Speech by

Hon. Jeff Seeney

MEMBER FOR CALLIDE

Hansard Thursday, 13 September 2012

SUSTAINABLE PLANNING AND OTHER LEGISLATION AMENDMENT BILL

Hon. JW SEENEY (Callide—LNP) (Deputy Premier and Minister for State Development, Infrastructure and Planning) (2.30 pm): I present a bill for an act to amend the Airport Assets (Restructuring and Disposal) Act 2008, the Coastal Protection and Management Act 1995, the Environmental Protection (Greentape Reduction) and Other Legislation Amendment Act 2012, the Fisheries Act 1994, the South-East Queensland Water (Distribution and Retail Restructuring) Act 2009, the Sustainable Planning Act 2009, the Transport Infrastructure Act 1994, the Water Act 2000 and the Water Supply (Safety and Reliability) Act 2008 for particular purposes. I table the bill and the explanatory notes. I nominate the State Development, Infrastructure and Industry Committee to consider the bill.

Tabled paper: Sustainable Planning and Other Legislation Amendment Bill 2012 [1054].
Tabled paper: Sustainable Planning and Other Legislation Amendment Bill 2012, explanatory notes [1055].

I am very pleased to introduce the Sustainable Planning and Other Legislation Amendment Bill 2012. The state government is committed to restoring efficiency and consistency to the planning and development assessment system to get the property and construction industries back on track. As promised, our government is well underway in reforming and simplifying the planning framework through removing unnecessary regulation from the system and fixing the Sustainable Planning Act 2009.

Between May and July this year, we demonstrated our commitment to planning reform by collaborating with the Local Government Association, industry and the environmental sector to identify ways to improve the planning and development system. The Sustainable Planning and Other Legislation Amendment Bill 2012 is a direct response to industry and local government feedback. Over the last four months we have conducted a consultation process that has resulted in this bill being here today. That consultation process has been conducted by the Assistant Minister for Planning Reform, the member for Mansfield, Ian Walker. I acknowledge the great job that Ian has done on the preparation of this bill.

This bill contains seven proposals to streamline the state government's involvement in development assessment, to reduce red tape and to remove the inefficiencies which are strangling economic growth in Queensland. Inefficiencies in development assessment processes and the failure to simplify planning and environmental legislation have resulted in conflicting state government policies and interdepartmental coordination issues. The current system gives multiple agencies referral or assessment powers for particular development applications. Where more than one agency has an interest in a development, this has led to the different state agencies giving conflicting directions about the approval, different conditioning or even the refusal of an application. However, there can be only one whole-of-government direction for development. Therefore, we are proposing the centralisation of the state's role in development assessment.

This bill will establish a sole state assessment and referral agency to deal with all development applications under state government jurisdiction. The varying statutory roles of multiple state agencies under Queensland's development assessment system will be consolidated in one place in one department. This bill is not about overhauling the planning and development system; it is about getting

back to fundamentals and empowering local governments to make planning decisions. The state government will not replace the responsibilities of the local government in the development assessment process.

The chief executive of my department will take a leadership role in resolving interdepartmental coordination issues by streamlining the state government's involvement in development assessment; providing a coordinated state assessment or response to a development application; reducing the need for an applicant to resolve multiple and/or conflicting state agency responses to an application; and ensuring that the state's interests in a development are properly balanced and that the conditioning of development is not onerous on the applicant.

This bill will reduce the complexity of the planning system and the proposals within it will minimise the risk of missed state agency referrals. It will increase certainty in development assessment outcomes and ensure that the development industry can grow and flourish. My department is currently considering the operational model for the single state assessment and referral agency. We are doing this in consultation with other state agencies so the process can commence in early 2013, once the practical arrangements are in place.

This bill is about fixing the planning and development system and no longer undermining the system with new layers of unnecessary regulation. It will reduce red tape for business and industry and address bureaucratic differences in the planning system by enabling assessment managers including local government to have the discretion to accept a development application that has not been properly made; by separating state resource allocation and entitlement requirements from the development application process; and by removing master planning and structure planning arrangements which have proven to be ineffective and which can be addressed in better ways.

Ongoing changes to the regulatory environment have led to additional resource and reporting requirements, time delays and inconsistencies. Under the current system, development applicants are required to submit certain mandatory supporting information with a development application which does not always add value. The bill gives local governments discretion to accept applications that do not provide all of the mandatory supporting information. This will reduce red tape, delays and risks to applicants.

This bill will simplify the development assessment process without removing mandatory requirements for a development application. We will decouple state resource allocation or entitlement requirements from the development assessment process. This will enable developers to get their development approval sooner and enable them to undertake their regulatory obligations in a more efficient and flexible way.

Master planning and structure planning provisions in the Sustainable Planning Act 2009 have proven to be ineffective and have not added value to the planning partnerships arrangements. We will remove the master and structure planning provisions but preserve the use and development rights established by existing master plans and structure plans through transitional provisions. By removing master and structure planning provisions, we are helping to streamline plan-making processes and enable local governments to carry out more effective and strategic planning.

My department will ensure there is strategic guidance at the regional level through clearer and more focused regional plans. We will reform and streamline plan-making processes, we will enable local governments to carry out integrated land-use and infrastructure planning, and we will support a partnership approach with industry for develop assessment in key growth areas.

This bill also achieves a more consistent risk based approach to development assessment by ensuring that certain parts of the Queensland Planning Provisions apply to all local governments. For example, compliance assessment could be introduced for low-risk operational works such as electrical drawings, internal electrical reticulation and landscaping and be consistently applied to all local government planning schemes.

Our government is supportive of the introduction of alternatives to traditional development application processes by ensuring that maximum limits of assessment can apply consistently across Queensland. The Queensland Planning Provisions will drive flexibility by allowing local governments to adopt an even lower level of assessment such as self-assessible or exempt development for low-risk operational works.

This bill also expands the powers of the Planning and Environment Court in order to improve dispute resolution. This is achieved by giving the courts expanded discretion to order costs and enabling the Alternative Dispute Resolution Registrar to hear and decide minor disputes. Under the current system, the Planning and Environment Court is essentially a cost-free jurisdiction in that ordinarily each party pays its own costs. During the extensive consultation that we conducted, many stakeholders identified a number of circumstances where there were shortcomings in the current costs provisions. These circumstances include instances where a development has been approved but disputed for reasons not based on sound town-planning principles, for example, competing commercial interests; appeals lodged by third parties for

reasons other than those based on sound town-planning principles; and situations where small scale developers wish to challenge conditions imposed by local governments but it is not cost effective for them to do so because they would have to pay their own costs even if successful.

In order to address these types of issues, the bill gives the Planning and Environment Court general discretion in relation to costs with the general rule that costs follow the event unless the court orders otherwise. Changes to the costs provisions will also ensure that a party, such as a local government, when enforcing development approvals or responding to development offences, such as unlawful uses, can recover investigation costs and the costs of enforcement proceedings.

We are supportive of the improved efficiency of the court. To ensure the court can be more efficient, we propose to enable the Alternative Dispute Resolution Registrar to adjudicate and decide non-complex, relatively minor matters. This will improve access to justice for the public at a reasonable cost and allow disputes to be resolved sooner.

Madam Speaker, as you are aware, the state government is committed to restoring efficiency and consistency to the planning and development system. This bill is just one of many ways my department is ensuring that Queensland's planning system is responsive to the community's needs and able to facilitate the economic, social and environmental development outcomes that our government wants to achieve. I commend the bill to the House.

First Reading

Hon. JW SEENEY (Callide—LNP) (Deputy Premier and Minister for State Development, Infrastructure and Planning) (2.41 pm): I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

Referral to the State Development, Infrastructure and Industry Committee

Madam SPEAKER: In accordance with standing order 131, the bill is now referred to the State Development, Infrastructure and Industry Committee.