

5.03. DRAFT AMENDMENT TO STATE PLANNING POLICY (SPP) 2015

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DEPARTMENT: Development and Environment

RECOMMENDATION

- A. That Council makes a submission to the Department of Infrastructure, Local Government and Planning regarding the proposed amendments to the State Planning Policy, raising the issues as outlined in the Officer's report.**
 - B. That a copy of Council's submission on the proposed amendments to the State Planning Policy to the Department of Infrastructure, Local Government and Planning be forwarded to the Local Government Association of Queensland (LGAQ) for inclusion in any joint Council submission to be prepared by the LGAQ.**
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EXECUTIVE SUMMARY

The Minister for Infrastructure, Local Government and Planning has called for Council's comment on the recently released draft amendment to the State Planning Policy (SPP). The proposed amendment reaffirms the State Government's commitment to retain the SPP as the primary planning policy, re-alignment with the Policy with the current government's policy and priorities and re-focus development outcomes to achieve greater balance between liveability, sustainability and prosperity. It recommended that Council acknowledge and support the Government's proposed amendments to return the SPP to development achieving balanced sustainable outcomes rather than a focus on prosperity at all costs, and the recognition of climate change. It is also recommended that Council seek the Government's reconsideration of the need to refer applications to SARA where a Planning Scheme has included the SPP, there is no conflict between state codes and the application is not affected by any subsequent updates to the SPP.

BACKGROUND

The Deputy Premier, Minister for Transport, Minister for Infrastructure, Local Government and Planning and Minister for Trade recently released a draft amendment to the State planning policy for public consultation. A copy of the draft amendment was received by Council from the Minister. A copy together with a fact sheet is available on the Department of Infrastructure, Local Government and Planning's website at the following link:
<http://www.dilgp.qld.gov.au/resources/factsheet/spp/draft-spp-amendment-factsheet.pdf> .

A copy of the State Planning Policy in its current form, as released by the former government in July 2014, is available on the Department's website at the following link:
<http://www.dilgp.qld.gov.au/resources/policy/state-planning/state-planning-policy-jul-2014.pdf>

The proposed amendment reaffirms the State Government commitment to retain the State Planning Policy as the "pre-eminent state planning instrument" in Queensland's legislative planning framework.

The changes to the State Planning policy include:

- improved clarity through updating state interest information;

- amending outdated information;
- re-alignment with the current government's policy and priorities; and
- re-focusing to achieve greater balance between liveability, sustainability and prosperity

The Minister has called for any submissions to be lodged to her by Friday 4 December 2015. The LGAQ has advised Council of the proposed amendment and for submissions to be lodged with the Minister. The LGAQ has not as yet indicated whether any joint submission will be provided to the Minister from the Association.

COMMENT

For the most part the proposed amendments return the SPP to development achieving balanced sustainable outcomes rather than a focus on prosperity at all costs. The amendment also includes recognition of climate change. These changes will more closely align the State Government's preferred outcomes with Council's respect for the environment.

The *Sustainable Planning Act 2009* requires a new planning scheme to reflect State Planning Policy. The proposed new wording regarding State Assessment and Referral Agency (SARA) for Page 8 of the SPP reads as follows. The red script is as appears in the proposed amendment.

"The relationship between the SPP and the State Assessment and Referral Agency (SARA)

In certain cases, a development application may need to be submitted to the state as a referral agency or assessment manager because the application involves a particular matter of interest to the state. This is required for matters over which the state has jurisdiction (such as state controlled roads or a place on the Queensland Heritage Register).

~~Previously, this meant that an applicant was required to refer the application separately to each individual state agency.~~ Since 1 July 2013, the Department of ~~State Development, Infrastructure and Planning (DSDIP)~~ Infrastructure, Local Government and Planning is the single lodgement and assessment point for all development applications involving matters of interest to the state.

~~These applications are assessed by~~ SARA, ~~delivers delivering~~ a coordinated, whole-of-government approach to ~~the state's assessment of~~ development applications. The State Development Assessment Provisions (SDAP) provide the state's criteria for assessing these development applications in one publicly available document.

When the chief executive is an assessment manager or a referral agency for a development application, the planning Act provides that the chief executive must, to the extent relevant and within the limits of the jurisdiction, assess the development application against the SPP, to the extent the SPP is not appropriately integrated in the local government's planning scheme.

~~Unlike the local government development assessment requirements outlined in the SPP, the requirement for a development application to be assessed against the SDAP does not fall away once the state interests outlined in the SPP have been appropriately integrated into a local government planning scheme.~~

Unlike the interim development assessment requirements outlined in the SPP, a development application triggered for assessment by SARA is still required to be assessed against the SDAP regardless of whether the state interests outlined in the SPP have been appropriately integrated into a local government planning scheme.

Further information about SARA and copies of the SDAP can be accessed at www.dsdip.qld.gov.au/sara www.dilgp.qld.gov.au/sara.

Concern is held with the wording of the proposed amendment to the policy continuing to require development applications to be referred to, and assessed by, the State despite inclusion of the State Policy in a new planning scheme. Referral to the State is a costly, time consuming process. This red tape referral procedure could be reduced in situations where there is no conflict between State codes and where the development is not impacted by any changes to the SPP.

It is recommended that Council acknowledge support for the proposed changes and seek the Government's reconsideration of the need to refer applications to SARA where a Planning Scheme has included the SPP, there is no conflict between state codes and the application is not affected by any subsequent updates to the SPP.

FINANCIAL/RESOURCE IMPLICATIONS

No further resources are required as Council already regulates development under the Sustainable Planning Act 2009 and has consideration to the State Planning Policy where applicable.

RISK MANAGEMENT IMPLICATIONS

Council has the opportunity to provide the Department with feedback regarding the proposed amendments. Concern is raised with part of the amendment, that continuing the requirement for the referral for all applications through SARA, as:

- a. it may be onerous to developers and the community when undertaking the application process where there is no benefit from the referral as the State codes have been met and there is no conflict between state codes; and
- b. it hinders the development of the built environment in a timely manner reflective of identified current and future planning.

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:

Regulator Meeting the responsibilities associated with regulating activities through legislation or local law.

CONSULTATION

Internal: Council's Planning officers have discussed the proposed amendment.