

Our Ref: PD:MH:JM:D16/5671

15 January 2016

Attention: Dr Jacqueline Dewar - Research Director
Infrastructure, Planning and Natural Resources Committee
Parliament House
George Street
BRISBANE QLD 4000

Submitted via email: ipnrc@parliament.qld.gov.au

Dear Dr Dewar

PLANNING BILL 2015

This submission is made by the Queensland Bulk Water Supply Authority (trading as Seqwater) in response to the Planning Bill 2015 (the **Bill**).

About Seqwater

Seqwater is one of Australia's largest water businesses with the most geographically spread and diverse asset base of any capital city water authority. Our operations extend from the New South Wales border to the Toowoomba ranges and north to Gympie.

Seqwater has a legislative obligation to provide safe, secure, resilient and reliable bulk water supply for South East Queensland. Seqwater also provides essential flood mitigation services, manages some catchment based risks to water quality, and manages recreation facilities. The provision of a safe and reliable drinking water supply is critical for the health and wellbeing of Queenslanders. A cost effective bulk water supply is also essential for strong economic development.

Submission

Seqwater supports the government's objective for planning reform, which aligns with the water industry regulatory reform. Seqwater commends the effort of the government to seek improvement to the planning system, and the commitment to consult broadly on the proposed reforms.

Seqwater's detailed submissions in relation to the Bill are identified in Attachment 1.

Seqwater does not make any submissions in relation to the other five planning bills being considered by the Committee, i.e. the Planning and Environment Court Bill 2015, the Planning (Consequential) and Other Legislation Amendment Bill 2015 and the three Private Members' Bills.



If you require further information regarding Seqwater's submission, please do not hesitate to contact Seqwater's Integrated Planning Officer,

Yours sincerely

Peter Dennis
Chief Executive Officer

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Attachment 1 – Seqwater submission on the Planning Bill 2015

Matter	Bill Reference	Submission	Comments (if any)
Chapter 1 - Preliminary			
Advancement of Act's purpose	Section 3(5)	Seqwater supports, in principle, how the Act's purposes can be advanced as shown in the Bill.	-
Chapter 2 - Planning			
State planning instruments	Section 8(2)	Seqwater supports reduction of the number of State planning instruments to the State Planning Policy (SPP) and regional plans.	Many of Seqwater's interests in landuse planning and development assessment are addressed in state interests expressed within the SPP and regional plans. Seqwater currently participates in the planning scheme state interest check process to ensure that relevant matters of state interest are appropriately addressed in local planning schemes. The SPP and SPP guidelines have proven to be effective and should be retained.
Chapter 3 – Development Assessment			
Categories of assessment	Section 43	Seqwater supports the retention of 'code' and 'impact' terminology.	-
Exemption certificates	Section 46(3)	Seqwater submits that at least one additional limitation be inserted in section 46(3) as follows: <i>(b) for development which will materially affect a State interest—the relevant State entity (that is not a referral agency) has agreed in writing to the exemption certificate being given; and</i>	Protection of State interests, such as water quality and bulk water supply infrastructure, is essential. Seqwater is not a referral agency and therefore is not captured by the current wording in the Bill.
Publicly notifying certain development applications	Section 53	Seqwater supports section 53(1).	In addition to providing third party advice on receipt of a request from an assessment manager or concurrence agency, Seqwater relies on public submission and appeal rights in relation to impact assessable development applications.

Matter	Bill Reference	Submission	Comments (if any)
Deciding development applications	Section 60	<p>Provided that the State Planning Policy, Part E, is included in the relevant assessment benchmarks, Seqwater submits that section 60(2)(b) of the Bill should be amended as follows:</p> <p><i>(b) may decide to approve the application even if the development does not comply with some or all of the assessment benchmarks, but only to the extent the application complies with benchmarks relating to matters of State interest; and</i></p>	Seqwater considers that matters of State interest should be given the greatest weight during the development assessment process.
Chapter 7 - Miscellaneous			
Public access to documents	Section 263	Seqwater encourages the department to work with local governments to establish a website that allows development applications to be available for viewing by third parties.	Even if this is completed for South East Queensland initially, this will be a very important and useful tool. Not all local governments have a website which makes development application documents publicly available. This may assist in ensuring effective public participation and engagement in the planning framework and create an open, transparent and accountable planning system that delivers investment and community confidence.
Chapter 8 – Transitional Provisions and Repeal			
Transitional code assessments	Section 288	If (contrary to Seqwater’s submission) section 60(2)(b) of the Bill is not amended to provide that a code assessable application can only be approved to the extent the application complies with benchmarks relating to matters of State interest, Seqwater supports interim transitional arrangements such as interim assessment and decision rules for development of a type referred to in Part E, State interest-water quality, water supply catchment in South East Queensland of the State Planning Policy, while a longer-term transition of those types of development from code assessable development to impact assessable development is effected.	-

Matter	Bill Reference	Submission	Comments (if any)
Other matters			
Third party advice	-	<p>Seqwater submits that provision for the following should be inserted in the Bill:</p> <ul style="list-style-type: none"> • assessment managers and referral agencies to seek advice or comment from third parties in relation to both code and impact development applications (in line with section 256 of the <i>Sustainable Planning Act 2009</i>); and • assessment managers/concurrence agencies to be able to have regard to that advice in deciding applications. <p>In the alternative, Seqwater submits that section 68(1) be amended to include a new subsection (c) as follows:</p> <p>(c) the consideration of requested advice or comment from any person about the application at any stage of IDAS, other than the compliance stage.</p>	<p>The third party advice process is flexible, efficient and does not delay the application process. However, the provision for third party advice is currently buried within the proposed Draft Statutory Instrument 01/XX Development Assessment Rules. Seqwater believes that this important process should be elevated and stated in the Bill to adequately provide visibility, with details to remain in the Development Assessment Rules.</p> <p>Seqwater currently receives a large number of requests from local governments for advice on development applications within drinking water catchments. This important mechanism assists in protecting drinking water supply and assists local governments in assessing development applications, particularly for larger more complex developments or developments that present a high risk to drinking water sources. Seqwater is not a referral agency and thus does not have the ability to condition or rely on other statutory tools in the development assessment process.</p>