




Speech By
Tim Nicholls

MEMBER FOR CLAYFIELD

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PLANNING AND DEVELOPMENT (PLANNING FOR PROSPERITY) BILL

Introduction

 **Mr NICHOLLS** (Clayfield—LNP) (11.34 am): I present a bill for an act to facilitate Queensland's prosperity by providing for an efficient, effective, transparent, integrated and accountable system of land use planning and development assessment. I table the bill and the explanatory notes. I nominate the Infrastructure, Planning and Natural Resources Committee to consider the bill.

Tabled paper: Planning and Development (Planning for Prosperity) Bill 2015 [\[556\]](#).

Tabled paper: Planning and Development (Planning for Prosperity) Bill 2015, explanatory notes [\[557\]](#).

It gives me great pleasure to stand here today to present this bill to the House. A great deal of work has gone into the bill and the two other bills which I will be presenting shortly. At the outset, I want to acknowledge the work done by the member for Callide, his former ministerial office and his former department—a power of work done by all involved in modernising Queensland's planning system. This is a significant bill that was three years in the making. Consultation on reviewing the Sustainable Planning Act began in 2012. What did that extensive consultation show? That reform was needed; that the Sustainable Planning Act is long, complex and unresponsive, resulting in an overregulated and burdensome planning system that stifles instead of facilitates development.

These were some of the concerns identified by stakeholders: that it is difficult to understand and navigate the more than 700 pages of current legislation and multiple related instruments; that planning schemes prepared under the current legislation are difficult to understand and apply; that there are inconsistencies between the strategic intent of schemes and the provisions applying to development assessment which create the potential for process dysfunction; that it takes too long for planning schemes to be made and amended; that the system overregulates particular activities—for example, in some schemes low-risk activities such as constructing a driveway or landscaping require a development application; that it can be difficult to determine when, where and how to make a development application; that a development application can take an unnecessarily long time to proceed through the system, even when the proposal is delivering on the intent of the planning system; that the quality of the decisions made in the assessment process is variable; and that provisions of the act are difficult to apply in court proceedings. As members can see, there are a variety of problems and issues that had never been dealt with by the former government.

When all areas for reform were considered together, it was evident that the most efficient and constructive way of adopting changes was through the development of a new streamlined act, and that is why in June 2013 the LNP government announced that it would prepare new legislation to replace the Sustainable Planning Act. What followed was a significant process of engagement with key stakeholders. The government and department went out there and consulted widely with the people who would be impacted by the proposed changes to the planning scheme. An early working version of the ideas for discussion was released in April 2014 to a targeted but large group of

recipients comprising the Annual Planning Forum member organisations, focus group members and a range of other stakeholders engaged in developing the bill. Feedback was invited and, along with further scrutiny by fora and focus groups, informed the bill. A consultation draft bill was released for open consultation on 1 August 2014 for an eight-week period to 26 September 2014. The draft bill was forwarded to every council in Queensland as well as to all attendees at the Annual Planning Forum 2014, all identified stakeholder groups including the memberships of the forum, focus groups and others, and the bill was also available during that period on the department's website. I table the *Draft planning bills 2014 submission overview*, which serves to illustrate the widespread consultation undertaken prior to the introduction of the three bills that I will table today.

Tabled paper: Department of State Development, Infrastructure and Planning: Draft Planning Bills 2014—Submission overview, December 2014 [558].

Of course in November 2014 the member for Callide introduced a bill which subsequently lapsed. Today's bill largely mirrors that bill, with a few minor amendments which I will discuss later. As I said, this bill is the culmination of three years of work by a large number of people. It is the culmination of some significant work undertaken to improve Queensland's planning system. In government the LNP pledged to make property and construction one of the pillars of our economy. That is why we took efforts to relieve the tax burden on homebuyers and stimulate new housing construction activity through our \$15,000 Great Start Grant.

We also established a single state planning policy to simplify and clarify matters of state interest in land use planning and development. We launched SARA to streamline development applications, providing a one-stop shop for development approval applications. We also established Economic Development Queensland as a streamlined business unit for urban development. We appointed a property cabinet subcommittee to deal with and unblock the logjams that people were experiencing under the former government. We also proceeded to reintroduce the principal place of residence concession, bringing back something that Labor had taken away in its last term in office owing to its financial mismanagement. This legislation continues the good work that has been started—the good work that has been recognised as recently as today by the Property Council of Australia in its 2015 development assessment scorecard. This bill is something that the previous government consulted widely on. It is something that industry wants and it is something that will help foster economic prosperity and jobs in Queensland.

The bill proposes to repeal the Sustainable Planning Act and the associated regulation, replacing them with a new act and regulation. Only a small number of the Sustainable Planning Act provisions that are required to transition some older arrangements will transfer across to the proposed legislation. The objectives of the bill are to deliver Australia's best land use planning and development assessment system by providing simplified plan-making arrangements by reducing the complexity of state instruments and establishing more suitable processes for plan making and improving infrastructure designation; a streamlined development assessment system by simplifying the categories of development in decision rules and an act that is navigable and easy to use; and removing procedural and prescriptive detail and obsolete and redundant provisions of the Sustainable Planning Act 2009.

The bill's purpose is to facilitate the prosperity of Queensland, pursuing ecologically sustainable development balancing economic growth, environmental protection and community wellbeing. To achieve this, the bill provides for an efficient, effective, transparent, integrated and accountable system for planning and development assessment. Consistent with the intention to remove the barriers to efficient and effective plan making and development assessment practices, it is proposed that the legislation's purpose be focused on the characteristics of the system that it establishes and not the outcomes that the system is intended to achieve at any given time. The outcomes to which the system is directed are clearly expressed through the state planning policy, regional plans and planning schemes.

This clear distinction between the system and its outcomes means that the legislation is much simpler and concentrates on the central and salient features of the system. This provides for more navigable and effective legislation. The features of this system include state planning policy that is a comprehensive expression of the state's interest in the planning and development of Queensland; regional plans that direct the way in which state planning policy applies to particular parts of the state; planning schemes with clear, purposeful, strategic intent given appropriate effect through complementary and facilitative land use policies and development requirements; development assessment provisions and processes that provide for the expeditious determination of development proposals; dispute resolution procedures that are fair, accessible and affordable; the basis for using temporary instruments, both state and local, to address an urgent concern about a potential planning or development outcome; the ability for the state to determine proposals for facilities or utilities that

are a necessary part of a functional community; arrangements for determining and applying charges for essential trunk infrastructure; and the means by which the state is able to ensure that the system is operating effectively.

To achieve this policy, the bill reduces the current number of mechanisms for expressing the state's interest in plan making from four instruments to two instruments by removing state planning regulatory provisions and standard planning scheme provisions. Regulatory matters in these current instruments that need to continue will be and can be carried forward in a regulation. This improves significantly the current complex hierarchy and range of instruments and potentially conflicting policy positions. It improves the mechanism to support the provision of community infrastructure by removing the need for separate or additional referrals. Local governments will no longer be able to designate infrastructure as they will have alternative mechanisms available to achieve the same outcome. It refines the current framework for making and amending local planning schemes to build in more flexibility to negotiate a process that is fit for purpose for a particular local government and confirming state interests early in planned development.

This scalable process is intended to deliver shorter processes, less complexity and greater opportunity for the early consideration of state interests. It changes the development assessment system to encourage a more deliberate assessment of risk by local governments as a basis for pushing more development out of the system where appropriate and, where it remains appropriate, to regulate certain types of development, to manage it more effectively and quickly.

The combination of fewer, more clearly defined categories of development, more straightforward decision rules and fit-for-purpose processes are intended to give confidence to local government to focus on higher risk development balanced with the interests of the community. The dispute resolution process is also refined by recognising its breadth of jurisdiction and establishing the Planning and Environment Court in its own act and, in the bill, expressing appeal rights more clearly and adopting efficiencies in the development tribunals.

To achieve the policy intent, the level of regulatory prescription is reduced, with an emphasis on making more non-mandatory guidance material available to assist and support practice and implementation. Process and detail is generally removed from the act and where process still needs to be regulated it is placed in a regulation or other instrument where it is appropriate to do so. It is not and should not be intended that a more concise act would be delivered by simply moving prescription to an expanded suite of statutory instruments.

Overall, the state will continue to have an integrated planning and development assessment system dealing with state, regional and local matters. Sound plan making, development assessment and dispute resolution processes are fundamental. The more effective parts of the current framework will continue, with adjustments to enable operational improvements and behavioural change. The legislative requirements are simplified through the bill, incorporating key changes that improve arrangements and processes and provide a more navigable, effective act and system.

A rather significant change in the legislative arrangements is the removal of the Planning and Environment Court's establishment to its own specialist act. This is achieved through the accompanying Planning and Development (Planning Court) Bill 2015. The Planning and Development (Planning Court) Bill, which I will be introducing shortly, complements the Planning and Development (Planning for Prosperity) Bill 2015. Together, both bills will govern the development assessment dispute resolution system in Queensland, which comprise the Planning and Environment Court, which hears more complex, high-risk matters generally started by applicants and submitters; an alternative dispute resolution registrar who, as an officer of the Planning and Environment Court, conducts mediations, without prejudice conferences, case management conferences and has the power to hear and decide certain low-risk proceedings started by applicants and submitters at a low cost unless otherwise determined by the court; and the development tribunals, which were formerly the building and development dispute resolution committees, which hear certain low-risk, technical disputes started by applicants only established under the Planning and Development (Planning for Prosperity) Bill 2015.

Similarly, the Planning and Development (Planning for Prosperity—Consequential Amendments) and Other Legislation Amendment Bill 2015 makes the consequential amendments required for the proposed enactment of the Planning and Development Bill and the Planning Court Bill and the repeal of the Sustainable Planning Act. The Planning and Development (Planning for Prosperity—Consequential Amendments) and Other Legislation Amendment Bill, which I will also introduce shortly, makes the amendments required as a result of the reform of the planning legislation, including updating Sustainable Planning Act terminology and references in other acts and

reflecting the consolidation of planning functions within the Planning portfolio. The practical implementation of the new framework has been a key consideration in shaping the bill. Considerable efforts have been dedicated to understanding how ideas will work on the ground and assisting the smooth transition of councils, practitioners and industry to the new framework.

I would now like to turn my attention to some of the amendments that we have made to the original Planning and Development Bill 2014 as presented in November last year. We have removed the provisions that allowed for development applications to be accepted by the assessment manager without the owner's consent. In deciding to make this change, I had consultation with a number of key industry groups and others. It is fair to say that they were understanding of this relatively straightforward change. Fundamentally, it means that a person is not able to put in a development application over a piece of land you own unless they have your consent.

We have also removed clause 176 of the original bill, which describes when a fine is payable to a local government. Although this is not the most desirable outcome, it is, of course, necessitated by the operation of the Constitution of Queensland, the Parliament of Queensland Act, in dealing with revenue to the Consolidated Fund or otherwise away from the Consolidated Fund. I should also say that the LNP is open to further amendments to the bill should they be required and desired after consultation and full operation of the committee system.

This is an important bill. It is a bill that will have impacts across the state. We are willing to listen to stakeholders and third parties about amendments they would like to see as part of the committee process. It was important to introduce this bill today. The LNP has been working hard and engaging with industry groups since the election to be ready to reintroduce this legislation. I know the reintroduction of these planning reforms were key requests of industry groups like the Property Council and the UDIA to both the opposition and the new Labor government. One only has to look at the Property Council's development assessment report card released today to know that this is what industry wants.

I quote the Executive Director of the Queensland Division of the Property Council of Australia, Mr Chris Mountford—

Over the past three years

that is, under the LNP—

Queensland has implemented a number of reforms which have seen the State's score increase to 6.8. This makes Queensland the biggest improver over the period.

He continues—

Importantly the report also shows that the efforts made by state and local government to improve the system in recent years have been noticed and welcomed by industry.

Off the back of this work, Queensland is now well positioned to achieve the aim of having the best planning and development assessment system in the country in the coming years.

But the job is not done yet. There is a need to maintain the momentum that has been established if planning reform is truly going to be a tool to drive economic growth and address housing affordability in Queensland.

By introducing these laws today, the LNP is ensuring we maintain momentum. We are delighted to be able to deliver on these important commitments because fundamentally the LNP is committed to building a more prosperous economy and that is what this legislation will deliver.

In the last week we have seen various statements from the Deputy Premier about her commitment to planning reform. We saw the release of a discussion paper, which largely reflects the work undertaken when the LNP was in government, and we saw a commitment to introduce legislation at some stage. This again highlights the concern the business community has with this government. It wants to delay fundamental reforms for as long as it can. It is obvious that the legislation I am introducing today is the result of a comprehensive consultation process that will get the process moving again in Queensland.

Again I quote from the Property Council's development assessment report—

There is a positive energy that has been generated by the open and frank discussions regarding the new legislative framework, with substantial industry engagement.

That consultation can continue through the committee process as well, but it is important that we get moving in this area. Growth in housing construction has been providing important economic activity here in Queensland. As the investment in resources projects at Gladstone continues to wind down, housing construction will play an even bigger role as the Queensland economy transitions away from the resources boom.

We have seen some fantastic growth as a result of the LNP's reforms in this space. Seasonally adjusted building approvals are now almost 60 per cent higher than they were in March 2012 when the LNP came to power. Yesterday's state final demand figures show growth in dwelling investment of 15.7 per cent over the year, with investment in new dwellings going up by 26 per cent. This legislation facilitates that housing activity. This legislation keeps the momentum that the industry wants to see. This legislation strengthens housing and construction as one of the main pillars of the Queensland economy. This legislation reforms and simplifies planning and this will have a positive economic impact and a positive impact for jobs in Queensland and it is important we get on with the job.

If this government is truly committed to growing the economy and creating jobs it will work constructively with the LNP through the committee process to ensure we can deliver Australia's most efficient planning system right here in Queensland. I commend the bill to the House.

First Reading

Mr NICHOLLS (Clayfield—LNP) (11.53 am): 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 Infrastructure, Planning and Natural Resources Committee

Madam DEPUTY SPEAKER (Ms Grace): Order! In accordance with standing order 131, the bill is now referred to the Infrastructure, Planning and Natural Resources Committee.