

Feedback to ‘Dynamic Planning for a Growing State’

To: DLGPSR
IPA Feedback
Reply Paid 15031
City East Q 4002

Name: _____

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1.1 DLGPSR will develop and implement a detailed stakeholder engagement framework

Strongly Oppose Oppose Neutral Support **Strongly Support**

The detailed stakeholder engagement framework must promote opportunities for community/environmental involvement in planning and development.

1.2 Audit all advice and information dealing with IPA and IDAS and redraft in Plain

Language

Strongly Oppose Oppose Neutral Support **Strongly Support**

The information should be available online.

1.3 Develop and implement a detailed communication plan to support the stakeholder engagement framework.

Strongly Oppose Oppose Neutral **Support** Strongly Support

There should be community input into the communication plan. The community must be identified and empowered as a stakeholder.

2.1 DLGPSR in its leadership role will prioritise change management, conflict resolution and good organisational communication within the department.

Strongly Oppose Oppose Neutral **Support** Strongly Support

3.1 Accelerate regional planning that is able to be progressively implemented across the State, using regional plans to ensure State interests and policies are clearly articulated at the regional level and integrated into planning schemes.

Strongly Oppose Oppose Neutral **Support** Strongly Support

There needs to be stronger environmental protection in regional planning.

4.1 DLGPSR will develop a web-based, centralised repository for information about State interests to ensure councils have a single point of reference when preparing or amending their planning schemes

Strongly Oppose Oppose Neutral **Support** Strongly Support

The information should be available online to everyone.

4.2 DLGPSR will collaborate with State agencies to finalise the following:

- **Extractive Industries State Planning Policy**
- **Koala Conservation and Management Program**
- **Housing and Residential Development State Planning Policy**
- **SEQ Regional Coastal Management Plan**
- **Guidelines for State coastal management planning to complement State and regional coastal management plans**
- **State Code for Telecommunications Facilities**
- **Wild Rivers Codes under the Wild Rivers Act 2005**

Strongly Oppose Oppose Neutral **Support** Strongly Support

We need better, enforceable environmental protection in State policies and plans.

4.3 DLGPSR will establish an IPA/IDAS State Agencies Reference Group to negotiate and integrate State policies across State agencies.

Strongly Oppose Oppose Neutral **Support** Strongly Support

We need overriding environmental protection.

4.4 Amend IPA to simplify and clarify the relationship between the SEQ Regional Plan, State Planning Policies (SPPs) and other planning instruments in development assessment.

This amendment will:

- **allow for a SPP yet to be reflected in a planning scheme, to prevail to the extent of an inconsistency with a local planning instrument or code; and**
- **confirm that, for the SEQ region, the SEQ Regional Plan prevails over an SPP, planning scheme or code.**

Strongly Oppose Oppose Neutral **Support** Strongly Support

We need overriding environmental protection.

4.5 Amend IPA to include a new schedule setting out a process for making State codes.

Strongly Oppose Oppose Neutral **Support** Strongly Support

There should be opportunity for public submissions.

4.6 Amend IPA to allow a code included in an SPP to continue to be used in development assessment, after the remainder of the SPP has been reflected in a planning scheme

Strongly Oppose Oppose Neutral Support **Strongly Support**

4.7 Establish a new mechanism by which the Minister, responsible for the IPA, can assume a proactive role in the assessment of significant developments.

Strongly Oppose Oppose Neutral **Support** Strongly Support

There must be opportunity for public submissions.

4.8 Amend Chapter 2, Part 3 (State powers) of the IPA to allow the Minister to implement a temporary local planning instrument (TLPI) where there is an urgent need to protect a State interest. The amendment will allow the Minister to do this, without first seeking the relevant council's representations or directing it to make the TLPI

Strongly Oppose Oppose Neutral **Support** Strongly Support

4.9 DLGPSR will work with State Agencies to ensure that any proposed changes to

IPA-related State policy are adequately resourced, including implementation guidelines, training, and where appropriate for the State Agency to undertake a referral role under IDAS

Strongly Oppose Oppose Neutral Support **Strongly Support**

5.1 DLGPSR will:

- **lead State agencies to determine and define what constitutes “State interests”;**
and
- **reflect State interest requirements in planning schemes through standard planning scheme provisions**

Strongly Oppose Oppose Neutral **Support** Strongly Support

5.2 Establish a process for State interest issues to be resolved by the relevant State agencies or Ministers

Strongly Oppose Oppose Neutral **Support** Strongly Support

Environmental concerns should be a priority.

6.1 DLGPSR will encourage community engagement and input to planning schemes by:

- **reviewing public information about planning schemes and opportunities for the community to have their say;**
- **training stakeholders in community engagement practices; and showcasing good examples of planning schemes developed with community input**

Strongly Oppose Oppose Neutral Support **Strongly Support**

More needs to be done. There must be legislative changes and the community must be empowered as a stakeholder.

6.2 DLGPSR will seek to jointly develop and roll out with the Local Government Association of Queensland (LGAQ) a strategy to encourage councils to improve community engagement in the process for making and amending planning schemes.

Strongly Oppose Oppose Neutral Support **Strongly Support**

This does not go far enough. Legislative changes must be made.

7.1 Amend IPA to introduce limited prohibition at three levels

State Level

- **Include a new schedule of prohibited development in the IPA. At first this could reflect existing prohibitions under other Acts, but could later be expanded to be the key point for identifying State level prohibitions**

Regional Level

- **DLGPSR will work with the Office of Urban Management to investigate extending prohibitions at the regional level through the SEQ Regional Plan. Any long-term improvements to regional planning in other regions of the State could also allow regional-level prohibitions.**

Local Level

- **The State will prescribe instances in which councils can prohibit certain development at the local level.**

Strongly Oppose Oppose Neutral Support **Strongly Support**

Environmental protection should be a priority in formulating prohibitions.

8.1 DLGPSR will collaborate with councils and LGAQ to establish standard administrative definitions in planning schemes for terms such as storey, height, gross floor area, and ground level etc.

Strongly Oppose Oppose Neutral Support Strongly Support

8.2 DLGPSR will work with councils to improve the form and content of strategic elements in planning schemes

Strongly Oppose Oppose Neutral Support Strongly Support

There needs to be better and clearer strategic planning.

8.3 The IPA will be amended to enable the Minister to make “standard planning scheme provisions” using a process under a new schedule to the IPA, which councils will be required to use when making planning schemes.

Strongly Oppose Oppose Neutral Support Strongly Support

The standard planning scheme provisions should ensure better environmental protection. There must be opportunity for public submissions regarding the standard planning scheme provisions.

8.4 Use standard planning scheme provisions to introduce a consistent approach to prohibition at the local level.

Strongly Oppose Oppose Neutral Support Strongly Support

The standard planning scheme provisions should ensure better environmental protection. There must be opportunity for public submissions regarding the standard planning scheme provisions.

8.5 DLGPSR will improve the expression of policy in planning scheme codes and promote the wider range of assessment outcomes available as a result of proposed changes to code decision rules by:

- reviewing existing code templates and guidelines;
- providing training and workshops to assist councils to amend their codes; and
- establishing an ongoing review process for codes in individual planning

schemes to share learning between councils.

Strongly Oppose Oppose Neutral Support Strongly Support

More information is needed. Environmental impacts should be a consideration when making decisions about codes. I oppose increasing the types of code assessable development.

8.6 To supplement the development and implementation of the standard planning scheme provisions, DLGPSR will devise an implementation program to:

- **set a target period for including the standard planning scheme provisions into existing planning schemes;**
- **establish strategies allowing necessary amendments to planning schemes to proceed in the short term while not compromising longer term implementation of the standard planning scheme provisions; and**
- **support councils in making necessary changes to their schemes.**

Strongly Oppose Oppose Neutral Support Strongly Support

9.1 In consultation with State Agencies, DLGPSR will streamline the plan-making and amendment process

- **adopting a single state interest check process for amendments as a “default” (second state interest check by exception)**
- **Developing and publishing guidelines identifying planning scheme amendments that do not affect State Interests**
- **preparing guidelines outlining State agency involvement and responsibilities in scheme reviews; and**
- **assisting councils to organise proposed planning scheme amendments to best take advantage of streamlined departmental procedures**

Strongly Oppose Oppose Neutral Support Strongly Support

9.2 DLGPSR will publish on its website performance targets for State involvement in planning scheme reviews and regularly report on performance against the following measures:

- **90% of all first State Interest Reviews will be completed within eight weeks (from the date the draft planning scheme is first received by DLGPSR until the time it provides a recommendation to the Minister); and**
- **90% of all second State Interest Reviews, where undertaken, will be completed within five weeks (from the date the second draft planning scheme is first received by DLGPSR until the time it provides a recommendation to the Minister).**

Strongly Oppose Oppose **Neutral** Support Strongly Support

The performance targets need to relate to outcomes and not simply time limits.

10.1 DLGPSR will educate stakeholders about the new infrastructure planning and charging framework by conducting information and training sessions commencing in May 2006 dealing with new IPOLAA 2006 amendments.

Strongly Oppose Oppose Neutral **Support** Strongly Support

10.2 DLGPSR will accelerate the current PIP example project and establish a dedicated project team to develop example PIPS for small, medium and large-scale councils.

Strongly Oppose Oppose Neutral **Support** Strongly Support

10.3 DLGPSR will build its capacity to deal with infrastructure issues and provision of advice to councils and other stakeholders through recruitment of a specialised

infrastructure planning and charging project team.

Strongly Oppose Oppose Neutral **Support** Strongly Support

Infrastructure planning should consider climate change.

10.4 Develop a Plain Language version of the infrastructure guidelines including case studies and example plans

Strongly Oppose Oppose Neutral **Support** Strongly Support

10.5 DLGPSR will establish a PIP Reference Group for councils, the LGAQ and other relevant stakeholders to exchange ideas and provide suggestions for improvement in rolling out the infrastructure planning framework. This group will also provide councils with direct access to technical expertise to assist them in drafting the PIPs using the templates.

Strongly Oppose Oppose Neutral **Support** Strongly Support

The community/environmental stakeholders should be involved.

10.6 DLGPSR will develop two training packages for ongoing support and training:

- **an overview module aimed at providing general users with an explanation of the infrastructure planning and charging framework and its relationship to the IPA framework; and**
- **specialised modules to provide technical support to councils and consultants on PIPs, Infrastructure Charges and related local government business system arrangements.**

Strongly Oppose Oppose Neutral **Support** Strongly Support

10.7 DLGPSR will partner with LGAQ to provide support to councils on governance,

financing and business systems aspects of infrastructure planning and charging. Products will include specialised training packages.

Strongly Oppose Oppose Neutral Support Strongly Support

10.8 DLGPSR will continuously monitor how well the new framework is working by using

- an IPA/IDAS external reference group
- the DLGPSR/LGAQ Council Infrastructure Charges Project Team; and
- an external audit

Strongly Oppose Oppose Neutral Support Strongly Support

11.1 DLGPSR will build upon the PIP example project outlined in Proposed Improvement 10.2 above by undertaking a pilot project to develop an example of how infrastructure planning at the regional level can improve infrastructure delivery and assist with the preparation of local government priority infrastructure plans

Strongly Oppose Oppose Neutral Support Strongly Support

Climate change must be considered.

12.1 DLGPSR will investigate and develop an independent certification and approval system for PIPs and infrastructure charging methodologies.

Strongly Oppose Oppose Neutral Support Strongly Support

12.2 DLGPSR will investigate methods of redress/appeal other than to the court for disputes regarding infrastructure charges.

Strongly Oppose Oppose Neutral Support Strongly Support

13.1 In consultation with referral agencies, DLGPSR will prepare guidelines to clearly define the scope and jurisdiction of referral triggers and publish these on the IPA website.

Strongly Oppose Oppose Neutral Support Strongly Support

More environmental triggers are needed.

13.2 DLGPSR will improve the quality of conditions in a development approval imposed by both assessment managers and concurrence agencies through providing training on drafting conditions, particularly in relation to compliance assessment under IPA, s3.5.31A.

Strongly Oppose Oppose Neutral Support Strongly Support

IPA should require conditions to reduce environmental impacts.

13.3 The scope of conditions requiring compliance assessment under section 3.5.31A of IPA will be expanded by amending Schedule 12 of the Integrated Planning Regulation 1998.

Strongly Oppose Oppose Neutral Support Strongly Support

13.4 Amend Schedule 8 of the IPA to clarify and simplify referral triggers.

Strongly Oppose Oppose Neutral Support Strongly Support

The number of referral triggers must not be reduced.

13.5 Amend the IPA to include a separate process in Chapter 2 for determining whether development may be undertaken or an application assessed under a superseded planning scheme.

Strongly Oppose Oppose Neutral Support Strongly Support

Applications should be assessed under current planning schemes.

13.6 The IPA will be amended to reword sections 3.5.13 and 3.5.14 to -

- **for code assessment –**
 - **retain and emphasise the substantial role of relevant codes in code assessment, while removing the current presumption in favour of approval in all circumstances in s 3.5.13(2); and**
 - **provide guidance about decision-making in cases where codes conflict; and**
- **for both code and impact assessment –**
 - **simplify and clarify the decision-making rules; and**
 - **remove current “double negative” wording about the SEQ Regional Plan and SPPs, and clarify when these documents prevail if there is an inconsistency with local planning instruments.**

Strongly Oppose Oppose Neutral Support **Strongly Support**

Strongly support the proposal to remove the current presumption in favour of approving code assessable development. We need clearer guidelines as to when development should be refused. The impact on the environment should be a clear ground for refusal.

13.7 The IPA will be amended to consolidate, clarify and simplify the existing arrangements for changing or cancelling approvals.

Strongly Oppose Oppose Neutral **Support** Strongly Support

Modifications that will impact on the environment should not be made. There should be public notification of proposed modifications and opportunities for submissions.

13.8 DLGPSR to establish a project team, including EPA, councils and LGAQ, to assess the benefits of including general decision-making criteria in IPA that reflect the provisions of the Environmental Protection Act 1994 related to preventing

environmental harm.

Strongly Oppose Oppose Neutral Support **Strongly Support**

There must be environmental/community representation on the project team. The Environmental Defenders Office should be included.

13.9 The IPA will be amended to:

- **clarify how and when development applications can be changed without having to return to an earlier stage of IDAS;**
- **that if an applicant changes a development application, and the application must return to an earlier stage of IDAS, the only additional referrals to be made are those arising because of the change itself, and not referrals that have resulted because the law itself has been changed; and**
- **to allow a development application to be modified enabling a missed referral to be made without requiring the entire application to return to an earlier stage. Changes to the IPA will also (in certain circumstances) provide for the variation of a development application based on community consultation undertaken with the applicant.**

Strongly Oppose Oppose Neutral Support Strongly Support

Amendments should not bypass the IDAS process. There must be public notice and opportunity to comment further on modifications.

13.10 DLGPSR will accelerate the implementation of the Smart eDA project by developing a prototype by December 2006 and implementation of the Smart eDA by July 2007.

Strongly Oppose Oppose Neutral Support **Strongly Support**

The project must be readily accessible to the community.

13.11 Amend the IPA to redistribute those provisions relating to the lapsing of development applications held within section 3.2.12. These provisions will be chronologically relocated to correspond with the appropriate stage of the IDAS process.

Strongly Oppose Oppose Neutral Support Strongly Support

13.12 Amend IPA to extend the jurisdiction of the Building and Development Tribunal to allow it to make binding determinations or hear appeals about:

- **whether the correct assessment manager or referral agencies have been identified;**
- **other matters stated in an acknowledgement notice, including the aspects of development applied for and the type of assessment; or**
- **decisions made by the assessment manager during the application stage, such as refusing to accept a development application, or failing to give an acknowledgement notice.**

Strongly Oppose Oppose Neutral Support Strongly Support

Agree that a faster process is needed, however, query the appropriateness of the Building Tribunal to hear those matter.

13.13 DLGPSR will engage with stakeholders to communicate the new assessment and decision rules for impact and code assessment.

Strongly Oppose Oppose Neutral Support Strongly Support

Need to engage with community about formulation of the new assessment and decision rules.

13.14 With a view to promoting councils delegating their planning decisions to the greatest extent possible, DLGPSR will work with councils and LGAQ to ensure that opportunities for delegation of planning decisions to officers are maximised where appropriate

Strongly Oppose Oppose Neutral Support Strongly Support

13.15 DLGPSR will work with Brisbane City Council to further develop an information package to promote the benefits of the Risk Smart project.

Strongly Oppose Oppose Neutral Support Strongly Support

More information is needed.

13.16 The IPA will be amended to reduce the period for responding to an information request from 12 months to 3 months with allowance for extensions by exception.

Strongly Oppose Oppose Neutral Support Strongly Support

Answers must be compulsory.

13.17 The IPA will be amended to reduce the period for an applicant to provide a notice of compliance about public notification from 3 months to 15 business days.

Strongly Oppose Oppose Neutral Support Strongly Support

13.18 Rationalise schedule 8 of the IPA to better reflect jurisdictions of State agencies.

Strongly Oppose Oppose Neutral Support Strongly Support

14.1 DLGPSR will prepare best -practice information checklists for different types of applications and encourage councils to provide these documents to applicants.

Strongly Oppose Oppose Neutral Support Strongly Support

14.2 DLGPSR will review the IDAS Application Form 1 (including the Referrals

Checklist) to improve:

- **legibility and useability of the application form through the use of Plain Language; and**
- **the extent of information that must be submitted with certain types of applications.**

Strongly Oppose Oppose Neutral **Support** Strongly Support

14.3 The IPA will be amended to require that:

- **an assessment manager may only accept a development application if it is properly made;**
- **in the event an application is not properly made an assessment manager must give a written notice to an applicant stating the changes required in order for the application to be accepted; and**
- **an applicant may change an application within a reasonable time without additional fees to ensure it can be accepted**

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Strongly Oppose Oppose Neutral Support **Strongly Support**

14.4 Amend the IPA to require submission of information as part of a properly made application for assessable development that includes the following minimum information:

- **the nature and extent of environmental impact likely to result from the proposed development; and**
- **the prevention, minimisation and mitigation strategies for managing identified environmental impacts.**

Where the proposed development identifies potential for material or serious environmental harm, the following information could also be required:

- **the identification of performance criteria and objectives in relation to environmental and social impacts; and**

- **the proposed monitoring, reporting and remediation measures to ensure performance criteria and objectives are met.**

Strongly Oppose Oppose Neutral Support Strongly Support

14.5 DLGPSR will review and amend IDAS forms to include the above proposed additional mandatory information.

Strongly Oppose Oppose Neutral Support Strongly Support

14.6 Introduce the Environmental Impact Statement (EIS) process for controlled actions under the Environment Protection and Biodiversity Conservation Act 1999 (Cwlth) (EPBC).

Strongly Oppose Oppose Neutral Support Strongly Support

14.7 For council assessment managers, the IPA will be amended to require reasons for any departure from planning schemes or codes to be stated and recorded at the council meeting when the decision is made. In addition, and where appropriate, each individual councillor's vote will also be recorded.

Strongly Oppose Oppose Neutral Support Strongly Support

Reasons should also be given for departures from public submissions.

14.8 Further expansion of the EIS triggers will be investigated for additional types of high impact development.

Strongly Oppose Oppose Neutral Support Strongly Support

We call on an EIS process in the short term timeframe.

15.1 Encourage councils to improve community awareness of local development by publicising all current development applications.

Strongly Oppose Oppose Neutral Support Strongly Support

15.2 DLGPSR will identify the benefits of pre-lodgement meetings and how they should be conducted, and promote this to councils.

Strongly Oppose Oppose Neutral Support Strongly Support

15.3 DLGPSR will work with councils to identify and outline the opportunities for community members to present submissions to council planning committees prior to the council decision-making process.

Strongly Oppose Oppose Neutral Support Strongly Support

There must be consistency and certainty.

15.4 Investigate amending the IPA to require the public notification of certain code assessable applications. This will also involve investigating whether appeal rights would attach to properly made submissions arising from such applications.

Strongly Oppose Oppose Neutral Support Strongly Support

Oppose any expansion to the types of code assessable developments.

15.5 The IPA will be amended to allow submissions to be made about applications requiring public notification at any time after the application has been made until the end of the notification period for the application.

Strongly Oppose Oppose Neutral Support Strongly Support

Support - but this does not go far enough. The community need more time to lodge submissions during the notification period.

15.6 The IPA will be amended to enable concurrence agencies and principal submitters to be involved in the negotiated decision notice process.

Strongly Oppose Oppose Neutral Support Strongly Support

This is an essential amendment.

16.1 DLGPSR will investigate the extension of the jurisdiction of the B&D Tribunal to encompass disputes about a broader range of planning and development matters.

Strongly Oppose Oppose Neutral Support Strongly Support

More information is required.

17.1 DLGPSR will collaborate with the Department of Justice and Attorney-General to amend the P&E Court's fee structure to align it with changes already made to the fee structures for other higher court jurisdictions.

Strongly Oppose Oppose Neutral Support Strongly Support

More information is required.

17.2 DLGPSR will collaborate with the Department of Justice and Attorney-General to establish a full time P&E Court Registrar to undertake pre-court mediation throughout Queensland to minimise likelihood that disputes proceed to full court hearing.

Strongly Oppose Oppose Neutral Support Strongly Support

17.3 Amend the IPA Chapter 4, Part 1, to give the P& E Court wider discretion in deciding whether there are sufficient grounds for departing from a planning instrument.

Strongly Oppose Oppose Neutral Support Strongly Support

More information is needed. The court must hear the matter anew on the same basis as the Council.

17.4 Section 4.1.5A of the IPA will be amended to extend its application and remove existing limitations on the Court’s discretion about procedural matters.

Strongly Oppose Oppose Neutral Support Strongly Support

17.5 DLGPSR will investigate further extension of costs provisions under section 4.1.23 of IPA, or other arrangements to specifically discourage litigation by commercial competitors

Strongly Oppose Oppose **Neutral** Support Strongly Support

18.1 DLGPSR will profile successful mediations as case studies on the departmental and IPA websites.

Strongly Oppose Oppose Neutral **Support** Strongly Support

18.2 DLGPSR will introduce a comprehensive training package aimed at:

- **providing awareness about the current ADR processes (eg. the mandatory Dispute Resolution Plans required by the P&E Court – PEC Practice Direction 2006/1) available for resolving planning and development disputes; and**
- **educating and supporting stakeholders on how to best use these ADR processes.**

Strongly Oppose Oppose Neutral Support Strongly Support

19.1 Amend the IPA to remove the requirement to give a “show cause notice” before giving an enforcement notice.

Strongly Oppose Oppose Neutral Support Strongly Support

19.2 The State Penalties Enforcement Regulation 2000 will be amended to introduce Penalty Infringement Notices (PINs) and on-the-spot fines for certain development offences. Likely offences include:

- non-compliance with conditions of approval; and
- non-compliance with self-assessable codes; and carrying out certain works without a development approval

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Strongly Oppose Oppose Neutral Support Strongly Support

20.1 DLGPSR will develop a targeted training plan based on the DLGPSR 2005/2006 Training Needs Analysis.

Strongly Oppose Oppose Neutral Support Strongly Support

20.2 DLGPSR will implement the targeted training plan based on the DLGPSR 2005/2006 Training Needs Analysis.

Strongly Oppose Oppose Neutral Support Strongly Support

However, it is better to reduce the number of development applications if councils do not have the capacity to properly assess them.

21.1 DLGPSR will investigate funding university scholarships in planning to increase the attractiveness and ultimately the supply of planning professionals.

Strongly Oppose Oppose Neutral Support Strongly Support

21.2 DLGPSR will increase its support for the LGAQ Diploma in Local Government (Planning) course by:

- fully funding at least 12 positions in the course (i.e. two positions per course for six courses each year);
- facilitating expansion of the number of courses offered;
- continuing to provide in-kind support, by making one experienced technical officer available per course to deliver content, and assist with facilitation, evaluation and assessment; and
- determining the resources and other requirements necessary to deliver the course in regional and rural areas of Queensland.

Strongly Oppose Oppose Neutral Support Strongly Support

21.3 DLGPSR will partner with LGAQ and the Planning Institute of Australia to work closely with Queensland tertiary institutions to ensure development assessment subjects in their undergraduate and post-graduate curricula.

Strongly Oppose Oppose Neutral Support Strongly Support

22.1 DLGPSR will establish a secondment/exchange program with councils, other State agencies and the private sector.

Strongly Oppose Oppose Neutral Support Strongly Support