

[2.51 p.m.]

Ms ARCHER (Denison - 2R) - Mr Speaker, I move -

The bill be now read a second time.

Mr SPEAKER - Do you require a vote?

Ms ARCHER - Yes, Mr Speaker.

This bill has been born out of a desperate need to clean up the planning mess in Tasmania and provide the simplicity that everyone is asking for. This bill has been brought on because Tasmanians are sick of waiting for Labor, and now the Greens, to do what they have promised to do, and in Labor's case, promised repeatedly to do for years.

It is no secret that the planning system in Tasmania is a mess. In a State of just 500 000 people we have 29 local councils and between them there are some 36 planning schemes. By any stretch that is overgovernance and sadly that overgovernance brings about a huge amount of red tape, which is stifling development of all sizes.

Mr O'Byrne - The Hobart councils is the best is it?

Ms ARCHER - No, Hobart has three planning schemes; it is ridiculous. Just to give some perspective on what has happened in this State because of poor planning reform it is vital that we go over some of the facts and figures. The Property Council of Australia Tasmanian Division, and its executive director, stated to the Examiner back in December last year that the 'Planning jungle in Tasmania has cost \$2 billion worth of potential development in this State'. That is \$2 billion of lost opportunities. In the same article, the Housing Industry Association executive director, who has been very vocal on this issue and I applaud him for being so, stated that 'Planning in this State is a horror smash'. Indeed, the chairman of the Resource Management and Planning Appeal Tribunal, Simon Cooper, felt strongly enough about the planning system in Tasmania to go on ABC Television some months ago to air his own personal views on the planning system in this State.

For stakeholder representatives and experts on planning in our State to be talking in such terms about the terminal nature of the planning system is simply an indictment on the current Government. Turning to the issue of ordinary Tasmanian families who want to build a home, it is not uncommon to hear of people having to pay around \$2 000-3 000 for the necessary planning permits. This is an exorbitant cost for what should be a basic planning application and is only exacerbated by the dysfunctional system in Tasmanian, which only causes additional costs usually because of delays . It is little wonder why Tasmanians feel constrained by a cumbersome and

expensive system when all they want to do is either build, alter or extend their homes.

Just to demonstrate how archaic our planning system is and how it has impacted upon building activity in Tasmania I wish to draw the House's attention to some statistics. Dwelling approvals are down in Tasmania in a shocking way. To contrast the figures, the average dwelling unit approvals in the period from 1983 to 1989 were approximately 322 per month.

Mr O'Byrne - That is directly related planning, is it?

Ms ARCHER - It is.

Mr O'BYRNE - Purely?

Ms ARCHER - You lot do not have a clue about planning, do you?

Mr O'Byrne - What about investments?

Ms ARCHER - It has a direct correlation. To streamline planning will improve the investment in this State.

Turning back to the figures, the most recent available figures covering the period 2000-09 show that dwelling approvals are down to 214 per month. That is a reduction of almost a third.

Mr O'Byrne - Cost of finance has gone through the roof - interest rates.

Ms ARCHER - Finished? Now on dwelling commencements, from 1984-89, 915 dwelling units were commenced per quarter. Comparing that to the most recent figures again from 2000-09 dwelling commencements are down to approximately 607 per quarter. Again that is a reduction of one-third. These figures are very telling, because all through the so-called boom times the average approvals and commencements in Tasmania have simply dropped off. Something does not add up here and I have a fair hunch that it is because of our outdated planning systems, particularly having had to work within it myself. As I stated before, just in the Hobart municipality that council has to implement a number of different schemes and of course within that we also have the Sullivans Cove Waterfront Authority.

The Labor Government and now the Labor-Green Government have had 13 years to reform this planning mess. In that time there has been a series of promises made but sadly none of them have been delivered upon. In that time there has also been a succession of planning ministers, meaning that no minister was even in the seat long enough to either get a handle on the required reforms or to affect any changes. I would hazard a guess that

some did not even understand what was planning was per se.

Just to highlight how little focus and attention has been placed on planning by this Government, I think it is important to also go through the chronology of the planning debacle that is the Labor Government. Planning is a complex issue and it does take time to get a proper understanding of the area. The complexity is only compounded by the quagmire of red tape and bureaucracy that currently confronts anyone wanting to invest in Tasmania or to simply build their own home. You would think, given this complexity, the Government would try and keep some consistency in the portfolio. But sadly this is far from what the case has been.

Since 2004 we have had no less than seven planning ministers and that does not even include the acting planning minister, Graeme Sturges, who we might see re-appear in this House and again he could just have the portfolio again. He acted in this role following the resignation of Allison Ritchie in 2008, who I think was only in the role for about four, five, six weeks.

Mr Rockliff - Three weeks.


Ms ARCHER - Three weeks. In any event if we averaged that out it equates to a new planning minister every year. Prior to 2004, planning was not even a separate portfolio from the Justice portfolio generally. So it is little wonder then that Labor has not implemented anything in the way of reform or any positive development in this area despite numerous promises to do so. It is also little wonder that investors, households and major stakeholders like the TCCI, the Master Builders Association and the Housing Industry Association, and these are just to name a few, have all had enough and are now pressuring the current planning minister and this Government into action. But worse than not actually affecting any positive reform, the series of ministers has only made a bad and complicated planning system worse.

This is the reason that we have had to lead from Opposition and introduce this legislation to remedy what Labor has had 13 years to fix. The promises and milestones have been many over the 13-year period. Labor has been in Government for that period, as we know, and there has been numerous promises, lots of lip service and scores of platitudes mouthed. This was beautifully tabled, I might add, by the Examiner on 7 December 2010. To use the Planning minister's example, to use a bit of a visual aid, the article itself has been nicely tabled and headed 'A matter of urgency' - and that only dates back to 2006.

Mr Green - You're going pretty well - you're a fast learner, obviously.

Ms ARCHER - Do not get me on to planning; I have had to work in the system and it is not pretty.

There is only one thing of which there has been nothing - there has been no action. Nothing has been delivered which has assisted the people of Tasmania when it comes to planning in Tasmania. Back in 2006, as highlighted by the article I have just held up, and following the State election of that same year, the then Planning minister, Steve Kons - who I have to say was probably better qualified than most other Labor Planning ministers put up by this Government - flagged the need for uniformity in Tasmania's residential planning schemes and I believe he very nearly got there. In 2007 he also reiterated the need for consistency between councils, actually signing a memorandum of understanding with the north-west councils. Only now, some four years later, are we seeing something promised of that nature, but they are still mere promises. We still have no action and no implementation; indeed, we do not even know how it is going to be implemented.

In  2008 Labor backflipped stating that planning was not a priority, and I quote the words of the then Planning minister and former Tasmanian Premier David Bartlett, who said:

'The Government has no intentions to substantially change key characteristics of the planning system. That means retaining local councils' planning powers, keeping public involvement and appeal rights and the need for independent statutory decision-making.'

Therefore you can see that any intention Labor had to reform planning in this State was completely shelved at that stage, or at least put in the too-hard basket, as has been the case with so many other issues under this stagnant Government. But only six months later in October 2008, the next in the conga line of Planning ministers was the short-lived minister Allison Ritchie, as previously referred to. She stated that planning was back on the agenda and that - and I quote:

'We need to tackle the difficult task of getting all councils in Tasmania to update their planning schemes.'

In December 2009, former Planning minister David Llewellyn promised that the planning system would be overhauled in a big way. In fact he promised that there would be a single-dwelling residential planning code in place in this State by 30 April 2010, and indeed that was the adoption of Liberal policy at the time. His media release from 15 December 2009 stated - and it is a fairly large quote but bear with me because it is quite significant in what he promised -

'The reforms will be introduced in two stages. The first stage is to

provide immediate relief in some planning schemes from the requirement for a separate planning permit for every house. The second stage will be to introduce permanent reforms based on a set of consistent standards in all planning schemes across the State.

The Government understands the importance and urgency of this issue. We have agreed to draft a set of standards for residential development which should be applied across the State in all normal residential zones. If development complies with these standards there will be no need to seek planning approval from local councils. All that will be needed is building approval.'

We have seen nothing of this nature and the current Planning minister has also not been able to confirm, certainly to the stakeholders, how the new code will be implemented and by what body or even by what authority. In fact, I think you were going to get back to them last week about that but did not - perhaps because of the crisis that was looming last week and you just did not get the time.

Mr Green - No, I didn't speak to them personally but I know there have been discussions.

Ms ARCHER - Mr Speaker, the final chapter of this sorry saga is under the current Planning minister who, on 3 December 2010, also promised that there would be in place a streamlined approvals process for residential dwellings in Tasmania in early 2011. Here we are, early 2011 has well and truly passed, and there is no sign of the much-promised streamlined process that the minister promised.

We would not be here today debating this bill if Labor had, for once, stuck to its promise and implemented this code by now. In typical Labor fashion, promises do not mean much at all. Since the current Planning minister took over the portfolio, there have been a number of more subtle promises made also.

Mr McKim - Subtle promises?

Ms ARCHER - Yes, subtle promises. The minister has kept up the fine Labor tradition of not delivering on promises and as a result, we saw late year the group of 10 peak bodies and planning stakeholders banding together to pressure the minister and this Government into action. From what I have heard, there has not been a lot of promising activity undertaken, and with respect to each deadline set, the minister has failed to keep them. For example, he should have advised the industry stakeholders by the end of last week how planning directive 4 was going to be implemented and that, of course, deals with the statewide residential planning code.


It has become clear since I took on the shadow portfolio of planning last year, through talking to many planning stakeholders regularly, that this Government is not in the habit of engaging and consulting with the people, certainly not up until recently, and that they have not been consulting with people who know something about planning, the experts and those who work within the industry. Only when something is wrong and only when the Government has sat on its hands instead of doing what should have been done in the first place does any sort of engagement take place and it only occurs at the instigation of the industry stakeholders themselves.

This is the difference between our approach and the Government's approach. In drafting this bill we have consulted widely and it is clear that this is what is needed and it is certainly the advice we have received from experts in the field.

It is important to point out that at the last election the Greens also followed our lead and promised a statewide single-dwelling residential planning code.

Mr McKim - That's right. That's why we're really pleased that the minister is getting on with it.

Ms ARCHER - The question now - and this is a question particularly for the Greens - is whether or not they have the backbone to stick to the promise that they took to the voters at the last State election, or do they feel that in aid of keeping their fragile relationship with Labor intact that this is one of their newly found non-core promises? The stakeholders and the community - indeed, most Tasmanians, I would hazard a guess - would greatly appreciate making their lives easier within the planning system and they will certainly be watching with interest to see how the Greens vote on this bill.

So what is the problem? It is a question that we need to ask ourselves here and it  seem obvious what the problem is in political terms - and I do not mean this in tongue in cheek - but the simple answer is that it is the Greens-Labor Government. In practical terms, however, it is clear that Tasmania is bogged down by a complicated and cumbersome planning system full of delays, and time in the planning system certainly means money. The problem translates into millions of dollars of lost economic activity for Tasmania.

To demonstrate the problems people are facing in dealing with our antiquated planning system, I would like to report to the House a short story I heard from a recent forum posted by GetUp, in fact, and Our Common Ground, at which planning was raised as one of the major issues for Tasmania. A respected academic, Jonathan West, stated that he had recently undertaken some consulting work for an unnamed company that was

seeking to invest in Tasmania, but in doing so they had to comply with 47 different planning requirements. I know we are talking about residential development in relation to this bill, but in my experience as a former alderman, what developers are forced to comply with is absolutely indicative of what the average Tasmanian family comes across in simply wanting to build, alter or extend their home, which by all accounts should be a simple, painless and less expensive process than they encounter today.

To build a deck, place an awning on the front of your house or undertake some of the most minor work often requires complex and cumbersome approval processes. For a family to undertake to invest their hard-earned dollars in building their dream home the process becomes even more complex. People should be able to purchase a standard-size block knowing that they can build a standard-size house based on minimum planning requirements and that the planning approval process is fast and simple, not a minefield of requirements and red tape or hoop-jumping but something that can be quite predictable, painless and swift.

Building a deck in a back yard or putting up a shed should not be difficult or involve expensive fees, surveys or reports, but inevitably the process is littered with these types of examples. In my experience some councils **may** even dictate where windows can and cannot be placed and they are even known to have discussed with applicants about aesthetic and design issues, which is simply not a requirement in many planning schemes. This can also cause considerable extra delay and costs associated with altering designs and the like.

Someone who has never been through the planning process, and I would hazard a guess that that covers quite a lot of people and certainly first-home buyers or builders, can simply be caught unaware of their rights in these circumstances. Equally, if the planning system was simple, efficient and less expensive, we **may** even see a decline in the number of illegal dwellings, renovations and additions.

Our planning system lacks certainty, clarity and consistency. These are the three key ingredients that any planning system that is well drafted should provide for the users of the system. Average home builders and ordinary, everyday Tasmanians do not have the time or inclination to wade through the red tape that Labor has forced upon anyone prepared to run the planning gauntlet in Tasmania.

What is the solution? The solution is simple and clear. This Government needs to stop tinkering around with the planning system, stop making hollow promises and have the strength and vision to reform the system properly. Tinkering only makes the problem worse and that is what this bill proposes. The Government should support it if they are serious about providing a statewide residential planning code, which has been promised

for some time. This bill ensures that the major reform the Liberals and the Greens promised at the last State election and the reform that Labor has toyed with on and off for the last 12 or 13 years is finally put into place. The solution is this bill. If Labor and/or the Greens vote against this bill it will indicate to all Tasmanians that they do not intend following through on any of their planning promises.

Our bill requires the Tasmanian Planning Commission to implement a statewide single dwelling residential planning code by the end of this year. Our bill provides what is missing in Tasmania's planning system, and that is certainty, clarity and consistency. It is what home builders are crying out for, and have been crying out for for years.

After 12 long years of inaction and inability under Labor, and now the Greens, what is Labor offering in terms of a solution? One thing that I have consistently heard from all planning stakeholders, with whom I consult regularly and who are involved with meeting with the current minister, and the latest set of Labor planning promises is that nothing will come quickly. If the past 12 or 13 years are anything to go by, then Labor is not going to deliver anything in a hurry. Unfortunately the stakeholders, somewhat realistically, have become pessimistic about the prospects of anything happening in planning and this in turn affects our economy. Investors are turned off by doing anything in Tasmania when people cannot even build a single dwelling with ease. I note the minister who was in the House before when I was mentioning the figures could not see the direct correlation between the planning system and the decreasing of any investment in Tasmania.

So in answer to my initial question, what is Labor's solution? It is clear that it is simply just wait and trust us. Those words coming from the likes of the minister are little comfort to the families of Tasmania who want and need reform. A policy of 'just wait and trust us' just simply will not cut it. It has been too long, and too many Tasmanians have missed out, to continue waiting for Labor to come good on their promises.

There is a major contrast here. The Tasmanian Liberals, with a plan to act now and ensure that we have a remedy in place, will assist Tasmanians by the end of this year or the unfortunate alternative will be to keep rolling along into infinity not knowing whether Labor will come good on its promises, having had 12 years to effect reform.

As I have said previously the onus here is also on the Greens and what they intend to do. Do they intend to support this legislation, which will aid Tasmanians and make the effort required to build a home in this State much easier, or for the sake of keeping the Labor-Green marriage of convenience going and to avoid a very messy divorce will they stick with

the minister's mantra of promises, which based on past experience will probably never eventuate? The Tasmanian community, as I have said, will be watching this closely.

In conclusion, this bill is what the Tasmanian community needs to end the uncertainty that currently exists around Tasmania's planning system. The planning system must provide consistency and fairness and we must remove the red tape and bureaucracy that we all currently face when we want to undertake work on our homes or indeed build a new home. We need all types of investment in Tasmania and it starts at this level. Our builders have been crying out for this reduction in red tape and uniformity for years. We have an obligation to give it to them now more than ever given the state of the economy. Certainty and uniformity is what this bill will provide and will ensure happens. It provides certainty, it provides consistency and it provides clarity and it will be a better way of administering planning in this State. Additionally, it is what is needed right now. The Minister for Planning has certainly mouthed platitudes for too long. Now everyone in this House has the opportunity to actually force the reform this State so desperately needs, by supporting this bill. Mr Speaker, I commend this bill to the House.