



Research Director
Infrastructure, Planning and Natural Resources Committee
Parliament House
George Street
Brisbane Qld 4000

Via email: ipnrc@parliament.qld.gov.au

SUBMISSION ON THE DRAFT PLANNING BILLS

11 January 2016

Dear Sir / Madam,

Aurizon appreciates the opportunity to provide written feedback on the proposed changes which the Queensland Government intend to make to the regulation of planning and development across the state. This submission is made following an examination of the contents of the following documents:

1. Draft Planning Bill 2015;
2. Draft Planning and Environment Court Bill 2015;
3. Planning (Consequential) and Other Legislation Amendment Bill 2015;

For the purposes of interpretation of this submission, reference to “draft Bills” in this submission refers to the above-named documents introduced by the Hon Jackie Trad MP on 12 November 2015.

Although the current *Sustainable Planning Act 2009* and the associated *Sustainable Planning Regulation 2009* is relatively ‘young’ having commenced just under 6 years ago, it has been amended on numerous occasions and this has added to its complexity and reduced the capacity of the system and those responsible for its implementation to deliver responsive performance-based planning and development outcomes. This increasing regulatory complexity and associated inefficiencies due to the practices of both state and local government regulators have actively eroded business confidence and investment over recent years. **It is on this basis that Aurizon supports replacing the current legislation.**

At the outset, Aurizon congratulates the Queensland Government for acknowledging business and industry feedback on the *Better Planning for Queensland – Next Steps in Planning Reform Directions Paper* released earlier in 2015 and preparing draft Bills and associated documentation that addresses many of the matters identified by submitters as well as seeking to create an open, transparent and accountable planning system that delivers investment and community confidence.

From its review, Aurizon welcomes in particular a number of aspects of the draft Bills including:

- The logical structure of the Bills, which will enable ease of navigation;
- Reduction in the number of state planning instruments (although in regard to this aspect, Aurizon strongly suggests that the development assessment requirements of the State Planning Policy and the State Development Assessment Provisions be integrated so as to remove confusion and potential duplication in regard to the consideration of state interests as part of the development assessment process);
- Inclusion of development assessment processes in a separate statutory instrument thus facilitating faster and easier amendment as and when required;
- Simplification of the categories of assessment to the 3 types nominated – accepted, assessable and prohibited;
- Extension of the currency period for material change of use approvals to 6 years;
- Simplification of the process for making amendments to approvals; and
- The introduction of the ‘exemption certificate’ process permitting for a quick and inexpensive procedure for the assessment of minor, low-risk alternatives to the acceptable solutions defined in applicable planning instruments.

However, Aurizon’s predominant concern with the new system presented in the Bills and supporting documentation that have been released for public consultation relates to the risk that existing exemptions relating to the development of rail transport infrastructure and other rail infrastructure (terms as defined by the *Transport Infrastructure Act 1994*) will be removed or changed.

With regard to this concern, Aurizon acknowledges that the draft Planning Regulation 2016 which is currently being consulted on by the Department of Infrastructure, Local Government and Planning, does reflect the current exemptions and appears to bring these forward under the new system. However, it is noted that this document is only a draft and is therefore subject to change before being formally introduced to the parliamentary review and approval process.

Removal or amendment of these current exemptions would likely trigger increased cost and time for Aurizon and other rail managers / operators in the state due to having to undertake complex application and approval processes for the delivery of new / augmented rail transport infrastructure within rail corridor land and other yards / depots which are established and operated for railway purposes. Such changes would have a considerable impact on Aurizon’s operations and its function as the railway manager for the Central Queensland Coal Network and the operator of a considerable amount of rollingstock and associated facilities across the state. Aurizon strongly requests that the current exemptions relating to the development of rail transport infrastructure and other rail infrastructure are transferred into the new system without any changes.

In summary, Aurizon supports the Queensland Government’s proposals detailed in the draft Bills, provided that the current exemptions detailed in the *Sustainable Planning Act 2009* and the *Sustainable Planning Regulation 2009* that are relevant to rail development are retained in the new legislation. Aurizon recognises the Queensland Government’s commitment to delivering a better planning system which enables responsible development and facilitates the delivery of prosperity, sustainability and liveability for current and future generations and it looks forward to completion of the current reform process and the commencement of the new legislation.

If you wish to discuss any aspects of this submission, please contact Andrew Batts, Senior Adviser Environment (Planning and Approvals) on (07) 3019 9054.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Backer', enclosed within a thin black rectangular border.

Neil Backer
VP – Safety, Health and Environment