Speech By

# Michael Berkman

## MEMBER FOR MAIWAR

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## ECONOMIC DEVELOPMENT AND OTHER LEGISLATION AMENDMENT BILL

**Mr BERKMAN** (Maiwar—Grn) (4.31 pm): I rise to make a contribution in the dying moments of this debate on the Economic Development and Other Legislation Amendment Bill 2018. I have made clear in this place on any number of occasions now my views and those of Maiwar residents on our planning system and its shortcomings. I constantly hear the same issues arise again and again about lack of public infrastructure, height limits ignored and lack of consultation. The list goes on. Public consultation is often cursory and all too often ignored. Residents are sick and tired of being shut out of meaningfully contributing to the shape of their city. Perhaps even worse, where community consultation is properly taken into account and reflected in planning schemes or local plans, our euphemistically named 'performance based planning systems' mean that these often count for nothing when local or state governments make final approval decisions.

This bill clearly goes nowhere near addressing the plethora of issues with the Planning Act, but there is one significant improvement for which I applaud the government. Specifically, I applaud the amendments to remove the requirement for a person challenging a development—called a submitter appellant—to serve a notice of appeal on all other submitters to the development application. The requirement that the bill seeks to remove is burdensome and unnecessary. It is a requirement that creates the greatest impost for those individuals or community groups who are willing to take on the challenge of running an appeal against those projects that face the most severe opposition from the community. It means that the more people who oppose a project, the harder it is to lodge a court challenge.

In the last few weeks I have watched this play out in my community in relation to the Brisbane City Council's proposal to build a zipline tourist attraction at Mount Coot-tha, which is a deeply unpopular proposal with locals in the western suburbs and across Brisbane. For more than a year now I have been assisting the local community to get information about this proposal, help them coordinate their efforts and express their opposition through the formal avenues. The proposal is fundamentally flawed, and residents can see clearly through the expensive advertising campaigns and greenwash that have been rolled out by the now former lord mayor Quirk. In a community vote that I held last year, 78 per cent of participants said they did not want the project to go ahead.

**Mr NICHOLLS:** Madam Deputy Speaker, I rise to a point of order. While this is all very interesting, it does not seem very relevant to the purpose of the bill.

**Madam DEPUTY SPEAKER** (Ms McMillan): Member for Clayfield, thank you for your point of order. Member, can we return to the long title of the bill?

**Mr BERKMAN:** What I am really getting to that is absolutely relevant to the bill is that the culmination of this effort was about 3,600 submissions that were lodged against this development application, which is a huge number of submissions by any measure. I think that a lot of us here know the outcome of this process. The council cynically approved its own development application and, unsurprisingly, a local community group has launched an appeal against the ziplines in the Planning

and Environment Court. Anyone who has ever been involved in a P&E Court appeal will agree that it is a huge undertaking. I would suggest that is particularly the case in a circumstance like this where the proponent, the council, is defending not only the interests of its own project but also its own decision.

In taking on this challenge the Mt Coot-tha Protection Alliance, or MCPA, is doing a huge service to the community. It would be unnecessary if the planning system required decision-makers to listen and respond to the voice of the community. I understand that it came as something of a surprise to the MCPA that they would need to send a letter to each of the more than 3,600 submitters who had their say through the public consultation process on the council's development application. This is a tiny community group with no paid staff whatsoever. Despite having the support of such a massive majority in the community, it fell to this small but dedicated group of people to get the appeal underway. I know there was considerable anxiety about whether they would be able to meet this requirement and send the necessary information to each of the submitters.

To their credit, I understand the MCPA did satisfy this requirement, but they did so at great personal effort and investment of time. I am sure that each member of MCPA and other community groups like them would be grateful to see this amendment pass. They would no doubt have appreciated it if they did not have to comply with the requirement in the first place. It is certainly a sensible change to the Planning Act and it is one that I welcome. In this context and with your indulgence, Madam Deputy Chair, I will just take this opportunity to congratulate the newly nominated lord mayor, Adrian Schrinner, and strongly suggest that he act on widespread community concern by canning the zipline project.

I will turn briefly to the amendments to the Economic Development Act. Arguably, some of the significant problems with the Planning Act are magnified in the Economic Development Act. Some of these issues are well summarised in a submission on the bill which refers to 'significant concern in the community that the ED Act does not provide for good quality decision-making in development and planning'. That criticism was based on the following features of the Economic Development Act that were set out in that submission: it locks out community appeal rights that are recognised to be essential in improving the quality of decisions and minimising the risk of corruption around decision-making; it can allow for public notification and community submission rights requirements to vary greatly between priority development areas; and it overrides normal Planning Act provisions and local planning schemes that have undergone extensive public consultation and ministerial review to ensure that they are the best plan to meet the community's needs and expectations and under our Planning Act requirements. By overriding normal planning provisions, the proposed clearing of vegetation is not assessed against the normal planning and Vegetation Management Act provisions, removing certainty for the community that clearing will be appropriately regulated. Finally, it overrides the regulation even of areas outside of declared PDAs where they are declared to be PDA associated development, further locking out the community and providing significant discretion around development assessment and planning decision-making.

While the changes to the ED Act proposed in this bill are arguably improvements, they are made in the context of a deeply flawed and very powerful act. This is nothing more than tinkering with an act that was vehemently opposed by the Labor Party in opposition when the Economic Development Bill was introduced by the Newman government. Clearly, an omnibus bill like this is not the appropriate vehicle for the route and branch reform of the planning system this state needs. I call on government again to take bold steps to return the community's voice to our planning system and revisit its opposition to unacceptably broad powers over development and the risks that come with this. Thanks, as always, to the committee for their inquiry into the bill and the secretariat who supported them. I will not be opposing the bill.