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Planning Reform Group
Department of Infrastructure, Local Government and Planning
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To whom it may concern

Re: Submission on draft planning supporting instruments

Thank you for the opportunity to make a submission on the draft planning supporting instruments.

North Queensland Conservation Council (NQCC) is the regional conservation council for the area between Bowen and Cardwell and from the Reef to the NT border. NQCC was established in 1974 and since then until the present has acted as the voice for the environment in north Queensland. As Coordinator of NQCC, I provide this submission on behalf of NQCC Management Committee and members.

My main concern is that the Bills as they currently stand would not enable the achievement of the Government's May 2015 goal of '*supporting effective and genuine public participation in planning, whilst providing for efficient and consistent decision making that instils investment and community confidence.*'

The increased uncertainty provided by new discretions, the removal of clear assessment stages, and initiatives such as tightening timeframes for decision makers while developers can stop the clock at any point of the assessment all work against this goal.

In addition, the relative ease with which our planning framework can be amended adds to the uncertainty and encourages confusion.

Importantly, environmental protection for Queensland is not improved – at a time when our terrestrial and marine ecosystems are and are known to be degrading further. which suffers from the emissions from all of our land uses throughout Reef catchments, is 'poor' and getting worse. [1]

Removal of the clear and certain stages provided by the 'Integrated Development Assessment System' found currently in the *Sustainable Planning Act 2009* (Qld) (**SPA**), in favour of a floating assessment stage, degrades certainty for the community and decision makers in our planning and development processes.

The introduction of new planning instruments provides a good opportunity to ensure that development is undertaken only when it does not impose long-term costs on the environment and the community.

[1] Great Barrier Reef Marine Park Authority 2014, Great Barrier Reef Outlook Report 2014, available

NQCC urges the Planning Reform Group to carefully reconsider the detail of the proposed instruments to ensure that both the environment and the community will benefit from them.

In making this brief submission, NQCC indicates its support for the submission of EDO NQ and the recommendations therein, notably:

1. **The development assessment process under the new planning framework is amended to provide for fixed stages in the Planning Bill, as is provided for in SPA currently; and**
2. **Clear guidance must be included in Schedule 3 of the rules as to when a decision maker must require re-notification.** 'Schedule 1 – Substantially different development' leaves too much discretion to the decision maker and is not sufficient to provide guidance as to when re-notification must take place.
3. **The assessment manager be permitted to extend a timeframe without the agreement of the applicant.**
4. **The clear and certain stages of IDAS as provided in SPA currently should be provided for in the planning framework, to ensure that all information obtained through the information request stage is provided to the public to inform their submissions.**
5. **A requirement for public consultation *prior* to the application being lodged would assist in alerting the public's attention to proposed developments and allowing them to make preliminary submissions. This should alleviate concerns that decision makers may have already pre-determined their decision by the time the information request period is finished.**
6. **The public notification procedures should be set at a minimum requiring the following, to ensure all sectors of the community are able to be alerted to development proposals by:**[2]
    a. signs on the property that are clearly visible;
    b. written notice to the adjoining land owners;
    c. newspaper advertisement in a newspaper distributed most commonly in the region of the development proposal;
    d. inclusion in an electronic notification service to all community members who have signed up for notifications of development applications applied for in a local government area, or other appropriately widespread electronic medium for notifying development proposals; and
    e. written notice to the assessment manager.
7. **Re-notification should be required in certain clearly prescribed but appropriately flexible circumstances.**
8. **That the list of information to be publicly accessible, currently in Schedule 32 of the Planning Regulation, should be provided in the Planning Bill, rather than the Regulation, to ensure it is not open to be amended without proper scrutiny.**
9. **Agencies such as DEHP and DNRM, should be provided with the power to dictate conditions or application decisions where their specialist areas are**

[2] Further and relevant to the Planning Bill, public notification processes should be required to be complied with; we recommend repeal of section 53(3) of the Planning Bill 2015.

applicable to a development application. The regulation could easily be amended to provide this power for the following essential matters:

a. coastal protection and heritage – DEHP and the Queensland Heritage Council;

b. development in sensitive Great Barrier Reef catchments – DEHP/Office of Great Barrier Reef; and

c. vegetation management – Department of Natural Resources and Mines

10. **The extended public notification requirements for more high risk developments be reintroduced, as was provided by SPA prior to 2012, in schedules 16 and 17 of the *Sustainable Planning Regulation 2009* into the Regulation, or ideally the Planning Act.**

11. **A requirement be introduced that performance indicators are utilised in local government planning instruments, to assist in achieving, and assessing the achievement of, strategic outcomes through breaking down outcomes into quantitative or qualitative steps**.

a. An example may be a strategic outcome of the provision of adequate vegetation buffers around all rivers in a region to protect riverine ecosystem health. This could be supported by performance indicators that no development is allowed or approved which removes vegetation within 20 metres of a river bank, and the total 80 % of 20 metres vegetated river banks in the planning scheme area.

12. Core matters should be require to be provided for in local government planning instruments.

a. These should include important elements such as those listed as 'valuable features' under the current SPA, section 89(2), including wildlife corridors, buffer zones and areas or places of local cultural heritage significance; and

13. **More guidance should be given to local governments as to when development types should trigger impact assessment, and therefore when public notification processes should apply.**

a. For example, development adjacent to heritage listed areas or places, development which is of a certain gross floor area or development within 100 metres of vulnerable or critical habitat areas, should all trigger impact assessment. This decision should not be at the discretion of local governments.

Wendy Tubman
Coordinator