Speech by

Hon. Stirling Hinchliffe

MEMBER FOR STAFFORD

Hansard Wednesday, 16 September 2009

SUSTAINABLE PLANNING BILL

Hon. SJ HINCHLIFFE (Stafford—ALP) (Minister for Infrastructure and Planning) (2.34 pm), in reply: At the outset I table the explanatory notes for the amendments I will be moving during the consideration in detail.

Tabled paper: Sustainable Planning Bill, explanatory notes for Hon. Hinchliffe's amendments to be moved during consideration in detail [917].

I thank all honourable members for their contributions to this debate on the Sustainable Planning Bill 2009. I think members would appreciate that some of the speeches have ranged across various issues that are not necessarily entirely within the ambit of the bill. Nonetheless, they have all been very interesting and very engaging speeches about the issues of sustainability and planning for the future of our state.

The Sustainable Planning Bill is part of a review that overhauls and replaces the Integrated Planning Act, better known as IPA. A number of members have reflected upon that issue. The bill is also supported by an associated package of regulation and statutory guidelines, to which the member for Toowoomba South just made reference. They will provide further guidance on the implementation of the legislative changes and will enable more flexibility in our planning system.

This story commenced in February 2006, with the state government commencing a major and comprehensive review of IPA and IDAS—the integrated development assessment system—to 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. After a decade of IPA being in place, the planning system is under pressure to manage continuing rapid growth, changing demographics and 21st century challenges such as climate change.

The member for Clayfield, the member for Gympie and other members mentioned that IPA played an important role and had great purpose in its time, but time has moved on. This bill will deliver significant economic, environmental and community benefits for all Queenslanders. As was mentioned, I think by the member for Glass House, sustainability is about getting the balance right. That is what this legislation represents.

Significantly, the bill successfully shifts the focus from an individual development application to a 25-year strategic plan. It shifts from local government planning schemes alone to having a state, regional and local focus. It shifts from a no-risk system to a risk management system. In many cases, it shifts from confrontations to partnerships.

A number of honourable members have made comments about the change in the name of the legislation—the move from the 'Integrated Planning Act' to the 'Sustainable Planning Act'. The change in the name of the legislation reflects that shift in focus, particularly that shift in focus from processes to outcomes. Integrated planning was the process of making sure that 30 sets of legislation came together. Sustainable planning is about the outcomes that we are seeking to achieve, particularly the importance and essence of ecological sustainability, which was indeed accounted for in the Integrated Planning Act as well.

Several members have commented on the size of the 745-page bill. Indeed, I think the member for Clayfield referred to it as a monstrosity.

Mr Gibson: I don't think he meant that.

Mr HINCHLIFFE: That was the word he used. I think it is important that all members here and all members of the community who are concerned about the size of the bill appreciate that 208 pages of the bill involve transitionary and consequential provisions. It is pretty important for our fundamental system of development assessment and planning and building approval processes for our whole state that there are good, sound transitionary processes set in place so that nothing that is afoot or at hand in our system at the moment gets lost in the changeover that will occur when the Sustainable Planning Act, as I trust it will become, comes into force.

As many members have noted, the Sustainable Planning Bill reduces complexity through standardisation, adopts a risk based approach to development assessment, provides streamlined dispute resolution processes and encourages active community participation in the planning and development system. As a number of members have reflected upon, the bill reduces red tape, streamlines application processes, addresses sustainability and housing affordability, reduces unnecessary delays that cost money and jobs and increases planning predictability for the community, councils and industry.

The Sustainable Planning Bill 2009 will provide more certainty in plan making and development assessment with significant economic, environmental and community benefits for all Queenslanders. The bill means Queensland's planning and development system is dynamic and responsive to its rapidly changing needs while ensuring sustainable outcomes.

The extensive review of the IPA is a key example of how the Bligh state government is delivering on its promises and commitments. As a number of members have mentioned, in particular the member for Murrumba, our legislative reform is only one part of the overall evolutionary process that is required to deliver the best practice planning system that Queensland deserves. Local councils and industry should take this reform on board as part of their core business and look at how they themselves can help deliver operational and cultural changes that are crucial to the ongoing change required to continue to deliver the Queensland planning system that is the envy of other states.

Despite the name change, integration remains a fundamental component of the bill. We now have more than 10 years experience working within the system and can focus effort on outcomes rather than processes ensuring sustainable development is achieved. We have achieved this through extensive consultation. The bill is the culmination of extensive state-wide stakeholder consultation undertaken in the review of the Integrated Planning Act 1997. For the benefit of the members for Gympie, Mermaid Beach and Redlands, I stress that extensive consultation has occurred with a broad cross-section of community members and stakeholder groups. The state government is committed to ongoing work with these groups and communities. Consultation has included key discussions through the establishment of the State Agency Reference Group and the Planning Reform Reference Panel. In addition, peer review workshops were held with legal and planning professionals at various stages particularly to review some draft versions of the bill.

The Planning Reform Reference Panel, by way of example, consisted of representatives from various stakeholder groups, including legal groups such as the Queensland Law Society and Queensland Environmental Law Association; local government groups such the Local Government Association of Queensland, the Urban Local Government Association and representatives of Brisbane City Council and SEQ Councils; environmental groups including the Environmental Defenders Office and the Queensland Conservation Council; community was represented by the Queensland Council of Social Services; and industry and professional groups were represented by groups such as the Property Council of Australia, the Urban Development Institute of Australia, the Housing Institute of Australia and the Planning Institute of Australia. The government has listened throughout this extensive consultation process and made over 200 changes to deliver a 21st century planning system worthy of Australia's growth state.

The state government is committed to continuing to work with stakeholders on the ongoing operational and cultural reform as well as the development of further instruments such as the regulations and the Queensland planning provisions. The Sustainable Planning Bill reaffirms Queensland's position as a national leader in planning innovation and provides the legislative framework for an even better planning system for Queensland.

One of the key objectives of the bill is to deliver environmental benefits for Queensland. This has been strengthened through the clarification of the definition of a state interest so that sustainable developments are clearly identified as an interest of the state. This ensures that sustainable green development can be facilitated through the bill. The bill retains the explicit requirement for decision makers to seek to further the sustainability outcomes in the bill in performing functions or exercising powers under the bill. The bill also provides for impacts on climate change to be considered as part of sustainable development throughout Queensland. The bill establishes the framework for the development of planning instruments that will be informed by a raft of state instruments and information including the draft South

East Queensland Climate Change Management Plan that my colleague, the Minister for Climate Change and Sustainability, made reference to in her second reading contribution, and the way that draft plan is available to people in the community to be engaged with and the way that it supports, for instance on a regional basis, the South East Queensland Regional Plan.

During the second reading debate in this House over the past day or so and in the previous sitting week when the bill was being debated we heard a number of positions on climate change from the other side of the chamber. I came up with five different positions on climate change that I could keep track of it. It was pretty hard to keep track of the different positions. It is informative in terms of the way that the opposition has responded to this bill, although I do note and acknowledge that the opposition has indicated its intention to support it.

Another way for councils to achieve better environmental protection for their local area under the auspices of the bill is through the introduction of limited prohibitions. This is another example of where some members of the opposition thought it was a great idea and some thought it was a terrible thing. I am confident, however, that those opposite will support it. This means that it will now be clear when development is not acceptable to the regional and local community and these applications will not enter the system at all. This is not just for environmentally sensitive developments but for developments that are deemed inappropriate for the communities. This measure reinforces the importance of local planning schemes and the fact that local governments continue to be the central body for planning and development decisions within their boundaries. The prohibitions will be developed in partnership with the state and this partnership approach is a key component of the reformed framework.

The bill speeds up plan making with a strong performance based approach. The bill establishes standard planning scheme provisions, proposed to be called the Queensland planning provisions, as a tool for maximising efficiency and cutting the costs of plan making for local government. These cost-cutting measures will save ratepayer dollars. I particularly note the member for Waterford's comments in support of that particular element and how that will roll out in communities across the state. Allowing for prohibitions through these provisions provides additional certainty for private investment decisions and prevents the proponents wasting their time and resources by putting forward applications that are inappropriate. That was a point that the member for Clayfield made quite well this morning.

The provisions are not intended to remove local government autonomy for community consultation and participation in planning. They will continue to allow for innovation and flexibility as they have been designed to cater for all local government areas, be they high or low growth, be they large or small, be they rural or urban. I draw to the attention of the members for Callide, Gregory and Dalrymple the flexibility that will be contained within the Queensland planning provisions. Councils will adopt these new provisions only when they amend or remake their planning schemes. There is no immediate requirement for councils to undertake a new planning scheme, but the provisions will make new plans for amalgamated councils much easier to achieve. We have trialled and tested these provisions in a range of councils with all sorts of unique needs, including local government areas that cover Warwick, Miriam Vale, Maryborough, Crows Nest and Yarrabah. A number of councils are already eager to use these simpler provisions. Indeed, on Friday I was in Toowoomba and had very strong feedback from the Toowoomba Regional Council councillors that they are looking forward to working with these new provisions to help develop their planning scheme to unite the planning schemes of the eight councils that are now part of the Toowoomba Regional Council.

Consistent planning scheme definitions will also help the community better understand planning in their community and help their participation in the plan-making process. A well-planned community is a well-engaged community and these planning changes will provide certainty and help deliver additional sustainable development outcomes in communities throughout the state.

I want to focus on the sustainable outcomes that are addressed in the bill. There have been many significant improvements in the assessment system and the IDAS system. A number of people have remarked upon those along the way. One I will make particular mention of, because a number of members have, is the provisions that provide for certain code assessable applications to be deemed approved if not decided on time. The introduction of deemed approvals has been well thought out and carefully balanced in the bill, which includes well-considered exemptions to protect broad community interests. This has been in the public domain for a long time, long enough for significant adverse consequences to come forward. The member for Gympie said in his contribution that deemed approvals were an unknown. Unfortunately he was undermined this morning by the member for Clayfield who reiterated that the concept of deemed approvals had been around for a very long time indeed and that he welcomed them very much.

Deemed approvals are a significant reform. They ensure that assessment managers and state agencies are accountable. The member for Gympie and others do not appear to be aware that, under IPA, concurrence agencies are already required to respond within a specified time frame, otherwise they lose their right to have their interests considered. For the benefit of the member for Kawana—and I will not reflect at too great a length on how utterly ill informed his contribution was—I make it very clear that deemed approval provisions apply to state agency assessment managers as well as local governments.

Deemed approvals mean vastly improved assessment times and greater certainty for applicants with faster on-the-ground delivery of appropriate developments. I appreciated particularly the comments from the member for Gladstone in relation to those issues.

The introduction of compliance assessment is one of a number of improvements to the efficiency of the planning process. It offers a simpler and faster process for assessing technical applications. We will see that implemented progressively. It will be a great time saver and money saver for both policy development and development assessment.

Under the current IPA, planning scheme policies for infrastructure were to cease on 30 June 2008. However, this date was recently extended by gazette notice to 30 June 2010. We will have an opportunity to talk about that at some length later on. This is an instant where we need to make sure that the pressure stays on councils. I found interesting some of the contributions made by the Leader of the Opposition in relation to this particular issue. I also look forward to making some comments about that later.

A number of members made reflections about ministerial powers. Under the bill the powers afforded to the planning minister ensure state interests are not adversely affected by development decisions and proposed applications. Contrary to the member for Gaven's view that any minister can call in an application, according to the legislation those powers are only exercised by the planning minister and the regional planning minister or the minister responsible for administering the State Development and Public Works Organisation Act. For the information of the member for Gaven, all three of those happen to be me. I am sure that for much time to come arrangements will be kept in place to ensure that those portfolios belong to a single minister. The reserve power will be used sparingly. I make it clear, particularly for the member for Kawana, that the exercise of power is transparent. On the limited occasions that I or indeed any future minister needs to use the power, I must table a report in parliament.

However, in relation to the issue of call-ins and ministerial power, it seems that members opposite are quite confused. This seems to be the high point of the confusion. The members for Mermaid Beach and Hervey Bay want us to call in more developments, particularly where they relate to economic development, while, from their statements, the member for Gympie and others appear to want zero call-ins on the grounds that they are an inappropriate use of ministerial powers.

Mr Lawlor: Situation normal.

Mr HINCHLIFFE: I take the interjection from the Minister for Tourism and Fair Trading. Once again, members opposite are being consistently inconsistent. One wonders whether this is some sort of party game. Is this the opposition doing the hokey-pokey? 'You put the call-ins in, you put the call-ins out. You put the call-ins in and you shake them all about.' It is clear that they do not know what it is all about.

At times the state is required to engage directly with councils on local planning decisions. That is important. How that is done is fundamental to the operation of ministerial powers. Given the current economic climate, it is important that planning and development systems operate efficiently and effectively and ensure quicker on-the-ground delivery of appropriate developments. The bill represents some changes to how the planning minister can issue directions to local councils. I will be specific: this is an expansion of an existing power, not a new one.

The planning minister will be able to direct decision makers to speed up decision-making processes and will be able to ensure that planning schemes are more responsive to new urgent state interest issues. This change was subject to intense review during the three-year consultation period and, frankly, was very well received by the stakeholders involved. The community requested a greater role for state intervention in the planning and development assessment system—indeed we have heard that from a number of speakers during this debate—in order to protect state interests and ensure that the state takes a more proactive role in developing and delivering good planning and development outcomes. I acknowledge the contribution of the learned member for Nicklin in relation to that.

This bill does not seek to reduce the important role of local government in planning for its own communities. The bill reinforces the importance of local planning schemes and the fact that local governments continue to be the central body for planning and development decisions within the local government area. The bill will simplify these important planning instruments. It will make sure that they have a better relationship with all of the important and relevant planning instruments, be they state, regional or local. It will provide clarity and consistency, and the community will benefit as a result.

The member for Mermaid Beach mentioned an undersupply of housing and questioned what the bill will do about that. The bill introduces a number of changes that will assist in addressing housing affordability issues in Queensland. It implements regional planning and strategic planning, the identification of development areas and the protection of green spaces in order to protect our unique lifestyle and our natural environment. It will also facilitate master planning, partnerships between local and state governments, and developer led master planning. It will streamline planning and IDAS, including compliance assessments streams that enable technical low-risk applications to be addressed more quickly. In that sense, it will get development approval on the ground sooner. The combined effect of a

series of changes assists in bringing the product to market more quickly as it will not be held up by unnecessary procedural requirements.

The consultation on planning reform identified systematic operational and cultural issues that need to be addressed to achieve the high-performance planning and development system that all Queenslanders deserve. Increased accountability and transparency underlies the new legislation. Its implementation requires all stakeholders to take responsibility for their actions. Under the bill, applicants will have a responsibility to provide information that will enable efficient and effective assessment, and better quality applications to be presented up-front. Again, that is something that many members commented on.

Under the bill, referral managers will have a responsibility to assess applications in a timely manner and ensure the level of assessment is application appropriate. Assessment managers will also be responsible for ensuring the new fast tracks for certain applications are efficiently utilised. Referral agencies will have new responsibilities to ensure state interests are expressed in an appropriate state planning instrument and avoid overregulation that unduly delays assessment time frames. Finally, the community has a new responsibility to become involved in plan making, rather than leaving their issues and interests to the development assessment phase. The bill will still allow for community engagement at all levels of the process, but there will be a high level of responsibility for all communities to get engaged in that plan-making stage. The legislation provides for a new process of dispute resolution, and everyone has a responsibility to use those appropriately.

The bill is a critical part of the planning reform that we are undertaking in the state and aims to encourage a culture that embraces planning as a positive tool. The bill provides a framework for the effective management of our land and resources. It helps Queenslanders at local, regional and state levels to prepare plans on how their regions and their communities will grow and develop. It establishes the means of implementing plans while keeping important social, economic and environmental concerns in mind.

During the debate so far we have seen members opposite hold more positions than one would find on seek.com. They have been all over the shop in relation to the issues that they have raised and the positions they have held, despite their overwhelming support for the bill. From this and some of the comments made across the House, it seems that we expect a lot from our planning and development legislation. It seems that planning has to be visionary to plan for every community, yet specific for every plot of land. It has to deal with bats, koalas and other endangered species while delivering infrastructure to everyone at a low cost. It must provide cheap houses and housing for every stage of life. It needs to preserve wild lands, farmlands and wetlands. It has to shorten approvals while allowing for community consultation. It must involve the state but not interfere with local government decisions. We need call-ins where needed but not where not needed. We want it all to be simpler and easier and presented in a much smaller bill.

I think we understand the complexity of the circumstances and the arrangements that we are referring to. On that note, I acknowledge those who have been responsible for bringing this legislation before the House. The improvements in the bill will ensure that our planning and development system will deliver sustainable outcomes for Queensland for many years to come.

This bill is the culmination of a process of consultation that commenced in 2006. In that time Ministers Boyle and Fraser and Deputy Premier Paul Lucas have shepherded this review and reform. Since the process began, countless stakeholders, particularly the Planning Reform Reference Panel, have been consulted. I would like to pay tribute to the departmental officers who have undertaken these consultations and worked extensively with a range of people to develop the legislation, with particular and special reference to Colin Cassidy, Craig Mathisen and the team supporting them who have lived and breathed the reforms for the last two years at least. I would also like to thank the team in my office for their efforts. On that note, I commend the bill to the House.