

5.2. QUEENSLAND PLANNING FRAMEWORK CHANGES - PLANNING INITIATIVES TO SUPPORT ECONOMIC RECOVERY

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RECOMMENDATION

1. **That Council makes a submission to the Minister of Infrastructure and Planning regarding the proposed changes as outlined in the agenda report.**
2. **That a copy of Council's submission be forwarded to the Local Government Association of Queensland (LGAQ) for inclusion in a joint Council submission to be prepared by the LGAQ.**

EXECUTIVE SUMMARY

The State Government is proposing changes to the State planning framework. The public consultation period has commenced with submissions due by 7 August 2020. Some of the changes will provide more streamlined and simpler processes and these are supported. Changes to the way in which development applications are publicly notified may be difficult for an applicant to achieve within the Douglas Shire. No concern is raised with these changes.

The State Government is also seeking comment from Council on possible changes to the level of assessment of particular uses in some zones for amendments to the Planning Regulation. Once drafted Council will have the opportunity to opt into having these changes in place for 12 months prior to undertaking a formal planning scheme amendment. Many of the proposed changes to the Planning Regulation are already contained in Council's 2018 Planning Scheme. Duplication and variance of the level of assessment may be confusing to applicants. A review of the Planning Scheme is identified in the current Operational Plan. Department officers have indicated a willingness to assist Council to review the Planning Scheme codes and assessment tables and prepare an amendment that cuts red tape and removes unnecessary approvals thereby assisting businesses in a post Covid-19 environment. For these reasons it is recommended that Council make a submission to the Minister indicating Council would prefer to develop its own changes to the planning scheme regarding the level of assessment for particular activities in particular zones.

On the 8 July 2020 the Queensland Government announced proposed changes to the State planning framework to assist business and industry emerging from the Covid-19 pandemic restrictions to drive economic activity, reduce red tape and simplify the planning process. The Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP) has released the proposed changes to:

1. the Development Assessment (DA) Rules (process of assessing development applications including how the public is notified about proposed development);
2. the Minister's Guidelines and Rules (process and framework for local planning schemes, infrastructure plans and Ministerial and local government designations); and
3. the *Planning Regulation 2017* (the subordinate legislation to the *Planning Act 2016*).

Each proposed change is summarised as follows and proposed comments are tabled below. There is a 20-day public consultation period with submissions due by Friday 7 August 2020. The Ministerial release is available at the following website:

<http://statements.qld.gov.au/Statement/2020/7/8/have-your-say-on-reducing-planning-red-tape-for-covid-economic-recovery> through which a link provides specific detail of all proposed changes.

COMMENT

Proposed Amendments to the DA Rules

The Rules set out the process of how development applications are lodged, assessed and decided in Queensland. In response to Covid-19 temporary measures were put in place to ensure communities remained informed about development in their local area. The Government seeks Council's feedback on a proposal to permanently improve public notification of development applications.

Public Notification changes – newspapers in response to the COVID-19 emergency, temporary changes to changes to the newspaper requirements for the public notification of development applications were introduced. The Government now proposes to amend the DA Rules to make these changes permanent and recognising that post the COVID-19 emergency, many local newspapers will not return to hard copy production.

Planning comment: as the Cairns Post remains in circulation in the region the application of the DA Rules in the Shire is unaffected.

Public notification – requirement to send written notification to both the owner and occupier of the neighbouring premises. Currently the applicant is required to send written notification to all adjoining owners, place a notice on site and place a notice in the Public Notice section of a newspaper circulating in the area. The notice can be given to the premises directly.

Planning comment: the written advice to the neighbouring occupants is considered superfluous as the public notice is already placed on site to all road frontages and the occupants would be notified in this way. Many properties are rented on a short-term basis with transient occupants and there would be little benefit in these instances. Parts of the Shire do not have postal delivery to the Shire and the occupant's post office box address is unknown or maybe private. Where the notification is given directly, this may be difficult as the premises may not have a letterbox and this would require the applicant to enter the property. In these instances, it would be difficult for the applicant to undertake the notification in accordance with the rules. It is recommended that Council advise the Department that this requirement is not supported.

Decision period – not to include applicable event extension notice period. In instances such as a natural disaster the Minister can issue an applicable event extension notice which suspends the application process timeframes having regard to the event. The change to section 22.4 of the DA Rules clarifies Council's decision period does not include the period in which an applicable event extension notice applies.

Planning comment: this change is fully supported. Natural disaster events can result in staff resources being elsewhere utilised and can disrupt Council's ability to hold meetings or provide normal servicing arrangements.

Minister's Guidelines and Rules

The Rules set out for a range of activities including making or amending a planning scheme, local government infrastructure plans (LGIPs) and Ministerial and local government designations. The Government seeks feedback on proposals to streamline some processes to enable the delivery of critical infrastructure such as schools and hospitals at a time when job creation is at a high priority. The changes will also improve the flexibility for Council to update the infrastructure plans to ensure they respond to changing circumstances.

Interim LGIP Amendment – Introduction of a new section for Interim LGIP amendments. Includes a public consultation period of at least 15 days (same public notification period to an LGIP amendment).

Planning comment: no concern is raised with the amendment.

Process for making and amending a Ministerial infrastructure designation (MID) – these are usually for state interest assets, such as ambulance and fire stations, schools, hospitals etc. The proposed replacement chapter provides a more succinct process giving consideration where dual processes of environmental assessment and/ or consultation have occurred in another way that satisfies section 36(5) of the Planning Act 2016. The consultation period for a MID is 20 days, unless otherwise specified in the endorsed consultation strategy. The process of the making or amending the MID is entity driven and actions such as public consultation are undertaken by the entity instead of the Minister.

Planning comment: No concerns are raised with the proposed changes. There is a requirement for the entity to identify, quantify and explain changes and impacts of the proposed development that is a consequence of the making or amending of a MID. Council actively encourages entities to make early enquiries for making and amending MIDs. In some instances, advice on continuing approvals and issuing code assessable approvals may be more expeditious and simpler than making or amending a MID. No concern is raised with the amendment.

Process for making and amending a local government infrastructure designation – clearer and simpler instructions to undertaking this process. The entity can make a direct request to Council for the infrastructure designation. The entity must propose a public consultation process and this must be for a minimum of 20 days. Council has 20 days to assess the request and this can be extended by further agreement.

Planning comment: no concern is raised with the amendment.

Planning Regulation 2017

To assist Queensland's economic recovery, temporary changes are proposed to reduce red tape and simplify planning approvals. These changes will enable councils to be more flexible and responsive driving economic activity in their communities enabling businesses to recommence and development and construction to occur. Once drafted the changes are to be included in the Regulation with an ability for Council to opt in to all or part of the changes for a period for 12 months. Council can then test these changes with the community before permanently amending the Planning Scheme.

Proposal 1- A planning approval is not needed for a change in tenancy within an existing building, if the business activity is expected in that zone and only minor building work will occur.

Proposal 2 – reduce the level of assessment for certain business to establish where the use is anticipated in that zone.

Planning comment: Council's scheme came into effect in early 2018 and paid regard to accepted uses. Where the development occurs in an existing premise for a range of uses the level of assessment drops from code to self-assessable. The Scheme also has regard to overlays for places of significance, natural hazards and natural constraints. Local Plans identify uses and give opportunity for specific land use activities in particular precincts. Given the complexity of Overlays it is difficult to limit assessment only to the Zone requirements. Consideration is also given to issuing exemption certificates where an overlay is triggered for inconsequential matters with no application fee.

In addition to these changes Council officers have made concerted efforts to give a high priority to the assessment of development applications and issuing exemption certificates in a most timely manner. Council's Operational Plan includes a review of the Planning Scheme and through this review further red tape reduction changes are anticipated to be identified. To these extents further State wide changes are unnecessary to the Douglas Shire.

Proposal 3 – allow businesses to make minor expansions without planning approval.

Planning comment: The proposal is not qualified with threshold of Gross Floor Area (GFA) increase and it is doubtful if one size fits all local government areas. The majority of development in the Port Douglas / Craiglie area is relatively recent and is usually maximised in terms of GFA to parking ratios. The current Scheme has substantially reduced car parking demands in certain precincts and this has enabled additional development without accompanying increase in the provision of onsite parking. It is anticipated that the Planning Scheme review may identify changes necessary in this capacity. To these extents further State wide changes are unnecessary to the Douglas Shire.

Proposal 4 – allow low risk uses in rural and tourism zones that can support local economies as accepted development.

Planning comment: Council's Planning Scheme already provides for low risk uses in rural, residential and tourism zones as accepted development. It is anticipated that the Planning Scheme review may clarify and/or nominate additional low risk uses in these zones to have a lower level of assessment. To these extents further State wide changes are unnecessary to the Douglas Shire.

Proposal 5 – Confirm the existing position that temporary events such as school fetes and markets do not require planning approval.

Planning comment: No concern is raised with this clarification. Council's local laws address the operation of these types of events.

FINANCIAL/RESOURCE IMPLICATIONS

None.

RISK MANAGEMENT IMPLICATIONS

No risk implications to Council have been identified in the proposed State changes.

SUSTAINABILITY IMPLICATIONS

Economic: The streamlining of the Ministers Guidelines and Rules will assist in economic recovery.

Environmental: Nil

Social: Nil

CORPORATE/OPERATIONAL PLAN, POLICY REFERENCE

This report has been prepared in accordance with the following:

Corporate Plan 2019-2024 Initiatives:

Theme 4 - Inclusive Engagement, Planning and Partnerships

In delivering for our communities, economy and environment, Douglas Shire will ensure open and transparent engagement and communication. We will develop robust strategic plans and we will partner with our community and key stakeholders.

Goal 2 - *We will develop forward looking strategies for the future of our communities and we will ensure balanced and appropriate planning decisions.*

Goal 3 - *We will recognise the critical role that our partners play in planning and delivering vital programs and services.*

COUNCIL'S ROLE

Council can play a number of different roles in certain circumstances and it is important to be clear about which role is appropriate for a specific purpose or circumstance. The implementation of actions will be a collective effort and Council's involvement will vary from information only through to full responsibility for delivery.

The following areas outline where Council has a clear responsibility to act:

Advocate Council makes representation on behalf of the community on important issues, funding opportunities, projects and programs. Council will use its influence to seek the best outcomes for the community.

Regulator Council has a number of statutory obligations detailed in numerous regulations and legislative Acts. Council also makes local laws to ensure that the Shire is well governed. In fulfilling its role as regulator, Council will utilise an outcomes based approach that balances the needs of the community with social and natural justice.

CONSULTATION

Internal: None

External: None – Queensland Government are undertaking statewide public consultation.

COMMUNITY ENGAGEMENT

None – Queensland Government are undertaking statewide public consultation.

ATTACHMENTS

Nil