



Speech by  
**Jeff Seeney**

**MEMBER FOR CALLIDE**

Hansard Tuesday, 15 September 2009

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## **SUSTAINABLE PLANNING BILL**

**Mr SEENEY** (Callide—LNP) (4.31 pm): I rise to make some comments in regard to the Sustainable Planning Bill 2009 before the House. This bill replaces the Integrated Planning Act. The minister has coined the term that it is evolutionary rather than revolutionary. I was in local government when the Integrated Planning Act was introduced in 1997 and I recall full well that the Integrated Planning Act was indeed a revolutionary change. It was a fundamental change to the way we in small regional local governments operated and it caused an enormous degree of change right throughout the local government sector.

The fact that the minister has coined that term, that this bill before the House is evolutionary rather than revolutionary, will be welcomed by those people who still work within the local government sector and who remember full well the revolutionary change that was brought about by the Integrated Planning Act in 1997. The Integrated Planning Act was introduced with promises that it would address many of the issues that had plagued local governments, developers and local communities. In a great many respects much of that promise was realised. However, I think the Integrated Planning Act has been misused over a long period of time by those who want to be overly pedantic and those who want to stifle, for whatever reason, the proper processes that should surround planning and development throughout those communities. I am pleased to see that some of those opportunities for people to be overly pedantic have been addressed within the Sustainable Planning Bill 2009 before the House this afternoon.

There are a couple of areas that I want to restrict my comments to: firstly, part 3 of the bill before the House that deals with the concept of regional plans and the broadscale planning that has been undertaken in one form or another across regional areas within Queensland for quite some years now; secondly, the effect that this bill and the Integrated Planning Act before it have had and continue to have on small regional communities which, of course, make up all of my electorate. I want to deal with those two things in their turn.

Firstly dealing with the issue of regional plans, I think it is very timely that the government has moved to strengthen the process of regional planning, particularly to address an issue that certainly has some currency within my shadow portfolio of Mines and Energy. The increasing conflict, for want of a better word—and I regret that conflict is probably an accurate description—between opposing land uses in areas such as the Darling Downs is something that has to be addressed by government and presents a challenge to all of us who are involved in the compilation of regulation to ensure that that issue can be addressed in a way that respects everybody's rights but also provides processes to ensure that Queensland and Queenslanders generally are able to benefit from the development that can potentially take place there.

The issue has come to the fore because the Darling Downs has long been recognised as one of the outstanding fertile farming areas not just in Queensland or Australia but in the world. It is known as the food bowl of the state. In recent years the fact that that outstanding farming area overlies extensive resources of coal and gas has brought another issue to the fore and that is how those industries co-exist with the agricultural industries that the Darling Downs has been famous for for quite some time. Obviously

the mining industry, especially the coal industry and the emerging gas industries, and other mining sector industries have co-existed with landholders in Queensland for many, many years and have done so very successfully across a range of industries.

What is different about the Darling Downs situation is that it is probably the first time that those industries have had to face the challenge of co-existence in an area that is so densely settled and so tightly held by many generations of traditional owners or particular families and landholders of the land that is now in question. Certainly across my electorate, in the Bowen Basin and further north and west, the mining industry has been able to co-exist and while that co-existence has caused a degree of angst at times and landholders have always had to face the prospect of having to buy another property or move to another property if their land was found to be needed for the mining industry, there was an uneasy co-existence that has developed over a period of time.

There has also been a recognition in the community generally—a growing recognition over recent years—that we have a responsibility to protect areas of high value. When those areas are areas of high environmental value, I think the argument is over. The community generally accepts that the mining industry needs to respect areas of high environmental value. The statutes that we pass through this place and the processes that the industry works with certainly reflect that.

I want to take this opportunity to make our position very clear, that areas of high agricultural value should attract the same recognition in the community generally and in the mining community and deserve the same type of protection as has been accepted as the norm for areas of high environmental value. It presents a challenge for those of us who are involved in this type of regulation, but I think the integral tool in meeting that challenge is to have a regional planning process that provides some degree of statutory certainty for both landholders and the mining industry to allow that co-existence to develop and to provide the outcomes that everybody wants to see.

The regional plans that have been in existence to date, especially in areas like the Darling Downs and the broader areas of Queensland, have not had the regulated land use that is required for that sort of planning certainty. As I understand it, two regional plans do have that element of regulated land use. Certainly the SEQ plan in South-East Queensland was the first to address the issue of regulated land use and the FNQ plan similarly has done so, albeit in a slightly different way. I believe that element can provide the solution for conflicting land use issues in areas such as the Darling Downs. The regional planning process that is needed must ensure that areas of special agricultural value are identified and are not considered for mining, just as is done with areas of special environmental value. Of course, the difficulty will be when the planners come to draw the lines and define the areas. Of course, that is the same difficulty that is faced in planning processes no matter the issue that is being addressed. That issue is what causes the difficulties. Meeting the expectations of the various parties in regard to that certainly will be a challenge.

Just as I think this sort of protection needs to be reserved for the very best and the most special environmental areas, so it is that I think the sort of protection that I am proposing and that the LNP has adopted as our policy should be reserved for the very best and the most special agricultural areas. I know many landholders. I know that over time people acquire an emotional attachment to their land. Just about everybody thinks their land is special. Just about everybody suffers a degree of angst and is distressed by the arrival of a mining company, a mining project or, indeed, any proposal for the compulsory acquisition of land. I have spoken at length in this parliament about the need to recognise the property rights of those people. I have spoken at length about the necessity to amend the compulsory acquisition of land act to better respect those property rights. So it is with the regional plans that, hopefully, will regulate land use under this sustainable planning act. I hope that those regulations properly respect the rights of the landholders.

The bill before the House this afternoon is welcomed because it is a step in the right direction that will assist those of us who have to deal with conflicts that have arisen. It will give us an opportunity to try to put in place in regional areas a planning process that addresses those issues, that respects the property rights of the long-term landholders and also the property rights of the competing land users, in this case the mining industry, and that allows a balance to be struck between the need to exploit those resources for and on behalf of the people of Queensland and the need to respect the productive fertility and the special values of a particular agricultural area.

I turn to the second area that I want to talk about in consideration of this bill—that is, the effect on small rural communities of the Integrated Planning Act and its evolution into the Sustainable Planning Bill. As members would recognise, my electorate is composed entirely of small rural communities. There are about 12 communities, all of which are small by anybody's definition. The largest community would be Biloela, which has a population of about 5,500. Most of the other towns have populations of between 1,000 and 3,000. They are small communities. In those communities the planning issues are very different from those of the large metropolitan areas. We recognise that. As far back as when I served in local government, we recognised that the challenges we faced and the questions that we had to consider were

very different from what people in similar positions had to deal with in Brisbane, the Gold Coast, the Sunshine Coast, Cairns or any major metropolitan areas. Regrettably, I do not think those differences were well enough recognised by the architects of the Integrated Planning Act and, regrettably, I do not think those differences have been well enough recognised by the architects of the bill before the House this afternoon. Now the onus is on the practitioners who will implement the processes within this legislation to properly recognise those differences and to take account of them in the decisions they make and the conditions they apply.

I have seen some quite ridiculous examples, but one that sticks in my mind more than most related to a development application made by a farmer's co-op called Monto Grains Cooperative for a change of use of a grain silo located eight or 10 kilometres south of Monto. The town planning consultant who had the job of considering that application somehow felt that the Integrated Planning Act required there to be a certain number of car-parking spaces provided. Somehow that related to the shed that the Monto Grains Cooperative was proposing to use for a different purpose. We are talking about a grain silo located in the middle of a big area of land. However, a very young and very keen town planning consultant was adamant that, to get the change of use approved, a certain number of car-parking spaces had to be provided. There were all sorts of codes about what a car park consisted of in terms of bitumen, markings and so on. It was plainly ridiculous, but it is a good example of the sort of thing that can happen if the practitioners who implement legislation do not take a realistic view of what is reasonable in the circumstances. That is what needs to happen. Not only this legislation but all legislation that we consider needs to be broad enough to allow the practitioner, the person who is making the decisions, to properly decide what is reasonable in the circumstance because the circumstance varies very markedly across the state. The circumstances with regard to planning in my electorate are very different from the circumstances with regard to planning in the minister's electorate. The legislation has to be able to take account of those differences.

In large urban areas, subdivisions are a major issue. They are also a major issue in our communities, because there is a very obvious need for rural residential subdivisions in our areas. A lot of small communities depend on the inflow of people who move to small communities for the lifestyle. They need somewhere to live and they are seeking something other than a thousand square metre urban block. Small communities need to be able to provide that lifestyle to allow those people to contribute to their economic base. I know that there have been some bad examples of rural residential subdivision in Queensland. Certainly I have them in my electorate at places like Proston and the Gaeta Road at Mount Perry. Everybody knows that they are bad examples, but we should not use those bad examples to exclude the good options from being developed. We should look to those bad examples as a lesson in what not to do when we set out to allow communities to develop a rural residential lifestyle that can be an important part of their economic base.

There is one town in my electorate that I think is a great example that people should go and have a look at, and that is the little town of Wondai. The former Wondai shire council—under the stewardship of Percy Iszlaub, the mayor at the time, and David Carter, who is now the mayor of the South Burnett Regional Council—did a great job in the planning of Wondai and its immediate surrounds. It ensured that there was a broad range of options for people who wanted to come and live in Wondai. In the year before last, Wondai had 32 new houses built in the town and its population increased. People can go there and they can choose to buy a small urban block, they can choose to buy a one-acre block and they can choose to buy a five-acre block. All of those options are available and in a planned and well laid out way that ensures that Wondai can benefit from the tree change trend—people who want to opt out of the crowded urban life and live in a small community where they do not have to worry about security, where they do not have to worry about parking, where they do not have to fight the traffic to get to the shops.

A range of communities can benefit from having those choices but are curtailed by the state planning policy, which prevents the development of those rural residential subdivisions in an overrestrictive manner in many cases. I would like to ensure that other towns in my electorate can follow the example of Wondai and be able to implement a planning regime that is suitable for their area that provides good development options for their particular area and provides great opportunities for Queenslanders to enjoy the lifestyle that all of us who live there know and appreciate. The shadow minister has indicated that we will not be opposing the bill before the House. It will no doubt not solve all of the problems but hopefully it will be a step in the right direction.

*(Time expired)*