

# NATION BUILDING AND JOBS PLAN FACILITATION (TASMANIA) BILL 2009 (No.

## Second Reading

**Mr BARTLETT** (Denison - Minister for Education and Skills - 2R) - I move

That the bill now be read for the second time.

The purpose of the bill is to ensure the delivery of the social housing and schooling infrastructure projects to be funded by the Commonwealth in furtherance of the National Partnership Agreement on the Nation Building and Jobs Plan, that was signed by all States and Territories at the Council of Australian Governments meeting on 5 February this year.

The COAG agreement puts into effect part of the Commonwealth Government's \$42 billion package designed to boost economic growth and create jobs in the face of the global recession. The completion of projects under the Nation Building and Jobs Plan aims to stimulate employment and economic activity in the short term and to support resilience and growth nationally, now and into the future.

Under the National Partnership Agreement, States and Territories will receive \$21 billion in funding to deliver social housing and schooling infrastructure, provided that a range of conditions are met. These include extraordinarily tight commencement and completion time frames.

On a per capita basis, Tasmania's share of the available Commonwealth funding is more than \$550 million. Clearly, the Government must do everything in its power to make the most of this significant opportunity for Tasmania's communities, both now and for future generations. This investment in infrastructure is unprecedented in size, scope and urgency.

In terms of social housing, for example, \$6.4 billion nationally is being provided, with \$6 billion going toward the supply of new social housing and \$400 million going toward the upgrade and maintenance of existing dwellings. Tasmania's share is around \$150 million, which has the potential to deliver up to 500 additional properties into the social housing sector as well as upgrading a significant number of existing public housing dwellings to a high standard.

Investment in education infrastructure is equally significant. The Commonwealth has agreed to provide \$14.7 billion over three years for major and minor upgrades for Australia's government and independent schools. This will fund schools to build and upgrade facilities which will then be available for broader community use: libraries; multi-purpose halls and gymnasiums; science laboratories; and language and learning centres.

Under the 'Primary Schools for the 21st Century' initiative, all Tasmanian government and non-government schools with primary enrolments and special schools will each be entitled to one large-scale infrastructure project of up to \$3 million. In addition, all Tasmanian schools will receive up to \$200,000 for maintenance projects and Tasmanian secondary schools will also have the opportunity to apply for one of the 500 new science laboratories or language and learning centres available nationally. This massive injection of funds will build on the extensive investment the Tasmanian Government has already made in our schools and our students.

The benefits for Tasmanian communities will be significant. The initiative will deliver:

- a significant boost to our construction and trades industry, throughout every region of the State;
- high quality accommodation for those in need of public housing; and,
- school facilities that can be accessed by members of the community.

The Tasmanian Government has a significant role to play in ensuring the delivery of the stimulus package. The Prime Minister has made it very clear that the building program must begin immediately to ensure the fastest possible delivery of the stimulus to the national and State economies.

There are a number of factors that have the potential to delay the social housing and school infrastructure projects, however it is the planning and approval processes that is most likely to result in the Commonwealth's time frames not being met. It is for this reason that I am introducing a bill into the House today that will remove the application of the Land Use Planning and Approvals Act 1993 to these projects.

As the House is no doubt aware, average approval times in Tasmania are below the national average and well below the timeframes prescribed in the Land Use Planning and Approvals Act. However, even with our relatively short time frames we will not be able to meet the Commonwealth's tight deadlines. Further, the dramatically increased volume of development across the State - particularly in the context of a substantial planned increase next year in the states own capital program, a shortage of planners, local government involvement in water and sewerage reform and councils progressing their own regional and local community infrastructure projects - is likely to stretch time frames well beyond acceptable limits.

The effect of this bill is to exempt certain projects that are in furtherance of the Nation Building and Jobs Plan from the requirements of the Land Use Planning and Approvals Act. The bill will only apply to relevant social housing and school infrastructure projects - or other projects as prescribed by regulation - and the bill will expire in 2012 once the Nation Building Plan has been fully implemented.

Instead of the projects to which the bill relates being dealt with pursuant to the provisions of the Land Use Planning and Approvals Act, the bill requires that they be subject an alternative streamlined process. This process balances the need to commence the projects within extremely short time frames, with the need to ensure the views of local councils and of the public, and good planning principles, are considered in finalising the project design.

The bill applies to projects being progressed by both government and non-government schools. It may also apply to projects being progressed by non-government organisations, identified by the Government through a competitive process to deliver social housing, a further requirement of the National Partnership Agreement. Where the Treasurer is satisfied that a project is in furtherance of the National Partnership on Nation Building and Jobs, he can declare it to be an 'NPA Project'.

I want to make it clear that the bill does not provide proponents with a second chance or 'free ride' to push through inappropriate developments that have been refused permits previously by local councils. If the proposed development has been rejected previously, agencies will have to demonstrate to the Treasurer that the plan has been modified in accordance with the key issues raised previously. Once declared, the project is exempt from the Land Use Planning and Approvals Act and any planning scheme, special planning order, planning directive or interim order made under that act. The bill does not, however, exempt the proponent from other laws that may apply to the development. For example, the bill does not provide the proponent with an exemption from having the project assessed, pursuant to the Historic Cultural Heritage Act 1995 or Aboriginal Relics Act 1975, where those acts would normally apply. Nor does it excuse the proponent from complying with the Building Act 2000.

Upon declaration of the project to be an NPA project, the bill requires certain steps to be taken before construction can commence. These include consultation on the proposal with both the local council and members of the public and consideration of a range of planning related issues, such as natural hazards, contaminated land, traffic flows and impacts, density and open space and energy efficiency.

At the conclusion of this process the proponent may modify the project to take into account comments made during the public consultation or as a result of the planning matters considered, although not so far as to change the site or

increase the project's overall scale. Only once the Project Authority - the Director of Housing, in the case of social housing projects, and the Secretary of the Department of Education, in the case of school infrastructure projects – is satisfied that the steps above have been carried out, is the project certified and construction can commence.

At each stage of the process, the bill sets out the notification of both local councils and members of the public that must occur. This will ensure that at any given time it will be clear which projects are subject to the provisions of this bill.

The purpose of this legislation is very specific: it removes hurdles presented by the statutory planning process that will prevent the construction of certain projects commencing within the tight time frames required by the Commonwealth. The legislation does not, however, seek to exempt those projects from the planning system for ever more.

Once a project is certified, the bill sets out mechanisms by which the project is once again governed by the Land Use Planning and Approvals Act. Where the planning scheme that would have applied to the project does not require amendment then, upon certification, the Land Use Planning and Approvals Act automatically applies to the use and development. However, where the planning scheme that would have applied to the project provides that the use and development pertaining to the project is only permitted if a planning permit is granted, then the Land Use Planning and Approvals Act applies, and the certification is taken to be a planning permit authorising the use and development.

Finally, where the planning scheme that would have applied requires amendment for the use and development to proceed, then the Land Use Planning and Approvals Act applies once those amendments are made, and the certification then acts as a planning permit authorising the use and development.

The bill also sets out the process by which the Minister for Planning may amend a planning scheme in consultation with the local council. Without this bill there remains a real risk that the State will not meet the obligations detailed in the National Partnership Agreement and the Commonwealth will withdraw funding from the Nation Building and Jobs Plan projects. The State may even be penalised by the Commonwealth through a reduction in its GST revenue.

The COAG Agreement on the Nation Building and Jobs Plan will provide crucial funding to stimulate the State economy and provide important infrastructure to Tasmanian communities. This bill will facilitate Tasmania receiving maximum benefit from the Agreement.

I commend the bill to the House.