, is also made retrospective to 30 March 1998.

Further amendments to the definitions section of the Act make clear that:

- as an "assessing authority" a local Government may issue a "stop work" notice for defective work approved by a private certifier, and that
- "premises" includes all structures.

This is to make it clear councils do have the ability to issue stop work notices if they believe a structure is being erected unlawfully.

The definition of 'benchmark development sequence" is also amended to bring it into line with operational terminology and experience.

In keeping with my undertaking to local Government that there would be a period between the enactment and commencement of further consequential amendments, the amendments to the Transport Infrastructure Act and related amendments to the Integrated Planning Act will not be proclaimed for at least three months. This will allow time for the necessary regulations to be prepared, and for local Governments to put in place, operational procedures to deal with the amendments.

As I have already mentioned, two provisions in the proposed Bill, considered to be beneficial, are commenced retrospectively at 30 March 1998. Two provisions of an urgent nature are commenced from the date of introduction of this Bill to the Parliament. The Stock Act amendments and remaining Integrated Planning Act amendments will commence on assent.

Mr Speaker, this Bill meets a long term commitment to the development industry of Queensland and it continues the implementation of the major reforms envisaged under the Integrated Planning Act.

I commend the Bill to the House.