



- Submission Gympie Regional Council

Date:

Thursday, 9 July 2015 9:44:44 AM

Good morning,

I refer to the recent introduction of a Private Member's Bill, Planning and Development (Planning for Prosperity) Bill 2015, to the Queensland Parliament and invitation from the Infrastructure, Planning and Natural Resources Committee for submissions. Gympie Regional Council has previously submitted on the content of this Bill and as such re-submits the attached for the consideration of the Committee.

It should be noted that Council, through its Ordinary Meeting, is also aware of the proposed legislative reform of the current Government (having reviewed the "Better Planning for Queensland" Directions Paper) and has expressed no preference for either approach at this stage.

Please advise if any further clarification is required.

Kind regards,

Chris Engle

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Gympie Regional Council Submission to Proposed Planning and Development Bill 2014

Act Reference (Chapter, Part, Division, Section)	Issue	Discussion	Recommendation for Submission
Plan Making			
Removed provision/s	Queensland Planning Provisions for standardised Planning Schemes removed.	The Gympie Regional Council Planning Scheme was prepared consistent with the QPP in effect at the time. Whilst there are a large proportion of matters in the QPP that the State need not be concerned with, it is considered that there are a number of elements of the QPP that assist in the plan making process and aid in the interpretation of the Planning Scheme. In particular these include standard definitions, a standard suite of zones (excluding the Limited Development Zone which could readily be addressed by Overlay provisions) and the standard suite of overlays.	Request that the regulation incorporates standard definitions, a standard suite of zones and a standard suite of overlays.
Chapter 2, Part 3, Division 2, s20(7)	Temporary Local Planning Instrument (TLPI) may have effect for a period of 2 years.	In recognition of the time required for major Planning Scheme amendments it is considered that extending the operation of a TLPI from a maximum of 12 months up to 2 years is appropriate.	Support the inclusion of this provision.
Chapter 2, Part 5, s25(4)(e)	Possible change to compensation provision for Planning Scheme changes that have been made to reflect risk from natural events (flooding, landslide, bushfire, coastal erosion).	The existing provisions provide adequate protection to Council in the event of a compensation claim resulting from Planning Scheme changes that are aimed at addressing the risk of significant impacts from natural hazard processes and serious environmental harm. The proposed possible alternative provisions do include a broader scope of natural processes (i.e. bushfire and	Retain the existing provisions of the Bill (s25(e)(i) and (ii)), with the inclusion of bushfire and coastal erosion risk and the removal of "could not have been significantly reduced by development conditions" in s25(e)(i).

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		coastal erosion) and this is supported, however s25(e)(ii) introduces the requirement for “an assessment of the risk to the persons or property carried out by a person appropriately qualified in relation to the relevant natural process on the best available information.” This introduces resource implications for Council in commissioning studies and may also lead to challenges of process, consultancy qualifications and background source information.	
Chapter 8, Part 2, Division 3	Transitional provisions provide no guidance on when Planning Schemes are required to be brought into alignment.	As Gympie Regional Council have only recently adopted a new Planning Scheme (June 2013) and incurred considerable costs in doing so, it is considered that a requirement to recommence a process to bring the Planning Scheme into alignment with new legislation at this point is an unreasonable imposition. As such, any transitional provisions should maximise the ability of existing Planning Schemes to continue to be utilised in their current form, or with minimal amendment. Consideration could be given to allowing a minimum of 2 years for amendment of existing Planning Schemes to align with the required contents established in any future regulation.	Request that transitional provisions maximise the operation of current SPA/ QPP compliant Planning Schemes.
To be provided	No regulation, guideline/s and Minister’s rules released for comment.	Given the dramatic reduction in size of the legislation many details currently covered and deemed necessary for a future	Request the ability to comment on future draft Regulation, Guideline/s and Minister’s rules.

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		legislative framework will be incorporated in the accompanying regulation, guideline/s and Minister's rules. This includes processes for making and amending local planning instruments and the ability to negotiate the process with the Minister. These supporting documents were not released concurrently with the Bill and the Information Paper refers to possible inclusions in these documents. In order to fully understand the implications of the proposed legislative changes Council needs to be able to review these details and provide feedback if required. This is particularly pertinent given that the Bill provides for the "required contents" (to be set out in a regulation) to take precedence over a local planning instrument to the extent of any inconsistency (Chapter 2, Part 3, Division 1, s15(2)).	
Development Assessment			
Removed provision/s	State Planning Regulatory Provisions removed	Removal of additional assessment criteria and planning controls. No significant impact foreseen.	
Chapter 3, Part 6, Division 4, s89 (1)	Re-introduction of 'currency period' term.	Previous legislation changed reference to 'relevant period' which caused confusion for inexperienced applicants.	Note that this is a positive inclusion.
Chapter 3, Part 6, Division 4, s89 (2)	Assessment manager to notify the owner and applicant of pending approval lapse.	This is an additional administrative burden for Council and potential for approvals to remain current indefinitely should a notice be missed.	Request that these provisions be removed to avoid significant resource implications for Council and the onus remain with the approval 'owner.'

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	Approvals will not lapse until 3 months after notice is given.		
Chapter 3, Part 3, Division 2, s45	Removal of owner's consent requirements if applicant is also the owner.	Development assessment process can be undertaken whilst owner's consent, when required, is obtained. Has the ability to reduce applications stalling while landowners consent is obtained.	Note that this is a positive inclusion.
Chapter 3, Part 3, Division 2, s49 (2)	De-coupling public notification from category of assessment. Only development subject to merit assessment can be notified, however not mandatory.	Council to nominate in its planning scheme which developments nominated as 'merit assessment' require public notification. Results in some proposals appropriately undergoing assessment against the entire planning scheme without always requiring formal public notification.	Note that this is a positive inclusion.
Removed provision	Issue of an acknowledgment notice removed for most applications. Development assessment rules (yet to be released) will outline the circumstances when one must be issued. At Council's discretion to issue in others.	No significant impact foreseen.	
To be provided	No regulation, guideline/s and Minister's rules released for comment.	Given the dramatic reduction in size of the legislation many details currently covered and deemed necessary for a future legislative framework will be incorporated in	Request the ability to comment on future draft Regulation, Guideline/s and Minister's rules.

Act Reference (Chapter, Part, Division, Section)	Issue	Discussion	Recommendation for Submission
		the accompanying regulation, guideline/s and Minister's rules. This includes additional detail regarding decision making for development assessment. These supporting documents were not released concurrently with the Bill and the Information Paper refers to possible inclusions in these documents. In order to fully understand the implications of the proposed legislative changes Council needs to be able to review these details and provide feedback if required.	