

~~Long Title~~

~~Hon. AJ LYNHAM (Stafford—ALP) (Minister for State Development and Minister for Natural Resources and Mines) (4.06 pm): I move—~~


~~That the long title of the bill be agreed to.~~

~~Question put—That the long title of the bill be agreed to.~~

~~Motion agreed to.~~

<PLANNING BILL

Message from Governor

 **Hon. JA TRAD** (South Brisbane—ALP) (Deputy Premier, Minister for Transport, Minister for Infrastructure, Local Government and Planning and Minister for Trade) (4.07 pm): <I present a message from His Excellency the Governor>.

Mr SPEAKER: The message from His Excellency recommends the Planning Bill. The contents of the message will be incorporated in the *Record of Proceedings*. I table the message for the information of members.

MESSAGE

PLANNING BILL 2015

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 providing for an efficient, effective, transparent, integrated, coordinated and accountable system of land use planning and development assessment to facilitate the achievement of ecological sustainability

GOVERNOR

12 November 2015

Tabled paper.

Introduction

 **Hon. JA TRAD** (South Brisbane—ALP) (Deputy Premier, Minister for Transport, Minister for Infrastructure, Local Government and Planning and Minister for Trade) (4.07 pm): I present a bill for an act providing for an efficient, effective, transparent, integrated, coordinated and accountable system of land use planning and development assessment to facilitate the achievement of ecological sustainability. I table the bill and explanatory notes. I nominate the Infrastructure, Planning and Natural Resources Committee to consider the bill.

Tabled paper: Planning Bill 2015.

Tabled paper: Planning Bill 2015, explanatory bill.

I am pleased to introduce the Planning Bill 2015. I present a bill for an act that will establish a better planning and development assessment system for Queensland that is fair and practical for all Queenslanders. Before the election we made a commitment to continue the planning reform process. We said 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. Since then, we set a clear course for reform with the release of the Better Planning for Queensland directions paper and secured funds to support local governments on this journey. The tabling of this bill and the two subsequent bills that I will introduce are a key milestone on our journey to deliver the best planning system in Australia and one that engages and includes the broader community in the discussion.

032 The bill will help us deliver Australia's best planning system by delivering greater transparency and certainty for the community and industry; putting sustainability back at the core of planning; and supporting jobs and investment through improved assessment processes.

The bill will repeal the Sustainable Planning Act 2009 and replace it with an improved planning and development assessment system. Planning influences the way in which we live our lives. It creates the communities, place and spaces where we live, work and play. It also helps to protect our diverse natural systems and places.

I have said on many occasions that all Queenslanders have a role to play in the planning system. To enable Queenslanders to have their say on the Planning Bill, my department undertook an intensive, six-week consultation process. Officers travelled over 200,000 kilometres to visit 18 locations across the state to talk about the bill. An exceptional effort was made to describe the draft planning bills in a way that nonplanners, which most of us are, could understand and help people with the information they needed to make a submission. This consultation effort was determined and authentic, and I now table a copy of the consultation report for the benefit of the House.

Tabled paper: Draft Planning Bills 2015 – Consultation report November 2015.

In preparing the bill, we considered all submissions and made key changes based on community and key stakeholder feedback. I would like to thank all those Queenslanders who did provide us with that feedback, as it has been invaluable in crafting the current version of the bill.

Queensland will continue to have an integrated development assessment and planning system that addresses both state and local matters. I have made it clear that I want to work with the LNP state opposition on planning reform and have indicated my willingness to build on the work the previous government did in this space. In honouring our election commitments, we have reviewed the planning reform process started by the former government and retained the State Assessment and Referral Agency as part of the Queensland planning framework. I acknowledge the work of the previous government in establishing the State Assessment and Referral Agency and how this supports applicants when seeking a decision from the state.

We have also retained the State Planning Policy to comprehensively present the state's interests in one document, making it easier for local governments to reflect and balance the state's interests up-front in local planning schemes. I have directed funds to enhance the systems and processes surrounding the State Assessment and Referral Agency and the State Planning Policy so they can add more value for Queensland.

The bill retains ecological sustainability as a core purpose of the legislation as it is under the Sustainable Planning Act 2009. The purpose has also been further refined through consultation to include having regard to Aboriginal and Torres Strait Islander customs and traditions, housing affordability and community resilience. The bill simplifies categories of development by establishing clearer, simpler categories supported by better decision rules and, to assist the community transition, we have decided to keep the existing names of code and impact for the categories of assessable assessment. While the process supporting the categories has changed, we wanted to keep things as simple as possible for the community. We will work hard to ensure communities understand the new system that underpins development assessment in Queensland.

A reoccurring theme throughout the consultation on the bills was the need for greater transparency and accountability. We have delivered on our commitment to restore appeal rights for objectors without fear of cost orders and have made sure that third-party submission rights are retained for all impact assessable applications. In our discussion with community and representative groups, the reintroduction of provisions to give effect to this commitment has been welcomed. We received a lot of feedback from community and representative groups who have found it difficult to understand the basis of development decisions. So now, for the first time, we will require assessment managers to publish reasons for both approvals and refusals. This goes a long way towards making the system more open and transparent and aims to rebuild some of the trust that has been lost over time between communities and the planning system.

We have affirmed our commitment to communities by retaining and, in some cases, increasing consultation and notification time frames throughout the plan making and development assessment processes. To improve plan making, the bill outlines how best practice engagement can be applied at the front end of the local plan-making process so communities understand the plan and what it means for their neighbourhoods. And, knowing that not all local governments are the same, we will create real and contemporary tools and templates to help councils with this work.

While the bill is being reviewed through the parliamentary committee process, my department will work on the instruments and guidance material intended to support it. This will include extensive consultation with practitioners and the community. In addition, we will be planning for the transition journey with local governments and communities. To help smooth the transition to the new framework, I have instructed my department to work with local governments to develop a support package. The department will also be producing a range of implementation tools and guidance materials to help the community and stakeholders adapt.

The bill creates the foundation for a better planning system for Queensland which all Queenslanders can engage in, is accountable and transparent and supports investment and job creation in our great state. I commend the bill to the House.>

First Reading

Hon. JA TRAD (South Brisbane—ALP) (Deputy Premier, Minister for Transport, Minister for Infrastructure, Local Government and Planning and Minister for Trade) (4.14 pm): 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

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

~~<PLANNING AND ENVIRONMENT COURT BILL~~

Introduction

 ~~**Hon. JA TRAD** (South Brisbane—ALP) (Deputy Premier, Minister for Transport, Minister for Infrastructure, Local Government and Planning and Minister for Trade) (4.15 pm): I present a bill for an act about the Planning and Environment Court. 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 Environment Court Bill 2015.~~

~~*Tabled paper:* Planning and Environment Court Bill 2015, explanatory notes.~~

~~I pleased to introduce the Planning and Environment Court Bill 2015. Together with the Planning Bill 2015, the Planning and Environment Court Bill 2015 will govern the dispute resolution framework for planning and development matters.~~

~~The bill creates stand-alone legislation for the Planning and Environment Court to govern the constitution, composition, jurisdiction and powers of the court that has to date been embodied in the Sustainable Planning Act 2009. The Planning and Environment Court has jurisdiction conferred on it under approximately 28 different acts in addition to the Sustainable Planning Act 2009. They cover topics such as planning and development, environmental protection, coastal protection and management, heritage, fisheries, marine parks, transport infrastructure and vegetation management. Provisions for the Planning and Environment Court are located in the Sustainable Planning Act 2009, primarily due to the historical establishment of the court in local government and planning legislation over time.~~

~~In the interests of delivering clear and concise legislation, it is time for the creation of the court in its own specialised courts act, where opportunities for better alignment with court matters generally can be exercised. Having a separate bill for the Planning and Environment Court will enhance the role and visibility of the court as a distinct, specialised and accountable court to hear planning and environment disputes. A stand-alone bill also ensures the ensuing act can be assigned to the most appropriate minister and administering department under the administrative arrangements order. This will assure the court's efficacy and its functions and resourcing needs can continue to be supported by the portfolio with the principal responsibility for justice services.~~

~~The bill delivers the government's election commitment to restore the rights of communities, individuals and residents to object to developments without the prospect of harsh financial penalties. We have reintroduced the provision that each party must bear its own costs for proceedings in the court to ensure all Queenslanders can explore a case without fear of having costs awarded against them. This received broad support during public consultation on the bill. However, we have provided the court with the discretion to make an order for costs in specific circumstances, such as frivolous or vexatious proceedings and commercial competitor appeals.~~

~~The bill continues the opportunity for parties to a proceeding before the Planning and Environment Court to participate in an alternative dispute resolution process. Alternative dispute~~