Queensland
Government

Department of Infrastructure,
Local Government and Planning

Our ref: DGBN16/1

5 FEB 2016

Mr Jim Pearce MP
Chair
Infrastructure, Planning and Natural Resources Committee
Email: ipnrc@parliament.qld.gov.au

Dear Mr Pearce

Thank you for the Committee's work to date on the Inquiry into the Planning Bills 2015.

As requested in your letter of 16 November 2015, please find enclosed a written response prepared by the Department of Infrastructure, Local Government and Planning on the key issues raised in submissions on the Planning Bills.

I would like to extend my thanks to the Committee for its generous extension of time for this response, enabling the Department to consider the large number of submissions received.

The Department's response is structured similarly to the Bills for the Committee's ease of use.

The Department has used its best endeavours to identify and address all comments contained in the 122 submissions. To enable a meaningful response, it has been necessary to group and summarise comments. This has been done in good faith with a view to providing useful commentary. Stakeholder's references were also utilised where possible.

Despite this, some comments may have been unintentionally misallocated or misattributed where the references were not explicit or the comments raised multiple or very general issues.

Should the Committee require a more particular or specific response to an issue or need further information, I encourage you to contact Mr James Coutts, Executive Director, Planning Services in the Department on 3452 7673 or by email at james.coutts@dilgp.qld.gov.au.

Yours sincerely

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Director-General

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Response to issues raised in submissions to the Infrastructure, Planning and Natural Resources Committee

Department of Infrastructure, Local Government and Planning

Planning Bill 2015

Planning and Environment Court Bill 2015

Planning (Consequential) and Other Legislation Amendment Bill 2015

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Planning Bill 2015

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General commentary			
4, 13, 14, 15, 19, 45, 47, 50, 51*, 52*, 53, 54*, 55, 58, 59#, 61*, 62, 63*, 64, 66*, 68, 69*, 71*, 72, 73, 74, 76*, 77, 78, 79, 80, 81, 83#*, 85, 86, 88, 89, 91, 92*, 94*, 96, 98, 100*, 102, 103#*, 105*, 107, 108, 109, 110#, 111*, 112#, 114*, 115*, 116*, 117, 118*, 119*, 121*, 122*	Why SPA is being repealed and replaced, rather than a package of small amendments to SPA, to achieve reform?	While there was a significant amount of commentary supporting the new Planning Bills package, there is also a significant amount of commentary questioning the need to repeal the current legislation and replace it with new legislation that introduces new terminology and other changes. On the one hand, stakeholders recognise the increasing and embedded complexity of the *Sustainable Planning Act 2009* (SPA) and the *Integrated Planning Act 1997* (IPA) before it, to which many amendments have been made over the last 18 years. There was considerable support expressed in submissions for concise, comprehensible and navigable legislation. The counter view expressed was concern about needing to learn and adapt to new systems, with no evidence or demonstrable benefits to support this more broad-scale change. The view expressed is that the current system merely needs some minor changes plus some non-legislative approaches aimed at State and local government working collaboratively to make improvements including cultural change.	The Bill seeks to present a clear, logical, accessible and consistent Planning Act for the State. At over 700 pages, the current planning legislation (SPA) is complicated and hard to navigate. Information is difficult to find, and processes and obligations are hard to clarify or follow. SPA also contains information that is more instructive material than legislative requirement; its structure has also led to duplication and replication and is not aligned to more contemporary drafting practices. Ongoing issues are experienced because of the "decision rules" set in SPA that establish a highly prescriptive and structured way that assessment managers are to make decisions. This arrangement is complicated and forces plan makers into designing very detailed schemes so that the decision-making process can be satisfied. Challenges with the operation of code assessment and then compliance assessment generated issues in system functionality leading to "work-arounds" and systemic inefficiencies. The cumulative effect of addressing these factors combined with a range of other issues that have been continually raised, led to a need to holistically recraft the legislation. These other issues include complex currency period/related application arrangements; that multiple approvals/conditions for premises may overlap/conflict; non-minor changes require the entire application to go through a full process again; criteria for determining a change application is complex and uncertain; cancellation arrangements are inflexible; there are inconsistencies in obligations and powers; local government community infrastructure designation arrangements are not useful; practical challenges in using Temporary Local Planning Instruments; the confusion and unworkability of the purposive provisions; the need for a way to exempt inappropriately categorised development in certain circumstances; formalising alternative assessment arrangements; and inflexibilities within current processes. With all of the detailed process elements contained in the legislation, changes can take many months to be realised. If all of the elements were to be tackled by a SPA amendment, any amending Act

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			would be long and complicated even with many foundational elements of SPA remaining the same. Creating a new Act presented other opportunities to improve other parts of the legislation where there is repetition, duplication or confusion – like consolidating appeal rights in a single schedule in tabular form; consolidating definitions and restructuring provisions in a more intuitive way. The proposed new Planning Act still contains a significant portion of the key elements of the current planning framework and much of the new arrangements will be familiar to users.
1, 4, 9, 10, 13, 14, 15, 17, 19, 46, 49, 50, 51*, 52*, 53, 54*, 56, 59#, 60#, 61*, 62, 63*, 65, 66*, 69*, 71*, 72, 73, 74, 76*, 77, 78, 79, 81, 82, 83#*, 87, 88, 89, 91, 92*, 94*, 96, 98, 99, 100*, 103#*, 104, 105*, 106, 108, 110#, 111*, 112#*, 113, 114*, 115*, 116*, 117, 118*	General structure of framework – Act, Regulation and instruments	Submissions expressed concerns about the usability of the new framework, in particular needing to move between a large number of instruments. Comment was also made that there is no parliamentary scrutiny of the Regulation and other instruments. There were also comments about consistency and clarity in terminology and definitions used within the Bill and across other instruments. In part, some of these comments were about capturing specific matters or descriptors such as, parkland, outdoor signage, walkable neighbourhoods, orderly and sequenced infrastructure, as well as other policy instruments such as Reef 2030, and Wet Tropics World Heritage Management requirements, etc.	The current planning framework is expressed across an Act, Regulation and instruments. in addition to the Regulation, SPA currently has four state planning instruments: • State Planning Policy (SPP) • regional plans • State Planning Regulatory Provisions (SPRPs) (there are currently 8 SPRPs) • Queensland Planning Provisions (QPP) (currently 187 pages) SPA also provides for the following separate instruments: • Making and Amending a Local Planning Instrument (MALPI) • Local Government Infrastructure Plan Guideline • Community Infrastructure Designation Guideline. Removal of two of the four State planning instruments – the SPRPs and QPP - immediately reduces the number of instruments that system users need to understand and keep up to date with. The regulatory matters in these current instruments will be embedded in the Planning Regulation, enabling them to be subject to expert Office of Queensland Parliamentary Counsel drafting and Executive Government processes. The Regulation is required to be tabled in Parliament, can be subject to Parliamentary Committee scrutiny and can be disallowed by Parliament. There is also a reduction in other instruments, including the consolidation of plan making requirements together. The Minister's rules and guidelines anticipated by the Bill encompass: • plan making process, including Local Government Infrastructure Plans and requirements in relation to natural hazards planning

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			• infrastructure designation, covering Minister and Local Government processes • the development assessment process. The placement of system elements across the Act, Regulation and other instruments is based on contemporary legislative drafting practice including ensuring rights, roles and responsibilities are embedded in the highest order instrument – the legislation – and subject to Parliamentary scrutiny. Fundamental machinery is then embedded in the Regulation with process matters then placed in instruments. Accountability measures in relation to the instruments have been embedded in the Bill, particularly public notification and accessibility requirements. In practice, the majority of system users are expected to use guidance material; comprehensive forms and templates; electronic systems and professional advice to navigate the system as is currently the case.
Almost all submissions contributed to this discussion. See submissions 72 and 78 in particular.	Approach to planning in Queensland/ comparison of a performance based system with a prescriptive system	Some submitters sought policy matters to be embedded in the Bill along with specific measurable outcomes to be achieved or detailed criteria and guidance. Part of this discussion was about the extent of discretions and accountabilities that then follow from a performance based system, including the level and character of discretions, management of conflict of interest and adequate separation of duties across the development assessment process. This was also partly a discussion about the innate tension between flexibility and certainty within the system while still providing accountability. There was debate about the benefits of a performance based system compared with a highly prescriptive system. Examples of submitter comments included requests for: • all applications to fully justify the development sought; that is, how a	Clause 3 of the Bill provides that the purpose of the Act is to establish a land use planning and development system to facilitate ecological sustainability. The legislation then focusses on the characteristics of the system it establishes - described in clause 4 - with outcomes intended to be expressed and achieved through the State planning policy, regional plans and local government planning schemes. As framework legislation, the Bill's function is to establish the required foundational elements of the system – across plan making, development assessment and dispute resolution – and the rights, roles and responsibilities necessary for that system. Given planning and development is influenced by many externalities and factors; can take a multitude of forms; and each community is intrinsically unique, it is impractical and potentially impossible for all possible scenarios to be specifically addressed and regulated in the legislation, or prescribed across the broader system. Therefore, the legislation is prepared as a framework, and the level of prescription or direction that then follows in a regulation, instrument or scheme will vary depending on contemporary or emerging circumstances, informed by communities as they change and grow.

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		proposed development satisfies outcomes rather than meets technically focussed or other benchmarks • more responsibilities to be given to appropriately qualified personnel (outside governments) • more definitions, guidance, criteria, policy outcomes, detail, process elements to encompass the spectrum of potential plan making or assessment paths. Other general commentary suggested system enhancements to support the Act's purpose such as appropriate incorporation of guidelines for engagement with indigenous communities and a range of other matters to integrate indigenous community based planning and other specific governance arrangements such as Indigenous Land Use Agreements (ILUAs) and Trusts into the broader planning system.	
11, 14, 15, 62, 65, 67, 79, 81, 87, 89, 91, 96, 102, 104, 106, 109, 113, 117	Drafting and/or technical amendments	Many submissions, particularly from councils, suggested minor technical amendments to the Bill, including cross-referencing, corrections and rearrangements.	Minor technical amendments which are not specifically addressed in this document are being worked through with a view to ensuring the accuracy of provisions in the Bill.
Chapter 1 - Preliminary			
2#, 3#, 5#, 6#, 7#, 10, 14, 15, 17, 18#, 19, 20#, 21, 23#, 24#, 25#, 27#, 28#, 29#,	Purpose of the Act	Broadly, the submitters who commented on the purpose of the Act were supportive of clause 3 Purpose of the Act. Some individual submitters and	"Facilitating ecological sustainability" is expressed as the outcome to be achieved by the Act's land use planning and development assessment system. The more detailed description has been adopted in response to broad stakeholder input. Also, "ecological sustainability" has been used to address the conflict between the

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30#, 31#, 32#, 33#, 34#, #5#, 36#, 37#, 38#, 39#, 40#, 41#, 42#, 43#, 44#, 45, 46, 48, 49, 50, 51*, 52*, 54*, 55, 59#, 60#,61*, 63*, 64, 65, 66*, 69*, 71*, 73, 74, 76*, 78, 79, 83#*, 84, 85, 86, 87, 88, 89, 90, 91, 92*, 94*, 96, 99, 100*, 102, 103#*, 110, 111*, 112#*, 114*, 115*, 116*, 118*, 119*, 121*, 122*		environmental groups sought a more expansive purpose or alternative expressions, with additional descriptive content about the means by which the environment is to be protected. This included further definitions about legislative scope; amenity and development impact; and some expression to promote effective balance between making development and its assessment speedy and effective, and individual rights to be heard. The strongest dissenting view suggested that the Act's purpose should be a succinct statement of what the legislation intends to achieve. The explicit balancing of environmental, social and economic factors was specifically supported but the descriptive provisions are suggested as being unnecessarily complicated with the potential for misconstruction and misapplication. This included suggestions that parts of the purpose which were considered to add little value or create uncertainty about how other elements of the system are intended to operate, should be removed. One aspect of this was a preference for "ecologically sustainable development (ESD)" rather than "ecological sustainability" and the use of the ESD definition in Commonwealth environmental law. Other specific matters that submissions suggested should be explicit or expanded included: • heritage matters • growth management	narrow definition of "development" in the Bill, and the common broader meaning of "ecologically sustainable development". While not calling up any of the other explanations of ESD in other Acts, the purpose as described in the Planning Bill expresses the key outcomes sought that are relevant in the context of Queensland's planning system. The suggestion that legislation or policy as expressed in other jurisdictions should be called up in the Planning Bill, has not been adopted so as to prevent decisions of other jurisdictions impacting, potentially perversely, on State specific needs. Queensland would lose its capacity to regulate itself if the approach taken in other jurisdictions gets out of step with Queensland's needs or special attributes. Further, as planning legislation, the Planning Bill centres its outcomes in a planning context, recognising the balancing required, without preference, across economic, social or environmental factors that contribute to ecological sustainability. The Planning Bill is "framework" legislation and therefore expresses its purposive provisions in more generic terms. It is intended that the place in the planning system for more detailed policy positions or directions, such as those suggested in relation to heritage, active communities, adaptation, growth management and the prioritisation of policy factors, is the planning instruments that are prepared under the legislation. This means that many of the more specific aspects of the purpose like those sought by stakeholders will be found in the SPP, regional plans and local planning schemes at the scale appropriate for that instrument. The key elements of the system are described in clause 4. Clause 3(3) is inclusive in character, so the characteristics are not exhaustive and other factors may also contribute to ecological sustainability. Some matters, such as environmental priority outcomes, or land/property matters, are found in other legislation, and are therefore not specified in the planning framework legislation. Some more specific matters, like cumulative effects and other elements, are considered to be intrinsic to matters already identified in the purpose and not separately mentioned.

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		• protection of property rights of all • prioritisation of State interests/policy and ethical decision-making in local government instruments • adaptation in relation to climate change, including prioritising green space and addressing cumulative impacts such as heat • health and wellbeing; walkable active communities; increased public transport; higher densities • full examination of all environmental impacts for every development and cumulative effects • stronger focus on preserving natural assets including agricultural land and water resources.	
10, 15, 17, 21, 45, 48, 49, 50, 51*, 52*, 53, 54*,55, 56, 59#, 60#,61*, 63*, 65, 66*, 69*, 71*, 74, 76*, 78, 82, 83*, 84, 85, 87, 88, 89, 92*, 94*, 99, 100*, 103#*, 105*, 110, 111*, 112#*, 114*, 115*, 116*, 117, 118*, 119*, 121*, 122*	Advancing the purpose of the Act	Clause 5 Advancing purpose of Act was generally supported including specific elements with respect to heritage, investment, and housing choice and affordability. There were varying views expressed about the inclusion of the precautionary principle with one set of stakeholders seeing it as integral to achieving ecological sustainability; compared with other stakeholders who were of the view that it worked against the necessary balancing between economic, social and environmental outcomes fundamental to planning and expressly sought by the legislation.	Clause 5 identifies actions that advance the Act's purpose and has been included in response to stakeholder feedback during consultation. Like clause 3, this is an inclusive provision, so the characteristics are not exhaustive and other actions may also advance the Act's purpose. It is also expressed in more generic terms, encompassing many more specific matters that stakeholders may see as necessary in the framework. The elements that are included to address weaknesses in SPA as a result of stakeholder feedback are: • Aboriginal and Torres Strait Islander culture and tradition • places of cultural heritage significance • housing affordability • investment, economic resilience and economic diversity • community resilience. The precautionary principle is considered intrinsic in the overarching purpose of achieving ecological sustainability, and is reflected in the Bill.

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		Further suggestions sought: • more specific detail in relation to Queensland heritage places • more social and economic factors • more definitions and other qualitative descriptors like "cost effective", "orderly" and "financially sustainable" • performance measures and targets, like water quality improvement targets • weighting for each factor. There was some support expressed for the removal of this clause as unnecessary, supporting instead the purposive provisions.	
Chapter 2 - Planning			
10, 48, 50, 74, 86, 89, 103#*, 112#*	General structure and governance	There have been some suggestions that new governance bodies and different approaches should be included in the planning framework. Examples included: • a State Planning Advisory Committee comprised of peak, professional and academic bodies • community panels and forums for open meetings • multiple locality-specific committees for each local government area to engage with and represent the community on planning matters; and bodies internal to local governments that provide a multi-disciplinary consideration of planning matters	The Bill expresses a range of embedded mechanisms, which combined and cumulatively, offer significant oversight and accountability. These are: • The primacy of State interests through instruments such as the SPP and the regional plan, to require consideration and reflection of matters of State interest in planning schemes. Regional planning committees remain a feature of the system. • Public notification and consultation requirements for making State instruments, local government planning schemes, and infrastructure designations; and in development assessment. • Ministerial powers of direction, action and call-in, enabling intervention where a State interest is potentially compromised. While intended to be used only in limited circumstances, it remains an accountability measure in the system. • Public accessibility requirements that oblige various responsible entities – like the assessment manager, local government or chief executive – to retain material so that it can be readily accessed. It is noted that under the *Local Government Act 2009*, a local government is able to

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		• requiring more holistic community planning (as used to be undertaken under the *Local Government Act 2009* before it was amended in 2012) • devolving plan-making to planning authorities for greater public engagement in planning and more independent plan making; decentralisation of control from the local government and removing Ministerial intervention.	establish bodies to inform it on matters within its jurisdiction. This provides councils with flexibility to introduce new governance structures to support their role in the planning system. The State has – and will retain – similar capacity, as evidenced by bodies such as the new Urban Design and Places Panel. Legislative change is not needed to achieve this flexibility.
9, 10, 45, 47, 48, 49, 50, 55, 59#, 60#, 61, 65, 68, 73, 75, 77, 78, 81, 83#*, 84,85, 86, 87, 88, 89, 97, 98, 99, 101, 102, 103#*, 106, 110#, 111, 112#*, 117	State planning instruments	There was general discussion and support expressed for the simplification of the State instruments and removal of the SPRPs and QPP; as well as consultation arrangements in the Bill. Comments received included: • a desire for stronger compliance with State interests (including timeframes) and accountability (like reporting) measures to enforce the State planning instruments • the need to specify the SPP and regional plans as statutory instruments. There were a number of submissions seeking amendments with respect to how regional planning is dealt with in the Bill, including: • setting their functions as identifying regional outcomes and resolving matters of State interest • requiring key elements such as	The Bill simplifies the hierarchy for State level planning instruments by carrying forward only two (SPP and Regional Plans) of the four instruments established under SPA. Material in the two instruments being removed from legislation (SPRPs, QPP) that still needs to be regulated will be moved to the Regulation (such as 'regulated requirements' of planning schemes [from the QPP] and regulatory provisions such as koala protections and the SEQ urban footprint). This will respond to stakeholder concerns about the number of regulatory instruments to be complied with; as well as meet and address the policy tensions that arise between instruments. As framework legislation, provisions across the whole planning system have been reconsidered and refined to ensure that the legislation is only regulating matters appropriate for legislation. For this reason, detail currently in SPA on a range of matters has been removed and positioned elsewhere, such as the Regulation, instruments or guidance, depending on the nature of the material. Generally, details with respect to the content of instruments (State and local) are treated as policy or guidance matters not generally suited to framework legislation and have therefore been removed. Also, as framework legislation, the Bill does not identify policy or operational details, such as how many SPPs may be made or the content of various instruments – including regulated requirements of planning schemes or State interests. The SPP and regional plans are statutory instruments by virtue of the *Statutory Instruments Act 1992* and are therefore not specified as such under the Bill.

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		desired regional outcomes, strategic outcomes for environmental matters and performance measures • guidance around regional planning committees • statutory requirement to consult with local governments • reintroduction of parliamentary scrutiny of regional plans • requiring local governments to amend their schemes to reflect the regional plan within a stated period (like 2 years). Consultation requirements were generally supported with suggestions that the State should notify a communication strategy similarly to a local planning scheme; and that the timeframes were not long enough for considered responses. Some operational matters have also been mentioned in some submissions including: • the preference for multiple individual State Planning Policies instead of a single SPP • content of the QPP and SPP (including matters like what should be captured as a State interest).	As under SPA, consultation timeframes established in the Bill are required to be met and have been treated, in practice, as minimum requirements.
7#, 9, 10, 14, 15, 19, 26, 45,48, 49, 50, 56, 59#, 60#, 61, 62, 63, 65, 68, 73, 78, 81, 83#*, 84, 87, 88, 89, 91,	Local planning instruments	Many submissions were received on the contents of local planning schemes and the removal of the QPP. There were mixed views, with submissions advocating either a flexible or prescriptive approach to local planning instruments.	The Bill requires a local planning scheme to identify strategic outcomes; and the 'regulated requirements' of a local planning scheme will be established through the Planning Regulation. Therefore, any regulatory matters in the QPP that need to be carried forward will be included in the Planning Regulation. As identified in the draft Planning Regulation currently on public consultation, the mandatory elements of the current QPP are embodied in the draft Regulation and have been identified as a result

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96, 98, 99, 101, 102, 103#*, 108, 109, 110#, 111*, 112#*, 117, 120		Those advocating a more prescriptive approach cited examples of 'poor' developments in their local areas and sought more certain development outcomes from their local planning schemes. Some submitters raised concerns that providing greater flexibility to local government in deciding the content of their planning schemes would lead to inconsistencies between schemes or exacerbate current problems. Some submitters sought: • explicit performance measures; increased community engagement; stronger compliance measures and reporting; and balanced, evidence-based planning • mandated planning scheme structure and interpretation, including management of the interplay of multiple zonings and overlays • a positive interrelationship between plan making and the new Development Assessment Rules • an explicit requirement for certain policy content, such as parkland, social and physical infrastructure • strong guidance on the requirements, less technical terminology and more definitions. There was support for: • establishing 'regulated requirements' of local planning schemes (though there was some	of consultation. The SPP continues to provide State-led policy direction in relation to the content of schemes. The remaining components will be available to local government as guidance material. To support the new decision rules for development assessment in the Bill, local governments will be offered assistance from the State to examine their planning schemes and to transition these prior to the commencement of the Bill with the objective of ensuring that the policy effect of existing schemes is preserved under the new system.

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		suggestion that these could be in the Minister's rules not the Regulation); and the intention that these will be less prescriptive than the current QPP • enabling more flexibility through the new scheme making and amendment process • how Local Government Infrastructure Plans have been incorporated, particularly the extension of time for completion • public consultation timeframes.	
11, 14, 15, 19, 49, 65, 67, 79, 85, 88, 89, 98, 102, 117	Temporary local planning instruments (TLPIs)	A few submissions commented on TLPIs, most from local government and industry groups. The extended life of a TLPI to up to two years was generally supported along with the ability to amend. The contrary view expressed was that this longer time period obviates its "temporary" function and won't be needed if improved amendment processes are in place. While supportive of the provisions that a TLPI become active at the time of a Council resolution, some local governments sought removal of the need for prior approval by the Minister. Other submitters raised concerns about the ability of the TLPI to become active on Council resolution (before community engagement) as there is limited practical capacity for community awareness in a timely way and individuals may unknowingly be in breach of requirements. Other suggestions included:	Changes to SPA's TLPI arrangements have been made in response to stakeholder concerns and requests. The Bill does not enable a TLPI to be activated prior to approval by a Minister. However, with the Minister's agreement in writing, the effective day for the making or amendment of a TLPI is the day a local government resolves, at a public meeting, to give the TLPI or amendment to the Minister for approval. In this situation, a TLPI would apply retrospectively, that is, from the day the resolution was made and not from the day the TLPI was approved. However, this would only apply in very limited circumstances where the Minister is satisfied that immediate intervention was required. Ministerial approval is a deliberate pre-requisite to ensure appropriate checks and balances are in place in this process. The period of up to two years (up from 12 months in SPA) was introduced in recognition of the time needed by councils to amend their planning schemes to incorporate the substance of the TLPI. After this time, the council would be required to remake the TLPI. TLPIs are intended as an urgent temporary measure requiring timely regulation that cannot wait for the longer scheme amendment process. The process of integration of the TLPI into the full scheme offers appropriate consultation and accountability about the substance of the TLPI and its ongoing utility.

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		• a process for the Minister to extend TLPI's longer than 2 years if needed – where the process to include the matter in the full scheme is well progressed • compliance and reporting measures • removing Ministerial direction powers • expanding the scope to include local government incentivisation for development.	
14, 48, 67, 68, 81, 85, 88, 89, 102, 106	Review of planning schemes	Regular and timely (10 yearly) reviews of planning schemes were supported, as were public consultation timeframes for local planning instruments. Some submissions sought a 5 year cycle such as a formal State interest review or review of the scheme's strategic outcomes. Others sought enforcement mechanisms directed at councils' reviews complying with their own schemes or bi-annual land availability reports to test the scheme. Some councils sought guidance about what constitutes a review.	The Bill re-establishes SPA's 10 yearly review timeframes and public consultation provisions for planning schemes. This is in addition to council's regular scheme amendment processes to continue to keep their schemes up-to-date and workable. The Bill does not prescribe requirements for these reviews enabling flexibility for councils in this process, to suit their community's needs. The new plan making arrangements which will be described in the Minister's rules include more flexibility for local government to negotiate a process with the State for plan making that better suits the community's needs. This will be based on a set of principles, and there is a standard default process which can be used, if preferred, for scheme amendments. State interests can be considered much earlier in plan development too. Community engagement measures have been added in response to consultation, to ensure councils are adopting appropriate strategies for community engagement and improve opportunities for the public to engage in planning scheme making. Operationally, and as is currently the case under SPA, the State reviews planning schemes in the plan making process for their compliance with State interests. This is reflected in the plan making rules, an instrument provided for under clause 17 of the Bill. The draft of this instrument is currently open for public consultation. Further, as is also currently the case under SPA, planning schemes must be approved by the Minister. These processes offer checks and balances in relation to the making of planning schemes.
7#, 10, 15, 19, 48, 50, 56, 59#, 60#, 61*, 63*, 65, 68,	Making, amending or repealing local	Where submissions mentioned plan making or amendment processes, commentary related to two main issues – process matters	Community engagement in plan making is a fundamental principle of the planning framework. The Planning Bill, particularly at clause 18, provides for community consultation by enshrining the obligations on the councils to publicly notify their

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81, 83#*, 85, 88, 89, 103#*, 106, 110#, 111*, 112#*, 117	planning instruments	and community engagement. In relation to the process of plan making, submitters sought: • greater State oversight in local government scheme making such as chief executive power to investigate and amend planning errors • consistency across schemes including definitions • assurance that the tailored process won't extend plan making processes. Some submissions sought guidance on best practice scheme making and the chief executive's notice setting out the process for making a scheme. In relation to community engagement, submissions sought: • meaningful engagement between community and council in plan making such as formal and informal structures and arrangements for open public debate; the use of electronic media • best practice approaches such as International Association for Public Participation Australasia (IAP2), and that it occur earlier in the process • active advice by councils to land holders about adverse planning changes if they affects their properties. There was a counter view that the State should not regulate further in this regard as	instruments, the making of submissions, and that all properly made submissions must be considered by council in making their schemes. The introduction of a requirement that there be a communication strategy responds to stakeholder concerns about council consultation. The Minister is required to make an instrument under clause 17 that sets out rules that must be followed for making schemes. This instrument expands these requirements and has been in draft form and available for consultation. The community engagement principles established in the consultation draft plan making instrument are founded in IAP2 principles. The instrument sets principles as well as requirements. Councils are not constrained from undertaking engagement over and above the requirements of the plan making rules. Feedback on the Bills will be used to inform the plan making instrument also. To ensure that councils can choose and implement community engagement strategies that suit their constituency and support informed plan making, a toolkit of best practice support and guidance is being developed to support the requirements of the plan making rules and assist councils.

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		councils know their constituency best, some suggesting they not be required to produce a consultation strategy.	
11, 15, 65, 67, 79, 81, 85, 88, 89, 98, 102, 106, 111*, 117	Compensation	Submissions, generally from local governments, supported the natural hazard compensation exemptions for local governments in relation to adverse planning changes. However there were opposing views expressed including: • that compensation should be removed altogether • some councils who would prefer that local governments be fully exempt from compensation claims regarding natural hazards, particularly in light of the scrutiny undertaken in relation to the scheme amendment itself • objection to removing a right of land owners to compensation and seeking retention of SPA's current arrangements, or alternative wording to SPA's current wording to introduce measures requiring local governments to consider a risk assessment that requires expert assessment, consideration of mitigation, and public scrutiny. Other commentary sought: • clarity as to whether the right to claim compensation runs with the land or not, and confirmation that the timeframe for the right to claim	The Bill extends relief to local governments from the obligation to pay compensation for changes to planning schemes affecting development in relation to reducing risks from natural hazards in certain circumstances – that is where an appropriate methodology set in the Minister's rules has been followed in making that planning change. This responds to matters flagged by the Queensland Flooding Commission of Inquiry, and the Commonwealth Productivity Commission, as well as local government feedback that SPA's compensation arrangements were hindering plan making to address natural hazards. Queensland is the only State that includes compensation arrangements of this nature in its planning framework, carrying forward a fundamental principle that the cost of decisions for the broader public good should not be borne by the individual. Removing all compensation arrangements would be a considerable shift from longstanding arrangements and has not had broader support to date. The right to claim compensation arises in the context of the immediate intention to develop the land adversely impacted by the planning change. SPA's timeframes for making a claim have not been reduced in the Planning Bills. The right to claim compensation is limited to an "affected owner", who under clause 31(1) is a person with an interest in a premises at the time an adverse planning change starts to have effect for the premises. Clause 31(5) goes further to ensure that an affected owner may not claim compensation to the extent that compensation has already been paid to a previous owner of the interest (also being an owner at the time of the adverse planning change). SARA - and other agencies - are not empowered to assess against a superseded scheme under the Bill. SARA assesses against State interests expressed in the State Development Assessment Provisions. The superseded scheme arrangements relate only to matters in the local government scheme. The Minister's rules at clauses 30(4)(e)(ii) and (4)(f) will be activated as part of clause 18 and clause 20 for making and amending planning schemes under Minister's rules. Timeframes for decisions under this part are intended to find a reasonable balance between the needs of councils and land owners within an efficient system.

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		not be reduced • fees for superseded planning requests set by council not by Regulation • clearer expression particularly with respect to terminology • empowerment of the State Assessment and Referral Agency (SARA) or other agency to assess against a superseded scheme (not just the local government) • expansion outside natural hazards e.g. contamination • setting of lower thresholds and clarity about their scope • extension of timeframe for council response to the affected owner seeking compensation (from 70 business days to 150 business days) • expansive requirements for applicants of superseded scheme requests • clarity with respect to a TLPI that was in effect in relation to the superseded scheme.	A superseded scheme application would, if granted, be assessed against any TLPI that was current in relation to the superseded scheme by virtue of the definitions of superseded scheme and TLPIs. The Bill also makes clear that the making of a TLPI does not create a superseded scheme.
17, 65, 75, 88, 89, 98, 102, 104, 106, 117	Infrastructure designation	Some submissions discussed infrastructure designation and sought: • more detail about "another way" of environmental assessment • explicit reference to consideration of impacts on infrastructure planning and charging; and the Minister's role in the local government designation process	The effect of a designation on a planning scheme is made clear through the operation of clauses 42 and 44. A designation does not amend the scheme, but rather sits over the top of the scheme. Where infrastructure is within the scope of the designation, it no longer requires a development application and is thus "accepted" development. However, if development is pursued that does not fit within the scope of the designation, the planning scheme requirements have remained active "underneath" the designation. The Bill's provisions work to ensure this development is not "accepted" development and will be required to meet the requirements of the scheme.

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		• to reintroduce hardship provisions for owners adversely affected by designations • decentralisation of State designation from the Planning Minister • cumulative consideration of requirements • clarity about the effect of a designation on the scheme • centralised State record keeping • clarity that designations are still subject to local government infrastructure charging. Support was expressed for explicit reference to engagement with local government but some sought local government veto. A number of submissions raised concerns about the application of the infrastructure designation arrangements to privately owned infrastructure or that private sector entities could seek designations.	As framework legislation, the Bill does not list in their entirety all elements of requirements for matters that need to be considered in making/amending a designation or what constitutes an acceptable environmental assessment. As is currently the case under SPA, there is capacity for the Minister to consider an environmental assessment that has been conducted in a way that is different from the guideline. This acknowledges that such an assessment can successfully take different approaches or methodologies, noting that the Minister must be satisfied with this alternative approach. Detailed matters such as impacts on infrastructure planning are not listed but are encompassed in broader requirements about what a designator must have regard to. Indeed, introducing a requirement that the Minister must consider submissions from the local government also enables the local government to raise these issues for consideration. Procedural instruments will outline process elements such as approval processes. The Bill carries forward SPA's arrangements that State departments are not liable for infrastructure charges (clause 112(3)(c)). There is no such exemption for private providers seeking designation, who remain subject to charging arrangements. The Bill provides for State and local government to designate infrastructure. The Bill also carries forward the current scope of infrastructure as provided for under SPA. These are prescribed by Regulation. The draft Planning Regulation, currently undergoing public consultation, will continue to prescribe the types of infrastructure that can have premises designated, including schools, hospitals and parks. There is no limitation on the character of entities that may seek designation, noting that the type of infrastructure listed and designated has, to date, largely been delivered by public sector entities. SPA does not currently limit infrastructure designation to government or State agencies, and these arrangements have been carried forward without change in the Bill. The requirements that may be included in a designation under clause 35(2) are deliberately listed using the word "or". Based on statutory interpretation rules, all or any of these can be included in a designation. With the adjustments made to the designation arrangements – including having a single designating Minister – hardship provisions have been revised. Hardship remedies are provided for under clause 41, which provides for repeal of the

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			designation or other action (which does not preclude compensatory measures).
10, 14, 15, 48, 49, 50, 56, 59#, 60#, 83#*, 88, 89, 98, 103#*, 110#, 112#*, 117	Where provisions are held – primary legislation, regulation or statutory instruments	A range of submitters raised concerns about the removal of provisions from the primary legislation to the Planning Regulation or statutory instruments. Submitters also expressed views about the terminology used including multiple use of same word or phrase in different contexts for example, that "Minister's rules" are provided for in various places across the Bill.	The Bill carries forward a succinct and practical structure through the removal of descriptive detail and process details to other instruments such as the Planning Regulation or statutory instruments. Care has been taken to ensure that rights, roles and responsibilities remain enshrined in the legislation. However, freeing the legislation of process detail assists its clarity and navigability – enabling it to be more easily understood and used more intuitively. Processes have been transitioned to instruments so that they can be more easily adapted to changing circumstances as needs arise. To ensure there is public scrutiny, the Bill provides for a consultation process for the instruments that matches the process undertaken to make or amend the SPP. This means that the same public consultation provisions for State planning instruments will apply to the Minister's rules and guidelines, including the plan making rules, Development Assessment Rules and infrastructure designation guidelines. Each instrument becomes effective through the Regulation, meaning that each time one of these instruments is made or amended, a Regulation is needed to make them operational. Regulations must be approved through a Governor-in-Council process and must be tabled in Parliament. Parliamentary scrutiny of the regulation can occur through the Parliamentary Committee process and the Regulation can be disallowed by Parliament.
11, 15, 19, 48, 49, 59#, 60#, 65, 67, 79, 83#*, 85, 88, 89, 103#*, 104, 110#, 112#*, 117	Ministerial powers	Some submissions discussed Ministerial powers in relation to plan making and made a number of suggestions: • timeframes for compliance with Ministerial directions and an enforcement framework should be mandated • Ministerial powers should be extended to directions and reviews about designations and local planning instruments • Ministerial powers should be judicially reviewable	Ministerial direction powers are intended for very limited circumstances, and in practice, have been rarely used. Detailed matters such as timeframes have not been included in the Bill so that these operational matters can be determined to suit the circumstances that arise through the notification process prescribed in the Bill. The notification process ensures appropriate checks and balances are in place, and uncertainty in relation to matters, including recovering expenses, is minimised. Clause 230 provides that a person who is aggrieved by a decision made under the Bill may apply to the Supreme Court for a review of the decision on the ground of jurisdictional error. While some parts of the *Judicial Review Act 1991* don't apply, Part 4 still applies, providing that a person may apply for a statement of reasons in relation to a decision under the Bill. The jurisdiction of the Planning and Environment Court and the Development Tribunal encompasses a broad range of appeal and declaratory proceedings available under the Bills, offering a complete alternative to

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		• the Minister should not be able to recover expenses.	judicial review under the *Judicial Review Act 1991*.
12, 26, 91, 108, 120	Building assessment and certification system	A number of submissions raised concerns about liability, practice, and professional requirements of building certifiers; and the interplay between planning and building assessment provisions.	The professional building certification arrangements and building assessment provisions are in the *Building Act 1975* and outside the scope of the Planning Bill. Building matters are specifically excluded from regulation under a local planning scheme by operation of clause 8(5) to the extent that the building work is regulated under the building assessment provisions, unless allowed under the *Building Act 1975*. This is replicated in the *Building Act 1997* as well as the proposed Planning Regulation. As framework legislation, detailed scheme content is not included in the Bill.
Chapter 3 – Development assessment			
9, 62, 112#*	Assessment benchmarks	Local government submitters raised concerns that 'assessment benchmarks' in existing schemes will not be appropriate for the new planning framework, and may not capture everything required for the assessment of development. Industry submitters raised concern that local government will limit assessment benchmarks to acceptable solutions in planning scheme codes, thereby removing performance based solutions.	An assessment benchmark under the Bill is not limited to 'codes', and can be any matter identified in the categorising instrument. Transitional arrangements ensure that the applicable codes under existing planning schemes become assessment benchmarks, i.e. any codes or standards that are currently used to assess applications will continue to be used under the new Act. Local governments will continue to determine the appropriate assessment benchmarks for development, as is currently the case under SPA.
11, 14, 15, 19, 45, 51*, 52*, 53, 54*, 59#, 60#, 61*, 63*, 65, 66*, 67, 69*, 71*, 72, 76*, 83#*, 85, 87, 88, 92*, 94*, 100*, 103#*, 104, 105*, 110#, 111*, 112#*, 114*, 115*, 116*, 118*,	Assessment manager/ Chosen (alternative) assessment manager	Many community submitters raised concerns with the operation of a chosen assessment manager as the decision-maker for particular development applications. Concerns related to qualifications and experience of the chosen assessment manager, and how conflicts of interest will be managed. Local government submissions were mixed on the concept of a chosen assessment manager – some were supportive while others	The Bill enables an applicant for code assessable development to nominate a chosen assessment manager for assessment of the development under certain circumstances. This is a new tool for the planning framework and is intended to enable low risk applications to be assessed efficiently and effectively. These arrangements are limited to code assessment because the assessment benchmarks and decision rules for code assessment are clear and transparent. A chosen assessment manager is required to be 'appropriately qualified'. This term is defined in the *Acts Interpretation Act 1954* and means, for a function or power, 'having the qualifications, experience or standing appropriate to perform the function or exercise the power'.

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119*, 121*, 122*		opposed it. Industry and utility submitters generally supported the chosen assessment manager provisions. The Crime and Corruption Commission raised the issue of potential opportunities to conceal errors or promote corrupt conduct which may arise through the chosen assessment manager mechanism.	A local government or the chief executive, as the prescribed assessment manager, has control over whether this mechanism is used, and what aspects of development it could apply to. There is no obligation on these entities to keep a list of chosen assessment managers, nor is there an obligation on applicants to use a chosen assessment manager instead of the prescribed assessment manager. Further, there is no obligation on a chosen assessment manager to accept an application made to it. For example, a chosen assessment manager may not wish to accept an application it feels is beyond its capacity. There are no provisions for dealing with a conflict of interest for a chosen assessment manager in the Bill – this would rely on service level agreements and administrative arrangements negotiated between the prescribed assessment manager and the chosen assessment manager. A breach of the service level agreement could be used by the prescribed assessment manager as reason to remove a person from the list of chosen assessment managers. Professional standards requirements of chosen assessment managers are also expected to be adhered to. The Bill deals with circumstances where a chosen assessment manager ceases to exist or is removed from the prescribed assessment manager's list, ensuring that applicants and holders of development approvals given by chosen assessment managers are not disadvantaged by this event. Also, the Bill requires the chosen assessment manager to give the prescribed assessment manager details of the applications and decisions it makes, and the access rules under the proposed Planning Regulation will require the prescribed assessment manager to keep this information publicly available.
9, 11, 14, 15, 48, 62, 67, 79, 85, 88, 98, 117	Categories of development	Submissions, including those from industry, were generally supportive of reducing the categories of development to accepted, assessable and prohibited. Concerns around categories of development centred around: • whether, with fewer categories, local government would elevate the level of assessment of some developments from code to impact,	The overall intent and outcomes for development are not changed by the reduction in categories under the Bill. The main points to note are: • The categorising instruments determine the category of development – this intent has not changed. • The intent of assessable development and prohibited development has not changed under the Bill. • The default category for development under the SPA is 'exempt' – this intent is not changed under the Bill. Under the QPP, planning schemes are able to state that particular development, for example, not meeting certain criteria, is 'impact assessable by default'. Under the Bill, planning schemes, as a

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		and from compliance to code • the time, effort and cost for local government of changing categories with no demonstrated benefit • the omission of 'self-assessable' as a category of development. Many local governments supported the removal of 'compliance assessment' as a category of development.	categorising instrument, will still be able to use this mechanism to make development impact assessable. • Accepted development combines the SPA categories of exempt and self-assessable development complying with any self-assessable requirements. • Under the SPA arrangements, self-assessable development that doesn't comply with applicable codes is assessable development. The same intent applies to accepted development under the Bill, where particular development is accepted only if it complies with any requirements prescribed in the Regulation or the local planning instrument. • Compliance assessment as a separate category is discontinued under the Bill as it has not been widely used by local government, predominantly because a request for compliance assessment cannot be refused. • It is expected that development which would have been subject to compliance assessment will generally be categorised as assessable. However, it may be accepted if requirements for the development can be appropriately quantified. • Enabling works that are currently being dealt with under compliance assessment to be assessed by a chosen assessment manager is a possible solution to the loss of the benefits of compliance assessment. Only new planning schemes made under the Planning Act will be required to use the new categories of development. Transitional provisions in the Planning Bill ensure that planning schemes made before commencement using categories of development under the SPA can continue to operate and function, even if local governments take no action to amend their schemes to reflect the new categories. The Department is committed to assisting local governments in their transition to the new Planning Act. Financial and administrative assistance will be available to support those local governments who choose to amend their planning schemes for commencement of the new Planning Act.
9, 14, 15, 19, 45, 51*, 52*, 54*, 55, 59#, 60#, 61*, 63*, 65, 66*, 67, 69*, 71*, 76*, 77, 79, 81, 83#*, 88,	Categories of assessment	There was general support for retaining the SPA categories of code and impact assessment for assessable development, although some submitters preferred the terms 'standard' and 'merit' assessment.	Due to feedback received on the draft Bill, the Bill retains the existing categories of code and impact assessment for assessable development, and requires that all applications for impact assessable development are publicly notified. This intent is the same as the SPA. Public notification is not required for code assessable development, as this category is

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89, 92*, 94*, 100*, 102, 103#*, 104, 105* 107, 110#, 111*, 112#*, 114*, 115*, 116*, 117, 118*, 119*, 121*, 122*		Some local government submitters raised concerns with the operational aspects of the changed assessment rules for code and impact assessment. One local government supported a framework of three categories of assessment, with the proposed addition of category for impact assessable applications not subject to public notification. There were mixed views from local government about whether all impact assessable applications should be subject to public notification. Community submitters strongly oppose the de-linking of public notification from impact assessable development. Some community submissions went further in suggesting that all assessable development including code assessment should be publicly notified. Many submissions raised a concern that under the Bill clause 45(4) an assessment manager is not required to advance the purpose of the Act when assessing an application for code assessable development. Some submissions queried the ability for impact assessment to be carried out against or having regard to 'any other relevant matter', suggesting this is too broad and should be limited to public interests or planning grounds.	intended for development that can be assessed wholly against pre-determined criteria. The opportunity for community input is at the plan making stage, when the codes for the development are being proposed and made available for public consultation. The delinking of public notification from some impact assessable development is not proposed in the Bill, as community feedback strongly opposed this option. Clause 45(4) provides that an assessment manager is not required to advance the purpose of the Act when assessing code assessable development. This intent has not changed from the SPA, section 4(2), which states that advancing the Act's purpose does not apply to code assessment or compliance assessment. This is because code assessment, as a bounded assessment, must only be against prescribed assessment benchmarks, and the purpose of the Act should be reflected in the assessment benchmarks when developed by the assessment manager. These assessment benchmarks also subject to State scrutiny through planning review and approval processes, where the requirements of the Planning Act (such as the purposive provisions) and State policy (such as the State Planning Policy) are considered. Impact assessment is not a bounded assessment like code assessment, and is intended to apply when assessment against a broader range of matters is appropriate, and where public notification and public input via submissions is desired. While assessment benchmarks and other matters that the assessment manager must assess against or have regard to will be prescribed for particular development, there may be circumstances when 'other relevant matters' would be an important consideration. It is intended that such matters be limited to matters of public interest, and they must be of relevance to the development. Assessment against or having regard to 'other relevant matters' is not obligatory and may not be a consideration for many applications. To ensure transparency and accountability of the assessment manager's decision on the application, clause 63(7) of the Bill requires the assessment manager to publish a notice on their website about the decision stating the reasons for the decision and listing the 'relevant matters' that the development was assessed against or to which regard was had.
9, 11, 14, 15, 65, 67, 72, 73, 79, 85,	Development applications /	Most submitters supported the retention of the requirement to provide owner's consent	The requirement to provide evidence of owner's consent with particular development applications for the application to be properly made is continued from SPA. This

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104, 106, 117	Variation requests	with a development application. Some local government and industry submitters suggested that owner's consent should not be required for State owned land, given the time it takes to obtain owner's consent from the State. Other points raised included: • support for discretion for assessment managers and referral agencies to refund or waive application and referral fees • a comment about reviving lapsed development applications • preference for the retention of the term 'application for preliminary approval to override a planning scheme' rather the term 'variation request' as the intent of the mechanism has not changed • request for clarification on the effect of changing a development application • concern that there is no ability for an assessment manager to impose conditions on a variation approval.	reflects community expectations on this matter. This requirement also applies to State-owned land. The Bill does not provide for how lapsed development applications can be revived – this is a matter for the Development Assessment Rules, which are being developed by the Department and consulted on prior to finalisation. The change to 'variation request' simplifies the terminology, and more accurately describes the intent of the mechanism. It is understood that the current mechanism is generally not known by the term 'application for preliminary approval to override a planning scheme', instead this has been truncated to 's242 application', which does not describe the intent. A variation approval does not authorise development to occur, and it is not appropriate to place conditions on the variation approval because subsequent approvals for development can contain appropriate conditions. The assessment manager must decide the request, to— • approve all or some of the variations sought, • approve different variations from those sought, or • refuse the variations sought. The Development Assessment Rules also set out the process to be followed when a change is made to a development application.
1, 2#, 3#, 5#, 6#, 7#, 9, 11, 14, 15, 18#, 20#, 22#, 23#, 24#, 25#, 27#, 28#, 29#, 30#, 31#, 32#, 33#, 34#, 35#, 36#, 37#, 38#,	Decision rules - code assessment	Local government submitters noted the absence of the SPA provision that an assessment manager's decision must not conflict with the planning scheme 'unless there are sufficient grounds'. Some local governments requested that the SPA code assessment rules be retained, and if not, there is a risk that development that is	Under the Bill, code assessment must only be against assessment benchmarks, with no ability to have regard to matters other than those prescribed for the assessment. The Bill requires that an assessment manager must approve a code assessable development 'to the extent the development complies with all of the assessment benchmarks for the development'. This is the 'presumption in favour of approval' mentioned in the submissions. The decision rules under the Bill enable an assessment manager to approve an application even if the development does not comply with some or all of the

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39#, 40#, 41#, 42#, 43#, 44#, 48, 51*, 52*, 54*, 55, 57, 65, 67, 68, 59#, 60#, 61*, 63*, 66*, 69*, 71*, 76*, 79, 80, 81, 83#*, 85, 87, 92*, 94*, 98, 100*, 102, 103#*, 104, 105*, 106, 109, 110#, 111*, 112#*, 114*, 115*, 116*, 117, 118*, 119*, 121*, 122*		currently code assessable will be elevated to impact assessment. Many submitters raised the issue of deciding development applications where there are conflicts within and between the applicable codes in the planning scheme, particularly approval of a code assessable application 'even if the development does not comply with some or all of the assessment benchmarks'. One local government submitter did not support the intention that applications may be refused only if compliance cannot be achieved by imposing development conditions, and requested the SPA decision rules be included instead, ie that refusal not be limited. Many submitters commented on the presumption in favour of approval: • some local governments did not support the presumption in favour of approval for code assessment and were concerned that their planning scheme codes would not function as intended under the changed decision rules, thereby resulting in perverse outcomes • a concern was raised that assessment benchmarks could include broad policy statements, which is inconsistent with the community's expectation of code assessment • most community submitters	assessment benchmarks. This enables the balancing of competing assessment benchmarks for particular development, where compliance with all assessment benchmarks is not possible. Importantly, an application that does not comply with any of the assessment benchmarks can be refused by the assessment manager and this is not prevented by the Bill. Planning schemes are sophisticated documents, and assessment benchmarks for code assessable development should give applicants certainty that if the development complies with all the requirements and codes, an approval will be given. Commitment has been given to providing administrative and financial assistance to local governments to ensure their planning schemes and codes function efficiently and effectively under the new decision rules on commencement. The long lead time between assent and commencement facilitates this outcome. Any proposed change to the category of assessment from code to impact in a planning scheme will require a planning scheme amendment, and the Department will work with local governments in this regard to ensure that the need for such amendments is minimised. Public consultation of such an amendment will always be required. The ability to impose development conditions to achieve compliance is intended to be limited, for example the conditions cannot change the development in order to make it compliant, rather the conditions would be about how the development is carried out. If such conditions cannot achieve compliance, the applicant would have the option of changing the development application so that compliance can be achieved, rather than risk the refusal of the application. The Bill includes provisions where, if particular development applications or change applications are approved or approved subject to conditions, and the development did not comply with any or all of the benchmarks or referral agency assessment matters, then the decision-maker must publish a notice on its website stating the reasons why the application was approved despite the non-compliance. This will apply to assessment managers and referral agencies for development approvals, and the responsible entity for change approvals. This ensures that the decision-maker's justification for the decision is made publicly available, improving transparency and accountability for the decision.

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		opposed the 'presumption in favour of approval', and the ability for an assessment manager to approve an application even if it does not comply with some or all of the assessment benchmarks. Retention of the consideration of relevant matters (such as planning need) was also suggested.	
14, 50, 55, 88, 98, 107, 112#*, 117	Decision rules – impact assessment	One submission raised concern about the inclusion of 'any other relevant matter' as a matter that impact assessable development is assessed against, as it removes certainty for a proposal even if it fully complies with stated assessment benchmarks. Other submissions requested that the decision rules under SPA be included in the Bill, i.e. requiring a decision to not conflict with a relevant instrument unless there are sufficient grounds to justify the approval.	The intent of impact assessment is that a holistic assessment of a development proposal is undertaken, for which a broader assessment has been deemed to be appropriate under a categorising instrument, and where public input is desirable. Unlike code assessment, the assessment is not limited only to assessment benchmarks and other stated matters, and there may be 'other' matters that come to light during the public consultation process or the assessment manager's assessment process. Other matters include planning need and matters considered under SPA to be sufficient grounds. However, the assessment of the development against such matters is limited to the extent that the matter is relevant to the particular development. To ensure transparency and accountability of the assessment manager's decision on the application, the Bill requires the assessment manager to publish a notice on the website about the decision, stating the reasons for the decision, any relevant matters the development was assessed against or to which regard was had in the assessment, how the assessment manager has dealt with any matters raised by submissions, and if approved, why the application was approved despite any non-compliance with the assessment benchmarks.
9, 11, 14, 15, 17, 19, 51*, 52*, 54*, 55, 59#, 60#, 61*, 63*, 65, 66*, 69*, 71*, 72, 76*, 79, 80, 83#*, 85, 87, 88, 92*, 94*,	Exemption certificates	Some submitters did not support the concept of exemption certificates, and raised concerns that the issue of exemption certificates will be open to abuse. While local government submitters were generally supportive of the provisions, it was suggested that there should be provision for	Only a local government or the chief executive can give an exemption certificate for assessable development within their jurisdiction as an assessment manager for the development, and these entities are bound under legislation to perform their functions lawfully. Any person can bring a proceeding before the Court to test the lawfulness of any decision to give an exemption certificate. The option to give an exemption certificate under particular limited circumstances was included in the Bill at the request of the local government sector, and deals with

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100*, 103#*, 105*, 106, 107, 110#, 111*, 114*, 115*, 116*, 112#*, 117, 118*, 119*, 121*, 122*		imposing conditions on a certificate and an ability to withdraw a certificate.	situations where a development permit is required due to an error in the categorising instrument, for example, a mapping error in a planning scheme; or where the circumstances requiring assessment of the development no longer apply; or the effect of the development is minor or inconsequential. Amending a planning scheme to correct the error or applying a development assessment process to development under these circumstances is an expensive and time consuming exercise for both the applicant and the assessment manager with little or no benefit to the development outcome. The Bill does not oblige the local government or chief executive to consider a request for an exemption certificate or to give a certificate. Whether a request for an exemption certificate is considered or given or not is entirely at the discretion of the relevant local government or chief executive. The Bill does not make provision for imposing conditions other than requirements about when certain actions must be taken, nor is there provision for withdrawing an exemption certificate, given that the certificate may only be given in very limited and particular circumstances.
1, 9, 14, 15, 17, 48, 50, 51*, 52*, 54*, 59#, 60#, 61*, 63*, 66*, 67, 69*, 71*, 76*, 79, 82, 83#*, 85, 87, 88, 89, 92*, 94*, 100*, 103#*, 105*, 110#, 111*, 112#*, 114*, 115*, 116*, 117, 118*, 119*, 121*, 122*	Referral agencies / SARA	There is general support for simplifying the categories of referral agencies, by removing the terms 'concurrence agency' and 'advice agency'. One submitter suggested that the existing advice agencies should be removed, given that anyone can provide advice to the assessment manager in the development assessment system. Most submissions supported the continuation of SARA as the State referral agency, although some submissions suggest that the technical agencies should be reinstated as referral agencies in their own right. Some submissions also suggested that the Bill should make provision for how SARA deals with advice from technical agencies. However, some submitters had concerns with the	Generally, the Bill reflects the current arrangements for referral agencies under the SPA, with the role of SARA continued under the Bill. SARA will continue under administrative arrangements to consult with technical agencies such as the Department of Transport and Main Roads. It is the intent of the proposed Planning Regulation that SARA will be required to assess development against the State Development Assessment Provisions (SDAP), compared to the SPA which requires only that SARA may have regard to the SDAP. This considerably strengthens the rigour of the assessment required by SARA. It is not appropriate for the Bill to mandate internal arrangements of the State in dealing with matters of State interest. These arrangements are the subject of service level agreements with the technical agencies. While the categories of referral agency are simplified under the Bill, there is no change to the current power of referral agencies under the SPA, including advice agencies. Concurrence agencies will become referral agencies with the power to direct assessment managers through the referral agency response. The current advice agencies will be retained however will be limited to providing advice only. For example, Queensland Fire and Emergency Services (currently an advice agency) is

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		continuation of SARA, which they contend weakens the role of specialist and technical agencies. One submission suggested that heritage protection is weakened because the Queensland Heritage Council is not a referral agency for applications affecting heritage places. A local government submitter suggested that its referral agency response (for building work) should not be taken to be 'no requirements' if the response is not given in time, and that clause 58 should be amended to exclude building work applications. Some comments related to inconsistencies between the Bill and the draft Development Assessment Rules for referral agency requirements.	limited to providing advice only about applications for marinas with more than 6 berths. 'Advice' agencies have an important role in the development assessment process and there is no intention to remove them from the system. The intent of the proposed Planning Regulation is that SARA is the prescribed referral agency for all referrals relating to State interests, including State heritage places. SARA consults with the Department of Environment and Heritage Protection as the technical agency. It is proposed that non-legislative arrangements will be made to give the Queensland Heritage Council a formal role in providing advice to SARA for applications where a proposal may 'destroy or substantially reduce' the cultural heritage significance of a State heritage place. Further, to provide greater guidance and ensure adequate protection is provided for State heritage places, the SDAP *Module 9: Queensland heritage* is also being reviewed. The Development Assessment Rules are currently undergoing public consultation, and will be checked for accuracy and alignment with legislative provisions before finalisation.
14, 15, 45, 65, 67, 85, 88, 106, 117	Development approvals	Some submitters raised concerns about why a preliminary approval would prevail over a development permit. Other submitters had similar concerns about conditions of a development approval not being inconsistent with an earlier development approval. Some submissions suggested that an applicant should be able to give an assessment manager notification that they will not be appealing, so that the decision notice can be given to submitters prior to the end of the applicant's appeal period.	The Bill clarifies that a preliminary approval prevails over a development permit for the same development only, to the extent of any inconsistency, subject to an intended and stated inconsistency of the later development permit about which the applicant and/or the owner have agreed. The provision relating to inconsistent development conditions also applies only to earlier approvals still in effect for the same development. Any inconsistency in conditions can be imposed only by the original entity that imposed the condition, with the written agreement of the applicant and/or the owner. To ensure transparency and accountability of the assessment manager's decision on a development application, the assessment manager must publish a notice on the website about the decision, stating the reasons for the decision, including the reasons for any inconsistency with a preliminary approval for the development. Also, it is intended that the Planning Regulation will require that the relevant decision notice itself be accompanied by the written agreement to the inconsistencies. The Bill provides that the applicant's appeal period is 20 business days after the

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			decision notice is given to the applicant. It is intended that the Development Assessment Rules will enable an applicant to advise the assessment manager that the applicant does not intend to make change representations about the decision during this period, which will then enable the assessment manager to give the decision notice to submitters, effectively shortening the overall timeframe.
9, 11, 14, 15, 51*, 52*, 54*, 61*, 63*, 65, 66*, 69*, 71*, 76*, 83#*, 85, 87, 92*, 94*, 100*, 103#*, 105*, 111*, 112#*, 114*, 115*, 116*, 117, 118*,119*, 121*, 122*	Deemed approvals	Submitter views on deemed approvals were mixed. Industry groups were supportive of the retention of 'deemed approvals', with some submitters seeing them as a means of driving cultural change and ensuring assessment managers comply with development assessment timeframes. Local government submissions suggested amendments to the Bill, or removal of the provisions. Community and individual submissions generally requested these provisions be removed as they lessen the need for an applicant to demonstrate why approval should be granted. Some submissions suggested that an automatic 'deemed refusal' should be given instead. A local government submitter suggested that the provisions should be amended so that they apply only to a local government or the chief executive. This would exclude deemed approvals applying to applications made to other prescribed assessment managers or chosen assessment managers.	The deemed approval provisions under the SPA are retained in the Bill. The deemed approval provisions apply to all assessment managers, including chosen assessment managers. While not frequently used, the provisions provide a mechanism to ensure statutory timeframes for decision-making are met by assessment managers. To date stakeholder feedback has been that the deemed approval provisions have led to more timely approvals and have been effective in encouraging cultural change. As applications made to chosen assessment managers are expected to be limited to low risk (code assessment) development, it is extremely unlikely that timeframes will not be adhered to. The mechanism is applicant driven, and a deemed approval is not automatically given if the decision making timeframe is not met. Standard conditions have been developed and apply to deemed approvals, as if they were imposed by the assessment manager, where necessary.
14, 15, 26, 79, 89, 117	Change representations (during appeal period)	Most submitters support the introduction of a decision timeframe to determine change representations. Some submitters suggested that a penalty for non-compliance with the	The SPA does not include a timeframe for the determination of representations during the appeal period. The Bill introduces a decision timeframe of 20 business days, which may be extended with the approval of the applicant. The Bill is consistent with the SPA in that there is no penalty for an assessment

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		timeframe should also be introduced. Some submitters requested that more than one negotiated decision notice should be able to be given.	manager's non-compliance with a decision timeframe, and this should also extend to the new change representation decision period. The intent of the Bill is that only one negotiated decision notice can be given. The negotiated decision notice replaces the original decision notice. This intent is unchanged from the SPA, and ensures that the decision stage of the development assessment process is effectively concluded. If the applicant still wishes to contest the decision, appeal rights are available, or if it is after the appeal period has ended, a change application can be made.
9, 11, 14, 15, 26, 65, 67, 68, 88, 98, 102, 106, 107, 117	Change application (after appeal period) – minor change	A number of suggestions and queries were received including: • a query on the notification arrangements in place when a responsible entity other than the Court subsequently approves a change application for an approval originally granted by the Court • a query on the meaning of 'substantially different' development, used when determining whether a change is a minor change • a suggestion that the responsible entity should assess the application against the matters applying when the change application was made, not the matters applying when the development application was made • a suggestion that there should be a penalty if the responsible entity does not meet timeframes • a suggestion that provisions be included to ensure that the reasons for a refusal are included in the decision notice	Clause 83 of the Bill provides for the responsible entity to give the decision notice to the Court, enabling the Court to keep appropriate records of the change approval. The Development Assessment Rules provide guidance for determining when a proposed change to a development approval would result in substantially different development. The Development Assessment Rules are currently open for public consultation. The Bill provides that the assessment matters applying when the original development application was made apply to the assessment of the change application, however the responsible entity may assess against or have regard to the matters applying when the change application is made. This requirement is limited only to minor changes to development approvals, and does not change the intent of the SPA in relation to permissible changes to development approvals. However, the current assessment matters apply when determining if the development is 'substantially different', and if so, a change application for a minor change cannot be made. The Bill does not provide penalties for non-compliance with timeframes, however if the timeframe is not complied with, the applicant has the right to appeal against a deemed refusal of the application. The term 'decision notice' is defined in Schedule 2 of the Bill, and must state the reasons for a refusal of the application, and must also state any appeal rights. The jurisdiction of a Tribunal under the Bill in relation to change applications is limited to hearing proceedings about whether the proposed change is a minor change. The Tribunal cannot make a decision on the change application.

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		• a suggestion that provisions need to address a change application made to a Tribunal.	
11, 14, 15, 80, 85, 88, 102, 112#*	Change application (after appeal period) – for other than a minor change	Some submitters opposed the provisions enabling changes other than a minor change to be made to a development approval, suggesting that a new development application should be required. Some submitters were concerned that a greater range of change applications would not be subject to public notification. Some submitters raised concerns about change applications being made to a chosen assessment manager as the responsible entity, as the application could be made years after the approval was given, and the chosen assessment manager may no longer exist. Some local government submitters raised concerns about having to publish a notice about the decision on the application, stating that this is an onerous requirement.	Under the SPA, a change cannot be made to a development approval other than for a permissible change. This enables only minor changes to be made. For a proposal other than a minor change, a new development application must be made. The Bill provides a more flexible process for dealing with changes to approvals. While a new development application is not required to be made for the changed development, provisions ensure assessment of the change mirrors the assessment the proposal would have to undergo as if it were a separate development application including the change. If public notification would be required for the changed application (due to the change being made), the change application will be publicly notified and submissions may be made. While notification is not required for a minor change, if the development application was publicly notified, the responsible entity will have regard to any submissions made about the original application. Clause 279 of the Bill provides that if the assessment manager was a chosen assessment manager, and the applicant is unable to make the application to the chosen assessment manager, the application must be made to the prescribed assessment manager as the responsible entity. To ensure transparency and accountability of the responsible entity's decision on the change application, clause 83(8) of the Bill requires the responsible entity to publish a notice on the website about its decision on the change application stating the reasons for the decision and why the application was approved despite any non-compliance with assessment benchmarks. This requirement is similar to the assessment manager's responsibilities as decision-maker for a development application.
11, 14, 45, 80, 81, 85, 98, 102	Currency period	Submissions on this topic were received from local government and industry bodies. The removal of the roll forward provisions was broadly supported, though some industry submissions noted that the SPA provisions	The new currency arrangements in the Bill offer a simplified approach in comparison with the complicated roll forward provisions in SPA. The provisions in the Bill also give developers more certainty about when approvals lapse. The Bill has no requirement for assessment managers to notify approval holders of pending approval lapses because this is considered an overly onerous requirement on

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		were helpful for complex or staged developments that take several years to complete. It was suggested that a further change to the currency period for a reconfiguring a lot approval would assist, i.e. it should be 6 years, not 4 years. One submitter requested the roll forward provisions be retained, together with a requirement that the assessment manager notify the approval holder of a pending lapsing of the approval. Views were mixed on the extended currency periods. Some concerns were raised that local government development standards were more likely to change over a 6 year period and that material change of use (MCU) approvals may fall out of step with current standards. Some submissions did not support the ability for referral agencies to direct an assessment manager to impose a currency period for a development approval.	councils. Instead it is the responsibility of approval holders to manage their own approvals, which the Bill simplifies through set or stated currency periods. The 6 year currency period for a material change of use should minimise any adverse impacts from the removal of the roll forward provisions. The longer currency period should allow for the other development approvals (such as the carrying out of building work) to be obtained after the material change of use has been approved. While a referral agency may direct a currency period be imposed on an approval, this is limited to the aspect of development for which the referral agency has jurisdiction. This does not change the policy intent under the SPA, where a referral agency can tell the assessment manager to impose a different currency period. For all development approvals, an extension application may be made before the approval lapses, if the development has not substantially started or the change of use does not happen within the currency period.
11, 14, 15, 19, 48, 50, 51*, 52*, 54*, 55, 56, 61*, 63*, 66*, 67, 69*, 71*, 76*, 77, 78, 83#*, 85, 87, 88, 92*, 94*, 100*, 102, 103#*, 104, 105*, 111*, 112#*, 114*, 115*, 116*, 117, 118*, 119*,	Public notification requirements	Some submitters queried why there are two separate notification periods in the Bill for development applications, and expressed the view that a single notification period would simplify requirements. Some submitters suggested that longer public notification periods are needed for complex development applications. Many submissions opposed the removal of the requirement to publicly notify development applications in a newspaper as	Under the Bill, a longer public notification period (30 business days rather than standard 15 business days) applies if an application includes a variation request. This is necessary because a variation request is generally seeking to amend the way the planning scheme applies to the proposed development, in a way that was not envisaged when the planning scheme was originally proposed. The Bill also provides for the Planning Regulation to prescribe development for which a different public notification period is required to those mandated under the Bill. This is intended to be used to ensure that particularly complex developments or development with multiple referral matters will require an appropriate public notification period during which submissions may be made. The Bill clarifies that public notification cannot include a period between 20

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121*, 122*		provided for in the draft Development Assessment Rules. Many submitters were concerned that non-compliance with public notification requirements could be overlooked at the discretion of the assessment manager.	December and 5 January of the following year, due to the holiday period at this time. How and when public notification is to be carried out will be detailed in the Development Assessment Rules, which are currently open for public consultation. Best practice consultation guidance is also being developed in support. The level of discretion for an assessment manager to excuse non-compliance with public notification requirements is very limited, and has built-in checks and balances to ensure that the public opportunity to comment hasn't been compromised.
11, 14, 15, 17, 65, 67, 85, 88, 89, 102, 104, 106, 117	Notice of decision / Publishing reasons for decisions	Local government submitters raised concerns with the requirement to publish on its website a notice about the decision on particular development applications, stating that the requirement is onerous and unreasonable. Some local governments supported the requirement, if overall timeframes for giving the decision notice were to be increased.	The Bill requires local governments and the chief executive as the assessment manager, referral agency or a responsible entity for a development application or a change application to publish a notice about the decision for particular applications on its website. The Bill stipulates what must be included in the notice, in particular it must include a description of the matters that the application was assessed against or had regard to, including any other relevant matters for impact assessable development, how the matters were dealt with, the reasons for the decision, and if approval is given for development that does not comply with any assessment benchmarks, the reasons the application was approved despite the non-compliance. These requirements are new requirements under the Bill to address transparency and accountability in decision-making. While the provisions impose additional requirements on the entities, they are not considered unreasonable given the community expectations that relevant assessment matters will be appropriately considered in decision-making.
9, 11, 14, 15, 19, 62, 65, 79, 81, 85, 88, 106, 107, 117	Lapsing provisions	A number of submissions requested the ability for assessment managers to revive lapsed approvals without the involvement of the Planning and Environment Court. Some submissions suggested that 'substantially start' should be clarified.	The ability to revive lapsed approvals was not in SPA and is not included in the Bill. The longer currency period under the Bill, combined with the clarity provided by the removal of the roll forward provisions under the SPA, should provide for fewer instances where a development approval lapses without the knowledge of the owner of the approval. It is not possible to define what 'substantially start' means. The ordinary meaning of the term applies and should be interpreted in the context of the circumstances. In cases of dispute it is appropriate that this term remains a matter for the Court to determine on a case by case basis.
11, 15, 67, 88, 102, 106	Extension applications	Few submissions were received on this topic. Suggestions raised were:	An extension application is limited to extending the currency period for a development approval only – it does not change any other aspect of the approval. If a

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		• that an extension application should be able to be withdrawn • that conditions should be able to be imposed on an approval • that a 'grace period' should be provided for extension applications to be made after the approval has lapsed, and that reasons should be provided for a refusal • that applications should not be made to a chosen assessment manager, as the entity may no longer exist.	development condition includes a completion date for development, a change application rather than an extension application would be required if a change to this date is required. The ability to revive lapsed approvals was not in SPA and is not included in the Bill. The term 'decision notice' is defined in Schedule 2 of the Bill, and must state the reasons for a refusal of the application, and must also state any appeal rights. Clause 279 of the Bill provides that if the assessment manager was a chosen assessment manager, and the applicant is unable to make the application to the chosen assessment manager, the application must be made to the prescribed assessment manager as the responsible entity.
15, 19, 49, 65, 85, 106, 111*, 117	Ministerial directions	Several submissions stated Ministerial directions must be limited to matters of State interest only. One local government submitter did not support the ability for the Minister to give a direction about a current development application. One submission queried the omission of Ministerial directions to development applicants. Some submissions noted natural justice is denied as the Minister is not required to consult with anyone, or consider any material given to the Minister, before giving a Ministerial direction.	The intent under the Bill is unchanged from the SPA. Ministerial directions can be given only if a State interest is involved, or likely to be involved. The SPA included provisions for the Minister to direct an applicant to take stated action to ensure compliance with the Integrated Development Assessment System (IDAS), however it is understood this power is not used. Therefore, it has been deemed that inclusion of this provision in the Bill is not necessary. The development assessment system is applicant driven, and relies on the applicant taking action for the process to continue, with a risk the application will be refused if the action is not taken. If Ministerial intervention is necessary because of a State interest, the Minister has the option of calling in the application. The policy intent with respect to consultation before giving a direction is unchanged from the SPA section 422A, which has been in effect since early 2012.
11, 15, 19, 51*, 52*, 54*, 61*, 63*, 65, 66*, 67, 69*, 71*, 76*, 83*, 85, 92*, 94*, 100*, 103*, 105*,	Ministerial call ins	Several submissions stated Ministerial call ins must be limited to matters of State interest only. One submission noted the call in power should be used as a last resort, and that if planning schemes adequately reflected State	As under the SPA, the Minister can call in an application only if a State interest is involved, or is likely to be involved. 'State interest' is defined in the Bill and includes an interest that affects an economic or environmental interest of the State, or affects the interest of ensuring the Act's purpose is achieved. The Bill reflects the same intent as the SPA, requiring the Minister to consult with affected persons prior to deciding whether to call in the application, addressing

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106, 111*, 112#*, 114*, 115*, 116*, 117, 118*		interests the use of the power would be reduced. Submissions support the inclusion of provisions requiring the Minister to consult with certain entities and seek representations before deciding to call in a development application. One local government submitter requested clarity about what happens if the Minister decides only part of an application, while another submitter suggested that the Minister should always decide all of the application.	natural justice principles. The Bill provides that if the Minister decides only part of the development application, the decision-maker must assess and decide the other part, starting from the point in the development assessment process that the Minister decides.
117	Use or preservation covenants	One local government submitter suggested that an extension of the scope of covenants, for example to subdivision and building design, is desirable for achieving integrated development outcomes.	The Bill does not limit the scope of covenants – it simply requires that if a covenant is to be imposed it must be as a condition of the approval, or under an infrastructure agreement.
Chapter 4 – Infrastructure			
73, 82, 85, 89, 96, 99, 103#*, 117	General comments/ overview	Many submissions commented on the importance of making sure new and existing communities are supported with appropriate infrastructure. Views expressed in submissions on the appropriateness of infrastructure arrangements were generally split by stakeholder group. Local government submitters were generally not supportive with some submissions requesting a fundamental review of infrastructure planning and charging arrangements. One submission noted that, as the infrastructure	The infrastructure arrangements set out in Chapter 4 are largely the same as the current arrangements established in the SPA but with a number of improvements including: • extending the current statutory timeframe for the making of a Local Government Infrastructure Plan (LGIP) to 1 July 2018, to acknowledge the practicalities facing local governments in this process • introducing an automatic indexing arrangement for charges, which is certain and transparent • limiting the timeframe for making a conversion application to within one year after the development approval starts to have effect. The department undertook a significant review of the infrastructure planning and charging framework in 2013 and 2014 to introduce reforms that enhance the clarity,

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		charges framework was introduced in 2014, it has not yet had the opportunity to be fully implemented by local government and it would be premature to consider making any significant changes to the framework.	equity and consistency of the system. As part of that review, the public was invited to comment on the proposed changes and the Department received more than 80 submissions from interested stakeholders.. Extensive information on the infrastructure review consultation and outcomes leading to the establishment of the current framework is available at http://www.dilgp.qld.gov.au/infrastructure/local-government-infrastructure-planning-and-charging-framework-review.html
10, 15, 79, 88, 89, 95, 96, 98, 104, 111*, 117	Maximum adopted charge and automatic indexation	Local government submissions strongly supported the introduction of automatic indexation for the maximum adopted infrastructure charges in the Bill, recognising it as an important inclusion. Some submitters were not supportive of the cap on maximum adopted charges on the basis of financial sustainability of councils and ensuring the community is not subsidising development.	Clause 111 of the Bill enables the Regulation to provide a maximum charge for the supply of trunk infrastructure for development under the Bill and under the *South East Queensland Water (Distribution and Retail Restructuring) Act 2009*. Trunk infrastructure is higher order infrastructure that is intended primarily to provide network distribution and collection functions. A local government plans for the supply of trunk infrastructure as part of its LGIP. The clause provides for the Regulation to set a prescribed amount – effectively a "base amount" for the maximum adopted charge. The prescribed amount may be different for different types of development. The clause provides that the prescribed amount is automatically increased at the start of each financial year by an amount equal to the prescribed amount multiplied by the sum of all of the 3 year rolling quarterly average percentage increases the producer price index (PPI) since the prescribed amount was prescribed or last amended. The prescribed amount plus the additional amount worked out as described above is the maximum adopted charge. Subject to passage and commencement of the Bill, the first indexation would occur, at the earliest, in 2017 after release of the PPI data for the March quarter. In addition to providing a maximum charge for the supply of trunk infrastructure, the Regulation may also establish the following: • Charges breakup - a regulation may identify a charges breakup between a local government and a water distributor retailer of the local government. • Application of an adopted charge - a regulation may identify development under the Bill to which an adopted charge may apply or land uses under the *South East Queensland Water (Distribution and Retail Restructuring) Act 2009* to which an

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			adopted charge may apply for trunk infrastructure. • Parameters for infrastructure offset or refund calculations - a regulation may identify parameters for working out the cost of infrastructure for offset or refund that are required to be included in a charges resolution.
15, 45, 57, 81, 89, 102, 104, 106, 109, 117	Offsets and refunds	A number of submissions made specific comments on the arrangements for working out the cost of infrastructure offsets or refunds. Some local governments submitted that offset and refund arrangements are causing uncertainty and financial liability in relation to development approvals. Some submitters suggested that greater certainty is required around timing of refund payments.	Clause 115 of the Bill requires a charges resolution to include a method for working out the cost of infrastructure subject to an offset or refund. The method is intended to be used when the value of infrastructure in an LGIP, which is the subject of an offset or refund, is out-dated or incorrect. The method provided in the charges resolution must outline the local government's preferred approach for determining the actual value of the infrastructure at the time of the relevant development approval. It must also be consistent with the parameters prescribed under the Regulation. The Bill does not prescribe a specific time limit within which a refund has to be paid and instead allows for the payment of refunds to be resolved through the development approval process. Clause 128 of the Bill requires a local government to give an offset or refund for trunk infrastructure to be provided under a necessary infrastructure condition if the infrastructure will service premises other than the subject premises, and an adopted charge applies to the development. The clause is intended to enable a local government to require an applicant to supply the required trunk infrastructure, but refund the applicant the cost of the infrastructure not attributable to the premises as infrastructure charges are received for the subsequent development of other premises. If the cost of the trunk infrastructure to be provided under the condition is equal to or less than the adopted charge that applies to the development, the cost must be offset against the adopted charge. It is intended that the infrastructure charge levied on the development by the local government, take into consideration the cost of the trunk infrastructure provided. The remaining infrastructure charge value is the charge payable by the applicant. If the establishment cost of the trunk infrastructure to be provided under the condition is valued at more than the adopted charge that applies to the development, the applicant is not required to pay a charge for that network and is entitled to a refund of the difference. It is intended that an applicant should be refunded the

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			proportion of the establishment cost of the trunk infrastructure that exceeds the charge that applies to the development.
11, 15, 79, 88, 89, 104, 111*, 117	Levying charges	A number of local governments and others commented on provisions for the levying of charges. Comments included that relevant clauses are unclear and that it is ambiguous as to when the provisions might apply. One submission noted that definition of development infrastructure (the only infrastructure which a charge may be levied for) lists 'parks, parkland, cycle ways and other community facilities' and recommended the definition be broadened to include more natural environmental values, such as the maintenance of biodiversity values.	Clause 118 of the Bill requires a local government to give an infrastructure charges notice if a development approval has been given and an adopted charge applies to providing the trunk infrastructure for the development. A levied charge enables a local government to levy and recover infrastructure charges, to ensure a local government can adequately recover costs associated with infrastructure works required to accommodate the increases in demand placed on networks from development. The clause also establishes requirements for levying and recovering a levied charge. Infrastructure charges are levied as a user charge, not a condition on a development approval. However, a local government can impose a necessary infrastructure condition and additional payment condition for trunk infrastructure in accordance with this chapter. Infrastructure charges are intended to be calculated to avoid over-specification and be fairly apportioned among anticipated users. A local government may only levy an infrastructure charge for development infrastructure, including for public parks, or basic services for an identifiable user, such as water supply, sewerage, roads and parks. A local government is required to identify what it considers to be trunk infrastructure and the provision of this infrastructure in its LGIP. Clause 118 specifies the period within which an infrastructure charges notice must be given, as follows: • Local government is assessment manager - as soon as possible after the development approval is given. • Local government is referral agency - within 10 business days after a copy of the development approval is received. • Deemed approval - within 20 business days after the deemed approval notice is received. • All other cases - within 20 business days after a copy of the development approval is received. An infrastructure charges notice lapses if the development approval to which the infrastructure charges notice applies stops having effect. This may include the

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			development approval lapsing or being cancelled. The clause also enables an infrastructure charges notice to be amended to reflect a change application or an extension application as if they were a development application, and with any changes necessary for them to apply to a change application or extension application. However any change in the charges notice must relate to the change in, or extension of, the development approval. This ensures a local government cannot seek to enforce higher charges where a change to the development approval has no impact on the scale of development. An amended infrastructure charges notice must be given at the same time or as a soon as practicable after the change approval is given to the applicant, or within 20 business days of the local government receiving a copy of the change or extension approval. The amended infrastructure charges notice replaces the infrastructure charges notice. Similarly, a local government can only amend an infrastructure charges notice for a development approval to which the extension approval relates, to the extent the amendment relates to the extension of the development approval. A charge (a levied charge) under an infrastructure charges notice is subject to clauses 119 (which limits levied charges to certain parameters) and 128 (dealing with offset and refund requirements), is payable by the applicant, attaches to the premises and is subject to any agreement under this chapter. Clause 119 ensures that a levied charge is only levied for additional demand placed on trunk infrastructure by a development. The clause prevents the existing lawful use of a site or the existing rights to develop a site from being considered additional demand, unless an infrastructure requirement that applies or applied to the use or development has not been complied with. The existing lawful use of a site or the existing rights to develop a site may be recognised by a local government through a discounted infrastructure charge, commonly known as a credit.
11, 15, 85, 88, 102, 104, 106, 113, 117	Infrastructure charges notice	A number of submissions included comments on provisions related to infrastructure charges notices. These included: • Notice requirements • Requests for clarification	Clause 120 of the Bill establishes the information required to be included in an infrastructure charges notice. An infrastructure charges notice is required to state the amount the charge, how it has been worked out, the premises, when it is payable and where applicable, and the details of any automatic increase provision that applies. Clause 120 requires that where an offset or refund is to be provided, information about that offset or refund

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		• Process matters • Representations abut infrastructure charges notice.	and when it will be given, are included in the infrastructure charges notice, unless the person who is to receive the notice agrees in writing that the information need not be included in the notice. Clause 124 of the Bill enables an applicant to make written representations to the local government about an infrastructure charges notice during the relevant appeal period. A local government must consider the representations and decide to agree with some or all of the representations or decide not to agree to any of the representations. Within 10 business days of making a decision, the local government must either give the applicant a negotiated notice or a notice stating the decision not to agree to a representation or representations. A local government may only give a negotiated notice once. A negotiated notice must be in the same form as the infrastructure charges notice and state the nature of the changes. The negotiated notice replaces the original infrastructure charges notice. If a local government gives a notice stating the decision not to agree to a representation or representations, the relevant appeal period for the infrastructure charges notice starts again. Clause 125 of the Bill enables an applicant to suspend the relevant appeal period for an infrastructure charges notice. An applicant may give a notice to the local government to suspend the relevant appeal period for an infrastructure charges notice if they need more time to make written representations. However, the applicant may only give a notice of suspension once. The notice of suspension enables the relevant appeal period to be extended for 20 business days, after which time the balance of the relevant appeal period resumes. However, if representations are made before the 20 business days have elapsed, and the applicant gives a notice to the local government to withdraw the notice of suspension, then the balance of the applicant's appeal period starts on the following day.
11, 15, 75, 79, 85, 89, 98, 102, 104, 106, 109, 113,	Development approval conditions about trunk	Many submissions commented on the conditioning of trunk infrastructure and raised concerns about the complexity and relationship of relevant clauses as well as the	Clause 126 of the Bill states that 'Subdivision 1 Conditions for necessary trunk infrastructure' applies if trunk infrastructure necessary to service the premises, the subject of a development application, has not been provided or is inadequate, and the

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117	infrastructure and extra payment conditions	relationship with the LGIP.	trunk infrastructure is, or will be located on – • the premises the subject of the development application, whether or not the infrastructure is necessary to service the premises; or • other premises but is necessary to service the premises the subject of the development application. If these conditions are met, a local government as assessment manager can impose a necessary development condition on the development approval. Clause 127 of the Bill enables a local government to impose a development condition about the provision of infrastructure, where adequate trunk infrastructure necessary to service the premises the subject of a development application has been identified in the LGIP. The clause enables a local government to condition the item of infrastructure specified in the LGIP or a different item of infrastructure, provided the infrastructure provides the same standard of service as the item identified in the LGIP. This allows a local government flexibility to respond practically and to the specifics of the proposed development, when imposing a development condition on a development approval. At the same time, the clause safeguards the community and persons who have paid infrastructure charges by requiring the same standard of service to be delivered. The clause also allows a local government to impose a condition for the supply of trunk infrastructure if the LGIP does not identify adequate trunk infrastructure. In this case, the infrastructure can be required only if it services development consistent with the assumptions in the LGIP about the type, scale, location or timing of the development. Clause 129 enables a local government to impose an extra payment condition, which is a development condition requiring the payment of additional trunk infrastructure costs in certain circumstances. The ability of a local government to impose a condition requiring an applicant to pay the additional costs of supplying trunk infrastructure is dependent on the ability to demonstrate there will be additional costs in supplying the infrastructure. A local government can impose an extra payment condition to the extent a proposed development is inconsistent with the following development assumptions in the LGIP: • Type or scale of development. If a proposed development is anticipated to generate more trunk infrastructure demand than identified in the LGIP,

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			additional payment may be levied for the costs associated increased demand. • Timing of development. If a proposed development would require trunk infrastructure to be available earlier than identified in the LGIP, additional payment may be levied for the costs associated with early provision of the infrastructure. • Development outside the priority infrastructure area (PIA). If the premises for a proposed development are wholly or partly outside of the PIA, additional payment may be levied for the costs associated with development outside of the PIA. A local government can also impose an extra payment condition if, after taking into account either the levied charges for the development and/or trunk infrastructure provided, or to be provided by the applicant, the development would impose additional trunk infrastructure costs on the local government. A local government must also take into account infrastructure charges levied for the development and the trunk infrastructure provided or to be provided by the applicant. The clause prevents a local government imposing an extra payment condition for a supplier of State infrastructure. This is because those State infrastructure providers have their own specific powers to impose conditions about infrastructure. Clause 129 modifies the requirement for a development condition to ensure an additional payment condition is considered relevant or reasonable to the extent the infrastructure is necessary but not yet available to service the subject development. This applies even if the infrastructure is also intended to service other development.
11, 15, 62, 79, 81, 89, 95, 102, 104, 106, 109, 117	Conversion of particular non-trunk infrastructure before construction starts	Local government submissions generally did not support the conversion process and some advocated for its removal. Other suggestions raised in submissions included: • reducing the proposed timeframe for making a conversion application from one year to 20 business days • that all development applications (including infrastructure) should be	The conversion application process was introduced following review and extensive consultation with stakeholders in 2013 and 2014. While there is merit in the suggestion that all infrastructure matters should be dealt with during the application approval process (including the negotiated decision stage and appeal processes), a change to abandon the conversion application process will go against the outcome of the 2013 and 2014 review. Clause 138 of the Bill enables an applicant to apply to the local government to convert non-trunk infrastructure to trunk infrastructure. An application to convert non-trunk infrastructure to trunk infrastructure is a conversion application. A conversion application can only be made in writing within

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		dealt with during the application approval process and appeal processes • that the proposed time limit apply from the date that an infrastructure charges notice is issued • that it be made compulsory that an infrastructure charges notice state the one year time limit.	one year after the development approval starts to have effect and can only be about non-trunk infrastructure that the applicant has been conditioned to provide. Clause 139 of the Bill requires a local government to consider and decide a conversion application that it receives. The clause requires a local government to use criteria, set out in its charges resolution, as the basis for making a decision on a conversion application. The clause is intended to ensure decision making for conversion applications is transparent and consistent. As part of making a decision about a conversion application, a local government may give a notice to the applicant requiring additional information that is needed to make the decision. The notice must state the information to be provided and a period of at least 10 business days in which to respond. If the additional information is not provided within the period stated in the notice, or a longer period as agreed to by the local government and the applicant; the conversion application lapses. A local government must decide a conversion application that has not lapsed, within 30 business days from the day the application is made or an information request for the application is complied with. Clause 140 of the Bill requires a local government to notify the applicant of a decision to agree to or refuse a conversion application as soon as possible after making the decision. If a local government decides to agree to a conversion application to convert the non-trunk infrastructure to trunk infrastructure, the notice must provide details of any applicable offset or refund. If a local government decides to refuse a conversion application, the notice must be an information notice about the reasons for the decision and identify the applicant's appeal rights in relation to the decision. Clause 141 of the Bill enables a local government to impose a necessary infrastructure condition on a development approval if the local government decides to agree to a conversion application. If a local government decides to agree to convert non-trunk infrastructure to trunk infrastructure, the development condition requiring that non-trunk infrastructure to be provided no longer applies to the development approval. Instead, the local government can amend the development approval to impose a necessary infrastructure condition for the trunk infrastructure condition the subject of

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			the conversation application. Enabling a local government to impose a new condition for trunk infrastructure ensures that the infrastructure required is not inconsistent with the local government's infrastructure planning. However, a local government only has 20 business days to amend the development approval after making a decision to agree to a conversion application. If a necessary infrastructure condition for trunk infrastructure is imposed, the local government is required to either give an infrastructure charges notice or amend an existing infrastructure charges notice to reflect any applicable offset or refund requirements.
11, 15, 65, 96, 104, 117	Infrastructure agreement	A number of submissions commented on provisions relating to infrastructure agreements across a range of topics including: • that the State should not regulate such agreements • good faith, process and content • use of terminology • interrelationship with other Acts • the inability to condition agreements.	Clause 149 of the Bill establishes that an agreement stated in any of the sections listed, is an infrastructure agreement. An infrastructure agreement is an agreement between a public sector entity, a State infrastructure provider, and another entity about the provision of infrastructure and an alternative to other funding mechanisms for infrastructure. Clause 150 of the Bill requires any entity that proposes or agrees to enter into an infrastructure agreement, to negotiate in good faith. The clause is intended to encourage open, timely and cost effective negotiation of infrastructure agreements. Clause 151 of the Bill establishes the information that must be included in an infrastructure agreement and clarifies that an infrastructure agreement may also include other matters. The clause requires an infrastructure agreement to explain, if relevant, how the responsibilities formed under the agreement would be fulfilled if ownership of the premises, the subject of the agreement, changed. The clause also requires an agreement to state, if relevant, what action would be taken if a planning instrument outside the control of the person required to fulfil the responsibilities of the agreement, was changed. Clause 152 of the Bill requires a distributor-retailer or public sector entity to give a copy of an infrastructure agreement to a local government, if the local government is not a party to the agreement. The clause is intended to make sure a local government is aware of any infrastructure arrangements within its jurisdiction so that it can efficiently provide and maintain infrastructure to meet local needs. Clause 153 of the Bill requires a local government to give a copy of an infrastructure agreement to distributor-retailer, if the distributor-retailer is not a party to the agreement. The clause requires a local government to give a copy of an infrastructure agreement to a distributor-retailer, if the infrastructure agreement relates to a water

Submitter	Topic	Comments	Departmental Response
			application or approval under the *South East Queensland Water (Distribution and Retail Restructuring) Act 2009*. Clause 154 of the Bill provides that an infrastructure agreement attaches to the premises the subject of the agreement and binds the owner, and any subsequent owner, of the premises. The clause is intended to ensure that development responsibilities will be fulfilled despite subsequent changes to the ownership of the premises. The clause allows for the agreement to release the owner and successors in title from the responsibilities of the infrastructure agreement when the premises are subdivided. This will enable the individual subdivided parcels to be disposed of free of the responsibilities of the agreement. If an applicant was to take advantage of this provision and release the owner and successors in title, the public sector entity requiring or providing the infrastructure, as a party to the agreement, could ensure the agreement protected their interests.
Chapter 5 – Offences and enforcement			
14, 15, 88, 109, 117	Development offences	Some submissions expressed support for the consolidation of development offences and clarification of emergency exemption provisions. Some submissions also raised technical suggestions and one requested the creation of a new development offence for failing to complete development.	The Planning Bill consolidates the development offences that existed under SPA and clarifies the exemptions relating to emergencies causing safety concerns. The development offences in Chapter 5, Part 2 of the Bill relate to: - carrying out prohibited development - carrying out assessable development without a permit - contravention of a development approval (including conditions of a development approval), and - unlawful use of premises.
14, 15, 65, 67, 89, 102, 106, 109, 111*, 117	Enforcement orders	A range of views were expressed about the new requirement to register enforcement orders on title. Some submissions supported it on the basis that it will save local governments having to reapply to the Court for new orders if a property the subject of enforcement orders is sold. Other submissions raised technical suggestions or expressed concerns about the new requirements. Concerns included:	The Planning Bill provides two avenues for seeking enforcement orders. Proceedings for an offence against the Bill may be instituted in a summary way under the *Justices Act 1886*, and therefore be heard by the Magistrates Court. Alternatively, enforcement orders can be sought in the Planning and Environment Court. Both the Magistrates Court (clause 175) and Planning and Environment Court (clause 179) can make enforcement orders, which attach to the premises and bind the owner, the owner's successors in title and any occupier of the premises. Enforcement orders may require a person to refrain from committing a development offence or to remedy the effect of a development offence in a stated way. To ensure future potential owners are made aware of any relevant obligations under an

Submitter	Topic	Comments	Departmental Response
		• the risk of someone purchasing a property subject to enforcement orders without knowledge of the orders, either because the purchase occurs between the date the orders are made and the date they are recorded on title or because of a failure to comply with the requirement to record the orders or to undertake appropriate searches • that in the above circumstances the person who unknowingly purchases the encumbered property may be committing an offence under the Bill for failure to comply with enforcement orders • the possibility of a person subject to an enforcement order failing to seek a compliance order to remove it before selling the property.	enforcement order, the Bill also requires the person the subject of an enforcement order (the defendant or respondent) to ask the registrar of titles to record the making of the enforcement order on the register for the premises. A maximum penalty of 200 penalty units applies for non-compliance with this requirement. The clauses also provide for the defendant or respondent to seek a compliance order stating that they have complied with the enforcement order. This can then be provided to the registrar of titles to remove the record from the register.
14, 65, 67, 102, 117	Starting Magistrates Court proceedings	Some submissions commented on starting offence proceedings in the Magistrates Court, particularly in relation to changed timeframes but also in relation to representative capacity. Generally, submissions expressed support for the extension of time from 6 months to 1 year but raised concerns about a new 2 year limitation period. These concerns related to this enforcement avenue not being available to councils if they do not become aware of an offence within the first two years or if it is not possible to establish when the offence was committed.	The Planning Bill imposes limitation periods on starting proceedings for offences in the Magistrates Court. The timeframes are: (a) within 1 year after the offence is committed; or (b) within 1 year after the offence comes to the complainant's knowledge, but no later than 2 years after the offence is committed. Although the timeframe in (a) above is consistent with SPA, the timeframe in (b) is different in two ways. Firstly, the Bill extends the time to commence proceedings after the offence comes to the complainant's knowledge from 6 months (under SPA) to 1 year. This provides additional time for a complainant (for example, a local government) to pursue other enforcement action under the Bill, such as show cause and enforcement notices, before commencing Court proceedings. Secondly, the Bill imposes a new limit preventing the commencement of proceedings if the offence was committed more than 2 years prior, regardless of when the offence

Submitter	Topic	Comments	Departmental Response
			comes to the complainant's knowledge. This limitation period does not affect other enforcement mechanisms under the Bill. The Bill provides for proceedings brought in a representative capacity at clause 174.
14, 79, 98, 109	Penalties	Submissions expressed support for the increase in maximum penalty units for development offences, however one submission warned against equivalent increases being made for infringement notice fines for SPA offences under the State Penalty Enforcement Regulation.	The Bill increases the maximum penalty units for development offences from 1665 penalty units to 4500 penalty units. The maximum penalty units had remained unchanged for many years and the increase brings them into line with other legislation and is intended to assist in deterring potential offending. The Bill does not affect penalties under the State Penalty Enforcement Regulation.
11, 14, 15, 65, 67, 68, 79, 80, 109, 117	Show cause and enforcement notices	Some submissions commented on show cause notice and enforcement notice provisions and procedures. Submissions ranged from expressing support, seeking further clarification and technical amendments, proposing policy changes to allow enforcement notices to be given to successors in title and to increase the circumstances in which an enforcement notice cannot be stayed, and requesting a specific power to make an application to the Court to stay an enforcement notice.	The Bill provides for an enforcement authority to issue show cause and enforcement notices. It clarifies the circumstances in which an enforcement notice can be given without first issuing a show cause notice and provides examples of what an enforcement notice may require (for example, to stop carrying out development, demolish or remove development or to apply for a development permit). Enforcement notices may be given to the person suspected of committing a development offence and the owner of the premises (if the offence involves premises and the person is not the owner). In addition to the normal ways a notice is given (for example, by post), an enforcement notice that requires development on premises to stop being carried out may be given by fixing the notice to the premises in a way that a person entering the premises would normally see the notice. An appeal against an enforcement notice stays the operation of an enforcement notice except in limited circumstances (for example, if the enforcement notice relates to works that the enforcement authority reasonably believes are a danger to persons or a risk to public health). This provides a mechanism for the recipient of an enforcement notice to challenge the notice and suspend its operation.
26, 102	Inspector's power	One submission queried the purpose of the inspector's powers provisions, while another supported the provision about an inspector entering a place of business.	Currently SARA, as the State's assessment manager and referral agency, does not have entry and investigation powers as enforcement is delegated to other agencies with powers under other legislation. A circumstance may occur in the future where no other State agency has an interest in enforcing a particular matter. The inspector's powers provisions therefore provide SARA with the entry and investigation powers if

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Submitter	Topic	Comments	Departmental Response
			required.
Chapter 6 – Dispute resolution and Schedule 1 - Appeals			
14, 85, 102, 111*, 117	Appeal rights	Some submissions expressed support for the appeal rights, including the continued ability for eligible submitters to start or join appeals about impact assessable development. Support was also expressed for setting out the appeal rights in a schedule, however some confusion remained about the appropriate jurisdiction for appeals (ie whether particular appeals should be to the Planning and Environment Court or the Development Tribunal).	The Bill continues all of the appeal rights from SPA which remain relevant under the Bill. This includes eligible submitter appeal rights. The matters that may be appealed, and the appropriate jurisdiction (the Planning and Environment Court, the Development Tribunal or a choice of either), are set out in Schedule 1.
14, 91, 102, 106, 112#*, 117	Development Tribunal	Some submissions were supportive of renaming the Building and Development Dispute Resolution Committee as the Development Tribunal and the limited expansions to its jurisdiction. Some submissions suggested amendments to Development Tribunal procedures and sought further clarification. Others sought further expansion of the Development Tribunal's jurisdiction, for example to hear appeals about decisions under a local law and to make declarations about whether matters in planning schemes or development conditions are planning matters or building matters. Other submissions called for a new or expanded Tribunal to hear appeals about impact assessable applications. Some considered this would provide a low cost option in comparison with an appeal to the	It is proposed to rename the Building and Development Dispute Resolution Committee as the Development Tribunal to better reflect its purpose and functions and provide clarity for stakeholders. Consistent with a tribunal, its services are independent and impartial, and its decisions are legally binding and appealable to a superior appellate jurisdiction. The Bill proposes limited expansion of the jurisdiction of the Development Tribunal. However the jurisdiction has not been expanded to hear appeals about impact assessable applications as these are complex matters requiring consideration by a Judge. The Planning and Environment Court is established to hear matters of this nature and includes an alternative dispute resolution process to help resolve matters before they reach a hearing.

Submitter	Topic	Comments	Departmental Response
		Planning and Environment Court.	
14, 15, 65, 106	Parties to Proceedings	While some submissions expressed support for the continuation of SPA's Notice of Appeal procedures, other submissions expressed concern about the ability for a submitter to join another submitter appeal and related timeframes. Some viewed this as being an unnecessary second chance given that submitters already have individual appeal rights.	The Bill allows a submitter to join another submitter appeal, but does not require submitters to serve Notices of Appeal on other submitters. This continues the current situation under SPA. This alleviates a concern raised about submitters being required to serve other submitters within 2 business days, as this is not the case. The 2 business day period for submitter appellants to serve necessary entities (which does not include other submitters) is longstanding and is consistent with SPA. It is considered unduly onerous and unnecessary for submitters to be required to serve their appeals on other submitters, given that submitters already have their own individual appeal rights and specific and varying issues of concern, and given this could be a significant administrative burden on submitters when there are numerous submissions to a development application. The current arrangements under SPA for a scenario where a submitter may elect to join another submitter's appeal are carried forward in the Bill. Court directions remain an avenue for managing procedural requirements.
Chapter 7 – Miscellaneous			
14, 15, 79, 83#*, 106, 111*, 117	Public access to documents	Some local governments expressed concerns about document access requirements, in relation to administrative burden, cost and clarity of the requirements. Specific concerns included having to publish documents on a website and scenarios involving the retrieval of documents from a storage facility. Some submissions expressed a view that the Act should prescribe which documents are to be made publicly available, rather than the Planning Regulation, because of concerns about less opportunity for Parliamentary and public scrutiny of changed requirements. One submission suggested that any change to the requirements in the Regulation only occur	The Bill carries forward matters rightly embodied in legislation – rights, roles and responsibilities under the framework. The Bill now has a succinct and practical structure through the removal of descriptive detail and process details to other instruments such as the Planning Regulation or other statutory instruments. This makes it easier to navigate, find and understand rights and responsibilities under the legislation. Consistent with this approach, clause 263 of the Bill provides for the Planning Regulation to establish the information that is required to be made publicly available by entities with statutory responsibilities for planning and development under the Bill. Given modern technology and widespread public access to the internet, much of the material will be required to be published on websites. It is not intended to capture advice provided to SARA by technical agencies in these requirements, as this relates to non-statutory, internal processes. The Planning Regulation will ensure SARA makes appropriate information publicly available.

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		in consultation with local government and allow sufficient time to update local government business systems. Some submitters expressed a desire to see advice provided by technical agencies to SARA in the state development assessment process made publicly available.	
14, 106	Electronic service	Some submissions commented on the electronic service provision (clause 278), either to seek clarification of the provision or to propose that it be amended to explicitly provide for making submissions electronically.	Clause 278 of the Bill is intended to facilitate the use of electronic forms of communication in planning and development assessment for applicants, submitters and others as long as an electronic address for service (for example, an email address) is provided. The clause does not limit the application of the *Acts Interpretation Act 1954* or the *Electronic Transactions (Queensland) Act 2001*.
15	Existing uses and rights	One submission commented on the drafting of the provisions about existing uses and rights. It also queried the concept of implied accepted development.	Clause 259 of the Bill provides for continuing existing lawful uses, works and approvals. Clause 260 of the Bill provides for implied and un-commenced use rights. It applies if a development approval implies that other development, that is a change of use not requiring a development approval (because it is accepted development), will occur together with the approved assessable development. The clause ensures that the right to proceed with the anticipated accepted development will continue for 5 years after the approved development is completed, even if the relevant use becomes assessable development due to a planning instrument change.
88, 106	Party houses	Some submissions requested further refinement of the definition of a party house and other technical amendments to the party house provisions. One of the submissions suggested that the need for a land use definition of party house be reconsidered.	Provisions relating to party houses are continued from SPA, to allow local governments to regulate party houses as a specific land use in planning schemes. These provisions provide for situations where a residential dwelling is used in a way more consistent with an event venue than residential accommodation.
79, 117	Planning and development	Some submissions expressed concern about the ability to meet timeframes imposed on giving planning and development certificates.	Clause 264 of the Bill allows a person to apply to a local government for any of three types of planning and development certificates. The clause establishes the time within which the local government must give the certificate. The timeframes are 5

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	certificates	One submission also suggested that the limitation period for claiming compensation should be calculated from the date the certificate is given instead of the date the loss is first suffered.	business days for a limited certificate, 10 business days for a standard certificate, and 30 business days for a full certificate, as currently provided for under SPA. A person who suffers financial loss because of an error or omission in a certificate may claim compensation from the local government within 6 years after the loss is first suffered. This approach is consistent with the ordinary 6 year period after a cause of action arises for the commencement of civil proceedings.
26, 117	Taking or purchasing land for planning purposes	One submission opposed the ability to take land, and requested that the power in clause 262 be limited to purchasing land. Another submission expressed support for the wording of the provision.	Clauses 262 of the Bill provides for a local government to take or purchase land for planning purposes in particular circumstances. There is a similar provision under the SPA. As the clause has the potential to impact on land owners, Governor-in-Council approval is necessary for a local government to take or purchase land under this clause. If this approval is obtained, the local government is taken to be a constructing authority under the *Acquisition of Land Act 1967* and may take or purchase the land under that Act.
4, 8, 11, 14, 67, 97, 102, 117	Urban encroachment	Some submissions raised concerns about whether the urban encroachment provisions were sufficient to ensure local government involvement and ongoing compliance with conditions and about the potential for overuse of the provisions. Comments were also made about the consequences of registration, how the urban encroachment provisions work with provisions in planning schemes and other technical suggestions and queries. One submission strongly supported the continuation of the urban encroachment provisions, while others requested amendments to provide urban encroachment protection to specific sites and activities.	The urban encroachment provisions (and applicable penalties) are carried over from the SPA and protect existing uses of registered premises from particular legal action by new encroaching uses. Registration of premises requires an application to, and decision by, the Minister. The Minister may also cancel the registration if the levels of emissions no longer comply or if a condition of the registration is contravened. Currently, the only registered premises under Queensland's urban encroachment arrangements is the Milton XXXX Brewery.
Chapter 8 – Transitional provisions and repeal			
14, 15, 53, 62, 67,	Transitional	Submissions commenting on the transitional	The intent of the transitional arrangements is to ensure that matters that were valid

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68, 79, 81, 88, 89, 96, 98, 104, 106, 109, 117	provisions/ Support for transitioning	provisions generally sought more guidance in the Bill, with some submitters seeking fully detailed transitional provisions to address each circumstance possible under the legislation; and others looking for clarity about specific matters including: • equivalency of provisions so that matters carrying forward match current arrangements, like: ▪ current scope of code assessable development ▪ current default levels of assessment ▪ Priority Infrastructure Plan transition to Local Government Infrastructure Plan ▪ infrastructure conditions – change or extension approval ▪ infrastructure charges notices ▪ infrastructure agreements • clarity about the 'regulated requirements' and the QPP, and what will prevail under the new system after commencement • transitioning that recognises work on documents started under the SPA but finished under new arrangements. Many submissions sought more support and guidance for transitioning including the suggestion that an expert panel be	at the repeal of SPA will remain valid under the new legislation. The approach taken in the Bill comprises: • a framework for transitional arrangements in relation to the Bill • general provisions about the treatment of instruments, process and other matters • specific additions, qualifications or exceptions to those general provisions. Clause 286 ensures that processes for making or amending an instrument, such as a local government planning scheme, that had started under SPA but not concluded, will continue to apply to that process. The clause specifically recognises that the instrument is effective in full, even if parts of it could not have been made under the new system. The transitional provisions ensure that even though an instrument, like a planning scheme, may have been made or is continuing to be made under SPA's arrangements, important reforms such as new decision rules will apply to the scheme when the Act commences. This ensures there aren't the complexities of two different arrangements running concurrently, and does not delay effective implementation of reforms. Clause 16 provides that a regulation may prescribe requirements (the 'regulated requirements') for the contents of a local planning instrument. [The current draft Regulation identifies definitions, zones and colours as matters that may be regulated requirements and this is presently being consulted upon.] The combination of the transitional provisions and the Regulation provide that the new regulated requirements will not be adopted into schemes until an amendment is made to a scheme that will affect a matter that is part of the regulated requirements; or a new scheme is made. This means that current definitions, zone names etc will remain in place until a local government wishes to amend their current ones where they related to a regulated requirement, or they make a new scheme. On more operational matters, considerable funding has been committed for the transition process. In relation to timing, it is intended that the Bill will commence no less than 12 months from assent to provide time for local governments to examine and update their schemes; adapt their development assessment systems to reflect the new arrangements once the Bill is passed and the related instruments particularly the development assessment rules) are settled; and enable delivery of an extensive

Submitter	Topic	Comments	Departmental Response
		established for councils to seek advice from during transition. Many of these submissions raised concerns about the time and cost to local government of transitioning from SPA to the new Bill. Some of these submissions from local government requested additional funding to allow for the necessary amendments to local planning instruments and supporting business systems, as well as a longer period between assent and commencement. Suggestions were also made about the time required from assent to commencement to allow for the necessary transitional changes. These ranged from six months to two years. The majority of local governments sought longer time periods with industry expressing a counter view that a lengthy time period for transition limits the ability for the identification and amendment of issues related to the Act and compromises the value of reform to industry.	education and training program about the planning framework.
Schedule 2 – Dictionary			
11, 14, 15, 45, 49, 65, 67, 68, 81, 84, 89, 90, 91, 96, 102, 104, 106, 108, 117	Definitions	Many submissions commented on the definitions used throughout the Bill and also contained in Schedule 2. Generally speaking: • some submitters wished to see all definitions contained in Schedule 2, rather than within the relevant chapter(s) of the Bill • some submitters wished to see a greater number of terms defined • some submitters questioned why	Any comments on definitions that are not specifically addressed in this document are being worked through with a view to ensuring the accuracy of provisions. The Bill aims to strike a balance between providing definitions in the context of their use within chapters, and with having a centralised location for definitions to be held. The Bill is consistent throughout in that it uses the term 'premises', rather than a mixture of 'premises' and 'land' as in the SPA, which has caused confusion in the past. For example, a development application is made for 'premises' but the development approval attaches to 'land'. However for the purposes of the SPA 'land' is simply a subset of 'premises'. The definition of 'premises' is *a building or other structure; or land, whether or not a*

Submitter	Topic	Comments	Departmental Response
		changes in terminology from the SPA to the Planning Bill were necessary when the concepts remained unchanged • some submitters questioned why terminology was being carried over from the SPA to the Planning Bill • some submitters perceived inconsistencies in terminology between the Bill and the draft supporting instruments. Key points raised about particular definitions included: • many local government submitters commented on the change to the term 'premises' rather than 'land' in the Bill • local governments commented on the definition of 'use', which refers to 'an ancillary use' rather than the preferred SPA definition which uses 'use incidental to and necessarily associated with'. The concern is that the ancillary use need not be necessarily associated with the primary use • many submitters commented on the change for the definition of 'operational work', requesting that the more expansive SPA definition be retained.	*building or other structure is on the land*. This definition has not changed from the SPA. The change in terminology is intended simply to more accurately describe the area that is affected by development – for example the premises may be part of a lot, or could be several lots, or could include an easement or leased area. With respect to 'use', the SPA definition requiring 'incidental uses' to be 'necessarily associated with' the primary use on the land has resulted in a number of ancillary uses being unfairly excluded, resulting in a separate development approval being required, as per the examples given in the Explanatory Notes. The change to 'ancillary use' provides more flexibility and is consistent with other jurisdictions. The change is supported by the considerable case law on the subject: an ancillary use must be subordinate to the principal use, must be on the same premises, and must have a functional relationship to the principal use. For 'operational work', the intended meaning and scope of the term is unchanged from the SPA, as outlined by the Explanatory Notes. The expansive definition in the SPA came about because of the progressive introduction over a long period of time of assessable operational works (under the repealed Integrated Planning Act), when the concept of 'operational work' as assessable development was new. As users are now familiar with the types of operational work that is captured by the framework, there is no need to continue to use the expanded definition.

Planning and Environment Court Bill 2015

Submitter	Topic	Comments	Departmental Response
67, 117	Alternate Dispute Resolution	One submission expressed support for the alternative dispute resolution (ADR) processes in the Planning and Environment Court Bill, while another queried matters of detail relating to the provisions.	The Planning and Environment Court Bill sets out powers and procedures for ADR. It provides for an ADR registrar to help parties to a proceeding achieve an early, inexpensive resolution. The Court can also direct the ADR registrar to hear and decide a proceeding.
9, 10, 14, 48, 51*, 52*, 54*, 57, 59#, 60#, 61*, 63*, 65, 66*, 67, 69*, 71*, 76*, 81, 83#*, 85, 87, 92*, 94*, 100*, 103#*, 104, 105*, 110#, 111*, 112#*, 114*, 115*, 116*, 117, 118*, 119*, 121*, 122*	Costs	Many submissions commented on the Court costs provisions, which provide that each party to a Planning and Environment Court proceeding pays its own costs except in limited, specific circumstances (for example, frivolous and vexatious proceedings). Many submissions were supportive of the proposed costs provisions. These submissions were primarily from environmental and community groups, as well as local government. However, some submissions sought to retain the current general discretion to award costs, either completely or to the extent proceedings do not relate to impact assessable development applications. On the other hand, a limited number of submissions, while supportive of the change from the current SPA costs provisions, wanted to limit the scope for costs even further, either to remove any power to order costs against community members opposing development, or to ensure commercial competitors are not discouraged from taking Court action where relevant town planning grounds exist.	The Bill changes the costs rules for the Planning and Environment Court to reinstate the longstanding position that each party pays its own costs for proceedings, except in specific circumstances. This was the position in Queensland prior to 2012, when a broad discretion to award costs was provided. The return to the position that each party pays its own costs addresses concerns raised previously about the fear of costs orders acting as a deterrent to resident and community groups exercising their rights in Court proceedings about planning and development. Circumstances where the Court will continue to have discretion to make an order for costs include where the Court considers a party has brought a frivolous or vexatious proceeding, or where the Court considers a party started or conducted a proceeding for an improper purpose (for example, an appeal to delay or obstruct a commercial competitor). Providing for circumstances where costs may be awarded assists in balancing the ability for people to exercise their legal rights without fear of costs orders, against the risk of vexatious litigants or those looking to gain commercial advantage using the system inappropriately and causing unnecessary expense to others.

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Submitter	Topic	Comments	Departmental Response
65, 89	Criminal jurisdiction	Some submissions requested conferral of criminal jurisdiction on the Planning and Environment Court.	Conferral of criminal jurisdiction has not been part of the reforms to date. Enforcement options are dealt with in Chapter 5 of the Planning Bill, and include the ability to seek enforcement orders in the Magistrates Court or Planning and Environment Court.
67	Planning Minister / Parties to proceedings	One submission opposed the ability for the Planning Minister to elect to join a proceeding at any time before a Planning and Environment Court proceeding is finalised and requested he or she be limited to a 10 business day appeal period or required to pay costs to the other parties if joining the proceeding at a later stage.	The ability for the Planning Minister to join a Planning and Environment Court proceeding at any time before it is decided is not new and is limited to proceedings involving a State interest. This is a reserve power that is rarely used, but provides a safeguard for the State to be provided reasonable opportunity to be heard on a matter of State interest.
9, 98, 117	Separate Act	Support was expressed for providing provisions about the Planning and Environment Court in a separate, stand-alone Bill.	The Planning and Environment Court Bill is a stand-alone Bill to govern the constitution, composition, jurisdiction and powers of the Planning and Environment Court. The provisions establishing the Court are currently located in the SPA due to the historical establishment of the Court. Currently, however, jurisdiction is conferred on the Court by about 28 different Acts. Given this wide jurisdiction, it is considered appropriate to provide for the establishment and jurisdiction of the Court in a specialised Act rather than in the Planning Bill. This is also consistent with the approach adopted for other Queensland courts.
9, 14, 16, 48, 93, 105*, 112#*, 117	Alternative appeal models, Land Court and Court orders, Planning and Environment Court Rules	Some submissions suggested the Planning and Environment Court be replaced or supplemented with models from elsewhere in Australia or overseas, while others expressed support for a designated Court with specialist Judges, and for existing dispute resolution processes. One submission commented on Land Court matters relating to mining projects. Another submission made specific comments about	Queensland's Planning and Environment Court is generally well-regarded nationally and internationally. It is an established Court and provides for alternative dispute resolution (ADR) processes. Further detail about the ADR processes, and why appeals about impact assessable development applications are heard by the Court and not the Development Tribunal, is available in the ADR topic above and the Development Tribunal topic in the Planning Bill, Chapter 6 commentary. The Planning and Environment Court Bill does not affect the Land Court. The Bill provides the legislative foundation for new Court Rules and transitional arrangements for the current Court Rules.

Submitter	Topic	Comments	Departmental Response
		matters relating to Planning and Environment Court orders, local planning instruments and housing estates. Some submissions by local governments made comments relating to the current Court Rules and related transitional arrangements.	

Planning (Consequential) and Other Legislation Amendment Bill 2015

Submitter	Topic	Comments	Departmental Response
81, 85, 111*	Land surrender provisions under the *Coastal Protection and Management Act 1995*	Some submissions raised concerns about proposed amendments to the *Coastal Protection and Management Act 1995* (Coastal Act) relating to land surrender for coastal management purposes. Concern was raised about the absence of appeal rights and compensation for affected land owners. Concern was also raised about a lack of integration with the planning system given that the land surrender process (which is triggered by relevant development applications) would operate outside of SARA. It was suggested this would prevent a holistic assessment of relevant development applications, limiting the potential for alternative coastal management solutions and adding to the complexity of Queensland's development assessment system. On the other hand, one submission supported land surrender being required without	The draft provisions ensure continuation of compulsory land surrender powers under the Coastal Act to allow the Chief Executive administering the Coastal Act, with approval of the Coastal Act Minister, to impose a land surrender requirement. The land surrender requirement is proposed to operate solely under the Coastal Act and would be separate from, but run in parallel with, the development assessment process under the Planning Bill. This reflects the fact that land surrender is an acquisition power imposed for coastal management purposes under the Coastal Act. Although compensation and appeal rights have never been available for land surrender, arrangements have been adjusted to include a new opportunity for the owner to make a submission about a proposed land surrender requirement. Land surrender requirements are likely to be used in very limited circumstances where the public benefit to avoid or minimise detrimental impacts on coastal management outweighs the impact to the individual owner.

Submitter	Topic	Comments	Departmental Response
		compensation and determined by the department and Minister administering the Coastal Act.	
70, 111*	*Nature Conservation Act 1992*	Some submissions raised concerns about the proposed amendments to the *Nature Conservation Act 1992* (NCA). They recommended that the provisions being removed from the NCA (which relate to documents under the NCA prevailing over planning schemes) be retained.	Currently, the NCA provides that: • if there is any conflict between an interim conservation order and a planning scheme, the order prevails over the planning scheme (NCA s106); • if there is any conflict between a conservation plan, or Regulation giving effect to a management plan, and a planning scheme, the plan or Regulation prevails over the planning scheme (NCA s122). These provisions of the NCA are proposed for removal as applicable interim conservation orders and planning schemes are separate requirements under separate Acts, and both need to be complied with. One does not prevail over the other. The same rationale applies for applicable conservation plans and Regulations giving effect to management plans, and planning schemes. These are separate requirements under separate Acts and they all apply. Consequently, these provisions have no effect and are misleading.
17, 21	*Queensland Heritage Act 1992*	Some submissions raised concerns about the proposed removal of the following sections of the *Queensland Heritage Act 1992* (QHA): • s68 (Assessing development applications under the Planning Act – State heritage places other than archaeological State heritage places) • s69 (Assessing development applications under the Planning Act – archaeological State heritage places) • s70 (Chief executive may seek council's advice on development application).	The Planning (Consequential) and Other Legislation Amendment Bill includes amendments to remove planning provisions from other legislation, for example referral agency and assessment provisions made redundant as a result of the establishment of SARA in July 2013. Sections 68 to 70 of the QHA are among the provisions identified as redundant. They relate to assessments by the chief executive administering the QHA before the establishment of SARA. The no prudent and feasible alternative test has been retained in the State Development Assessment Provisions and must be considered by SARA when assessing development applications relating to heritage places under the new arrangements. Non-legislative arrangements will be made to give the Queensland Heritage Council a formal role in providing advice to SARA for applications where there is a significant risk that the effect of approving the development would impact on a cultural heritage place. Further, to provide greater guidance and ensure

Submitter	Topic	Comments	Departmental Response
			adequate protection is provided for State heritage places, the SDAP *Module 9: Queensland heritage* is also being reviewed.
53, 58, 87, 101, 106, 117	Other legislation	Some submissions raised technical suggestions about the workability of proposed consequential amendments to various Acts. Some also sought specific new changes to other Acts, such as: • applying the Planning Bill's chosen assessment manager arrangements to water assessors under the *South-East Queensland Water (Distribution and Retail Restructuring) Act 2009* • amending the *Local Government Act 2009* to require local governments to use planning schemes rather than local laws for the regulation and assessment of advertising devices • amending the *Vegetation Management Act 1999* and *Water Act 2000* to provide that the Minister administering those Acts: - may prepare a declaration that a stated area is critical to providing ecosystem services and functions that maintain and enhance the ecological condition of the Great Barrier Reef - must consider, when preparing a draft water resource plan, the effect the take and use of water resources for consumptive purposes in Great Barrier Reef catchments will have on the	The Planning (Consequential) and Other Legislation Amendment Bill amends 68 Acts to reflect the Planning Bill and Planning and Environment Court Bill. The amendments include updating legislative references and terminology, removing redundant provisions (for example, provisions made redundant by the establishment of SARA) and removing duplication of planning processes and requirements in other Acts which are more appropriately dealt with under the Planning Bill and its planning framework. Proposals for new processes under other legislation are not within the scope of the Planning (Consequential) and Other Legislation Amendment Bill.

Submitter	Topic	Comments	Departmental Response
		ecological condition of the Great Barrier Reef.	

Response to issues raised in submissions to the Infrastructure, Planning and Natural Resources Committee

Attachment 1 - Submissions

submission contains content provided by Brisbane Residents United
* submission contains content provided by Environmental Defenders Office

1 - Katherine Davis
2# - Dianne Cazey
3# - Marianna Lemonis
4 - Lion Beer, Spirits & Wine Australia
5# - Patricia Jackson
6# - Patrick Jory
7# - Barry O'Sullivan
8 - RNA
9 - Large Format Retail Association
10 - Martin Knox
11 - Toowoomba Regional Council
12 - Angus D McKinnon
13 - Logan City Council
14 - Sunshine Coast Council
15 - Cassowary Coast Regional Council
16 - Frank Catorall
17 - Queensland Heritage Council
18# - Lara Harland
19 - Noosa Parks Association Inc
20# - Gwen Davis
21 - National Trust Queensland
22# - Lorraine Phillips
23# - James Herlihy
24# - Cecily Garske
25# - Jill Kennard
26 - BCERT Consulting Pty Ltd
27# - David Pincus
28# - Joan Pincus
29# - Jennifer Parer
30# - Nicole Leech
31# - Kathleen Doyle
32# - Margaret Davies
33# - Dr Graham H Norton
34# - W N Strutton
35# - Verdun Park
36# - Carolyn Pincus
37# - Paul Pincus
38# - Veronica Forrest
39# - Daniel Knoblanche
40# - Sophia Pincus
41# - Georgina Tweedy
42# - Simon Pincus
43# - Filomena Morgante
44# - Isaac Pincus
45 - Rockhampton Regional Council
46 - Great Barrier Reef Marine Park Authority
47 - Aurizon
48 - Kurilpa Futures Campaign Group
49 - Eveline Fennelly
50 - Philippa England
51* - Jacqui Clarke
52* - Caroline Matthews
53 - Unitywater
54* - Judy Leitch
55 - seqwater
56 - Community Engagement Group
57 - HopgoodGanim Lawyers
58 - Powerlink Queensland
59# - Park It Community Group
60# - Di Glynn
61* - Peter Hanson
62 - Mackay Regional Council
63* - Russell & Jenny Christie
64 - Ergon Energy
65 - Queensland Environmental Law Association
66* - Suzanne Howard
67 - Planning Institute Australia
68 - Central Highlands Regional Council
69* - Birds Queensland
70 - Wildlife Queensland
71* - Development Watch Inc
72 - Crime and Corruption Commission
73 - Environment Institute of Australia and New Zealand
74 - Soil Science Australia
75 - Qld Catholic Education Commission and Independent Schools Qld
76* - Environmental Defenders Office of Northern Qld
77 - Queensland Resources Council
78 - Dr Sharon Harwood
79 - Townsville City Council
80 - Mount Isa City Council
81 - Urban Development Institute of Australia
82 - Oxley Creek Catchment Association Inc
83#* - West End Community Association Inc
84 - Bruce White
85 - Property Council of Australia
86 - SEQ Catchments Ltd
87 - WWF-Australia
88 - Cairns Regional Council
89 - Local Government Association of Qld
90 - AgForce Qld
91 - Housing Industry Association
92* - Gecko
93 - GVK Hancock Coal Pty Ltd
94* - Christopher & Tracie Rodwell
95 - Queensland Urban Utilities

Response to issues raised in submissions to the Infrastructure, Planning and Natural Resources Committee

96 - City of Gold Coast
97 - Tract Consultants Pty Ltd
98 - Bundaberg Regional Council
99 - Heart Foundation
100* - Teneriffe Progress Association
101 - Outdoor Media Association
102 - Ipswich City Council
103#* - Bulimba Creek Catchment
104 - Noosa Council
105* - Bill Morgan
106 - Moreton Bay Regional Council
107 - Wolter Consulting Group
108 - Bonafide building Approvals
109 - Redland City Council
110# - Brisbane Residents United
111* - Environmental Defenders Office
112#* - Spring Hill Community Group
113 - Whitsunday Regional Council
114* - Brisbane Region Environment Council
115* - Queensland Greens
116* - Sunshine Coast Environment Council
117 - Brisbane City Council
118* - Jeannette and Brian Douglass
119* – Helensvale Action Group Inc
120 – Master Builders Queensland
121* – Labor Environment Action Network
122* – Mark Stuart-Jones