



Speech by

Michael Choi

MEMBER FOR CAPALABA

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ENVIRONMENTAL PROTECTION AND OTHER LEGISLATION AMENDMENT BILL

Mr CHOI (Capalaba—ALP) (5.19 p.m.): I rise this afternoon to support the Environmental Protection and Other Legislation Amendment Bill 2004. Clearly, this is another piece of legislation that shows that the Beattie Labor government is looking after the environment of Queensland. It is designed to protect the Queensland environment and enhance our nature conservation measures while improving our administrative efficiency.

There are a few objectives in this bill. It seeks to amend quite a few pieces of legislation, including the Coastal Protection and Management Act 1995, the Environmental Protection Act 1994, as well as the Nature Conservation Act 1992. This legislation also seeks to make transitional arrangements for the currency period for certain development applications. It is in this regard that I want to speak this afternoon.

This legislation inserts a new part into the Integrated Planning Act 1997, which introduces a transitional arrangement affecting the date upon which certain development approvals for material changes of use lapse. This arrangement is made in response to difficulties regarding the lapsing of development approvals for material changes of use involving works before the works are complete and the relevant proposed use can commence. This amendment to the IPA will provide certainty for applicants whilst a more permanent solution is sorted out.

A section of the IPA establishes the periods within which development approvals lapse if they are not acted upon. For a material change of use, this approval period is four years, whereas for work approval it is two years. The industry has assumed that starting work associated with a proposed material change of use effectively preserves the validity of the development approval for the material change of use. In fact, the two currency periods are totally independent of each other. Consequently, it appears that there are development permits that have lapsed before works are complete. This misunderstanding is quite understandable. Although the IPA has been in force for quite some time, the development industry was still under the influence of the old development application and the building application system, which has been used for many, many years. Understanding these difficulties, this amendment manages this problem by preserving the validity of material change-of-use permits given since IPA came into effect until March 2006. This will allow time for applicants to address any issues relating to the currency period. It is a very sensible amendment as part of this bill and I commend it to the House.