Speech By

Hon. Jeff Seeney

MEMBER FOR CALLIDE

Record of Proceedings, 3 June 2014

STATE DEVELOPMENT, INFRASTRUCTURE AND PLANNING (RED TAPE REDUCTION) AND OTHER LEGISLATION AMENDMENT BILL

Message from Governor

Hon. JW SEENEY (Callide—LNP) (Deputy Premier and Minister for State Development, Infrastructure and Planning) (12.01 pm): I present a message from Her Excellency the Governor.

The Deputy Speaker read the following message—

MESSAGE

STATE DEVELOPMENT, INFRASTRUCTURE AND PLANNING (RED TAPE REDUCTION) AND OTHER LEGISLATION AMENDMENT BILL 2014

Constitution of Queensland 2001, section 68

I, PENELOPE ANNE WENSLEY AC, Governor, recommend to the Legislative Assembly a Bill intituled—

A Bill for an Act to amend the Economic Development Act 2012, the Environmental Protection Act 1994, the Fisheries Act 1994, the Gasfields Commission Act 2013, the Mineral Resources Act 1989, the Queensland Industry Participation Policy Act 2011, the Regional Planning Interests Act 2014, the State Development and Public Works Organisation Act 1971, the Sustainable Planning Act 2009 and the Water Act 2000 for particular purposes, to repeal the Clean Coal Technology Special Agreement Act 2007, the Eagle Farm Racecourse Act 1998, the Gurulmundi Secure Landfill Agreement Act 1992, the Racing Venues Development Act 1982 and the Wild Rivers Act 2005, and to make minor, consequential and other amendments to the legislation mentioned in schedule 1

(Sgd)

GOVERNOR

Date: 3 JUN 2014

Tabled paper: Message, dated 3 June 2014, from Her Excellency the Governor recommending the State Development, Infrastructure and Planning (Red Tape Reduction) and Other Legislation Amendment Bill 2014 [5254].

Introduction

Hon. JW SEENEY (Callide—LNP) (Deputy Premier and Minister for State Development, Infrastructure and Planning) (12.03 pm): I present a bill for an act to amend the Economic Development Act 2012, the Environmental Protection Act 1994, the Fisheries Act 1994, the Gasfields Commission Act 2013, the Mineral Resources Act 1989, the Queensland Industry Participation Policy Act 2011, the Regional Planning Interests Act 2014, the State Development and Public Works Organisation Act 1971, the Sustainable Planning Act 2009 and the Water Act 2000 for particular purposes, to repeal the Clean Coal Technology Special Agreement Act 2007, the Eagle Farm Racecourse Act 1998, the Gurulmundi Secure Landfill Agreement Act 1992, the Racing Venues Development Act 1982 and the Wild Rivers Act 2005, and to make minor, consequential and other

amendments to the legislation mentioned in schedule 1. I table the bill and explanatory notes. I nominate the State Development, Infrastructure and Industry Committee to consider the bill.

Tabled paper: State Development, Infrastructure and Planning (Red Tape Reduction) and Other Legislation Amendment Bill 2014 [5255].

Tabled paper: State Development, Infrastructure and Planning (Red Tape Reduction) and Other Legislation Amendment Bill 2014, explanatory notes [5256].

This bill is a red-tape reduction bill. It is the product of a review of legislation within my department and it clearly demonstrates the government's commitment to reducing the regulatory burden in Queensland. The bill will assist the government to meet its target of reducing red tape by 20 per cent by 2018. If enacted the bill will repeal five acts and amend a number of others to improve existing processes and produce efficiencies, remove redundant provisions and requirements and promote clarity for stakeholders.

Firstly can I address the section of this bill that proposes to repeal the Wild Rivers Act and regulation so that it can be replaced by a new framework which will safeguard iconic natural areas balanced with appropriate development opportunities for local communities and which local communities in Cape York themselves have had a major part in planning. The commencement of the Regional Planning Interests Act 2014 facilitates the application of these land use policies in a consistent manner across the state. The act provides for a declaration of strategic environmental areas to recognise environmental areas that are significant to the communities surrounding these areas. I table the final draft of the Regional Planning Interests Regulation which sets out those land use policies to be used within the framework of the Regional Planning Interests Act that was passed through this House earlier in the year.

Tabled paper: Regional Planning Interests Act 2014, Sustainable Planning Act 2009: Draft Regional Planning Interests Regulation 2014 [5257].

All of the areas that were formally declared within the Wild Rivers Act will be declared strategic environment areas under the Regional Interests Planning Act. That is the result of extensive consultation in the development of the Cape York Regional Plan in particular where community representatives on the cape made it very clear to us that that was the outcome that they wanted. The only exception will be the addition of the Steve Irwin Wildlife Reserve which the government has made a policy about. All of the areas declared under the Wild Rivers Act, whether they be on Cape York, in the gulf, the islands that were declared wild rivers areas or the Channel Country, will be transitioned into the Regional Planning Interests Act as strategic environmental areas.

Amendments to the Regional Planning Interests Regulation will carry forward the land use protection of the Wild Rivers Act. Consequential amendments are also proposed to a number of acts and regulations affected by the repeal of the Wild Rivers Act including providing for transitional arrangements. The Regional Planning Interests Regulation, as I said, is the result of extensive consultation and evidence that we have listened to from the Indigenous people of Cape York. Those communities want to have a say in what land is protected for environmental and cultural purposes and they want to have a say in economic development opportunities for themselves and their children. They want to have a say in the future of their communities.

I cannot introduce this bill without expressing my gratitude and my admiration for the people of Cape York who have been involved in this process. They very clearly indicated to me that the original proposal that the government had put was too restrictive on their plans for the development of their communities. It has taken two years to get to this point where we can repeal the wild rivers legislation and replace it with a planning instrument that is consistent with other planning instruments that are being used across Queensland. The effort that has been put in by those Indigenous communities on Cape York needs to be recognised. It has resulted in all of the wild rivers declarations being carried forward into the Regional Planning Interests Act but it has also resulted in a process that will give those Indigenous communities the right of self-determination. It will end the paternalistic, politically charged, emotive nonsense that was the Wild Rivers Act, a piece of legislation that was used to trade off the futures of the people of Cape York for green preferences election after election. The people of Cape York themselves have been closely involved in developing this alternative which has taken a long time. It has taken two years. I thank them for their patience and congratulate them on the input that they have had and I look forward to the passage of this legislation and the adoption of the Regional Planning Interests Regulation, the final draft of which I have tabled.

The bill also seeks to repeal the Clean Coal Technology Special Agreement Act 2007. A new statement on carbon capture and storage in Queensland has been developed in consultation with Australian Coal Association Low Emissions Technologies Limited and was published on the Department of Natural Resources and Mines' website on 1 May 2014. This new statement reflects the recognition by industry and the state government that carbon capture and storage technology can

play an important role underpinning the long-term sustainability of the use and export of Queensland resources. The Queensland government and Australian Coal Association Low Emissions Technologies Limited have agreed that it is now appropriate to terminate the Clean Coal Agreement and repeal the Clean Coal Act.

The bill also seeks the repeal of the Eagle Farm Racecourse Act 1998 and the Racing Venues Development Act 1982. The Eagle Farm Racecourse Act was established to provide for the transfer of the Eagle Farm Racecourse lands to the Queensland Turf Club Ltd, now the Brisbane Racing Club. This transfer occurred in 1998. As the lands have been transferred and an equivalent provision to the act's one relevant continuing provision is contained in the Racing Act 2002, the Eagle Farm Racecourse Act now can be repealed. Construction of the Commonwealth Games Athletes Village commenced in 2013 at the Parklands site on the Gold Coast. The Parklands Trust, established under the Racing Venues Development Act, has been wound up. As Parklands Gold Coast was the sole remaining racing venue on lands held by the state, the Racing Venues Development Act will also be repealed.

The bill also proposes the repeal of the Gurulmundi Secure Landfill Agreement Act 1992. The Gurulmundi act is a special agreement act covering the Gurulmundi secure landfill site, located near Miles, on the border of my electorate although not quite in my electorate. The Queensland government owns and maintains the site and it has been unused since 1998. A number of parties are interested in purchasing the site for waste management activities, such as composting and resource recovery, but are prevented from doing so by the continuing existence of the Gurulmundi act. Repealing the act will allow for the government to sell or lease the site, contributing to regional development and the effective use of a purpose designed waste management site.

The bill proposes amendments to the Economic Development Act 2012 to ensure its ongoing efficient operation. The proposed amendments relate to the revocation of priority development areas, the declaration of provisional priority development areas, changing a land-use plan in a development scheme, the making of community infrastructure designations, clarification of the role of the economic development fund, establishing a mechanism to fund the infrastructure costs required to support a priority development area and infrastructure related matters.

Following a review of indemnity arrangements within each agency's legislation portfolio, amendments to the Gasfields Commission Act will remove redundant references of the term 'staff' from section 44 of the act. Broad legislative immunities are now provided within the Public Service Act and the Police Service Administration Act.

The Queensland government spends around $16.5 billion per year on goods and services. This represents a significant market for Queensland suppliers. The Local Industry Policy was originally introduced in December 1999 with the objective of increasing the participation of local suppliers in government procurement. As a result of the Queensland Commission of Audit, the Department of State Development, Infrastructure and Planning undertook a review of the policy and, in consultation with agencies and industry, has developed an improved Charter of Local Content to replace the redundant Local Industry Policy. The new charter reduces costs for government, is simpler to administer and reflects a best-practice framework that complements the Queensland Procurement Policy. It provides a framework for encouraging government agencies to apply best practice to ensure full, fair and reasonable opportunity for local suppliers. The charter also minimises the compliance burden on government agencies and contractors by including a simplified reporting system. The act is to be amended to roll reporting on the implementation of the charter into the Department of State Development, Infrastructure and Planning's annual report, instead of preparing a separate report to parliament.

The bill also seeks to amend the State Development and Public Works Organisation Act 1971 to improve decision-making processes and reduce red tape. Importantly, amendments will reduce impediments to timely decision making, clarify the responsibilities of the Coordinator-General and proponents, and provide the Coordinator-General with improved powers with respect to watercourse crossings and roads. The amendments will also allow the Coordinator-General to more effectively manage the environmental impact statement process and to facilitate development in state development areas. The Coordinator-General has set the ambitious target of reducing timeframes for coordinated project EISs under Part 4 of the State Development and Public Works Organisation Act by 50 per cent. To date this target has been achieved through the introduction of a wide range of initiatives that have streamlined internal processes, reduced assessment timeframes, minimised the prescriptive nature of approval conditions and reduced compliance costs. In addition, these initiatives have improved the quality of the impact assessments and delivered positive outcomes for the environment and the community.

The bill that I introduce proposes necessary legislative amendments to further consolidate streamlining measures into project assessment processes. Amendments include introducing an alternative impact assessment report process for well-defined and low-medium risk coordinated projects where a comprehensive EIS process is not required for the project. In relation to state development areas, the amendments enable a development scheme to regulate development in all or part of a state development area; to regulate a broader range of development, including reconfiguring a lot and operational works in addition to regulating use of land; and to set levels of assessment for regulated development in state development areas. Amendments to the Land Title Act 1994 support amendments to the State Development and Public Works Organisation Act by ensuring that the Coordinator-General has the power equivalent to a local government and the Minister for Economic Development Queensland with respect to approving and creating plans of subdivisions.

The bill also proposes amendments in relation to the Sustainable Planning Act 2009 to solve a long-standing problem with what have become known as 'party houses'. This issue has been around for many years. For seven years state and local governments have searched for a solution. This bill seeks to put in place a solution to allow local governments to deal with an issue that has been contentious for many of their residents. Residential dwellings that are regularly leased, hired or rented out for events such as bucks parties, weddings, birthday parties, special occasions or just weekend parties are commonly referred to as 'party houses'. These events often generate nuisance in the form of traffic hazards, excessive noise, offensive social behaviour, violence, littering and illegal activities, and party house activities have an impact on neighbours. There is community concern about the need for the state to address the issue of party houses in residential areas. In particular, party houses have caused problems in locations on the Gold Coast and the Sunshine Coast, in Noosa and Cairns and on Stradbroke Island.

The proposed amendments to the Sustainable Planning Act define 'party house' as a use within the Sustainable Planning Act. The inclusion of this definition will enable local governments to amend their planning schemes to require that existing unlawful or new party houses, as defined in the Sustainable Planning Act, obtain a development approval. The amendments also provide that local governments can identify a party house restriction area in their planning schemes. The effect of the party house restriction area is to clarify that any residential dwellings in the area do not and never had the right to operate as a party house, unless otherwise approved by the local government under a development application process.

The proposed legislation will not prevent the owner of a residential dwelling from leasing their premises, or a property owner or tenant from hosting celebrations. The aim of the amendments is to deal with residential dwellings that are regularly being hired, rented or leased out for the purpose of hosting the type of events that mean the dwelling actually constitutes a party house as defined in SPA, and the use of the property has extended well beyond the residential use for which the property has a right. The proposed amendments will not deal with behavioural issues. The government has already taken action in relation to dealing with disruptive behaviour. The Police Powers and Other Responsibilities Amendment Act 2014 provides additional police powers to deal with out-of-control events and out-of-control behaviour, such as the behaviour that may occur at a party house. The proposed amendments provide local governments with the flexibility to opt in if desired, rather than mandating amendments for all planning schemes for an issue that is only a problem in a relatively small number of local government areas. We do not have too many party houses in Callide.

The bill also amends the Sustainable Planning Act to rectify an anomaly with the master planning transitional provisions. The complex structure planning and master planning framework was repealed in 2012. However, the transitional provisions introduced new third-party appeal rights that did not previously exist. This was not the intended outcome and is corrected in the bill. A definitional issue is also rectified. The transitional provisions also did not recognise the substantial consultation that was involved in master planning for a declared master planned area. The proposed amendments remove the requirement for public notification for any development that is consistent with the structure plan area code and any master plan area code. If development is not consistent with the structure plan area codes or master plan area codes, public notification and third-party appeal rights will apply.

The bill also provides for the removal of remaining iconic places provisions. Iconic places provisions were introduced to assist councils that were being amalgamated to give some protection to certain matters in their schemes at that particular time. Local government deamalgamation and scheme adjustments made since amalgamations makes this special arrangement redundant.

The proposed amendments to the Environmental Protection Act 1994 will ensure its provisions are aligned with the Sustainable Planning Act to support development proposals. Amendments are being made to the Sustainable Planning Act for the same purpose—to ensure the efficient operation

of the State Assessment and Referral Agency, or SARA, planning framework. I commend the bill to the House.

First Reading

Hon. JW SEENEY (Callide—LNP) (Deputy Premier and Minister for State Development, Infrastructure and Planning) (12.20 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 State Development, Infrastructure and Industry Committee

Mr DEPUTY SPEAKER (Dr Robinson): Order! In accordance with standing order 131, the bill is now referred to the State Development, Infrastructure and Industry Committee.