



Speech by

## Hon. Stirling Hinchliffe

MEMBER FOR STAFFORD

Hansard Friday, 19 June 2009

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### SUSTAINABLE PLANNING BILL

**Hon. SJ HINCHLIFFE** (Stafford—ALP) (Minister for Infrastructure and Planning) (10.31 am): I move—

That the bill be now read a second time.

The introduction of the Sustainable Planning Bill 2009 is a landmark moment for the Bligh government. This legislation is a key milestone in implementing significant reform in Queensland's land use planning and development framework—the most significant and comprehensive reform in over a decade since the integrated framework was introduced in 1997. With continued high population growth, we need to ensure Queensland's planning and development legislation establishes a quick and efficient process which stimulates our economy, while protecting the lifestyle for which our state is renowned.

The Sustainable Planning Bill 2009 is part of a review that overhauls and replaces the Integrated Planning Act, IPA, 1997. The proposed bill will be supported by an associated package of regulation and statutory guidelines that will provide further guidance about the implementation of the legislative changes and enable more flexibility into the planning system.

In February 2006, the state government commenced a major and comprehensive review of IPA and IDAS from a broader perspective to challenge its effectiveness and identify opportunities for significant improvement. From consultation with stakeholders it was clear that IPA had become too process driven and needed major reform. That is what we have delivered. The new legislation will ensure the state and local governments are responsive to rapidly changing needs.

IPA served its purpose by bringing together more than 30 separate pieces of planning and development legislative arrangements into one act. It introduced a contemporary performance based planning framework that encouraged innovation and flexibility, and set time frames for efficiency. But times have changed. After a decade, the planning system is under pressure to manage continuing rapid growth and changing demographics and 21st century challenges like climate change.

This extensive stakeholder consultation about planning reform identified the need for legislative, operational and cultural change to give Queensland the high performance system it deserves. In August 2007, the government released the implementation report *Planning for a prosperous Queensland: A reform agenda for planning and development in the Smart State* that addressed these and other issues identified through the review. Almost half of the 80 reform actions required legislative change. Further consultation on the implementation of these legislative, operational and cultural change reforms has been ongoing for the past two years.

Underpinning the delivery of the operational and cultural changes, this bill will significantly improve our current framework by increasing accountability, coordination and integration, effectiveness, efficiency and capacity for delivery of sustainable outcomes. It is key to ensuring a clear line of sight from state and regional plan priorities to development decision making on individual sites, with streamlined processes to achieve clarity for the community, industry and government.

This will achieve better planned communities, faster development on the ground, preserve valuable environmental values and places of scenic beauty, and economic benefits from greater certainty of investment and development to cost reductions realised from clearer, faster development assessment. This new planning legislation is evolutionary, not revolutionary. The key concepts of IPA remain sound and contemporary—that is, it is integrated, performance based and relies on the three-tiered approach to planning; state, regional and local elements.

These results are indicative of the invaluable input provided by the planning reform reference panel, the innovators and early adopters group, state agencies reference group, planners peer review work group and the legal peer review work group. This bill is very much a reflection of their advice and suggestions. I would like to formally thank the members of these groups for their involvement in the process. This extensive consultation and engagement with stakeholders ensured that the bill introduced here today achieves as broad an array of benefits as possible to the planning industry, local governments and to the community.

With the help of their involvement, stakeholders have enabled the state government to strike an appropriate balance between the diversity of stakeholder issues and concerns, and the government's desire to deliver a comprehensive, workable and efficient legislative framework. The proposed legislative framework supports the long-term benefits of effective state and regional planning to guide localised planning with clear linkages across all plans and policies, and ensures an array of quick switches to move appropriate development applications through the system more efficiently and effectively. This new framework will improve plan making and development assessment by ensuring outcomes are achieved as quickly as possible, while also ensuring that the system remains transparent, equitable and consultative.

Queensland needs to be at the forefront to ensure its planning and development legislation continues to keep pace with the demands facing state and local government planning and development systems, particularly in the high growth areas of the state. This bill delivers flexibility in the processes and systems to allow for faster responses by the state government and local councils to address emerging needs.

The improved framework offers accountability. It makes all stakeholders accountable for their actions with a no-nonsense planning framework that drives a culture of working together. Better and clearer understanding of the roles, responsibilities and interests of all relevant parties help provide an accountable framework. Public reporting of specific actions also helps ensure an accountable framework.

Applicants have a responsibility to provide the information that will enable efficient and effective assessment. Assessment managers, usually local governments, have a responsibility to assess applications within a timely manner and ensure the level of assessment is appropriate for the application. Referral agencies, usually state government agencies, have new responsibilities to ensure state interests are expressed in an appropriate state planning instrument and avoid overregulation that unduly delays assessment time frames. They also need to become involved more at the plan-making stage rather than the development assessment phase.

Community has new responsibilities to get involved in plan making and not leave their issues and interest to the development assessment phase. The legislation provides for efficient community engagement at all appropriate stages and requires stakeholder involvement to make it effective. The new system drives a more coordinated and integrated approach—an integrated system also needs coordination to deliver innovative on-the-ground solutions. The system is intended to better enable the delivery of innovative and sustainable solutions, and activate areas designated for development.

The new planning and development system is more effective, built to be 'fit for purpose' and appropriate for the complexity of the issue at stake. This means that, if there is a simple issue, it follows a simple process. It is supported by fit-for-purpose tools for decision making. Combined, they enable calibrated decision making and quicker decision making. Providing for clear strategic intent in planning schemes establishes the strategic context for this decision making, further improving effectiveness. New fast-track assessment mechanisms, such as compliance assessment, get the simple applications through the system faster, enabling better use of scarce resources on the more complex and innovative proposals, driving councils' capacity to manage these innovative developments and see them on the ground sooner. A regulation will prescribe the types of developments which will be the subject of compliance assessment.

The introduction of a deemed approval mechanism in relation to appropriate code assessable applications places clear responsibility with the decision makers and relevant agencies to allocate their resources appropriately and fulfil their roles within the expected time frames. The expectation is that, from this, social and economic benefits flow, with greater certainty for applicants as well as faster on-the-ground delivery, providing more choice to consumers and a more competitive marketplace for new homebuyers. The system is more efficient through streamlining processes at the plan-making and development assessment levels. An efficient planning system will help the state's economy to respond to the global financial crisis, achieved through:

- streamlining at plan-making and development assessment levels leading to simpler, clearer and better integrated planning that produces more certain development assessment, and this results in

greater certainty, faster processing, and reduced costs for both applicant and council, improving housing affordability;

- clarity in plan making that 'front loads' plans with clear strategic intent and consistent provisions and structure and clearer and better integrated state interests in planning, and this certainty and integration provides the platform for faster development assessment and cost benefits; and
- greater flexibility and responsiveness in that the streamlined systems, including the movement of processes out of a legislative framework, give the state greater flexibility to adjust the framework and its state level planning interests to meet emerging needs of the state and other stakeholders.

Greater efficiencies in development assessment and therefore achieving on-the-ground faster delivery will be achieved through the abovementioned changes, including:

- reduction in IDAS time frames;
- deemed approval of certain code assessable applications;
- establishing processes for allowing missed referrals to be identified and to 'catch up' rather than requiring the IDAS process to start again;
- the introduction of compliance assessment;
- increased ministerial powers to direct decision makers to speed up decision-making processes;
- expanding the jurisdiction of the Building and Development Dispute Resolution Committee, previously called the Building and Development Tribunal; and
- giving the Planning and Environment Court greater discretion in dealing with procedural issues and imposing costs on commercial competitors.

One of the key changes to the purpose of the act is that the system delivers sustainable outcomes. Sustainability takes into account environmental impacts such as the effects of development on climate change. Climate change is an emerging challenge because of issues such as the projected increase of extreme weather events such as droughts, storms and floods and indeed rising sea levels. For the first time, climate change has been specifically recognised in the bill as a key factor influencing the sustainability of our communities by referencing it as a prime example of a key planning and community issue that needs to be taken into account in planning and development assessment processes.

Outcomes to be achieved by the bill are significantly improved and streamlined land use planning and development framework and systems which reduce costs and get development on the ground sooner while still providing protection for the community and the environment.

Planning is crucial for all levels of government in managing sustainable growth across Queensland. Mechanisms to achieve state level planning outcomes are enhanced such as accelerated and clearer state planning instrument development processes and enhanced ministerial powers to intervene in the planning and development process such as directly amending local planning instruments where an urgent issue arises.

The precedence and relationship between state planning instruments has been confirmed and indeed clarified. Local governments will have a substantial role to play as part of the ongoing reform agenda, and much of the legislative changes in this bill will enable these bodies to be more flexible in responding to planning demands in their local areas.

The introduction of improved priority infrastructure planning processes will better assist councils to forward plan and resource their communities' infrastructure needs into the future. Limited prohibition has been introduced to apply in prescribed circumstances, enhancing the certainty of development outcomes in local communities. Even the plan-making process for local government has been streamlined to allow for a more state-wide standardised approach to how councils classify precincts and their planning terminology. Moving components of the plan-making processes from the legislation to subordinate legislation and statutory guidelines offers the state greater flexibility and responsiveness to address emerging issues in plan making across the local councils.

Perhaps one of the biggest changes for councils will be in the development assessment processes. Development assessment processes are enhanced by the clarity and certainty achieved by improved plan making through more applications progressing through simpler processes, such as the new compliance assessment track; greater certainty in making applications; and more reliable and compliant applications being made. Time and cost benefits with flow-on economic effects result in faster, better integrated development on the ground. This new framework allows councils to get on with the job and will allow for government to do business better and focus planning investment on major state-wide issues such as sustainability, housing affordability, climate change and population growth.

To reiterate the significance of this reform, this legislation is a key milestone in implementing significant reform in Queensland's land use planning and development framework—the most significant and comprehensive reform in over a decade since the integrated framework was first introduced in 1997. I commend the bill to the House.