




Speech By
Andrew Powell

MEMBER FOR GLASS HOUSE

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ECONOMIC DEVELOPMENT AND OTHER LEGISLATION AMENDMENT BILL

 **Mr POWELL** (Glass House—LNP) (11.46 am): I rise to address the Economic Development and Other Legislation Amendment Bill 2018. At the outset, please allow me to state that the LNP will not be opposing this bill outright. However, I will be detailing a number of concerns we on this side of the chamber have with particular elements of the bill and with the overall agenda being driven by the Palaszczuk Labor government in this space.

The bill proposes to: amend the Building Queensland Act 2015; amend the Economic Development Act 2012 and other acts consequential to the operation of the ED Act; amend the Planning Act 2016; amend the Planning and Environment Court Act 2016; amend the Queensland Reconstruction Authority Act 2011; amend the Sanctuary Cove Resort Act 1985; amend the South Bank Corporation Act 1989; and repeal the Southern Moreton Bay Islands Development Entitlements Protection Act 2004.

Mr Deputy Speaker, you have got to love an omnibus bill. I know the Queensland Law Society continue to rally against them and expressed concern in their submission, suggesting it is a deeply regrettable decision to take such a wideranging legislative agenda that seeks to amend eight different acts and ram it into one omnibus bill. Let me address particular aspects of this bill and in turn the eight different acts that are rammed into one.

The bill makes changes to the Planning Act 2016 and the Planning Regulation 2017. These two pieces of legislation guide the vast majority of planning decisions made by local governments around the state. They also dictate which developments local governments can and cannot consider as assessable. It has been common practice that the development of public housing is not considered by local government authorities, even when inconsistent with the local town plan. However, the legislation also clearly states that this is based on a level of information sharing between the government, the local government and neighbouring landholders.

Sadly, it would be fair to say that the Palaszczuk government is not following the intent of these laws in the case of Aitkenvale residents in Townsville who are currently fighting against Minister de Brenni and his proposed five-storey youth foyer development in their quiet neighbourhood street. Using a planning loophole as an excuse for not consulting with residents and listening to their concerns is outrageous. When confronted by this, Labor's housing minister de Brenni thinks residents having a say about their own suburb is 'petty'. Minister de Brenni apparently believes consulting residents before steamrolling a five-storey development in a quiet neighbourhood is 'petty'. Furthermore, the local Labor MP, Coralee O'Rourke, has failed residents by allowing this proposal to go ahead without community consultation.

Mr DEPUTY SPEAKER (Mr Stewart): Order! Sorry to interrupt while you are on your feet, but can you refer to members by their correct title, please.

Mr POWELL: Certainly, Mr Deputy Speaker. The Labor member for Mundingburra has failed residents by allowing this proposal to go ahead without community consultation. The LNP recognises the need for and supports those developments for disadvantaged youth, but these developments must be balanced with community expectations. The LNP does not believe Aitkenvale residents' fight to have their say is 'petty'.

After mounting pressure from the community outcry, the member for Springwood, the Minister for Housing, was forced to go to Townsville to see the development site, a site that Labor had chosen and purchased without any effective engagement or consultation with residents. What the member for Springwood, the Minister for Housing, did not decide to do was meet with residents while visiting the site. Residents have reported that the minister arrived under the cover of darkness, did not meet with anyone and left after barely 15 minutes.

Mr DICK: Mr Deputy Speaker, I rise to a point of order on relevance. The bill has nothing to do with a specific development in Townsville; nor does it have much to do with the powers of the minister for public housing, which are quite distinctive powers under the Planning Act and the Economic Development Act, which this bill amends. We have just heard a long debate from the opposition about how they want to have more time to debate bills. I would ask the honourable gentleman to return to the long title.

Mr DEPUTY SPEAKER: Before I call the member for Glass House I will take some counsel. Member for Glass House, I will give you a little latitude, but you need to demonstrate the clear link to the Planning Act that is part of the debate. Otherwise I will ask you to move on.

Mr POWELL: Mr Deputy Speaker, thank you for your guidance. As I outlined at the start, the long title of the bill includes amendments to the Planning Act. Those amendments, specifically in clause 1, refer to changes to the Planning Regulation 2017. It is that regulation that gives powers to the minister for public housing to make decisions inconsistent with the relevant local instrument. There are other clauses—clauses 145, 159 and 165—that make changes to that Planning Regulation.

Residents reported that the minister arrived under the cover of darkness, did not meet with anyone and left after barely 15 minutes.

Mr de BRENNI: Mr Deputy Speaker, I rise to a point of order. The amendments in the bill before the House do not go, as the Minister for Planning has pointed out, to the powers of the Minister for Housing and Public Works. I would invite you to refer the member for Glass House to his obligations to remain relevant to the bill.

Mr DEPUTY SPEAKER: Thank you, Minister. I do not need your assistance to conduct my job. One moment please, member for Glass House.

Mr POWELL: What have you got to hide?

Mr DEPUTY SPEAKER: Member for Glass House, this is not an opportunity to take swipes across the chamber. I make that very clear. If you are prepared to do that, I will ask you to sit down. Member for Glass House, just a reminder that we are actually debating the principles associated with this. We are not debating the individual clauses; that will come later. I will give you a little latitude, but I ask you to come back specifically to the bill being debated.

Mr POWELL: Thank you, Mr Deputy Speaker. I take your guidance. Whilst not wanting to debate the individual clauses, I have been asked to demonstrate how this bill is relevant to the contribution I am making, hence my reference to that individual clause. I point out that one of those clauses talks about clarifying that the assessment manager for a development application is prescribed in the Planning Regulation or is the assessment manager under amended section 48(3). In this instance we have a situation where the assessment is done by the minister for public housing, not by the local government. When the minister did visit Aitkenvale he did not meet residents—not one of the 1,400-plus residents who have signed a petition, which I now table, imploring the minister to conduct the simple decency of consultation.

Tabled paper. Nonconforming petition regarding Townsville Youth Foyer [492](#).

This is the type of flagrant disregard for Queenslanders that has become the status quo under Labor. It does not stop at the residents, as we will see through the submission made by the LGAQ. The LGAQ states that the Palaszczuk government does not seem to care for local councils, either. Leaving no doubt as to what the Labor government's underlying agenda is with the proposed bill, in his submission the chief executive officer of the Local Government Association of Queensland, LGAQ, stated—

... the LGAQ is concerned this legislation further erodes the ability of councils and their communities to have a say in the size, shape and pace of development in their region.

A common theme of the legislation introduced over the past four years by the Palaszczuk government is this consolidation of their own power at the expense of local decision-making. The wilful disregard of local decision-making is also on full display regarding Labor's Townsville Youth Foyer. I table a letter from the mayor of Townsville to division 8 councillor Maurie Soars.

Tabled paper: Letter, dated 6 March 2019, from the Mayor of Townsville, Cr Jenny Hill, to Townsville City councillor Cr Maurie Soars regarding the proposed construction at 32-34 Elizabeth Street, Aitkenvale [493](#).

The letter states—

Despite writing to the Minister of Housing on 31 July 2018, seeking better design outcomes for public housing in our tropical climate, the proposed design is no better than previous public housing built in Townsville.

...

The current proposal does not meet the intent of the scheme i.e. insufficient car parking, balconies are too small, insufficient landscaping, basketball court located to the rear, concrete driveway hard up against boundary fencing just to name a few;

The Palaszczuk Labor government treats Townsville residents as second-class citizens not worthy of consultation. The Palaszczuk Labor government even treats its own Labor councillors and local governments with contempt, not worthy of consultation. If only Labor cared as much about North Queensland as it does about South Brisbane.

This bill proposes to decrease the community's ability to hold the Labor government to account. It also further restricts localised decision-making. The proposed removal of the 'overriding economic or community need' test and the requirement for provisional priority development areas and provisional land use plans to not compromise the implementation of a planning instrument—clauses 22 and 23 of the bill—are a direct dilution of localised decision-making. This move is a shameful attempt to circumnavigate local community development concerns, and the LNP will be opposing those specific clauses.

Above any political or personal motivators, the first and foremost reason that each and every one of us is here is to represent the people of our electorates. The proposed bill as it stands fails to include a requirement for the minister to consult with and obtain the agreement of each relevant local government area in planning for, or developing in, a PDA in establishing an infrastructure agreement and issuing a PDA exemption certificate. Let me give an example where the Palaszczuk Labor government is circumventing both the relevant local government—in this case, the Brisbane City Council—and members of the surrounding community, and that is the Oxley PDA, a 19.28-hectare site with substantial native vegetation and green space.

Mr Dick: Still developing the website?

Mr POWELL: How is the government's website going, the Lady Cilento name change or the minister's attempt to now goad the members of the Aitkenvale community around the Townsville Youth Foyer? This Oxley PDA is a 19.28-hectare site with substantial native vegetation and green space nestled near the banks of the Brisbane River. When the Labor government first proposed to sell and develop the site in 2016 the community outcry was enormous. In response to the deafening outcry of a community that did not want yet another intensive development in one of their few remaining green spaces, the government commenced a 'consultation' process. Unsurprisingly, the overwhelming consensus from the community feedback received, as published in Economic Development Queensland's report, was that residents did not want the site to be intensively developed.

What happened next is a damning indictment on the way this Palaszczuk Labor government operates. As Oxley resident Brian Fuller stated to the *South West Satellite*, what happened next was—

The Government went quiet for a year and when they had Jess Pugh—

the member for Mount Ommaney—

elected as an ALP member they come back with a plan that ignores the opinion of the people of Oxley.

What is more, not only did the Palaszczuk government ignore the opinions of the people of Oxley but they ignored the local councillor, who also happens to be the chair of the Brisbane City Council's planning committee. Councillor Bourke is quoted in this article from the *Brisbane Times* of 29 August 2018, and I table it for the reference of the minister.

Tabled paper: Article from the *Brisbane Times* online, dated 29 August 2018, titled 'Council city planning boss worried state-led development will create "islands"' [494](#).

He said—

Obviously the state has the ability to use both of these instruments but what it does do is it takes large chunks of the city out and creates islands, where you have development going on that doesn't have the significant necessary infrastructure.

If you want an example of significant necessary infrastructure, in this instance you need only look at the impact the Oxley PDA development will have on Seventeen Mile Rocks Road.

Labor continues to disgracefully ignore local planning concerns and ram through regulations that only serve to further their own self-interest. The Palaszczuk government owns this site, and its consultation process was a sham and the outcome a foregone conclusion. Labor's push for development on urban infill sites is changing Brisbane for the worse. The Palaszczuk Labor government's horrendous planning policy is in desperate need of fixing. Planning in Queensland needs to be fixed with more consultation and community input—not less—as this bill sets out to achieve.

As I stated, the proposed bill as it stands fails to include a requirement for the minister to consult with, and obtain the agreement of, each relevant local government area in planning for or developing in a PDA, establishing an infrastructure agreement and issuing a PDA exemption certificate. Further contributions from the LGAQ submission to the committee attest to this. It states—

Providing for a regulation to categorise development is a new feature for the ED Act and could result in a local government not being afforded the opportunity to review and provide comment on the proposed regulation that categorises development for land that is in its local government area. Local government is not merely 'another stakeholder' and must be regarded as a genuine partner and level of government when considering the operation of the regulation.

On exemption certificates the LGAQ submits—

... that the proposed new section 71A of the ED Act be amended to require the Minister for Economic Development Queensland to both consult and obtain agreement with local government prior to issuing a PDA exemption certificate.

On the cessation of PDA arrangements the LGAQ submits—

... that Economic Development Queensland commit to engaging with local government and the LGAQ in the drafting of the revised Economic Development Regulation requirements, including provisions related to the making of cessation agreements for individual PDAs.

That led the committee to recommend the following—

The committee recommends that the Government amend provisions relating to the making of a PPDA to include the establishment of a local consultative committee that includes a representative from local government to better support localised decision-making.

I think the minister has been led by the nose and forced to agree. On reading the amendments circulated in the minister's name, we now see the introduction of a local consultative committee that will include representation from the local council and the local community. It is a shame it had to come to this in the first place and that they could not consult in good faith without requiring it, but I am pleased to see this. The fact that these are amendments demonstrates the incompetence of this minister to overlook such basic fundamentals when drafting legislation in the first place.

I now move to changes to the Building Queensland Act. In yet another example of the Palaszczuk government saying one thing and doing another, this bill looks to further water down the transparency and accountability of Building Queensland. In direct contrast to Premier Palaszczuk's commitment to open and accountable government, this bill will see reporting requirements for Building Queensland halved. This latest reduction in transparency will only amplify the difficulty for communities to hold this Labor government to account on the infrastructure delivery times they have been promised. It is concerning that it is already common practice for Building Queensland to consistently change the format of the pipeline report, making longitudinal comparisons difficult at best. Halving the publication frequency of the pipeline report will do nothing but make it more difficult for Queensland communities to track the Labor government's promised project delivery dates. The LNP will therefore also oppose clause 13.

Hidden within the 224 pages of the bill are some of the most concerning amendments that seek to provide substantial increases in the powers of investigation and enforcement for government inspectors, which can only currently be exercised by the Queensland police under the authority of a warrant. I commend the State Development, Natural Resources and Agricultural Industry Development Committee for identifying this. The committee reports that beyond a reference to the similarity in the two legislative schemes—the Planning Act and the Economic Development Act—the bill's explanatory notes do not provide much material to justify these extensive powers and how they are required to meet the objectives of the Economic Development Act. The committee continues—

As noted, the amendments give significant powers to inspectors, including powers to enter into premises, stop vehicles, seize and dispose of things, and require information and documents.

The committee therefore recommended that the minister 'clarify the powers for investigation and enforcement of PDA development offences under clause 102 and outline the need for such powers'. I do note that in his second reading speech the minister gave a justification and concluded with the following—

The Planning Act investigation and enforcement provisions were reviewed by the former Infrastructure, Planning and Natural Resources Committee in its inquiry into the planning bills in 2015. The parliamentary committee, local government and industry stakeholders did not raise any objections to the Planning Act investigation and enforcement provisions which are now proposed to apply to the Economic Development Act.

I acknowledge the explanation of the minister, but the LNP will monitor the use of these powers and make sure they are consistent with how they are justified by the minister.

In conclusion, let me return to the plight of residents in Aitkenvale. Only this morning in the *Townsville Bulletin* we have yet another new plea from residents. Councillor and Labor Party member Maurie Soars was quoted in this morning's paper as saying that should Labor's five-storey development go ahead it 'will have an overpowering influence on nearby residents that does not consider their quality of life.' I will repeat that: 'does not consider their quality of life'.

That statement from one of their own perfectly summarises what this Palaszczuk Labor government has become: a government that does not consider the wants or needs of Queenslanders; a government that only considers their own self-interest above all else. Councillor Soars continues with a plea for the member for Springwood, the Minister for Housing and Public Works, and local Labor member for Mundingburra to listen to residents.

While Labor may have turned its back on Townsville, I can assure residents that this is not the case with the LNP. The LNP does not think consultation with residents is petty. We will always stand up and fight for Queenslanders against a Palaszczuk Labor government that does not consider their quality of life. Only an LNP Frecklington government will deliver, govern and respect all Queenslanders.