17 October 2012

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Dear Julie,

Queensland Planning Provisions – Final Version 3.0

The Queensland Division of the Planning Institute of Australia (PIA) would like to thank you for this opportunity to provide a submission to the Queensland Government on the finalisation of the Queensland Planning Provisions Version 3.0 (QPP). As the peak body representing the town planning profession, PIA supports legislative and administrative reform that assists planners, governments, the development industry, and local communities in creating liveable spaces and places.

PIA commends and supports the finalisation of the QPP by the Department of State Development, Infrastructure and Planning (DSDIP). The finalisation of QPP was a key short-term action identified by PIA in its Discussion Paper presented to the Queensland Government in June 2012 as part of consultation on the planning reform agenda.

While some reservations as to the workability and complexity of QPP may remain, PIA supports the decision to finalise the QPP to provide certainty to local governments and the development industry alike in the format and structure of QPP. PIA also reiterates its call to ensure this version is not amended for at least twelve months or even more to give longer term certainty over the current template. Further, the final version of the QPP must be supported by a comprehensive implementation program that is driven by strong leadership through DSDIP.

If you would like any further information or wish to discuss any part of this submission in more detail, please don’t hesitate to contact me.

Yours sincerely,

Kate Isles MPlA
President – Queensland Division
Planning Institute of Australia
1.0 Introduction

PIA has been actively involved in working with the Queensland Government on its planning reform agenda. In June 2012 the PIA presented the Department of State Development, Infrastructure and Planning (DSDIP) with its Planning Reform Discussion Paper (the PIA Discussion Paper) to assist the Government in identifying key issues with the existing planning system, drawn from the practical experience of PIA’s membership. The PIA Discussion Paper proposed a number of short term, medium term, and long term actions to reform the Queensland planning system. PIA has also provided a previous submission to the former Department of Local Government and Planning in November 2011 on the draft Version 3.0 of QPP.

This submission highlights the need for:
1. Prompt finalisation of QPP;
2. Strong focus on the implementation of QPP once finalised;
3. Clear and consistent administrative arrangements moving forward, particularly across regions; and
4. Access to resources, data and templates to enhance the quality of plan-making practice.

This submission also provides a review of the previous submission provided by PIA in November 2011 in relation to the draft Version 3.0 of QPP.

2.0 Finalisation of QPP

PIA recognises that while reservations may remain within its membership and the broader industry over the workability and application of QPP Version 3.0, PIA commends the work undertaken to address industry concerns raised with previous QPP drafts regarding complexity and inconsistency.

The prompt finalisation of QPP by DSDIP will provide certainty to government and industry stakeholders alike on the future structure and format of Queensland planning schemes, and PIA commends this action as a key part of the planning reform agenda. However, effective implementation of QPP will be critical to the successful adoption of the standardised format. This is addressed in more detail below.

PIA also reiterates its call to avoid any changes to the QPP template for at least the next twelve months, or even longer, to give stakeholders certainty over the acceptable format and structure for schemes moving forward.

The next twelve to eighteen months will be a critical time in the preparation of the new generation of planning schemes envisaged by the Sustainable Planning Act 2009, given the preparation of many schemes is well advanced. Councils and consultants alike require certainty and peace of mind that the QPP template and administrative arrangements (once finalised) will not change during this critical period.

3.0 Review of Previous PIA Submission

PIA’s submission on the QPP of 25 November 2011 highlights a range of matters to be addressed. Many of these matters are addressed in the revised QPP including:
1. inclusion of a definition of Rural Workers Accommodation;
2. expansion of the definition of Transport Depot;
3. inclusion of a definition of Car Wash;
4. clarifying that self-assessable development becomes assessable development when the when an acceptable outcomes is not complied with;
5. clarifying the purpose of zones;
6. providing that Elements are an optional component of the Strategic Framework;
7. refining the State wide codes
8. allowing local governments to determine how definitions are clustered.
However, PIA's previously expressed concerns remain regarding:

9. definitions of Dual Occupancy and Dwelling House overlap - reference to ‘and may include a secondary dwelling’ should be removed from the Dwelling House definition;
10. purpose of the code - the local government purpose of zone codes should be optional; there are likely to be instances where the State purpose is sufficient

Thank you for addressing these matters and PIA would be happy to discuss these few outstanding matters further.

4.0 The Need for Comprehensive Implementation

1. Practical training and support for local governments

It is critical that practitioners across all regions are provided with adequate training and support on the intent, usage and administration of QPP. Ensuring that local government and consultant planners are provided with comprehensive training will go some way to reducing perceptions of complexity in the document, and will give practitioners a deeper understanding of the scope and utility of the format.

Importantly, bringing this training to regional areas of Queensland will bring much needed support to lower resourced Councils who may be struggling with the implementation of new planning schemes in their Council areas.

2. Engagement with industry

PIA represents primarily planners, but the membership is complemented by allied professionals such as planning and environment lawyers, surveyors, engineers and developers. These members come from all sectors, including local government representatives, professionals in private practice and those in State agencies.

All these professionals will at some time or other interact with the planning system generally, and planning schemes in particular. It is important that planners and interested allied professionals are kept well informed of the QPP template and its administration, and are also provided with the opportunity periodically to maintain and update their knowledge and skills in the planning making process.

PIA offers its support to DSDIP in bringing the messaging around QPP into the professional development sphere. PIA runs many professional development seminars and workshops over the course of the year, and this may be a prime opportunity for DSDIP to reach out to PIA’s membership through a formal forum.

3. Model resources

The preparation of a model scheme for lower growth Councils was put forward in the PIA Discussion Paper submitted to the Queensland Government in June 2012 as a key action for the planning reform agenda. Successful implementation of QPP will likely be enhanced by the preparation of a model format for low growth, lower resourced Councils where the development circumstances and the planning issues faced in these areas may permit a simpler version of QPP to be applied in these areas.

More broadly, model provisions that practically demonstrate how planning issues are effectively addressed and integrated into the QPP framework is also suggested by PIA as a means of improving industry understanding of the purpose and operation of the QPP template. This is particularly relevant for the strategic framework component of the QP format, where multiple levels of outcomes sought have created confusion and uncertainty in the implementation of the format.

PIA reiterates its support to DSDIP in assisting the preparation of the model scheme and other resources, and can liaise further with DSDIP to progress this matter.
5.0 Clear and Consistent Administrative Arrangements

1. Common administration across the regions

In practice the administration of previous versions of QPP during the scheme review process by the regional offices of DSDIP has differed, including interpretation and application of the QPP template. This has resulted in relatively minor issues such as spelling and punctuation appearing as a 'State interest'. Rather than a criticism of DSDIP officers reviewing the schemes, this situation has likely arisen out of lack of clarity on how the template should be applied, and the extent to which DSDIP may comment on the plan-making process of Councils.

This may be best addressed in partnership with the review of Statutory Guideline 1/12: Making and Amending Local Planning Instruments and other planning reform actions currently underway, such as the draft single State Planning Policy. In particular, a clear determination on what elements of the application of QPP constitute a 'state interest' would assist both DSDIP officers and Council officers to clarify where responsibilities lie in. Further, a common state interest review table across all DSDIP regions would also assist in providing clear and consistent advice back to Councils and their consultants.

Building in the flexibility to adjust the template to unique local circumstances, and the DSDIP administrative response to that situation, will also be important in how QPP is applied moving forward. A common template will not always account for local conditions, and this should be respected and encouraged as part of the application of the template. In particular, local circumstances may require new definitions not identified within QPP to be developed to respond to that local situation.

Therefore, clear and consistent administrative arrangements that specify how the QPP template is applied by DSDIP will ensure that schemes are reviewed consistently across the State, and only focus on the key issues of interest to DSDIP. PIA can provide assistance to DSDIP in relation to this matter if required.

2. Using previous versions of QPP

PIA seeks clarification from DSDIP on how it will manage the transitional arrangements for planning schemes that are currently under preparation using an older QPP format. Any requirement to use the new format by Councils who are already drafting their schemes using previous versions of QPP will require further analysis and discussion.

While a common format is desirable, many Councils’ schemes are significantly progressed already under these previous formats. A decision is required that once a scheme has passed a certain point in the preparation process (e.g. Submission for first state agency review) the format cannot be altered, unless so desired by the Council. This is important from a resourcing and time efficiency perspective, and will form an important part of the administrative arrangements required for the implementation of QPP.

3. Approach to Planning Scheme Amendments

PIA seeks clarification from DSDIP on how the administration of amendments will progress for those planning schemes approved under a superseded QPP format. For example, those existing and in-progress schemes that are approved under QPP Version 2.0 will naturally be subject to amendments over their lifetime (whether minor or major) when a newer version (such as Version 3.0) is the accepted template. The differences in the formats (such as definitions, structure, and mandatory/optional components) will likely create inconsistencies in scheme format and operation between the amended and un-amended sections if a subsequent version of QPP is required to be used.

PIA’s position is that where a Council has prepared a planning scheme under a certain QPP version, any amendments to that planning scheme must also be made in that same format, unless the Council desires to use the newer version. Further clarification from DSDIP should be provided through complementary guidance such as the new version of Statutory Guideline 1/12 on how the differing versions of QPP will be addressed through the amendment process.
6.0 Making QPP More Accessible

1. Availability of easily accessible resources, templates and data

The Queensland Government has recently announced a desire to move to a format of ‘open government’, where data, information and other resources held within government will be made available to the public to advance innovation and entrepreneurship. This announcement is strongly supported by PIA in relation to information and data relative to planning and plan-making.

DSDIP has the opportunity to make the QPP format more accessible to local governments by:

1. Preparing a word processing version (e.g. in Microsoft ‘Word’ format’) which includes all desired fonts, spacing and formatting, and making that available via the ‘Sustainable Planning Act forms and templates’ section of the DSDIP website or similar;

2. Creating the mapping templates noted in Schedule 2 in all GIS formats that contain the relevant symbology, specifications, table structures, attribute tables, linework, acceptable colours, and map layouts for easy manipulation by Councils; and

3. Providing centralised access or clear links through a QPP-based website to all government data sources (such as the Queensland Government Information Service) that would be relevant in the preparation of planning schemes, such as but not limited to:
   a. Mapping data such as road networks, digital cadastre and points of interest;
   b. Vegetation, soils, heritage and other environmental or cultural information;
   c. Hazard mapping such as bushfire coastal hazards and flooding information; and
   d. Other available relevant data related to demography, population projections, resources projects and the like.

PIA would also be supportive of DSDIP setting up a QPP ‘wiki’ site or online forum, where:

1. experiences and solutions to unique situations may be shared between scheme drafters;

2. exemplar planning schemes (or components of schemes) that reflect the style of plan-making practice envisaged by the QPP format can be made available to circulate; and

3. model processes of community engagement (or lessons learned) from a Council’s particular engagement experiences can be documented and shared for other jurisdictions to consider and apply.

Such a tool may assist DSDIP to monitor experiences of Councils in applying the template, but it may also assist Councils dealing with locally specific but common issues to address them in a similar manner to maintain broad consistency in application. For example, a Council identifies it has a unique land use within their local government area that cannot be defined through the current QPP definitions. A ‘wiki’ site would allow them to liaise with other Councils who may be dealing with the same issue, and a similar approach to dealing with the land use definition to be identified.