



23 October 2015

Hon J A Trad MP
Deputy Premier, Minister for Transport,
Minister for Infrastructure, Local Government and
Planning and Minister for Trade
Parliament House
George Street
Brisbane QLD 4000

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Dear Minister

Subject: Planning Bill 2015

Thank you for the invitation to make a submission on the draft Planning Bill.

Master Builders strongly supports planning reform that provides greater certainty and consistency of outcomes. The lack of certainty adds delay which in turn adds to the cost of development, impacting significantly on affordability.

We commend you for a Bill that is logical and clear – a significant improvement on the existing *Sustainable Planning Act 2009*. A planning framework that is readily understood will go a long way towards providing certainty and consistency of outcomes.

The key issue for the building and construction sector is to ensure that building work is not unduly caught up in local government planning schemes. Building work subject to ‘building assessment provisions’ should not be subject to further requirements in planning schemes. Section 31(3) of the *Building Act 1975* states that building assessment provisions “cannot be changed under a local law, local planning instrument or local government resolution.” There are many examples of planning schemes attempting to do just that.

Second, triggers for a full town planning application to Council must be limited. We welcome the approach where planning schemes clearly map and define appropriate development, opening the way for more development to be regarded as ‘Accepted Development’. In particular, we expect that overlays are not used to trigger a development application. Rather they would call up an existing Planning Code or building regulation for consideration within ‘Accepted Development’.

Further to this, we would like to provide the following specific feedback:

Advancing the Act's purposes

We do not support the inclusion of the precautionary principle as a decision making process under Section (6)(a)(iii). Evidence based decision making in regulation is a fundamental principle for good government. Implementing regulatory controls without the benefit of that evidence has the potential to impose great cost on our communities without a corresponding gain. Good government requires restrictions on regulation by 'hunch'.

Similarly, affordability should form an important part of the decision making process. Planning authorities need to consider the costs that their decisions may add to delivering the homes, shops, schools and offices our communities need.

Safeguards for Council from claims for compensation

The experience of our members is that the current provisions are working well. We therefore support maintaining the approach under the *Sustainable Planning Act 2009*.

Standard/Code decision rule

We support Option 1 in providing a mechanism to balance conflicts amongst prescribed assessment benchmarks. This will allow for flexibility and is a common sense approach.

Exemption certificates

We support the introduction of the 'exemption certificate' process. We regard this as a common sense approach, allowing a level of flexibility within the system. We see it as having benefit where a proposed development meets expected outcomes in a planning scheme by way of a solution not provided for in the scheme. This process could serve as a quick and inexpensive option for assessing minor, low risk alternatives to the defined 'acceptable solutions'.

Infrastructure offsets and refunds

This provision will support the viability of new developments by improving their cash-flow. We therefore support the inclusion of the proposed provision.

Transitioning assessments

Master Builders supports an immediate and total transition to standard/code assessments in that it will provide clarity and certainty for all stakeholders. Interim arrangements which by their definition will be short-term run the risk of being ill thought through and inconsistent with other requirements, providing room for complexity and confusion.

Thank you for your consideration of these issues. We look forward to continuing to work with you towards a better planning system for Queensland.

Yours sincerely



Paul Bidwell
Deputy Executive Director