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

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Philippa England
Griffith Law School
Griffith University
Nathan campus
QLD 4111

Submission on Planning Bill, November, 2015

Dear Sir /Madam,

I am writing to make some suggestions for strengthening and improving the Planning Bill 2015, introduced into Parliament on 12 November 2015. I believe my comments are consistent with the goals of promoting "effective and genuine public participation"; "consistent decision making" and "clear and concise legislation" as stated in Better Planning for Queensland at p 2.

Planning instruments

State planning regulatory provisions **(SPRPs):** I understand and appreciate the desire to streamline planning instruments and prevent duplication. However, I note with concern that, whereas alterations to the existing SEQ Regional Plan SPRP require parliamentary ratification (SPA, s 66), an equivalent safeguard is not proposed in the new regime. This is inappropriate as, for example, the boundary of the SEQ urban footprint, is a matter requiring the highest level of political scrutiny, transparency and certainty. It needs to be insulated from frequent amendments, however small, otherwise it is at risk of "death by a thousand cuts". This is not conducive to reliable, long term, sustainable planning consistent with the goals of ESD.

Compensation for changes to planning schemes **(s 30):** Local governments should not be liable to pay compensation for changes made to a planning scheme to reduce a material risk of serious harm from natural events or processes whether or not the change is required by "*Minister's rules and are prescribed by regulation*" (s 30). This new requirement to follow (unpublished) Minister's rules makes protection for local governments more complicated and bureaucratic at a time (due to climate change etc.) when flexibility and responsiveness should be encouraged. Local governments are less likely to be motivated to alter their planning schemes to reduce the risks of material harm and effectively lose their current protection until such time as the Minister's rules are published. I suggest any Minister's rules should be issued simply as guidelines for local governments to follow if they so wish.

IDAS

***Dealing with submissions*:** I note with concern the public notification period for all impact /merit assessable development (other than for variation requests) will be 15 business days unless a regulation prescribes otherwise (s 53). A minimum of 30 business days for all impact /merit applications that involve a referral agency would be more reasonable and consistent with existing practice (SPA, s 298). A minimum of 20 business days for all other notifiable applications would also be more reasonable.

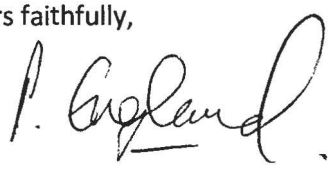
Referral agency assessment: To ensure integrity and consistency with the aims and objectives of the Act, I urge that, in s 23, referral agencies should also be required to have regard to the SPP, SDAPs, s 3 of the main Act (ESD objective). Referral agencies have considerable decision-making powers and are responsible for implementing the SDAPs. They should at least be required to have regard to these important provisions which have been developed in consultation with sector specific state departments. Because referral agencies (SARA specifically) are responsible for coordinating the state response to development proposals, they should also be required to have regard to s 3 of the Act and the SPP when relevant.

***Assessment criteria – code and impact assessment)*:** Please consider including the material stated in schedules 18 and 19 of the draft planning regulation (assessment benchmarks for code and impact assessable development) in the main Act as, at the moment, crucial information about decision-making criteria is split across these schedules and s 45 of the Act. This is not user friendly and in this respect it works against the intentions of the reform.

Decision rules – impact assessment: I urge you to carry over the existing decision rules for impact assessment which give appropriate priority to planning instruments over and above other factors in the decision-making process. The existing sections (SPA, ss 324-326) ensure transparency and accountability – decision-makers should follow their existing planning instruments unless there are sufficient grounds (which must be explained and justified) to do otherwise. The current rules implement a clear hierarchy between planning instruments and provide clear and transparent methods for reconciling conflicts. Without these rules, decision-making is an entirely discretionary affair in the hands of different councils. This will makes it very difficult for members of the public to hold councils accountable for their decision-making, seriously undermining the goals of community participation as well as consistency, transparency and accountability in decision-making – all reform goals espoused by this government.

Overall, I commend the work of the current government in revising the draft Bills published in September 2015 and consider the current Planning Bill better reflects a more fair and accountable planning reform than the private member's Bill introduced into parliament in June 2015. I thank you for giving members of the public this opportunity to comment on proposed reforms to Queensland planning law.

Yours faithfully,



Dr Philippa England
Griffith University