



Speech by

Andrew Powell

MEMBER FOR GLASS HOUSE

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BUILDING AND OTHER LEGISLATION AMENDMENT BILL

Mr POWELL (Glass House—LNP) (3.51 pm): I rise to address the Building and Other Legislation Amendment Bill 2009. Like others, I note that a lot of the amendments in this bill are to do with the Building Act 1975 and, to a lesser extent, the Body Corporate and Community Management Act 1997. I understand they are to ensure that conditions that are placed on new developments will not lock in bad practices. I commend this move. I think it is a very smart move. We on this side of the House support the freedom of an individual to choose, so these amendments will allow homeowners to consider affordability and sustainability options when they design and build their houses.

I have recently met with a group of environmentally minded individuals in my electorate including Jenny Fitzgibbon, who, aside from being the Greens candidate for Glass House at the last election, is by profession an industrial designer. Jenny is passionate about affordable sustainable housing, particularly through housing design. I share her passion. Like many in South-East Queensland, I am always looking at ways in which I can reduce my need for water and electricity in my own residence. Amendments like these that allow greater freedom in these areas are commendable. I would like to address some of those areas because I think they are very commendable areas, such as minimum floor space; number of garages, bedrooms and bathrooms; minimum roof pitch; the orientation of the building—very smart in a state such as Queensland—allowing occupation of a dwelling before completion of landscaping, fencing, driveways and the like; insulation of solar hot-water systems or photovoltaic cells—as I keep saying, why our state is not driving solar technology in this world, I do not know—roof colour; window treatment; and specific material or finishes to external walls and roofs. I think all of these will go a long way to achieving Jenny's goal of real options for affordable and sustainable housing development.

I note that chapter 8B of this legislation will also amend the Building Act 1975 to improve the current processes for mitigating the impacts of noise on identified transport corridors. The move to streamline the approach is also commendable and supported by the LNP. While there are many other amendments, I would like to touch on just two more. Firstly, part 12 amends the Acquisition of Land Act 1967 to allow compulsory acquisition powers for koala habitat outside the urban footprint and South-East Queensland. It will allow for acquisition of uninhabited land designated as rural living or regional landscape and rural production areas under the SEQ Regional Plan in council areas such as Moreton Bay and Sunshine Coast, both of which are in my electorate.

I am a strong believer, because of what we know about koalas and their preferred habitat, that we should be looking to preserve corridors, particularly corridors rather than parcels of land. I would like to refer to some notes taken from the Australian Koala Foundation's website. Koalas live in societies just like humans, so they need to be able to come into contact with other koalas. It is because of this that they need to have areas of suitable eucalypt forest which are large enough to support a healthy koala population and to allow for expansion by maturing young koalas. Koalas are highly territorial, and in stable breeding groups individual members of koala society maintain their own home range areas. A home range consists of a number of home range trees and food trees which comprise the long-term territory of the individual koala. A home range varies in size depending on the habitat—the quality of the bushland. Within a socially

stable group, the home ranges of individual koalas overlap with those of their neighbours. It is in the shared overlapping trees that the majority of social interaction takes place. These are very important trees.

Koala populations only occur if suitable habitat is available. Because koalas are very fussy eaters—unlike me, I might add—and have strong preferences for different types of gum leaves, the most important factor which makes habitats suitable are the presence of tree species preferred by koalas, usually eucalypts but also some noneucalypts, growing in particular associations on suitable soils without a good rainfall.

Research has shown, however, that socially stable koala populations occur only when there are favourite tree species present. Even if a selection of tree species known to be used by koalas occurs within an area, the koala population will not use it unless one or two favourite species are available. In Australia there are over 600 types of eucalypts, but koalas will eat only 40 to 50 varieties, with only about 10 being preferred. Within a particular area as few as one and generally no more than two or three species of eucalypt will be regularly browsed, while a variety of other species including some noneucalypts appear to be browsed occasionally or used for just sitting or sleeping in.

This amendment will allow such corridors to hopefully be acquired. It will have flow-on benefits to broader biodiversity conservation and greater clarity around responsible development. I think this amendment has real application in my electorate of Glass House. As my neighbour the member for Morayfield also noted, the area to the west of Caboolture is a future investigation area under the SEQ Regional Plan and it is also prime koala habitat. This amendment means the government should either now, or as part of the investigation area's potential future master planning, begin working with landowners and developers to protect within this growth area a significant and scientifically supported koala corridor. Locking up small parcels of land such as the recent farce and fiasco in the Redlands is not the way to go. As I said, koalas are sociable and they are fussy eaters. They need larger connected tracts, and it is my hope that the government will use this amendment wisely to balance growth and koala habitat to the west of Caboolture.

The final amendment I would like to touch on is that which inserts a new mandatory sustainable declaration. I know what the government is trying to do, but its propensity for bureaucratic red tape is shining through once more. This is not, as the member for Toowoomba North said, innovative or proactive; it is bureaucratic. Other members of the LNP, particularly those with legal backgrounds, will address the potential legal nightmare this signed declaration will lead to, but let me pick up on a couple of issues.

The member for Waterford said that a real estate agent could do it. I am sure they could, but are the members of the real estate fraternity ready for the litigation costs they may be slugged with if they do not fill it in correctly, or if it is questioned later through the court system? I doubt it. Will they do it for free? I sincerely doubt that as well. It will become another fee factored into their agent's costs. So, if not the real estate agent then who? It has the potential for a whole new spin-off inspector industry, which will only bring a whole new range of fair trading issues, as the member for Mermaid Beach earlier identified. As such, this is yet another piece of red tape that will negatively impact on housing affordability. It has the real potential to completely undo all of those positive aspects of this bill, such as the removal of sustainable and affordable design restrictions.

As a minimum, as the member for Mermaid Beach suggested, why can it not become an option for the buyer rather than the seller in the same way that we get pest or building reports? Another concern is the penalties for not complying with this amendment. Let me mention just some of them—failure to have the sustainability declaration, 20 penalty units or \$2,000; failure to amend or replace a sustainability declaration, another \$2,000; advertising for the sale of a building without including required information, \$2,000 and so on.

Getting caught doing more than 30 kilometres an hour over the speed limit only slugs someone \$466. What is this government's priority—is it red tape or is it the road toll? This sustainable declaration is simply dangerous. The intent of this amendment might be to improve the sustainability of Queensland housing, but, unfortunately, unlike the other amendments in the bill, I fear the outcome of this will fall disastrously short of that.