



Speech By  
**Hon. Cameron Dick**


**MEMBER FOR WOODRIDGE**

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Record of Proceedings, 19 September 2018

## **ECONOMIC DEVELOPMENT AND OTHER LEGISLATION AMENDMENT BILL**

### **Message from Governor**

 **Hon. CR DICK** (Woodridge—ALP) (Minister for State Development, Manufacturing, Infrastructure and Planning) (11.23 am): I present a message from His Excellency the Governor.

**Mr SPEAKER:** The message from His Excellency recommends the Economic Development and Other Legislation Amendment Bill. The contents of the message will be incorporated in the *Record of Proceedings*. I table the message for the information of members.

#### MESSAGE

ECONOMIC DEVELOPMENT AND OTHER LEGISLATION AMENDMENT BILL 2018

*Constitution of Queensland 2001, section 68*

I, PAUL de JERSEY AC, Governor, recommend to the Legislative Assembly a Bill intituled—

A Bill for an Act to amend the Biosecurity Act 2014, the Building Act 1975, the Building Queensland Act 2015, the Coastal Protection and Management Act 1995, the Economic Development Act 2012, the Environmental Protection Act 1994, the Exhibited Animals Act 2015, the Housing Act 2003, the Land Valuation Act 2010, the Liquor Act 1992, the Neighbourhood Disputes (Dividing Fences and Trees) Act 2011, the Planning Act 2016, the Planning and Environment Court Act 2016, the Queensland Reconstruction Authority Act 2011, the Sanctuary Cove Resort Act 1985, the South Bank Corporation Act 1989, the South-East Queensland Water (Distribution and Retail Restructuring) Act 2009 and the legislation mentioned in schedule 1 for particular purposes, and to repeal the Southern Moreton Bay Islands Development Entitlements Protection Act 2004

(sgd)

GOVERNOR

Date: 18 September 2018

*Tabled paper:* Message, dated 18 September 2018, from His Excellency the Governor recommending the Economic Development and Other Legislation Amendment Bill [\[1372\]](#).

### **Introduction**

**Hon. CR DICK** (Woodridge—ALP) (Minister for State Development, Manufacturing, Infrastructure and Planning) (11.24 am): I present a bill for an act to amend the Biosecurity Act 2014, the Building Act 1975, the Building Queensland Act 2015, the Coastal Protection and Management Act 1995, the Economic Development Act 2012, the Environmental Protection Act 1994, the Exhibited Animals Act 2015, the Housing Act 2003, the Land Valuation Act 2010, the Liquor Act 1992, the Neighbourhood Disputes (Dividing Fences and Trees) Act 2011, the Planning Act 2016, the Planning and Environment Court Act 2016, the Queensland Reconstruction Authority Act 2011, the Sanctuary Cove Resort Act 1985, the South Bank Corporation Act 1989, the South-East Queensland Water (Distribution and Retail Restructuring) Act 2009 and the legislation mentioned in schedule 1 for

particular purposes, and to repeal the Southern Moreton Bay Islands Development Entitlements Protection Act 2004. I table the bill and the explanatory notes. I nominate the State Development, Natural Resources and Agricultural Industry Development Committee to consider the bill.

*Tabled paper:* Economic Development and Other Legislation Amendment Bill 2018 [\[1373\]](#).

*Tabled paper:* Economic Development and Other Legislation Amendment Bill 2018, explanatory notes [\[1374\]](#).

I am pleased to introduce the Economic Development and Other Legislation Amendment Bill 2018. The objective of the bill is to increase the operational efficiency of portfolio legislation, proposing amendments to the Building Queensland Act 2015, the Economic Development Act 2012 and acts consequential to the operation of the Economic Development Act, the Planning Act 2016, the Planning and Environment Court Act 2016, the Queensland Reconstruction Authority Act 2011, the Sanctuary Cove Resort Act 1985 and the South Bank Corporation Act 1989. The bill also proposes to repeal the Southern Moreton Bay Development Entitlements Protection Act 2004.

On 6 August 2018 the Queensland government released its response to the recommendations of the independent expert report titled *An administrative review of Building Queensland's operating arrangements*. Part of the response to three recommendations requires amendments to the Building Queensland Act. The recommended amendments proposed in this bill will enable the adjustment of the threshold for business cases that Building Queensland is required to lead. The other amendments to the act are minor and administrative in nature. One will reduce the frequency of the publication of the infrastructure pipeline report from every six months to annually in line with the budget process. The other amendment will allow for proxies for government Building Queensland board members.

Amendments to the Economic Development Act will implement improvements identified through six years of operation of the act, as well as improving its interaction with other acts and alignment of the act with the new Planning Act. Amendments in relation to the making of statutory planning instruments for priority development areas introduce greater flexibility to manage diverse and emerging circumstances. The amendments will allow minor amendments to the boundary of a priority development area in limited circumstances where it is necessary to make a minor correction or achieve better management or coordination of a priority development area.

Amendments are also proposed to allow for major changes to a priority development area boundary through a process of replacing a priority development area with a new priority development area, which will be useful for situations where there are different development outcomes proposed or there is a new or extended purpose for the priority development area. This amendment is also linked with the proposed refinement of the existing provisions that manage the revocation of priority development areas and transition of land back into a local government planning scheme under the Planning Act.

The bill also amends act provisions that provide for provisional priority development areas to improve their effectiveness and utility. Land use plans for provisional priority development areas take effect immediately and the priority development areas cease after three years. The proposed amendments allow for a minimum 15 business day public consultation period on a draft provisional land use plan at the time of declaration of the provisional priority development area. The provisional land use plan is then finalised within 60 business days. During this interim period only development that would be allowable under the local planning scheme can occur.

Additionally, the bill provides for operational improvements to the priority development area development application process, including allowing for lapsing of development applications and substantial compliance with notification requirements. It also introduces priority development area exemption certificates that allow priority development area assessable development to proceed without a development approval in limited circumstances. The bill also strengthens enforcement and offence provisions consistent with the Planning Act and amends other acts to achieve interaction equivalent to the Planning Act. Amendments to the Planning Act 2016 will address operational matters arising since commencement of the act to provide clarity and certainty.

The bill amendments will restore certainty in the operation of the infrastructure charging framework by validating certain infrastructure charges notices issued under the repealed Sustainable Planning Act 2009. Under the previous planning legislation, the Sustainable Planning Act 2009, from July 2014 all local governments when issuing an infrastructure charges notice were required to provide reasons for the changes. The Planning Act continues to require accountability and transparency by ensuring an infrastructure charges notice includes how the charge has been worked out. In addition, the bill will also provide that all infrastructure charges notices must state any other matter prescribed by regulation.

To ensure developers and councils have clear and fair expectations of the requirements of an infrastructure charges notice, my department will consult with stakeholders to discuss the right information that should be provided in an infrastructure charges notice, with the view to include appropriate content in the planning regulation in future. Infrastructure charges notices are an important aspect of development assessment and decision-making in Queensland. Local governments rely on the ability to levy infrastructure contributions from developers to provide the necessary services to communities across the state. These amendments will provide for and contribute to an efficient, effective, transparent, integrated, coordinated and accountable system of land use planning and development assessments in Queensland.

The bill also proposes removal of the provisions in the Planning Act relating to the requirement for submitter appellants to serve notice to other submitters. This provision responds to feedback from the Planning and Environment Court, as well as industry and legal practitioners, that the requirement for submitter appellants to notify other submitters of an appeal has proven in practice to be burdensome and ineffectual.

Importantly, this amendment does not remove the right of any submitter to initiate an appeal and puts back in place the arrangements under the Sustainable Planning Act 2009. This amendment is proposed to be supported by increased communication about appeals on the Department of State Development, Manufacturing, Infrastructure and Planning website, as the chief executive of the department must be served with and publish on the department's website each notice of appeal to the Planning and Environment Court.

Further vehicles will also be explored to ensure submitters are aware of this appeal information, potentially including references to the department's website in materials that the submitter may receive during the development assessment process. These communications will provide a reliable and accessible way for submitters to be informed about appeal proceedings as an alternative to the currently burdensome approach of a submitter-appellant serving every submitter. Other minor amendments to the Planning Act and South Bank Corporation Act are also proposed to clarify the intent of specific provisions and transitional arrangements.

Amendments to the Planning and Environment Court Act 2016 will provide the court with powers to refer matters to a private mediator. These amendments respond to a request from the court and achieve operational efficiencies for dispute resolution arrangements under Queensland's planning framework.

The proposed amendments to the Queensland Reconstruction Authority Act 2011 will prescribe, legislatively, the role of the authority in undertaking an all-hazard approach to its responsibilities. This includes the role of the authority in leading the coordination of resilience and recovery policy in Queensland and facilitating the delivery of mitigation and betterment activities outside of post-disaster events.

The bill proposes amendment to the Sanctuary Cove Resort Act 1985 to list a retirement village and residential care facility as potential future use at the resort. The proposed amendments will help Sanctuary Cove residents retire close to family and friends. Being able to stay close to home in an environment you love, surrounded by the people you love, is important for residents in all communities as they enter their later years.

At the time it was written, the Sanctuary Cove Resort Act did not include either a 'retirement facility' or 'residential care facility' use. This means that this type of development cannot currently occur at Sanctuary Cove Resort. These amendments will change that. Importantly, the amendments will not automatically allow for retirement and residential care developments to be facilities; rather an application will need to be lodged and consultation undertaken with the community.

Finally, the bill contributes to keeping the Queensland statute book current by repealing the Southern Moreton Bay Islands Development Entitlements Protection Act 2004, with its active operation having expired on 30 March 2016. Repealing the act will make sure that planning for the islands in southern Moreton Bay, including Russell, Macleay, Karragarra and Lamb islands, is up to date and contemporary.

Currently, an outdated piece of legislation is creating confusion about how development can proceed. Repealing outdated legislation will mean certainty for landowners that they are required to abide by zoning requirements set out in the Redland City Plan. This will ensure that the planning framework for the community is contemporary.

This bill delivers important operational amendments identified through reflection and review of portfolio operations. These amendments will assist my department and the Queensland Reconstruction Authority in their work towards creating a thriving and inclusive Queensland, where the economy, industry and communities prosper. I commend the bill to the House.

### **First Reading**

**Hon. CR DICK** (Woodridge—ALP) (Minister for State Development, Manufacturing, Infrastructure and Planning) (11.35 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 State Development, Natural Resources and Agricultural Industry Development Committee**

**Madam DEPUTY SPEAKER** (Ms McMillan): In accordance with standing order 131, the bill is now referred to the State Development, Natural Resources and Agricultural Industry Development Committee.