



Speech by

**HOWARD HOBBS**

**MEMBER FOR WARREGO**

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Hansard 9 October 2003

**INTEGRATED PLANNING AND OTHER LEGISLATION AMENDMENT BILL**

**Second Reading**

Resumed from 4 June (see p. 2554).

**Mr HOBBS** (Warrego—NPA) (6.27 p.m.): This afternoon I am pleased to talk to the Integrated Planning and Other Legislation Amendment Bill 2003. This bill is the outcome of the operational review of the Integrated Planning Act put in place in the year 2000. These consequential amendments are particularly important because the Integrated Planning Act is a huge bill. As time has gone by, we have found that it has become quite complicated and changes have had to be made. These changes are positive. I certainly hope there is going to be a dramatic turnaround in relation to the workability, time saved and the ability of people in the community to broadly understand the planning laws of this state.

The objectives of the bill are to amend the operation of aspects of the IPA, in particular to simplify and clarify the existing use provisions; there are several provisions for planning schemes and planning scheme policies to improve legibility and assist with implementing Integrated Planning Act planning schemes; procedures for designation of land for community infrastructure; for infrastructure planning and funding mechanisms; several provisions of the Integrated Development Assessment System, IDAS, to address deficiencies and improve legibility; and transitional arrangements in chapter 6 of IPA to improve their clarity and operation. That is a general outline. It amends the Building Act and the Local Government Act to provide more accountability and consistency in relation to the head of power local governments rely on to fix fees for archiving approval documents.

It also amends the Local Government Act and the Transport Infrastructure Act to provide both local governments and the state with a head of power to make certain decisions or directions to minimise or prevent damage to roads from certain activities, in particular, where it is not possible to achieve these outcomes through IPA frameworks. It also provides for minor and consequential amendments to the Plumbing and Drainage Act and other acts to facilitate integration and approval processes into IDAS or to improve their eligibility within the IPA framework. So we are dealing with a number of issues tonight. It is a very complicated bill. The explanatory notes state under administrative cost to government that the proposed changes as a consequence of the operational review are expected to further streamline processes and reduce administrative costs and duplication of procedures at state and local government levels. I certainly hope that is going to be the case.

Due to the intensity of this bill, I would expect further amendments as local governments have the opportunity to road-test this new legislation as well. It is going to be an ongoing event. As the local governments bring online new planning schemes, new processes will occur and some changes provided by this bill will be invoked and others will be deferred.

I note that the minister stated that the priority of the bill is to carry forward initiatives from the IPOLA Act 2001 that are necessary for operational reasons but that do not compromise current local government plan-making obligations. That is fine. As members might be aware, all local governments in Queensland are putting in place new planning schemes. That has taken a lot longer than most thought it would take. The minister has extended the time for that. I am pleased that the minister took a leaf out of my book when I brought a private member's bill into the House and has extended the time to one year. It is actually going through until June, which is better. It is better to move it from March, as was proposed, to June after the council elections. Overall, there is a fairly good win-win situation there. Many of those local governments that still do not have those plans in place are working on it. I do not think there are any now that are not progressing well. That is really good to see.

More flexibility has been provided in that councils have the option of preparing other infrastructure charges schedules or a system of regulated charges. The regulated charges may be more suitable for smaller local governments. That is one of the things that is very important. We see it time and time again in this House. It seems as if a lot of departments think that one rule should fit all. One rule does not fit all. There are a lot of communities out there, a lot of organisations and even government departments—and certainly local government is one example of where one rule does not fit all. There can be different rules for Burketown and the Gold Coast or Birdsville and Bundaberg. We need to understand that. If we can legislate for that flexibility, provided there is consistency across-the-board, that is important.

The bill also allows infrastructure agreements between local governments and developers and numerous other changes to planning laws in Queensland. That is fairly important because obviously they go hand in hand; one cannot really operate without the other. Those changes have to be made and made smoothly.

I note that this legislation amends one particular piece of planning legislation that allowed the developer to obtain windfall profits in which a council mistakenly imposed headworks charges on subdivision applications for land that was already zoned prior to 1985. That is appropriate. The developer would have been able to recover headworks costs with the project, and the previous legislation was clearly in need of review. It was the situation up in Atherton I think. I really think that the developer was having a bit of a lend of the council. At the end of the day he would have and should have been able to build those headworks costs into the cost of the project and recover his expenses that way. But then he saw an opportunity and took advantage of the council. It is one of those things about which we do not all know the background and the reasons why. Still, whatever they are, this is quite a good outcome.

I notice also that there is a proposal to amend the IPA act to make it an offence for a private certifier to give a building approval to an applicant before a private certifier receives an acknowledgment from the local government of the payment of the prescribed archiving fee. That may breach fundamental legislative principles. Obviously, this has been brought about by the court case in recent times in relation to a private certifier who had not been paying some of those fees. By the same token, in his defence—and I am not saying what he was doing was right—some of those charges are extremely high. There is also a need for councils to understand that. They have to have a reasonable fee structure in place. If they have archiving fees that are outrageous, there is a need to have a look at those.

There has been some work done on this. In Victoria, for instance, they have legislated a fee that councils must charge. While we do not want to reach that stage, I say to councils that they really have to be reasonable about the charges they levy on people. In the first instances when private certifiers were coming in, some councils were reluctant to accept that. It takes time for these things to evolve. I think there is a need for both. Most councils do now accept that there is a need for both because they can work hand in hand. Otherwise there are delays. The more people we have on the ground to do this work, the faster building approvals can be done. In some instances, some councils were building up little kingdoms here and there. Overall, I think that we have worked our way through that fairly well.

Another issue that is probably fairly important down the track—and I am sure the minister might like to comment on this—is whether the government is likely to allow private certification within the plumbing and drainage area as well. That is a particularly important one. I am sure that local governments around Queensland would be very appreciative if that did occur.

This bill is quite a complicated bill. It is not one that would inspire everyone to talk on for a long, long time. From what I can see of it, it is quite a reasonable attempt to streamline the process that we have. I commend the bill to the House.