



Our Ref: C0000

9 November 2012

State Development, Infrastructure and Industry Committee
Parliament House
Brisbane Qld 4000

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

Dear Mr Ted Malone MP, Chair and Member for Mirani,

Re: Submission to the Parliamentary State Development, Infrastructure and Industry Committee on the Economic Development Bill 2012

Thank you for the opportunity to make a written submission on the *Economic Development Bill 2012* (referred to as the EDB in this submission), introduced into the Queensland Parliament on Thursday 1 November 2012.

Wolter Consulting Group would like to take the opportunity to congratulate the Government on this important initiative and indicate our support for the purpose of the EDB and its integration of powers and functions which currently exist under an array of Acts into a single Act. We have every confidence it will achieve its purpose of stimulating economic development in the State by fast tracking projects that will deliver economic benefit, bringing development to the market more quickly in priority development areas (PDAs).

As a large consultancy providing town planning and other development-based services to the government, development and infrastructure sectors across the State, we expect to find the significant efficiency principles adopted in relation to both plan making and development assessment processes within these PDAs to be the most beneficial in our day to day management of projects through the development approval process.

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EFFICIENCY PRINCIPLES SUPPORTED

Specific efficiency principles within the EDB that we strongly support include:

1. Simple and efficient development scheme preparation

Preparation time will potentially be significantly shorter for PDA development schemes in comparison to their SPA counterparts. This is because the preparation process is simpler in terms of the steps and actions required, and timeframes are shorter. This is a significant improvement for PDA areas, in comparison to the lengthy timeframes which can be involved in preparing SPA planning schemes, assisting to bring development to the market more quickly in these areas.

2. Flexible format of development schemes

There also appears to be no adopted "Standard Development Scheme" or provisions for PDAs, meaning there is likely to be flexibility in the plan making approach and format depending on the nature, size and location of the area. We would however see some benefit in adopting consistent terminology with the Queensland Planning Provisions which apply to new SPA planning schemes.

Recommendation 1: Adopt the QPP definitions for all PDA development schemes to ensure consistency of land use definitions and administrative terms across Queensland.

3. Simple and efficient development assessment (DA) process

The simplicity of the DA process in PDA areas is commended. Division 3 "PDA development applications" is simple and straight forward. Some examples which are strongly supported include:

- Simple lodgement requirements – for example an application must be in the approved form, with owners consent and the correct fee, but can be deemed to be properly made by the Minister for Economic Development Queensland (MEDQ) in any circumstance, even where owners consent is not present;
- Simple procedures with minimal steps and timeframes – for example public notification must simply start after the information request is responded to, but has no other specific commencement date and therefore no lapsing opportunity, and no requirement to notify of its commencement;
- Procedural non-compliance does not result in an application lapsing - non-compliance with timeframes such as the timeframe stipulated to respond to an

information request simply allows the MEDQ to refuse the application, but does not lapse the application;

- There are no State referral agencies in PDAs, presumably because State issues will be incorporated into the development scheme making process; and
- There are no appeal rights for consistent development.

These principles all demonstrate a common sense approach, with the ability to significantly streamline the development assessment process, allowing a focus on outcomes rather than procedure.

Why can't SPA be this simple?

These commendable efficiency principles beg the question of why the Integrated Development Assessment System under the *Sustainable Development Act 2009* (SPA) cannot be as simple and efficient. Introducing these benefits into the EDB for specific priority areas is commendable but will give developments within these areas a competitive advantage over all other development in the State. The opportunity to stimulate the construction sector more widely by applying these principles across all land in Queensland is therefore strongly encouraged.

Recommendation 2: Apply the development assessment efficiency principles more widely by transferring them into SPA.

ADDITIONAL COMMENTS

Specific comments in relation to the drafting of the legislation are:

1. Role and make-up of the Local Representative Committees

The proper functioning and make-up of the Local Representative Committees (LRC) for PDAs will be one of the fundamental aspects to the successful implementation of the EDB. However, there is a limit to the details available of how these committees will function, in relation to plan making as well as development assessment.

For example, it appears that the LRC is required to have at least one representative from the Economic Development Board, but otherwise membership is not mandated, meaning that it is optional for involvement of the local government. In circumstances where the local government is not on the committee, question is raised about the adoption of infrastructure standards under the development

scheme for specific PDAs and whether these meet Council standards, specifically in relation to the potential risk involved in asset handover to the local government on completion of the project.

Recommendation 3: We request that a more detailed briefing be provided on the implementation aspects of the Bill, particularly in relation to the intended operational functioning of the LRCs.

2. Provisional PDA Criteria

There is a requirement that provisional priority development areas are of a type, scale, intensity and location '*consistent with the relevant local government's planning scheme*'. The example provided on page 35 of the Explanatory Notes is where '*the proposed development is a use that is the same use proposed under the planning scheme although it may be at an increased intensity*'.

This example appears contradictory and therefore unhelpful. The criteria appears to exclude situations where the planning scheme zoning has become redundant due to the age of the planning scheme, but where the proposal is consistent with the Council's intentions for the area or with adjacent or/ surrounding zoning (for example redundant community use land).

Another situation is where the planning scheme has rural zoned land within their urban growth boundary, anticipating that the land will be developed at some time "in the future", and that future has now arrived again given the age of the scheme. These scenarios are unlikely to fit the criteria of being 'consistent' with the scheme albeit that they are perhaps consistent with the policy intent.

Recommendation 4: The criteria adopted for provisional PDAs should be more clear and flexible to account for these typical scenarios. Specifically, reference to 'consistency with the planning scheme' should be removed as plan lag can be significant in local authorities throughout Queensland.

3. Transitional Provisions - Existing SPA applications do not get the benefit of the PDA, even where consistent with the PDA

Chapter 3 '*Planning and development*', Part 2 '*Priority development areas*', Division 4 '*Relationship with Sustainable Planning Act*', Subdivision 1 '*Effect of declaration of priority development areas*', Section 44 '*Existing SPA development applications*' requires that SPA development applications lodged prior to the declaration of a

priority PDA but as yet undecided, continue to be decided under SPA. SPA continues to apply for that purpose as if the land were not in a PDA. While this seems administratively simple, it potentially burdens the applicant to follow the arduous IDAS process under SPA in comparison to the simplified and streamlined development assessment process under the EDB.

Recommendation 5: In circumstances where that development application is consistent with the Interim Land Use Plan upon declaration of the priority PDA, the opportunity should exist for the applicant to opt into the PDA process under the EDB, to have the benefit of the significant economic and efficiency improvements on offer under the EDB. At a minimum, if an application lodged prior to the declaration is withdrawn and then re-lodged to take advantage of the benefits of the declaration, there should be provision to transfer the development application fees already paid.

4. Transitional Provisions - Effect of existing SPA approvals

Section 45 provides that existing SPA development approvals continue to have effect as a SPA development approval. However, SPA development approvals by definition encompass preliminary approvals, development permits and deemed approvals. Compliance permits and compliance certificates are separately defined. Are compliance permits and compliance certificates also intended to continue to have effect? It is also unclear whether subsequent changes or extension are made and assessed under SPA or under EDB.

Recommendation 6: Existing compliance permits and compliance certificates should also continue to have effect.

Recommendation 7: For determining when the existing SPA development approval will lapse, section 341 of SPA should be amended to ensure that any subsequent development approvals are 'related approvals' for the purpose of rolling forward the currency period. While it is clear that the EDB is intended for priority areas and therefore extensions to the life of an approval may seem at odds with the purpose of the Act, this will depend on the nature and size of a development approval and whether that approval facilitates development in stages. A provision for automatic roll on of the life of an approval will have merit in certain circumstances.

We appreciate your consideration of the issues raised in our submission and would appreciate the opportunity to be more fully briefed on the implementation aspects of Bill. We would also be happy to provide further information, be involved in any working groups for the implementation of the Bill and meet to discuss the issues in further detail.

Yours sincerely,

Wolter Consulting Group

A handwritten signature in black ink, appearing to read "N. Rayment", with a long horizontal flourish extending to the right.

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Natalie Rayment

Director