




Speech By  
**Brittany Lauga**

**MEMBER FOR KEPPEL**

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Record of Proceedings, 11 May 2016

**PLANNING BILLS (COGNATE DEBATE)**

 **Mrs LAUGA** (Keppel—ALP) (9.24 pm): I feel a bit like Blackboard in *Mr Squiggle*—‘Hurry up.’ I rise this evening to speak in support of the government’s planning bills and against the private member’s bills and the opposition’s amendments. The member for Burleigh has just spent a lot of time talking about how the bills are the same, but then they are different, but then they are the same, but then they are different. I really rebut that. These two bills are fundamentally different and they have fundamental differences, and I will go into detail. The member for Burleigh was talking about some of the dramatic differences being about the purpose of the bill, about ecological sustainability not being in the purpose of the opposition’s bills. That is a fundamental difference between the intent of the two bills. If he cannot understand that that is a fundamental difference between the two bills—and that is just one example of how the bills are fundamentally different—then perhaps he needs to read the report again.

The Infrastructure, Planning and Natural Resources Committee recommended by majority that the planning bills 2015 be passed and that the private member’s bill package not be passed. The government bills strike a good balance in terms of reform to shape Australia’s best planning system right here in Queensland.

Urban planning has been influential in developing Australia’s modern day cities and regions and has contributed to shaping our current settlement patterns. We want to plan with a purpose, because good planning should be the means to improve the livability, sustainability and prosperity of our state, our cities, our regions, our suburbs, our neighbourhoods and our streets. Good planning is the best way to manage urban growth, to secure necessary infrastructure investment, to determine appropriate settlement patterns for our cities and towns and to generate economic development that contributes positively to the wellbeing of individuals and communities and the natural and built environments on which we rely.

Planning contributes to more livable cities and regions by influencing the design of urban environments to create places that support the health and wellbeing of residents. This can be through planning controls that support housing choice, active transport options, access to open space and community facilities, together with other desirable features of livable places.

Planning strengthens communities, facilitates economic development and improves the choices available for where and how people live and work. Planning facilitates decision-making and helps balance private, government and community interests for future net benefit. Planning helps identify hazards and reduce risks. It also identifies and protects environmental, social, cultural and heritage values. Planning plays a critical role in ensuring that our places and spaces are planned so as to deliver on a vision for our future cities and people. Planning for the future is critical to Queensland’s productivity and livability. Our Queensland cities and regions are a vital part of Australia’s economy and are essential to our success as a nation. Planning is an important tool in effectively managing the numerous and rapid changes facing our communities.

The Queensland government is committed to delivering a better planning system that enables responsible development and delivers prosperity, sustainability and livability for now and into the future. To create a better planning and development assessment framework, we need to: enable better strategic planning and high-quality development outcomes; ensure effective public participation and engagement in the planning framework; create an open, transparent and accountable planning system that delivers investment and community confidence; create a legislative framework that has a practical structure and clearly expresses how land use planning and development assessment will be done in Queensland; and support local governments to adapt to and adopt the changes.

I believe that planning reform can deliver a more efficient system that supports investment and jobs, but I do not believe that this must come at the expense of community participation or the role of local government. Importantly, the Palaszczuk government has always been committed to working in partnership with all stakeholders to deliver better planning for Queensland, and I believe the Palaszczuk government has achieved that ambition.

The planning bills 2015 were introduced on 12 November 2015 to fulfil the government's commitment to delivering a better planning system which enables responsible development, stimulates growth and innovation and ensures genuine public participation in the planning process. The bills reflect the government policy position announced in the Better Planning for Queensland directions paper in May 2015 and aim to deliver Australia's best land use planning and development assessment system.

Legislative review of the current land use planning arrangements in Queensland has been underway for a number of years. In the course of review, there has been considerable engagement with stakeholders including local government, peak bodies, industry, professional and legal representatives, community and environmental groups, and the public to identify key reforms around plan making, development assessment, dispute resolution and other areas of the planning system. Planning reform over the years has been an iterative and progressive process. We said that we would keep those elements of the former government's reform that made sense but ensure that we get the balance right between community, environment and development.

One of the key points of difference between the government's bills and the private member's bills is that ecological sustainability is identified as a core purpose of the bill. Ecological sustainability is defined as a balance that integrates environmental, economic and social factors, and a large number of submitters were supportive of the core ecological sustainable principles of the bill, as am I.

The amendments to address the Queensland Heritage Council issue have been prepared on the basis of draft provisions provided by the chair of the council, Professor Coaldrake. He has indicated his support for these provisions to be included in the planning legislation rather than the heritage legislation with a cross-reference in the Queensland Heritage Act. Also, with respect to the code and impact assessment versus standard and merit assessment debate, the committee recognised that there are sound arguments for each pair of terms for the categories of development.

Nevertheless, to minimise the changes for stakeholders, the committee was of the view that the planning legislation should retain the terms 'code' and 'impact' rather than move to 'standard' and 'merit'. Having worked as a planning consultant for many years, I can speak from experience that I believe the community and industry have all become accustomed to the terms 'code' and 'impact' over the 18 years since the introduction of the Integrated Planning Act in 1997. It is my view that the proposed changes would only serve to undo all of that work in building awareness of the existing code and impact categories of development.

The committee was of the view that there is merit in making details about exemption certificates available to the public. We made a recommendation that the minister require local government and the chief executive to publish details about exemption certificates they give, and I am pleased that the government has agreed to adopt this recommendation.

The committee acknowledged that the introduction of chosen assessment managers may benefit some stakeholders, but we were concerned about some of the issues raised by submitters in respect of this change. We recommended that these issues, particularly those regarding transparency of decision-making and the liability for decision-making, be addressed.

The bill provides that an assessment manager must approve a code assessable development with a presumption in favour of approval. Some stakeholders were in favour of the presumption while others sought to have the provision amended. The committee supported the inclusion of the presumption in favour of approval because we believe it is essential for the efficient operation of the planning system and to ensure that the new framework is able to achieve its desired outcomes.

The committee supports the bill facilitating greater transparency and consultation. The committee acknowledged the importance of community engagement and that members of the community who seek engagement in regard to local planning and development matters are not usually planning and

development professionals and so they do not have the time or the resources to act as a watchdog for all community interests. As a result, the committee has urged the department to continue to improve the access and ability for community consultation and engagement to minimise community concerns.

The committee supports transparency and accountability in decision-making. Nevertheless, we recognise that some local governments may not currently have the resources to meet the new publication requirements relating to notices about development application decisions. We recommend that the department continue to consult with local governments regarding the commencement and content of these provisions with the objective of providing transparent and accountable decision-making.

Also, the committee heard evidence from the Queensland Catholic Education Commission and Independent Schools Queensland regarding infrastructure charging. As a result of the QCEC's and ISQ's representations, the committee recommends that infrastructure charging for both state and non-state schools should be consistent and equitable and, therefore, both state and non-state school providers be exempt from paying infrastructure charges where the development is undertaken through ministerial designation, and I am pleased that the government has moved amendments to that effect.

The majority of the committee supported the court costs provision of the Planning and Environment Court Bill, which directs that each party pays its own costs for proceedings, which includes frivolous and vexatious proceedings. The majority of the committee is satisfied with the department's advice that the proposed cost provisions in the P&E Court Bill will provide the right balance between people exercising their legal rights without the fear of costs being awarded against them whilst also providing protection against frivolous and vexatious proceedings. The court costs provisions of the government bill address the fear of individuals as well as resident and community groups, of having costs awarded against them, and this will support community participation in planning and development matters. I support the ability of the court to award costs in circumstances where the court considers the proceeding to be frivolous or vexatious.

I have had clients in the past where developers have used the awarding of costs as a tool to obtain an advantage over them. It is a case of David and Goliath—a contest where a smaller, weaker opponent faces a much bigger, stronger adversary with bulging legal budgets. Tonight, I support David, the mums and dads, the little guy who should not be afraid of appealing a development on the basis of a risk that they may have to pay their opponent's legal fees. The opposition is pandering to big business, who love cost provisions because they can use it against opponents who are sensitive to the cost of appeals in the court. That is not in the spirit of the rule of law.

The suite of government bills will influence how our society will look into the future and will set the framework for how we proactively address the challenges that we face on that journey into the future. Australia and, indeed, Queensland is faced with some major challenges into the future. Demographic change of our society, the scope and direction of technological change, changes in the global economy, the future of work including where we work and how, and the prospect of climate change and resource scarcity are all important issues which planners are already working on.

The planning and financing of significant infrastructure to enhance the efficiency of transport and energy networks and ensure water and energy security is an essential component in the growth of efficient and productive cities and regions. Cities and regions require both economic and social infrastructure in order to be prosperous and livable. Transport, water, energy and telecommunications infrastructure will continue to play a key role in supporting the economy.

The Palaszczuk government is committed to planning and delivering infrastructure across the state. The State Infrastructure Plan, released in March of this year, outlines a new strategic direction for the planning, investment and delivery of infrastructure in Queensland. I commend the work of the Deputy Premier to deliver the plan, which not only sets a clear vision for the future with an approach to infrastructure planning and prioritisation that articulates how we will respond to key opportunities and challenges facing Queensland but also provides certainty through a program of investment over the next four years and outlines future opportunities in order to encourage innovation and ideas from industry. To support the implementation of the State Infrastructure Plan, the Palaszczuk government has made an initial investment of \$500 million in a state infrastructure fund. Once enabling economic infrastructure is in place, investments in social infrastructure like schools, hospitals and emergency services are necessary to maintain the livability of communities.

I would like to thank my colleagues on the Infrastructure, Planning and Natural Resources Committee—in particular, the chair, the member for Mirani, and the secretariat for their support. I also thank all of the witnesses who appeared before the committee, including those at the regional hearings. The committee held regional public hearings in Cairns, Townsville and Mackay in January, and in

February a public hearing was held in Brisbane. I also thank all of the individuals and organisations who took the time to make submissions in respect of the bills. The committee received 127 submissions from stakeholders across Queensland and from across the sector.

It is no secret in this place that planning is a passion of mine. Planning matters and planners make a difference. Planners help manage change on a local, regional, state and national scale. Planners develop policy, identify and deliver agreed community outcomes, often in politically charged environments. A planning framework means nothing without the planners who activate it.

I would like to pay tribute to the planners across Queensland who on a daily basis contribute to solutions through encouraging vision, actively engaging and listening. I acknowledge Associate Professor Phil Heyward, a great friend and colleague of mine who is watching the debate on the online broadcast tonight. Phil has dedicated his life to the community through planning, and I thank him for all his work. I also acknowledge the hundreds of planners who are at the Planning Institute of Australia 2016 national congress here in Brisbane this week and who are currently enjoying the congress welcome function tonight. For those who have travelled from around the country and the world, we welcome you to Queensland. To planning students, young planners and experienced planners, thank you for the work that you do. Queensland is grateful for your passion, dedication to better outcomes and expertise in planning Queensland's future together with our communities and industry.

I commend the government bills to the House; I do not support the opposition's amendments.