



Speech by


## Hon. Jarrod Bleijie

MEMBER FOR KAWANA

Hansard Tuesday, 13 November 2012

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### SUSTAINABLE PLANNING AND OTHER LEGISLATION AMENDMENT BILL

 **Hon. JP BLEIJIE** (Kawana—LNP) (Attorney-General and Minister for Justice) (10.05 pm): I thank the Deputy Premier for the opportunity to speak on this bill tonight. I know it is not usual for ministers to speak on other ministers' bills. However, one of the structure plans affected by this legislation is the Palmview structure plan which is in the heart of my electorate. It will impact quite heavily on the Sippy Downs community. There are 17,000 people living right next door. This does impact on those communities to some extent.

Can I start by saying that it is no secret that one of the key pillars of the economy is the construction industry. The Liberal National Party government is unapologetic for the fact that it wants to see construction in Queensland and wants to see growth in Queensland. If we see growth and construction in Queensland it means jobs and job opportunities for young Queenslanders. It will mean they can get an education, have a family and have some money. That is particularly important on the Sunshine Coast.

I will talk about a few issues with respect to the Palmview structure plan. This has been a long-running issue in the Kawana electorate. I thank the Sippy Downs and District Community Association for their long campaign and battles that they have had with the former Sunshine Coast Regional Council. There are a couple of issues with respect to that community and the structure plan. One is the north-south green link which has been of particular interest to the community. It is on record that it is not going to work. We have had a major petition against the north-south green link. But unfortunately the former council forced the developer to sign up to it through the infrastructure agreement.

The other issue is with respect to the sequencing of the Palmview development. The Palmview development is right next door to the Sippy Downs community. It is a community of some 14,000 to 17,000 future residents of the Palmview area. As part of the \$600 million infrastructure agreement there were certain things that the developer had to sign up to, one of which was the sequencing of the development. This is particularly important for the people of Sippy Downs. They know all too well the difficulties that arise when developments are not planned appropriately and in a hotchpotch manner.

The Sippy Downs group has really led the campaign with respect to the Palmview development, the deletion of the north-south green link and also the sequencing of the development. I absolutely support the district community association with respect to the sequencing and the deletion of the north-south green link. I have spoken to the new mayor about the issues that the community association has with the north-south green link. I do hope the mayor takes on board those concerns that the community has had for many years.

I thank the Deputy Premier and the Assistant Minister for Planning Reform, the member for Mansfield, for the communication that they have had both with me and my office with respect to the Palmview structure plan. I think the amendments that we see tonight go a long way to ensuring the viability of the development and also indicate that they listened to the concerns of the Sippy Downs and District Community Association.

With respect to the structure plan, this bill will retain the existing structure plan of the Palmview development. I am also advised that in the amendments that will be moved by the Deputy Premier the infrastructure agreement will also be retained. What that means is that the developer Investa and the other developers in that community will have the opportunity to go forward with their plan. Whatever we may think of the \$600 million infrastructure agreement or whether Investa should have signed up for the \$600 million infrastructure agreement, that will have to be debated at a future time. But I say to Investa that, if they want the opportunity to work with the Sippy Downs community and if they want these structure plans to work, then I think they should continue in the same manner that the structure plans currently indicate.

The legislation provides for—and I am thankful that the legislation provides for—the continuation of those structure plans and also the infrastructure agreement. But I give a warning to Investa that if Investa do decide at a later date to pursue any option that may be available to them at law under the section 242 amendments—and I note that if they do they are going to have to go through a major community consultation process—ultimately the decision will rest with council. So council will have to show leadership again on this issue and make sure that the community interests of Sippy Downs are heeded, acknowledged and respected. I have to say that I have more faith in this current council than the former council in terms of listening to those issues, particularly with respect to the north-south green link.

I think it would be unwise for Investa to decide to proceed in any other format than the current structure plan. I hope that, with communication and negotiation with the community association, Investa will proceed as planned in a proper process with the sequencing as exists at the moment. If they decide to proceed otherwise under the law then there will be major implications for the Sippy Downs community in terms of sequencing the major population growth in one particular area. We do not want to see a hotchpotch development, as was the case with Sippy Downs. The Sippy Downs community know all too well about those types of developments. I do thank the Assistant Minister for Planning Reform for these amendments tonight to secure the infrastructure agreement and also the structure plan that currently exists for Palmview. I note that the assistant minister has been working on that issue for a while.

I will now deal with the issue of costs because obviously the Planning and Environment Court is close to my heart as Attorney-General. I thank the Residents Association South—Sunshine Coast for their submission to my office and to the office of the Minister for Energy and Water Supply, Mark McArdle, the member for Caloundra. They did raise some concerns with respect to the cost issue. I thank the Deputy Premier and the assistant minister for the amendment tonight which will alleviate some of these issues with community pressures in terms of community. If one turns to the bill, you will see that the particular section that the opposition have referred to tonight in clause 61 is essentially deleted and replaced with the following provision—and I draw the attention of honourable members particularly to subsection (g), where it says—

In making an order for costs, the court may have regard to any of the following matters—

...

- (g) whether the proceeding involves an issue that affects, or may affect, a matter of public interest, in addition to any personal right or interest of a party to the proceeding;

So what we have is a mechanism now by which the court can decide. If it is in the public interest for a particular community group to have costs awarded for them, then they are able to do that. The discretion rests with the court.

The other issue is that at all times we try to have people mediate these things through alternative dispute resolution. So once the parties or the community or the developer or the council have particular objections, what they will do is they will have a mediation. We encourage everyone in mediation to sort it out. It saves everyone money if the matters do not progress to court. So once it is in a mediation, if the parties then cannot work out the dispute and they decide to progress—the community decides to progress or the council decides to progress—at the end of the day, the court has the discretion to award costs and, as part of that discretion, they can take into consideration the public interest. That is one of the amendments being moved tonight. I thank the Deputy Premier for that amendment tonight because it certainly does alleviate a lot of the issues with respect to costs.

I do agree with the Deputy Premier that there are far too many vexatious and frivolous litigations across the state led by particular groups that shall remain nameless tonight. But there are groups who just have a play in court for the particular reason of dragging out the process. We are about growth in the industry. We are about growth in Queensland. We want jobs and opportunities for Queenslanders. The only way we can get those jobs and opportunities is to realise the fact that construction is a key pillar of the economy and we want to get that ball rolling.

In that regard, I hope that, for the members of the Residents Association South—Sunshine Coast group this new provision in the amendment the Deputy Premier is moving tonight does go some way to alleviating their concerns about community interest. The Planning and Environment Court will be able to take into consideration the public interest. It is community groups that want to take these matters to court.

In fact if they win, they will have costs awarded for them and against the developer. So it is not all against the communities. In fact they can have a win out of this if they win the court cases. But it is about trying to be a model litigant. We are trying to end the cases in Queensland where they are just going in for the fight with the developer for the sake of holding things up. We want to be model litigants and I would encourage community groups to be model litigants as well.

Again, I thank the Deputy Premier. I put on record again my concern that if Investa wish to proceed in any other way other than with the structure plan that is currently for the Sippy Downs community in the Palmview area then they will have a fight from the community. I give them that warning tonight. I would encourage them to sit down with the community association and the council, to get on with the job and deliver the Palmview development as quickly as possible but in the best possible way according to the current structure plan that has been in place for years now, preserved, I am glad to say, by this legislation. Thanks again to the member for Mansfield for his reform agenda and being the go-to person for the cabinet. I thank the assistant minister and the Deputy Premier for the work they have done on this. I commend the bill to the House.