



Speech by


Hon. Jeff Seeney

MEMBER FOR CALLIDE

Hansard Tuesday, 13 November 2012

SUSTAINABLE PLANNING AND OTHER LEGISLATION AMENDMENT BILL

Second Reading

 **Hon. JW SEENEY** (Callide—LNP) (Deputy Premier and Minister for State Development, Infrastructure and Planning) (8.33 pm): I move—

That the bill now be read a second time.

Tonight it is gratifying to bring to the House the Sustainable Planning and Other Legislation Amendment Bill for its second reading. It is also noteworthy that this bill follows immediately upon the passage of the Local Government and Other Legislation Amendment Bill. I congratulate the Minister for Local Government on the great job that he did shepherding that bill through the House tonight. Taken together, these two bills will mean quite profound change for the better for many communities across Queensland. Taken together, the two bills will fundamentally change the way that many councils across Queensland operate and carry out their responsibilities on behalf of their communities. When in opposition, councils right across Queensland gave us the constant message that local governments had been restricted by the former government to a point where they did not believe that they could fulfil their roles. It was also a constant message to us in opposition that, under the former legislation, the planning system and the planning approvals that are so important for the development of those communities were so difficult that many people who wanted to invest in those communities simply made the decision that it was far too hard. Therefore, tonight it is noteworthy that these two bills, the Local Government and Other Legislation Amendment Bill and the Sustainable Planning and Other Legislation Amendment Bill, pass through this House in sequence.

This is the second reading of the Sustainable Planning and Other Legislation Amendment Bill. I begin the consideration by, once again, congratulating the member for Mansfield. The member for Mansfield was appointed as Assistant Minister for Planning Reform when we came to government. We will always be remembered as one of the better appointments that the Premier made, because we have worked well together to address an issue that required a lot of consultation with a whole range of stakeholders. It required a lot of technical knowledge, which the member for Mansfield undoubtedly has, and it has taken a great deal of work to get this bill into the House tonight.

Planning reform was one of the fundamental promises that we made to the people of Queensland. We were very clear that we were going to reform the planning system. We have set about doing that on a whole range of levels. Currently, the state planning policies are being melded into a single state planning policy. We are amalgamating some nine, 10 or 12 policies, depending on whether or not you count the secret ones and the ones that were never published. The absurdity that the former government made of planning is being melded into something that is sensible and reasonable and that can provide direction for communities right across Queensland.

Into the planning system we have introduced a requirement for planners to focus on the four pillars of the economy. We want to ensure that the planning systems and the town plans enable the growth of the four great pillars that we have identified in our election commitment to the people of Queensland and about which we have talked for so long. We want to ensure that planning schemes across Queensland do facilitate economic growth, that they do allow communities to grow and that they do ensure that the agriculture, resources, tourism and construction industries, as well as all of the other industries, can grow and flourish and provide the economic base that Queenslanders need. All of that work has been happening.

Anyone with even a passing knowledge of the planning industry knows that these things are complex and it takes a great deal of time to get to the end result. Therefore, it is gratifying that, after about eight months in government, tonight we bring into the House for its second reading the first major bill to amend the Sustainable Planning Act. It will not be the last. Tonight I make it very clear to the members of this House and the people of Queensland that this bill is the first step in a process that will be ongoing. It is the first step in a process about which we will continue to consult the people in communities throughout Queensland. My assistant minister, the member for Mansfield, will continue the great work that he has already done consulting interest groups to make sure that the further amendments to the Sustainable Planning Act, which we are already beginning to work on, will reflect what interest groups want to see happen and will reflect what communities need from a planning system.

Since it was introduced into this parliament some months ago, this bill has been considered by the State Development, Infrastructure and Industry Committee. In particular, I congratulate the committee chairman, the member for Mirani, Ted Malone. I congratulate all the members of the committee for the work that they have done and the comprehensive report that they have produced in regard to this bill.

The committee has considered the bill and has made six recommendations, including that the bill be passed. I thank them for that one in particular. I also thank the committee for its other five recommendations. I thank the committee for the support and the comments that it has provided to the members of the House. I am pleased to accept all of the committee's recommendations. I will be moving amendments to put them into the bill during the debate tonight. I have accepted all of the committee's recommendations and we will action them tonight with the passage of this bill.

I note that throughout the committee process the proposed change to the Planning and Environment Court cost provision was the most contentious aspect of the bill, with a majority of stakeholders seeking change. About that, I was not surprised because it was always going to be contentious. The issue was always going to arouse emotion and it did during the committee process. No doubt it will tonight too as various members of the parliament make their contribution about that. I will be moving a number of amendments during the consideration in detail stage of the bill that will give effect to the committee's recommendations in that regard as well.

In addition to these, I will move amendments to improve the clarity of the bill. These amendments do not reflect a new policy intent, but will improve the workability of the state assessment and referral agency and the transition of master-planning and structure-planning arrangements for declared master planned areas. I will of course deal with them in detail at the proper time during this debate.

I note that the Deputy Leader of the Opposition has lodged a statement of reservation on the bill. He considers that the committee did not consider feedback provided by stakeholders in relation to the Planning and Environment Court cost provisions, which I know is quite untrue. He also suggests that there is no evidence to support the need for change. I would suggest that he go out and talk to the community, go out and talk to the stakeholders just as the member for Mansfield did and just as lot of members on this side of the House have done. The message will be delivered to the Deputy Leader of the Opposition very clearly about the need for change in this particular regard.

He and other members can argue about what that change should be, but nobody can suggest that there is not an appetite in the community to change this particular provision. Nobody can suggest that it has not caused concern and that there is not a high level of interest and a high level of concern about the outcomes that it produces.

During the planning forums that were held by the assistant minister in May to July this year, local governments and industry expressed concern with respect to a whole range of issues but especially with respect to the issue of vexatious appeals. The committee has had the difficult role of balancing the views of all stakeholders to determine the best possible outcomes for all users of the system. The amendments that will be moved in the House tonight are about striking that balance—about finding the balance between the differing points of view. No doubt the opposition will stridently, as they always do, pursue one particular point of view. That is a luxury that is available only to the opposition. Any government has to find the balance between the differing and counter points of view that are expressed on an issue such as this. I think the amendments that I will move later will do that.

As a result of the stakeholder views and the committee's report, I will move an amendment that addresses this issue by removing the words 'follow the event unless the court orders otherwise'. The one

exception is in cases involving enforcement which are generally brought forward by local governments. In these circumstances, costs of a proceeding are intended to follow the event unless the court orders otherwise. In those circumstances, the event—that is, who won or lost—can readily be determined.

I will also move amendments that address other concerns relating to costs in the public interest which will provide transparency and a framework for the making of cost orders without compromising the government's policy intent to discourage cases that are weak or cases that are instituted for an improper cause and an improper purpose and to encourage early mediation. It is in everybody's interest that these issues are mediated and that they do not go to court.

The Deputy Leader of the Opposition also raised concern about the removal of the master-planning and structure-planning provisions for declared master planned areas. However, some of the concerns raised are either not covered by the bill—for example, the bill applies only to declared master planned areas—or will be addressed through amended transitional provisions which I will move during consideration in detail.

The Deputy Leader of the Opposition also raised concern that the suggestion raised by the Sunshine Coast Regional Council was not considered. The council proposed the flexibility to opt in or out of current master and structure plans. However, this arrangement is contrary to the intent of removing these provisions to remove cumbersome and process driven regulatory requirements.

I again thank the committee for its review of the bill and for the recommendations that it has made. I look forward to hearing the contributions of members of the parliament tonight as we consider the passage of this bill.