



Speech by
**Mr DENVER
BEANLAND**

MEMBER FOR INDOOROOPILLY

Hansard 14 March 2000

LOCAL GOVERNMENT AND OTHER LEGISLATION AMENDMENT BILL

Mr BEANLAND (Indooroopilly—LP) (3.41 p.m.): I wish to touch briefly on a few matters in relation to the Local Government and Other Legislation Amendment Bill. The amendment covers a number of pieces of legislation. Of particular importance to the Minister are the amendments to the water rating system at Logan, the subject of a Supreme Court case in this State. I note that the Scrutiny of Legislation Committee questioned how this legislation will affect other users apart from Hume Doors. Will anybody else be picked up by this retrospective amendment? Clause 9 retrospectively validates the utility charges levied on ratepayers where the validity of those charges is in doubt.

The circumstances are very complex in some instances. Nevertheless, some ratepayers are levied based on a two-part tariff, and they could be affected adversely by the retrospective validation under this legislation. There has been no indication from the Minister whether this will be the case and who those people might be. Importantly, local government water rates affected by this amendment will be validated. Sure, the case might involve Hume Doors and Timbers Pty Ltd, but it also involves many other companies in the Logan area. Certainly, it will have an effect on their economic viability, job creation rates and ability to function. Significant water tariffs are involved in this exercise.

The shadow Minister commented on the concerns of the QCCI in relation to this Bill. It certainly will have a major effect on the viability of companies operating in that area. It is fair to say that companies operating in the Logan City Council area could be affected adversely by this amendment. I know it has been said that the court decision was wrong. However, I am sure the court interpreted the legislation correctly. Perhaps it was the way in which the process was gone about in the first instance that was the problem. Certainly, the court has delivered its judgment. Therefore, there is every reason to believe that the legislation was not in the form it ought to have been in the first instance to prevent this situation from occurring, that is, if this was proposed in the first instance. Certainly, this is what will be validated now.

This could have an effect on the way in which small businesses operate in the Logan and other city councils and shire councils in the State. Importantly, this amendment will have far-reaching effects. Many businesses rely on and consume a great deal of water. A number of companies operating in the Logan City Council area fall within that category. Similar to other honourable members, I am also concerned about this amendment. I note that the Appeal Court is considering this case, and we await its decision. Nevertheless, by bringing in legislation before the Appeal Court has brought down its finding, the Minister has an opportunity to make a decision in relation to the original findings of the Supreme Court judge.

I wish to touch on a couple of other matters. Previously in the Parliament I have raised the issue of mobile phone towers. I note that one of the pieces of legislation amended by this Bill is the IPA legislation, so it is pertinent to make a couple of comments in relation to this issue. There is a great deal of concern in the community about the mobile phone towers that various telecommunication companies are erecting or seeking to erect around south-east Queensland in general and Brisbane in particular. This is an issue of great interest to me. Given the high level of competition in the

telecommunications industry, we will probably see more telephone towers being erected. A large number of companies are entering into the telecommunications business and they might all seek to erect their own towers. Consequently, some suburbs have started to look like Christmas trees by virtue of the large number of mobile phone towers being erected.

I suggest that these companies need to co-locate, and many do so in the first instance. However, others continue to apply for their own towers. Although local government has the power to knock back such applications, I would like to see—and I have said this before in this place—the Minister either giving local government greater power to encourage co-location or giving the State greater power in that regard. But it seems to me that local government is the appropriate level for addressing this issue. It needs to be given additional powers to ensure that people in the community have their voices heard. Local communities are speaking out, because the character and aesthetics of their neighbourhoods are being destroyed by the erection of mobile phone towers. They are the ones who want changes made. I can understand that. We have heard people speaking about overhead cabling and wiring. There is a need to ensure that mobile phone companies, in the first instance, give consideration to co-location, rather than opting to erect another tower. In some cases, that is not cheap. It costs many thousands of dollars. I am sure it would be much cheaper for many of them to co-locate their towers rather than to erect their own individual towers.

The other day I noted a reference to the fact that around Australia hundreds of towers were being sold off by one company to a company specialising in maintaining telephone towers. It is a very big business and it is expanding. There is a lot of concern about this issue in the community generally. I urge the Minister to give more consideration to what might be done in this regard and not simply to fob it off. There is a need to at least give local government additional powers to try to encourage telecommunications companies to do more about co-locating in the first place, rather than creating a great deal of angst in the community. When companies advertise a tower proposal, people become angry, frustrated and concerned. However, at the end of the day they may not convince the local government that the application should be refused.

Of course, if it is approved, those people can always go to the Planning and Environment Court, as it is now called, and try their luck there at winning an appeal. But that can be extremely costly and most local community groups do not want to go to that expense in the first place when commonsense should prevail in a matter such as this, which is of growing concern.

I also want to touch on a couple of town planning matters, particularly as they relate to this city. I am concerned about the small lot developments which are growing in number across the city. These lots can now be as small as 12 perches or thereabouts. Across the city there is a growing number of applications for small lot developments occurring.

The other issue of concern in relation to the new town plan of Brisbane is its provisions in relation to the ability to run occupations/businesses from home. In fact, they will be far more than home occupations established in residential streets. Under the previous plan, a person could employ only themselves in a home occupation and they had to advertise in the first instance to get approval. Under the new plan they can employ themselves plus one other person without advertising, that is, without allowing the local neighbourhood and community to object in the first place and have those objections considered by local government. So they can employ themselves and one other person without having to go through that process. If they want to employ two people as well as themselves, then they have to advertise. It is a big step from the provision of a person simply employing themselves to the provision of that person employing up to two others in what is a home occupation.

In the past "home occupation" normally related to occupations that did not create a lot of noise and did not generate a lot of traffic in the suburbs and on the streets. Of course, when a person starts employing a number of people, it is possible that the types of occupations that are going to gain approval will expand. As well as that, we are going to see growth in the numbers of people employed and coupled with that, of course, will be increased traffic flow and people parking in the street. That is going to generate more problems in what have been quiet residential neighbourhoods and communities.

A whole range of concerns result from small lots. It is conceivable that, under the new plan, we could end up with residential accommodation on a 12-perch allotment. We could end up with a home occupation employing a couple of people, generating a great deal of business. If one looks at the plan and what is proposed, one will see that that is certainly going to cause a lot of concern, as is the small lot development that is occurring not only in the near city areas which cover much of my electorate but also further out in the rural residential areas—the acreage blocks which are now being cut up into much smaller lots. Those acreage blocks are now becoming small perch allotments, as I have indicated. That is a matter of great concern to those neighbourhoods.

For example, in my own electorate the people of Fig Tree Pocket are outraged, to say the least, about the proposed small lot developments. They are certainly very vigorous in their opposition to them.

They regularly attend public meetings, exercising their opinions in relation to this proposal and are certainly showing a lot of angst about it. What was once a beautiful rural residential area is now being cut up into small lots. That is something else that is causing concern. It is certainly something that is of great concern to the people at Fig Tree Pocket. This is the current mayor's doing. He is putting this proposal in place across Brisbane.

Another matter of concern is the provision for high rise residential accommodation near public transport nodes. This means that people could suddenly find that in the outer suburbs high rise residential development is occurring next to their railway station or next to major bus stops. That is going to change the residential character of those particular areas and it is going to change them for the worse, unfortunately, as is the small lot development that I have referred to that is now occurring in places such as Fig Tree Pocket, in those rural residential areas and in other suburbs such as St Lucia, Chelmer and Indooroopilly where new lots are as small as 12 perches. These are real issues concerning the liveability and lifestyle of people in the urban areas in which we live and are matters of great concern to the public.

The other matter I want to touch upon is the lack of an overall coordinated transport plan, particularly between the council and the State Government. I have made a number of comments about this in the past, but coordination is still not happening in areas where it ought to be happening. There is a greater need to be feeding the bus system into the rail system and to coordinate those two operations, but that has not been occurring in recent times. In fact, very little of that has been occurring in recent years. There needs to be a far more vigorous approach taken to this by the State Government. I believe that, by going down this particular track, many opportunities to improve the public transport system by coordination within the greater Brisbane area are being missed. It is pretty foolish. We still see the great competition that occurs between the bus and rail systems, when buses could more effectively be used to feed into the rail system, providing more services out into the suburban areas, particularly the outer suburbs.

I have touched upon a couple of issues that I wanted to highlight today. I think they are important issues, as is the Hume Doors issue in relation to the Logan City Council, which is raising so much concern here, particularly with business people, in terms of what these changes are going to mean. After having won a court battle in relation to this matter, Hume Doors will now have to make a decision as to what it will do with its business. If I recollect correctly, I think this Bill sets the new arrangements aside for 12 months. Nevertheless, in due course that company is going to be faced with the situation of having to meet the proposed changes that we are legislating for here today. That, I know, is going to cause not only Hume Doors a great deal of concern and consternation but also their supporters—other small businesspeople who are paying very significant water rates. No doubt some of them will find life very difficult economically when that occurs.
