



Speech by

**Mark Ryan**

**MEMBER FOR MORAYFIELD**

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## **SUSTAINABLE PLANNING BILL**

**Mr RYAN** (Morayfield—ALP) (9.00 pm): I rise to contribute to the debate on the Sustainable Planning Bill. It is very difficult to follow the passionate contribution of the member for Cook. I note the member for Cook's strong and robust argument about silence being acceptance. My contribution will be more on the substantive aspects of the bill and will focus on some of the significant differences between the Integrated Planning Act and improvements contained in the Sustainable Planning Bill.

It is a great honour to speak to this bill because not only did I study and survive planning law under the watchful eye of Associate Professor Donald Gifford from the University of Queensland and undertook work experience with a planning and environment law firm but also the electorate that I represent is experiencing tremendous growth and is accordingly inherently interested in the planning processes and practices of state and local government.

The electorate of Morayfield is a great area with great people. I can understand why people continue to move to the area to live and why the area is experiencing tremendous growth. In response to population growth the area continues to experience building development pressures. Whilst people in my electorate are not antidevelopment and certainly understand that population growth needs to be accommodated, they are keen to ensure that their lifestyles are preserved and that services and support can continue to be provided in their communities.

This bill reinforces the desires of the people of my electorate by enhancing the purpose provisions contained in the previous Integrated Planning Act. The enhancements to the purpose provisions will be contained in sections 1.2.1, 1.2.2 and 1.2.3 of the act. These improvements are to be commended because they promote two distinct but equally critical aspects. The first is by improving the purpose provision to require the development process to be accountable, effective and efficient and deliver sustainable outcomes. The second is by expanding the list which provides the ways in which the purpose of the act can be advanced. The list will now include, among other things, climate change, peak oil issues, urban congestion, human health, housing choice and diversity and economic diversity.

Whilst at first glance the purpose provisions of the act appear to be merely introductory, these provisions are critically instructive and guide the decision making of not only assessment managers but also the Planning and Environment Court in significant legal cases. Despite these provisions constituting only a few clauses in a bill that is over 700 pages, I would like to dedicate some time to consideration of these provisions because it is necessary to highlight the importance that these provisions play in the overall interpretation and operation of the act and, in turn, the overall operation of planning processes and approvals.

That is the key point: the purpose guides planning processes and approvals by the assessment manager. By requiring the development approval process to be accountable, effective and efficient and deliver sustainable outcomes, the process will actually be more accessible, transparent, timely, focused on community outcomes and the principle of building integrated communities and networks.

The people of my electorate want to understand development processes and what proposed developments mean for their communities. By requiring sustainable outcomes this bill provides guidance

for the people of my electorate. But a sustainable outcome is not just an environmental outcome. A sustainable outcome is about the longevity and prosperity of the whole of the community. It is about building a community in which community members are able to be active and engaged and able to access transport options, employment and educational opportunities and government services and infrastructure. An active and empowered and connected community is a sustainable community.

This bill contributes to that goal by providing a list of ways that assessment managers are able to advance the purposes of the act. As mentioned earlier, the bill expands the list to include contemporary issues such as climate change, urban congestion, housing choice and diversity and economic diversity. The direct reference to these contemporary challenges is a welcome addition to the planning process and compels assessment managers to think beyond the specific development application in front of them. The list is about integrating new developments with existing communities. New developments should not place strains on existing communities. Rather, new developments should enhance existing communities with improved infrastructure, services and opportunities for community members. The expanded list and the direct focus on sustainable outcomes will be welcome additions to the purposes provisions of the act.

I will now address some of the improvements to the practical application of IDAS by assessment managers. This bill has modified the current application stage under IDAS so that it is simpler, clarifies the role of the applicant and the assessment manager, improves the information provided with an application and prevents assessment managers from accepting incomplete applications. The new provisions now require the submission of identified supporting information as part of the properly made application for assessable development.

Under the Integrated Planning Act it was possible to submit a development application with little or no detail about the proposal other than that required through the approved forms. This has the effect of slowing down the IDAS process as applications are worked up through later stages of IDAS. To ensure a higher standard of applications, the approved forms will now specify mandatory supporting information to be provided with the application. Also, assessment managers will no longer have the discretion to accept an application that is not properly made.

In my view, this is a sensible improvement. If someone is to make an application then the application should be thorough and complete. It should not be up to the assessment manager to complete the application on the applicant's behalf. People need to take responsibility, and this amendment achieves that by raising the standard of applications before they are deemed to be properly made. This provision is consistent with the purpose provisions of the act which ensure that planning processes are accountable, effective and efficient.

These purposes are also supported by the proposed changes to the deemed refusal provisions contained in the Integrated Planning Act. The bill will introduce these provisions to provide deemed approval rather than deemed refusal of certain code assessable applications if the assessment manager has not made a decision within the allocated time. Some members have criticised this new provision. However, in my view it is a sensible improvement that is about fairness, timeliness and accountability. Assessment managers can no longer sit on their hands and make no decision without consequence. The assessment manager must now decide the application or it will be deemed approved. The assessment manager will then have a period of time to appeal the deemed approval or impose conditions on the approval. This is a significant change and provides certainty for applicants, assessment managers and the community. It creates a culture of accountability and timeliness and in turn raises the standard of the planning process and promotes systemic confidence within the community.

Finally, I would like to address the changes to chapter 2 of the Integrated Planning Act. Chapter 2 of the act is all about state planning instruments and how those instruments interact with existing planning schemes. This bill contains a number of improvements that clarify the hierarchy of planning instruments, reduce complexity and ensure that regional and state-wide interests are considered where necessary in the development application and approval process. The new provisions confirm that respective regional plans are considered the pre-eminent instrument for regional and state-wide interests and override all other planning instruments to the extent of any inconsistency. These new provisions will enhance consistency, accountability and predictability of the decision-making process. This in turn will promote efficiency and effectiveness and encourage sustainable outcomes by ensuring a convergence and coordination of regional and state-wide policy objectives.

The physical size of this bill is indicative of the tremendous work undertaken by the minister's office, Parliamentary Counsel and departmental officers. I commend them on their respective contributions to the bill. I congratulate the minister for bringing this bill before the House and I ask that he convey my thanks to his office and his department for their contributions. This bill continues this Labor state government's proud record of being a government of reform and accountability. This bill means that Queensland remains responsive to the demands of population growth and continues to be a nation leader when it comes to planning and development. Whilst we have heard from other honourable members that this is one of the largest bills that they have seen brought before this House, I do not think we should let the physical size of the bill distract us from the significant improvements that are contained in the bill. This bill promotes a

simpler, clearer and better integrated planning process that is more accountable, effective and efficient and looks to a more sustainable, integrated and community focused future for Queensland. I commend the bill to the House.