Tess Pickering

From: David Attrill <David.Attrill@dilgp.qld.gov.au>
Sent: Monday, 22 August 2016 9:37 AM
To: Emily Brogan
Cc: Adriana Chilnicean; Sarah Charlwood; Tess Pickering; Teresa Luck
Subject: MEETING BREIF MBN16/1050 : Meeting with the Environmental Defenders Office (EDO) on 25 August 2016
Attachments: Meeting with the Environmental Defenders Office (EDO) on 25 August 2016.doc; Attachment 1 EDO submission on instruments.pdf; Attachment 2 EDO Snapshot for MBN16 1050.docx; Attachment 3 EDO sponsorship proposal.pdf; Attachment 4 EDO proposal response - August 2016.docx

Hi Em,

I attach electronic copies of this brief and attachments, will drop the hardcopies to DPO reception shortly.

I note the brief mentions that to date there has been no request for a departmental rep to attend this meeting. Should one be required could you please advise (and also as to if there's any preference as to who this should be).

Thanks.

Kind regards

David Attrill
Departmental Liaison Officer
Office of the Director-General
Department of Infrastructure, Local Government and Planning
p. 07 3452 6771 | **m.** Sch. 4(4)(6) - Disclosing personal information | **e.** david.attrill@dilgp.qld.gov.au

From: Emma L Robertson [mailto:Emma.L.Robertson@ministerial.qld.gov.au]
Sent: Friday, 15 July 2016 10:17 PM
To: DLO
Cc: Tim Pearson; David Attrill
Subject: MEETING BREIF REQUEST: 25 August 2016

Hi Tim

The Deputy Premier has agreed to meet with EDO representatives regarding Planning Supporting Instruments on 25 August 2016 at 9.30am. Could you please provide a meeting brief.

Two people will be in attendance:

1. Jo Bragg – CEO, Solicitor – EDO
2. Revel Pointon – Solicitor

If you have any questions, please do not hesitate to contact me.

Kind Regards
Emma

Emma Robertson
Office Manager / Executive Assistant
Office of the Hon. Jackie Trad MP
Deputy Premier

RTI RELEASE

Minister for Infrastructure, Local Government and Planning
Minister for Trade and Investment

T 07 3719 7100 E emma.robertson@ministerial.qld.gov.au
Executive Building 100 George Street Brisbane QLD 4000
PO Box 15009 City East QLD 4002

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Ref No: MBN16/1050

DILGP – BRIEF FOR MEETING	Date: 19 August 2016

NOTED or APPROVED/NOT APPROVED

Hon. Jackie Trad MP
Deputy Premier
Minister for Infrastructure,
Local Government and Planning
and Minister for Trade and Investment

Date: ____/____/____

DETAILS OF THE MEETING

You are meeting with the Environmental Defenders Office (EDO) on Thursday, 25 August 2016 at 9.30 am. Confirmed attendees from the EDO include:

- Ms Jo Bragg, Chief Executive Officer
- Ms Revel Pointon, Solicitor.

The primary purpose of the meeting is to discuss planning supporting instruments.

To date, your office has not requested a representative to attend the meeting with you.

BACKGROUND:

The EDO has been a consistent contributor to the work of the planning reform agenda. EDO made representations to the Department of Infrastructure, Local Government and Planning (the department) in relation to the instruments issued for consultation in November 2015 in support of the Planning Bill 2015 (**Attachment 1**).

The *Planning Act 2016* (the Planning Act) was assented to on 25 May 2016 and the following instruments have been released as interim drafts to enable transition, particularly by councils, ahead of commencement proposed for early July 2017:

- Minister's Guidelines and Rules, including processes for plan making, infrastructure plans and infrastructure designation
- Development Assessment Rules expressing the process for assessing development applications.

These interim draft instruments are currently being used to inform transition and will be subject to formal consultation processes under the Planning Act before they can be approved, prescribed by regulation and become operational. This formal consultation is currently scheduled for early 2017. However, strong feedback is being received from councils during the workshops being held statewide that, particularly for the transition and re-design of development assessment Information Technology systems, early finalisation of the instruments for increased certainty is desirable.

ISSUES AND SUGGESTED APPROACH:

Generally, a number of matters raised by the EDO have been determined and finalised through the Bill processes, particularly policy decisions about where matters are expressed across legislation, regulation and other instruments; and public notification and accessibility matters. Other matters have been addressed in the interim draft instruments released in July 2016.

The EDO will have the opportunity to make further submission on the instruments through the formal consultation process to be undertaken prior to their making and prescription by regulation.

A number of other matters are best considered in the context of the Integrated Review Project (IRP) which is considering state interests as expressed through the regulation, State Planning Policy and the State Development Assessment Provisions. The EDO will have the opportunity to participate in the consultation to be undertaken under the IRP in October 2016.

Author details: Megan Bayntun	Endorsed by: James Coutts	Endorsed by: Stuart Moseley	Endorsed by: Frankie Carroll
Position: Director	Position: Executive Director	DDG: Planning Group	Director-General
Telephone: 3452 6822	Telephone: 3452 7673	Telephone: 3452 7909	Telephone: 3452 6767
Date: 18 August 2016	Date: unavailable	Date: 19 August 2016	Date: ____/____/____

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A snapshot outlining the issues raised by EDO and responses is at **Attachment 2**.

Sch. 4(4)(4) - Disclosing deliberative processes

ELECTION COMMITMENT:

The government has met its commitment to reforming Queensland planning legislation.

CONSULTATION WITH STAKEHOLDERS:

The EDO's positions are likely to be supported by a range of community and environmental groups, noting that there are strongly competing sectoral views on issues across the planning framework. The IRP is likely to further draw out these issues. Other matters, like certainty and a development assessment process more aligned with current Integrated Development Assessment System processes, have broad support (including the legal sector) and are reflected in the interim draft instrument.

MEDIA OPPORTUNITY: Is there a media opportunity for the DP's Office? ☐ Yes ☒ No

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EDO Qld.
Environmental Defenders Office
Using the law to protect our environment.

30 Hardgrave Rd WEST END, QLD 4101
tel +61 7 3211 4466 fax +61 7 3211 4655
edoqld@edo.org.au www.edo.org.au/edoqld

RTI RELEASE

5 February 2016

Planning Reform Group
Department of Infrastructure, Local Government and Planning
Sent via email only: bestplanning@dilgp.qld.gov.au

Dear Planning Reform Group,

Submissions on draft planning supporting instruments

We welcome the opportunity to make a submission on the draft planning supporting instruments. Our **15 recommendations** are provided in this letter on pages 3 and 4, and in more specific detail in the **appendix**. These submissions are limited to the following draft instruments:

- Planning Regulation 2016;
- development assessment rules; and
- plan making rules.

We have not considered the draft infrastructure guidelines for want of resources to properly review these guidelines.

Queensland needs a better planning framework – for the environment and the community

As a community legal centre providing assistance to urban and rural Queenslanders on public interest environment and planning matters, we are frequently made aware of the worst case scenarios that have come into fruition from legislative frameworks. We are therefore keenly familiar with the elements of planning legislation which can lead to poor outcomes for the community and the environment, being uncertainty, lack of transparency and accountability and lack of consideration of the environment in decision making. As lawyers dedicated to improving access to justice and environmental protections, the key outcomes we want to see provided for in our planning framework are therefore:

- protection of nature;
- meaningful community participation in planning decision making; and
- open, accountable, transparent and certain governance.

We are very concerned that this planning framework does not adequately provide safeguards to provide for these essential elements, and therefore that poor decision making and 'worst case scenarios' may become more frequently found in Queensland planning and development.[1]

[1] EDOQld and QCC Scorecard of proposed and enacted planning frameworks available here: http://www.edoqld.org.au/wp-content/uploads/2015/11/QCC1421-Scorecard-1211156.jpg

Safeguards for environmental protection and community consultation rights must be in the Act

Overall, as stated previously, we are disappointed to see many important elements of our current planning framework removed from the primary legislation and subjugated to subordinate instruments, rules and guidelines. Too often important safeguards intended to protect nature or community rights are silently removed from rules and regulations without the public's attention being raised, to benefit vested financial interests. For example, our *Sustainable Planning Regulations 2009* (Qld) used to provide for increased public notification timeframes for high risk developments (previous schedules 16 and 17) – these were repealed silently in 2013 unbeknownst to the many Queenslanders who would have made submissions reflecting the importance of these schedules.

Further, the division of the planning framework into so many documents leads to confusion and uncertainty as to where to look for the answer to questions or to understand planning processes. We appreciate the government's intention to make documents which are more easily understandable in format, however we note that this could have been achieved by providing for these elements in the Act, while still providing easy to use explanations of the framework to complement the Act.

We recommend that the government takes the remaining opportunity to reinsert key elements of the planning framework, such as the development assessment rules, list of publically accessible information and all public notification process into the primary planning legislation. This will ensure certainty is brought back into the new planning framework.

Community participation and environmental protections must be valued and improved

We are concerned that insufficient attention has been provided to improving community participation in decision making in this planning reform process. Community participation in decision making is an essential element in any best practice planning and development framework.

Community participation provides a check and balance to ensure good planning decisions are made for the community benefit, reducing the influence of corruption and politics, and ensuring that the community's interests are adequately represented to shape the regions in which Queenslanders live. Further, heroic community groups or individuals who are concerned with the health of particular regions or species often provide a check and balance that environmental considerations are being given adequate weight in planning decision making.

The supporting instruments provides minor amendments for better consultation on planning schemes, however they otherwise maintain the status quo of the planning framework we currently operate under, with many missed opportunities for truly improving meaningful community engagement.

'Flexibility' for developers, and sometimes assessment managers, appears to be a key driver of many of the changes introduced through the planning instruments, introduced mainly through increased discretion. Discretions erode the accountability and transparency that is necessary in planning and development decision making to ensure confidence in our decision makers being free of bias or corruption. Given the high financial interests frequently involved in planning decision making, discretions are too often utilised to benefit developers at the expense of the community and the environment. Significant discretions and 'flexibility' are not suitable features of a certain, open, accountable and transparent planning framework.

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Commitments to protect Great Barrier Reef must be integrated into the new planning reform

Our Great Barrier Reef (**Reef**) has had international attention due to its declining health and consequent concern that it was not being appropriately managed. Planning and development decisions through the Reef catchments impact on the health of our Reef. The Queensland and Commonwealth governments have committed to take strong actions to improve management of impacts to the Reef; namely as reflected in the Reef 2050 Long-Term Sustainability Plan (**Reef Commitments**). Many of these commitments could be neatly provided for through our planning framework, however, we are not aware of any efforts made by the Queensland Government to provide for extra protections to our Reef's health through this new planning framework. We have provided recommendations as to ways the Reef Commitments could be realised through the supplementary instruments to the planning framework.

The Great Barrier Reef as a State interest

Along with these supplementary instruments, the State Planning Policy (**SPP**) and State Development Assessment Provisions (**SDAP**) are important instruments through which the Reef Commitments can be integrated into the planning framework. We understand it is the intention of the Queensland Government to open the SPP, SDAP and once again the Planning Regulation for concurrent review sometime in 2016. We recommend that through this review process a new chapter is introduced into the SPP to reflect the Reef as a State interest.

The significant international attention the Reef has obtained in recent years, along with the benefit the Reef brings to Queensland through tourism revenue and sheer scale of diverse ecosystem habitat and natural beauty make it an obvious choice as a State interest. This new SPP Reef chapter should reflect the various matters needing to be addressed to better protect our Reef from the impacts of development. For example, provision should be made to ensure a net benefit to the Reef is provided through the planning framework and water quality and other cumulative impacts are considered in development decision making. We look forward to participating in the review of the SPP and SDAP as two integral elements of our planning framework.

Our 15 recommendations (further discussed in the appendix) are as follows:

PLANNING REGULATION (pp 6-8):

1. **Agencies such as DEHP and DNRM, should be provided with the power to dictate conditions or application decisions where their specialist areas are applicable to a development application. The regulation could easily be amended to provide this power for the following essential matters:**
    - coastal protection and heritage – DEHP and the Queensland Heritage Council;
    - Development in sensitive Great Barrier Reef catchments – DEHP / Office of GBR and/or GBRMPA; and
    - vegetation management – DNRM.
2. **The extended public notification requirements for more high risk developments be reintroduced be reintroduced into the Regulation, if not the Planning Act.**
3. **The list of information to be publically accessible should be provided in the Planning Bill, rather than the Regulation, to ensure it is not open to be amended without proper scrutiny.**

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4. **In order to implement the Reef Commitments:**

    - **certain agricultural development in highly vulnerable Reef catchments should be prohibited development, or should trigger impact assessment with DEHP as a concurrence agency.**

5. **Further, to implement Reef Commitments, the following activities should be declared prohibited development:**

    - development that involves offshore disposal of more than 15,000 m3 of capital dredge material in state waters within the GBRWHA; and
    - development that involves capital dredging of more than a certain volume [to be specified] for minor marine infrastructure (eg.boat ramps, marinas) in state waters within the GBRWHA.

DEVELOPMENT ASSESSMENT RULES (pp 9-12):

6. **The development assessment process under the new planning framework is amended to return the fixed stages for development assessment in the Planning Bill, as is provided for in SPA currently.**
7. **Community consultation pre-application should be mandated, or at least highly encouraged – this will likely increase social licence of developments and reduce planning appeals, while ensuring better development outcomes that reflect community expectations.**
8. **Minimum public notification processes should be mandated in a form that involves on site, newspaper and electronic methods, to ensure notification methods adequately meet the needs of all sectors of the community. Discretion around public notification options differing per development will lead to lower notification standards and community uncertainty.**
9. **Re-notification should be required in certain prescribed circumstances.**
10. **Clear guidance must be provided as to when a decision maker must require re-notification.**
11. **The assessment manager must be permitted to extend a timeframe for assessment without the agreement of the applicant.**
12. **The opt-out power should be removed from the DA Rules; transparency and collaboration should be encouraged in the framework, for community confidence in planning decision making.**

PLAN MAKING RULES (pp. 12-13):

13. **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.**
14. **Core matters, such as key environmental values, should be require to be provided for in local government planning instruments.**
15. **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.**

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We look forward to continuing our work with the government to improve the draft planning framework to ensure it truly becomes 'Australia's best planning and development assessment system'.

Yours faithfully
Environmental Defenders Office (Qld) Inc

Sch. 4(4)(6) - Disclosing personal information

Revel Pointon
Solicitor

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APPENDIX

PLANNING REGULATION 2016 (Planning Regulation)

Transparency and accountability in assessing State interests slightly improved - but more work to be done

Under the proposed Planning Regulation, there is a new requirement for referral agencies and assessment managers to assess relevant development types against the SDAP. This is a good improvement to introduce more accountability into the assessment of State interests, however it is still not enough.

Currently there is no requirement under SPA for assessment managers or referral agencies to assess matters of State interest against the State Development Assessment Provisions (**SDAP**). The SDAP provide the criteria for assessing matters of State interest.

In mid-2013 the State Assessment and Referral Agency (**SARA**) was introduced. This led to the removal of concurrence agency power for specialist departments – whereby departments, such as the Department of Environment and Heritage Protection (**DEHP**), could dictate conditions or refusal or approval of development applications which affected matters over which they had specialist regulation, such as heritage or coastal protection for DEHP. While these departments can still provide advice to SARA, SARA is not required to comply with advice. With the loss of concurrence power for specialist departments, it became essential that transparent and thorough criteria are provided for decision makers to assess applications affecting matters of State interest against.

We are pleased to see that the SDAP are now required to be utilized in decision making; and further that the Department of Planning has the intention to review the SDAP this year. However, further steps can be taken to ensure specialist knowledge of relevant departments is integrated into planning decision making.

We recommend:

1. **Agencies such as DEHP and DNRM, should be provided with the power to dictate conditions or application decisions where their specialist areas are applicable to a development application. The regulation could easily be amended to provide this power for the following essential matters:**
    - coastal protection and heritage – DEHP and the Queensland Heritage Council;
    - Development in sensitive Great Barrier Reef catchments – DEHP / Office of the GBR; and
    - vegetation management - DNRM

Hypothetical example of potential impact if not changed:

Danny Developer wants to develop a new tourist resort in an area mapped as highly sensitive to the Great Barrier Reef. The Office of the GBR in the Department of Environment and Heritage Protection have specialist skills and knowledge which demonstrates that the development will pose a high risk to the Reef if it is allowed to go through as applied for; they provide advice to the local government as assessment manager that the development should be refused. The local government decides that there is a need from a planning perspective for this development and approves it, leading to further impacts to our vulnerable Reef and a failure to meet international expectations and commitments to protect our Reef from further damage. Reasons are provided for the local government's decision, but reasons are not provided for the local government's decision not to follow the specialist agency's advice.

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Public notification periods should be longer for high risk developments

We note that there is a power in the Planning Bill that a regulation can provide for public notification periods (Planning Bill, section 53(4)(b)(ii)). Currently there is nothing provided in the draft Planning Regulation. Prior to 2013, the *Sustainable Planning Regulation 2009* (Qld) (**SPR**) provided for certain high risk developments, such as development within 100 metres of critical habitat or applications for large tourist resorts, were required to undertake public notification for at least 30 business days. Schedules 16 and 17 of the SPR which provided for these further notification periods were quietly repealed by the previous government; demonstrating the importance that provisions such as these must be in primary legislation to ensure proper scrutiny when appealing them.

We recommend:

2. **that 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* be reintroduced into the Regulation, if not the Planning Act.**

Access to information

We support the inclusion of a detailed list of documents which must be made available to the public to ensure transparency and adequate information is available to the public to understand planning and decision making processes, as has been provided in Schedule 32 of the Planning Regulation.

We recommend:

3. **that the list of information to be publically 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.**

Reef Commitments to be implemented through the Planning Regulation

The Planning Regulation provides the opportunity for the State government to prescribe certain development as being prohibited or assessable. This power ensures more consistent and comprehensive planning decisions are made across Queensland for relevant matters. The Regulation is therefore an ideal location for addressing certain Reef Commitments which need a whole-of-government approach to decision making, including through the planning framework, if they are to be effectively implemented, such as:

- ***WQT1:*** *Achieve a 50% reduction of anthropogenic end-of-catchment dissolved inorganic nitrogen loads in priority areas by 2018, increasing to achieve 80% reduction in nitrogen loads by 2025. Achieve a 20% reduction of anthropogenic end-of-catchment sediment loads in priority areas by 2018, increasing to achieve 50% sediment reduction by 2025.*
- ***EHA8****: Implement a net benefit policy to restore ecosystem health, improve the condition of GBRWHA values and manage financial contributions to that recovery.*

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- ***EBT3**: Cumulative impacts caused to the GBRWHA by human activities are understood and measures to ensure a net environmental benefit approach for the GBRWHA are implemented.*
- ***EHT4**: Key direct human-related activities are managed so that cumulative impacts are reduced and to achieve a net benefit for the GBRWHA.*

We recommend:

4. **In order to implement the Reef Commitments made by the Queensland Government to address impacts of agricultural development, the following amendments could be made to the Planning Regulation:**
    - agricultural development involving increased intensification or new cropping could be prohibited development under schedule 9 where proposed for specified highly-sensitive Reef catchments;
    - alternatively, a new trigger should be provided in the Regulation to ensure that agricultural development involving new or intensified cropping through increased land area is impact assessable development. This trigger should require that DEHP is a referral agency, and that the assessment manager is required to follow the advice of DEHP where this trigger applies.

Further, the Queensland Government has committed to banning the sea dumping of capital dredge spoil within the Great Barrier Reef World Heritage Area (**GBRWHA**).[2] The Commonwealth Government has provided for restrictions on sea dumping of dredge spoil in waters under Commonwealth jurisdiction of the Great Barrier Reef Marine Park through amendments to the *Great Barrier Reef Marine Park Regulation 1983* (Cth). The Queensland Government has however to date only provided for restrictions on capital dredge material disposal in port areas. The Infrastructure, Planning and Natural Resources Parliamentary Committee stated in their report on the Sustainable Ports Development Bill 2015 that:

> *'The Deputy Premier is currently conducting a review of existing powers which will seek advice on the most appropriate way to minimise the impacts of dredging works from minor marine infrastructure and the disposal of dredge material'*[3]

The Planning Regulation is the ideal instrument to implement the Government's commitments with respect to minimising the impacts of non-port dredging and dredge material disposal on the Great Barrier Reef.

We recommend:

5. **The following activities should be declared 'prohibited development' under schedule 9 of the Planning Regulation:**
    - development that involves offshore disposal of more than 15,000 m3 of capital dredge material in state waters within the GBRWHA; and
    - development that involves capital dredging of more than a certain volume [to be specified] for minor marine infrastructure (eg.boat ramps, marinas) in state waters within the GBRWHA.

[2] Australian Labor Party Qld, *Saving the Great Barrier Reef: Labor's Plan to protect a natural wonder*, January 2015.
[3] Infrastructure, Planning and Natural Resources Committee Report No. 6, 55th Parliament, September 2015, page 26.

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DEVELOPMENT ASSESSMENT RULES (DA Rules)

Removing certainty in the development assessment process

The proposed development assessment rules take away the clear and certain stages provided by the 'Integrated Development Assessment System' found currently in SPA, in favour of a floating assessment stage. This floating assessment process does little to assist developers, while reducing certainty and clarity in process for the community, as well as potentially for assessment managers.

Under this floating process, public notification can occur at any point from 5 days after the development has been applied for up until the decision stage. Public notification can therefore occur prior to the information request stage being completed, meaning the public may not be fully informed with all documents at the time of notification.

Even with fixed stages, frequently EDO Qld is contacted to assist the community to understand when they can expect various stages of a development assessment process to commence as they await their opportunities to participate in decision making. Without fixed stages, the community will need to be on constant alert, draining their already limited resources.

We recommend that:

6. **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. This should ensure that public notification occurs after the information request stage has been completed.**

Public notification must be improved

Public notification processes that are certain and adequate in raising the communities attention to the development proposed and providing community rights to have input into decision making are an integral part of the planning framework. We are concerned that this framework does not adequately provide for or improve certainty and adequacy of public notification processes, namely due to the discretions held by the decision maker to:

- decide the means of public notification required for each development proposal (27.1(1)), with a minimum of only providing written notice to adjoining land owners and the assessment manager; and
- allow an applicant to not comply with the particular public notification processes required of them.

What's worse, the above discretions are coupled with a *maximum* public notification requirement (DA Rules, 27.1(4)) that is currently under SPA the *minimum* standard for informing the community (SPA s297(1)). This does not reflect a policy of attempting to improve public notification and community consultation – which is apparently the Deputy Premier's intention as quoted above. While Department representatives have stated that the intention is to encourage more creative and effective public notification procedures, including electronic methods, there is no provision or reference made to this in the proposed framework, and in fact it appears it might conflict with 'maximum' public notification requirements prescribed in rule 27.1(4) of the DA Rules.

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We recommend that:

7. **A requirement for public notification prior to the application would assist in alerting the public's attention to proposed developments and allowing them to make basic submissions. This should alleviate concerns that decision makers may have already pre-determined their decision by the time the information request period is finished.**

8. **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:**[4]
   - signs on the property that are clearly visible;
   - written notice to the adjoining land owners;
   - newspaper advertisement in a newspaper distributed most commonly in the region of the development proposal;
   - 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 wide spread electronic medium for notifying development proposals; and
   - written notice to the assessment manager.

9. **Re-notification should be required in certain clearly prescribed but appropriately flexible circumstances, provided ideally through a new provision in the Planning Bill.**

10. **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 as is not sufficient to provide guidance as to when re-notification must take place.**

Hypothetical example of potential impact if not changed:

Gillian is concerned with development in her neighbourhood. She has heard whisperings that a development is proposed to be applied for to the tune of 30 storeys on her street, but she hasn't been able to find any information about this to learn more about what might be proposed. Gillian leads a busy life with a full time job and 3 children, but she believes in the democratic process of engaging in public consultation opportunities for decision making processes to make sure planning decisions reflect the desires of local residents who have to live with them.

Gillian has to check her local council's website every day to find out when the application is lodged, and then to check when public notification will commence. There are no required timeframes to help guide Gillian as to when public notification may commence. Gillian is shocked to discover that there is no requirement for public notification to even be advertised on the website or in her local newspaper where she is used to finding development notifications. The developer utilizes her power to 'stop the clock' numerous times on the development assessment process prior to public notification, but this is not advertised on the council's website. Gillian is left having to check the council's website every day for 6 months to make sure she doesn't miss the 15 business day public notification opportunity.

[4] 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.

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What the development assessment process could look like…

Stellar Government has decided to provide the best planning framework in Australia; one which truly provides for certainty, transparency, accountability and adequate public consultation in planning and development because it understands the benefit this provides to improve quality and community confidence in decision making.[5] *A culture of collaboration between developers, the community and decision-makers is encouraged to facilitate smooth, quality decision making processes.*

Under this framework, Gillian finds out a development is proposed on her street because she is on an email list and social media site that alerts her as to when a development is being considered for a site, prior to application. Adverts are also placed on site in clear view of passers-by, and in the local newspaper. Mr and Mrs Rogers, who don't use a computer and who are also interested in participating in planning decision making in their region find out about the proposal through the newspaper.

The developer undertakes pre-application consultation meetings with the community at three different times through the week to allow community members to understand what is proposed for the site and to have their say in what is important to them in their region. These meetings were advertised with the various pre-application notices described above. Local council planning decision makers also attend this meeting. This helps shape the development into something that will better fit with community expectations and needs; the development has more social licence and the community has confidence that their desires are being heard by the developer and decision makers.

Public consultation is undertaken by the developer after the information request stage has been completed and all information is available to the public to inform their decision, including the issues of concern to the local council and referral agents. Not many submissions are provided during public consultation and no appeals are undertaken because the community has had a chance to express their concerns and desires at the start of the process to help shape the development. The community is very happy with the development, and apartments sell quickly, with many locals buying apartments.

Timeframes for assessment managers should not be tightened – this could pressure decision makers and lead to poor decisions

We note that the time available to assessment managers and referral agencies to assess and respond to development applications have been tightened under this framework, however the discretion to extend assessment timeframes as necessary has been removed from the assessment manager. We do not support the need for the agreement of the applicant prior to a timeframe being extended by the assessment manager. This is coupled with the power being extended to the applicant to 'stop-the-clock' at any time in the assessment process to make representations up to a maximum of 6 months; creating an unbalanced relationship of power between the assessor and applicant.

[5] Parliament of Australia, 'Citizens' engagement in policymaking and the design of public services', Research Paper No. 1, 2011-2012. http://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/rp/rp1112/12rp01 ; NSW Independent Commission Against Corruption report, Anti-corruption safeguards and the NSW planning system (February 2012), p 22 http://www.icac.nsw.gov.au/media-centre/media-releases/article/4023; Productivity Commission NSW, Major Project Development Assessment Processes (2013), p 274, http://www.pc.gov.au/inquiries/completed/major-projects/report/major-projects.pdf.

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Hypothetical example of potential impact if not changed:

Amanda Assessor is the only assessment manager at Bangowrie Council, a very low resourced local government. Amanda is swamped with applications and is struggling to assess them in time. Danny Developer has an application being assessed by Amanda and Danny is keen to get his application assessed as quickly as possible. Amanda asks Danny to consent to an extension to allow her more time to consider his application; Danny refuses this request. Amanda decides to refuse the application as she has not been able to assess the application fully.

Danny appeals this refusal, which sucks up more of Amanda and the Council's resources.

We recommend that:

11. **The assessment manager must be permitted to extend a timeframe for assessment without the agreement of the applicant.**

'Opt out' step provides minimal benefit while removing transparency in process

The power of the applicant to 'opt out' of the information request stage, so that assessment managers and referral agencies are not free to formally ask for more information from applicants to better understand an application, creates a more adversarial culture between assessment managers, referral agents and applicants. We should be encouraging a culture of collaboration in planning. The small benefit to developers is not worth the reduction in transparency in viewing the communications between the assessment manager and applicant as to further information that may be required to understand the proposed development.

We recommend that:

12. **The opt-out power should be removed from the DA Rules; transparency and collaboration should be encouraged in the framework, for community confidence in planning decision making.**

PLAN MAKING RULES

We have previously made recommendations to encourage the Queensland Government to take responsibility for ensuring more consistency in planning approaches by local governments across Queensland. While we understand that Queensland has many large local governments, this is not an adequate reason to provide greater discretions to local government bodies in planning decision making. At minimum, the following elements should be required to ensure consistency in how local governments provide for certain key matters and meet their strategic outcomes.

We recommend:

13. **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.**

    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.

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

    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.

15. **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.**

    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.

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EDO Recommendation	Comments
1. Technical agency powers - State Assessment and Referral Agency (SARA)	
Recommendation 1 Agencies such as DEHP and DNRM should be provided with the power to dictate conditions or application decisions where their specialist areas are applicable to a development application. The regulation could easily be amended to provide this power for the following essential matters: • coastal protection and heritage – DEHP, Queensland Heritage Council • development in sensitive Great Barrier Reef catchments – DHEP, Office of the GBR • vegetation management – DNRM.	Supporting accountability and transparency, the *Planning Act 2016* includes provisions that: • SARA is required under the Planning Act to publish reasons for its decisions • SARA's current requirement under SPA to "may have regard to" SDAP has been escalated to "must assess against" under the Planning Act, considerably strengthening the rigour of assessment required by SARA • SARA is required under the Planning Act to consult with the Queensland Heritage Council in relevant circumstances considered desirable by the council. EDO's request that technical agencies return to separate concurrency agency arrangements in certain circumstances has not been supported as: • it erodes the SARA model and its effectiveness in coordinating cohesive, timely whole of government position and response and single point of contact • it would give rise to further debate across agencies and sectors about which technical agencies should have overriding powers and their scope • responses from SARA provide a cohesive whole of government position. It has not been considered appropriate to mandate internal arrangements of the state in dealing with matters of state interest. These arrangements are the subject of service level agreements with the technical agencies.
2. Public notification on development applications	
Recommendation 2 That 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* be reintroduced into the Regulation, if not the Planning Act.	While there are no items currently prescribed in the draft regulation, the Planning Act accommodates EDO's request and includes provision for the Regulation to prescribe development that requires longer notification times. The Sustainable Planning Regulation does not currently contain schedules 16 and 17 referred to - the extended timeframes were removed as systems and information are much improved since the longer periods were originally established. They were explored again during the course of the legislative review as a result of the EDO's submissions. Again, the matters for which longer timeframes were provided appeared obsolete. No high risk developments have presently been identified for having longer time frames set in the regulation. However, this provision in the Planning Act is available should a type of development be considered suitable for longer consultation timeframes. It is also noted that while public consultation timeframes are set in the Planning Act, these timeframes are set as minimums and applicant is not prevented from undertaking longer or additional public consultation with respect to the development application.
3. Access to information	
Recommendation 3 That the list of information to be publicly accessible,	There is no intended reduction in the material to be made publicly accessible and has been expanded to include new

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EDO Recommendation	Comments
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.	arrangements under the Planning Act. The Planning Act includes requirements in relation to exemption certificates, as per the recommendation of the Parliamentary Infrastructure, Planning and Natural Resources Committee. The use of a regulation to prescribe matters that need to be publicly accessible, who by and how, is considered a more effective way of managing accessibility issues. It is intended to operate in favour of the community, as the regulation can be changed more readily as new forms of communication become available.
4. Prohibited development – Great Barrier Reef commitments	
Recommendation 4 In order to implement the Reef Commitments made by the Queensland Government to address impacts of agricultural development, the following amendments could be made to the Planning Regulation: • Agricultural development involving increased intensification or new cropping could be prohibited under schedule 9 where proposed for specified highly-sensitive reef catchments. • Alternatively, a new trigger should be provided in the regulation to ensure that agricultural development involving new or intensified cropping through increased land area is impact assessable development. This trigger should require that DEHP is a referral agency, and that the assessment manager is required to follow the advice of DEHP where this trigger applies.	Matters relating to state interests are part of the Integrated Review Project. The suggestion in relation to agricultural development has been investigated and raises significant issues. Options other than those recommended that may achieve the same outcomes were explored and an options paper prepared. The paper recommended that work continue on current actions/measures within and outside of the planning framework and support other programs through the Reef 2050 IDC to improve or reduce impact on the GBR from agricultural pursuits. This work involves: – review of planning schemes during the state interest check – the existing work program under the Integrated Review Project including the review of the water quality state interest policy and supporting guidelines. The paper informed response back to the Office of the GBR on the Reef Science Taskforce recommendation in relation to strengthening the regulation of agriculture in relation to reef water quality. EDO will have the opportunity to make submission on these issues to the Integrated Review Project over coming months. Requiring that DEHP advice must be following in a referral would undo the intent and outcomes of the effectiveness of SARA as the State's referral agency, and would not be considered palatable at this time. The role of SARA and technical agencies was debated at length during the Bill development process and this policy position has been settled as reflected in the Planning Act and related instruments. Prohibition would be considered a significant response and has not been considered a palatable option to date. Competing strongly-held sectoral views would be expected should further prohibitions be considered by the state, particularly in the context of a performance based system. Further broad consultation would be necessary to test these proposals and impacts.
Recommendation 5 The following activities should be declared 'prohibited development' under schedule 9 of the Planning Regulation: • development that involves offshore disposal of more than 15,000m^3 of capital dredge material in state waters within the GBRWHA, and • development that involves capital dredging of more than a certain volume [to be specified] for minor	The department has undertaken a preliminary review of options to limit the disposal of material generated from capital dredging in the Great Barrier Reef World Heritage Area (GBRWHA) within Queensland's jurisdiction and has prepared a discussion paper. This has been progressed to your Office for consideration (MBN15/1653).

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EDO Recommendation	Comments
marine infrastructure (eg. boat ramps, marinas) in state waters within the GBRWHA.	
5. Development assessment process - general	
Recommendation 6 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. This should ensure that public notification occurs after the information request stage has been completed.	EDO's concerns have been addressed in the interim draft version of the DA Rules released in July 2016. The DA Rules have returned to a more linear process, where public notification occurs in a fixed place in the process as it currently does under SPA.
6. Development assessment process – public notification	
Recommendation 7 A requirement for public notification prior to the application would assist in alerting the public's attention to proposed developments and allow them to make basic submissions. This should alleviate concerns that decision makers may have already pre-determined their decision by the time the information request period is finished. **Recommendation 8** 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: • signs on the property that are clearly visible • written notice to the adjoining land owners • newspaper advertisement in a newspaper distributed most commonly in the region of the development proposal • 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 wide spread electronic medium for notifying development proposals • written notice to the assessment manager **Recommendation 9** Re-notification should be required in certain clearly prescribed but appropriately flexible circumstances, provided ideally through a new provision in the planning Bill. **Recommendation 10** 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 as is not sufficient to provide guidance as to when re-notification must take place.	EDO's concerns about the degree of certainty in the community's expectation about public notification have been addressed in the interim draft version of the DA Rules released in July 2016. The DA Rules have returned to a more linear process, where public notification occurs in a fixed place in the process, as it currently does under SPA. The DA Rules are provided for under s.68 of the Planning Act, which requires that the Minister must make rules "for the development assessment process". This means that matters that occur prior to lodgement of the application do not sit within the scope of the DA Rules. Public notification prior to the application was raised during the course of the legislative review process. Its value was recognised and leading practice guidance material is to be prepared to assist in decisions about public notification prior to the application. The current mandatory minimum requirements for notification in SPA have been carried forward in the interim draft DA Rules. This includes signs on the property, written notice to adjoining land owners and newspaper advertisement. It is noted that the November 2015 draft of the DA Rules did allow some discretion to councils to decide public notification requirements based on the circumstances [eg where signs on the property may be impractical for large rural properties]. This discretion has not been carried forward into the interim draft DA Rules. Schedule 1 - Substantially different development will be supplemented by further guidance material. 'Substantially different' has been the subject of court direction and it has been considered imprudent to date to regulate to affect the current understanding of the term.
7. Development assessment process – assessment manager timeframes	
Recommendation 11 The assessment manager must be permitted to extend a timeframe for assessment without the agreement of the applicant.	IDAS currently provides the ability for an assessment manager to automatically extend the decision period by up to 20 days and the information request period by up to 10 days without the agreement of the applicant. Any further extensions under IDAS must be agreed with the applicant. A significant issue raised with the current IDAS processes has been the time taken in assessing and deciding

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EDO Recommendation	Comments
	development applications. Some of this has been directed at the regular use of automatic extensions of time, when no justification for this extra time need be provided. Automatic extensions of time have been removed from the process, and instead, standard timeframes have been lengthened and set in the DA Rules. The assessment manager and the applicant can agree to extend timeframes. The timeframes now also include a set period of 10 days for assessing public submissions. This approach has removed uncertainty and made more overt and upfront the expected timeframes for the progress of assessing development applications, including for assessing public submissions. Re-introduction of unilateral extensions of time would go beyond the current IDAS provisions and undo the gains delivered by the DA Rules in more certain and tighter assessment arrangements.
8. Development assessment process – information request	
Recommendation 12 The opt-out power should be removed from the DA Rules; transparency and collaboration should be encouraged in the framework, for community confidence in planning decision making.	The ability for an applicant to indicate that they do not wish to receive an information request has been retained in the interim draft DA Rules. Further checks and balances have been included to ensure that councils are able to assess an application in a timely manner and with the material they need to make an informed decision. The responsibility rests with the applicant to ensure a robust application is made and supported, or face a refusal from a council due to lack of relevant material available to assess the application. The applicant bears the risk of taking such a decision to not receive an information request, as without relevant information, the applicant may find its application refused. The option to choose not to receive an information request does not compromise public notification requirements; the requirements of the scheme that need to be met by the applicant; or the types of information that must be made publicly available.
9. Plan making rules – scheme requirements	
Recommendation 13 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. **Recommendation 14** Core matters should be required to be provided for in local government planning instruments. **Recommendation 15** 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.	The Planning Act [s.16] requires that a local planning scheme must: • identify strategic outcomes for the local government area to which the planning scheme applies • include measures that facilitate the achievement of the strategic outcomes • include the 'regulated requirements' set in the Planning Regulation. These legislative requirements coupled with the rules and guidelines for plan making which establish principles for plan making and the extensive guidance being developed, provide a robust approach to making improved schemes. Specifically, guidance about impact assessment and tools for use by council in assessing risks, are being developed and will be available. Work is also underway to articulate appropriate performance measures for monitoring by the State. This project is in its research phase and EDO will be consulted on these in due course.

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EDO Qld.
Environmental Defenders Office
Using the law to protect our environment.

30 Hardgrave Rd WEST END, QLD 4101
tel +61 7 3211 4466 fax +61 7 3844 0766
edoqld@edoqld.org.au www.edoqld.org.au

RTI RELEASE

6 May 2016

Mr Stuart Moseley
Deputy Director-General,
Planning Group
Department of Infrastructure, Local Government and Planning
By email stuart.mosely@dilgp.qld.gov.au

Dear Stuart,

Funding request – to provide independent professional legal advice to the Community & Government on planning and development matters

I refer to our meeting some months ago to welcome you to your new role and to introduce ourselves to you.

Environmental Defenders Office (Qld) Inc, ('EDO Qld') is faced with an overwhelming demand from the community and government for our independent non-profit legal services relating to public interest planning and development. We have made every effort in the last year to put forward considered professional views on reform issues to government and Parliament, based on our experience advising the community on planning law. We conducted nine "LawJams" or community meetings on planning reform proposals in partnership with other groups throughout the State and, within our resources, have provided legal advice and education services to the community. However, we lack the resources to meet the overwhelming demand on an ongoing basis.

Summary

Sch. 4(4)(4) - Disclosing deliberative processes

I would appreciate an opportunity to discuss this with you in person.

Yours faithfully

Sch. 4(4)(6) - Disclosing personal information

Jo-Anne Bragg
CEO, Solicitor
Environmental Defenders Office (Qld) Inc

Environmental Defenders Office (Qld) Inc

Funding request to the Department of Infrastructure, Local Government and Planning - May 2016

Sch. 4(4)(4) - Disclosing deliberative processes

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1. About EDO Qld

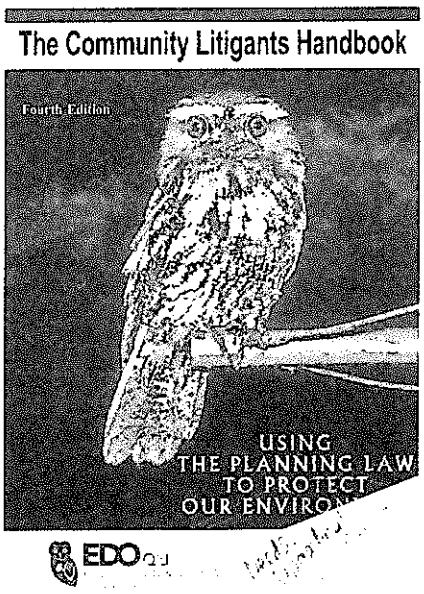
As Queensland's leading planning and environmental legal centre, EDO Qld has an outstanding track record in providing comprehensive professional legal advice and support to the community for public interest planning, development and environmental legal matters. *See testimonials at **Appendix 2**.*

We provide the community with legal advice, educational materials and, on occasions, court representation. Using our experience, we advocate for laws that protect nature and community rights and we empower the public through legal education.

EDO Qld is a non-profit community legal centre and provides an invaluable professional service at very low cost. Our office is located in a workers cottage in Brisbane: we have very low overheads. We are a hub for volunteer work by legal professionals and experts. This means we can do more with every dollar received. *See outline of our current planning related work at **Appendix 1.***

2. Community demand for independent professional legal advice on planning and development matters

Planning and development decisions often impact the interests of sectors of the community who are unable to afford independent legal assistance or access pro bono expert assistance. EDO Qld helps them understand the often complicated law behind these decisions and how they can use their rights to have an effective say in decision-making. The vast majority of enquiries we receive from the community seeking our services are related to planning law.



Developers can afford to spend large amounts money on lawyers, so in the interest of equity and fairness, the community needs independent advice and assistance.

Despite our best efforts, the unmet need for assistance is still great.

- Groups and individuals are waiting up to four months for assistance on planning matters through EDO Qld's weekly Advice Line.
- Numerous groups and individuals are waiting for EDO Qld to publish a fifth edition of the Community Litigants Handbook *Using Planning Law to Protect Our Environment.* The law has changed and will further change, so it needs to be updated.
- Hundreds of peoples are missing out each month on our planning law factsheets *(based on prior web viewing statistics.)* These require updating to reflect current laws.
- Over 5,000 subscribers rely upon EDO Qld's email LawAlert to understand the implications of changes to planning instruments and related legislation. We do not currently have the resources to analyse and communicate on an ongoing basis.

3. Government demand for EDO Qld input and discussion of upcoming reform process and benefits of EDO work

We understand that in 2016 and onwards community consultation will occur for:

- State Planning Policy Review;
- State Development Assessment Provisions,
- Planning Regulation; and
- SEQ Regional Plan.

In the last few weeks we have been invited by the Department to input into the South East Queensland Regional Planning Process, and asked if we would consider holding more LawJams on planning. Recently we participated in targeted consultation on proposed changes to coastal planning laws. We greatly appreciate the level of consultation being undertaken by the current government on proposed law reform, however it takes significant time to respond meaningfully to the invitations to participate in forums and provide submissions, with examples from our community advice work.

Submission work from EDO Qld is not a substitute for meaningful engagement by government with the broader community and environment sector on reform proposals. But it is important there is a well-informed, well respected advocate i.e. EDO Qld representing environmental perspectives and community interests as a start to balance the many stakeholders with a pro-development or commercial imperative to influence the outcomes of the reform processes.

EDO Qld input is important to aid transparency and accountability of the planning process

4. Services to be delivered

Qualitative

- Providing input and submissions and public commentary on upcoming planning reforms, and proposing reforms, from a public interest perspective, e.g. on the State Planning Policy, State Development Assessment Provisions, Planning Regulation and within resources, Regional Plans, such as the SEQ Regional Plan;
- Providing an independent service to community on public interest issues to meet unmet demand so the community can access professional legal advice, and educational materials, which aids meaningful and appropriate participation in the planning system at both planning and development application stages;
- Preparing and publishing relevant educational materials on planning

Quantitative

- **Workshops /LawJams: Minimum 4** community workshops - including 3 in regional areas every year. These workshops will be focused on assisting the community to understand particular issues as requested by those communities.
- **Presentations: Minimum 4** presentations on planning topics, at events organised by other community groups
- **Factsheets: Minimum 6** legal factsheets on planning updated and online including public access to information, planning instruments, development assessment, overview of the planning system and others
- **Community Litigants Handbook:** Update the Community Litigants Handbook to reflect the new planning laws. Publishing update in 2016/7, and at least every two years.
- **Submissions on planning matters: Minimum 3** submissions annually to the State government on planning related matters and Minimum 3 meetings annually with Department of Planning Services staff

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Sch. 4(4)(4) - Disclosing deliberative processes

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APPENDIX 1 - Existing EDO Qld work on planning

Educational Work

Community factsheets on planning--- need updating

EDO Qld produced a broad ranging set of **legal information guides on planning law** to assist members of the community understand and access their rights in relation to plan making and development assessment. Those guides, originally funded by the Department of Planning in 2000, were updated periodically but are currently out of date and in need of revision. EDO Qld has not had the capacity on current funding to maintain these factsheets. For example, currently we have 12 factsheets in need of review, 6 key factsheets, and we are aware of a need for many more to be drafted.

Community planning appeal handbook – needs updating

EDO Qld produced a detailed 200 page guide**, "The Community Litigants Handbook",** now in its 4th Edition. This is a guide to assist community members make a decision as to whether or not to run a merits appeal in the Planning and Environment Court, and how to do so professionally if they decide to run such a case. This handbook is an essential service to help the community to understand the part they can play in planning decision making, and to ensure that the Courts are utilised in an appropriate and meaningful way so as to assist the good use of court and community resources. The Handbook, recommended by Judge Michael Rackemann of the Queensland Planning and Environment Court, is in need of revision. To date, more than one thousand copies have been distributed.

Community educational seminars and workshops

EDO Qld is responsive to requests from community groups to deliver public workshops on planning matters, to help their local community understand planning and environment laws and what proposed changes to these laws might mean. Most recently we conducted nine educational workshops throughout South East Queensland and Cairns, mostly held with DILGP staff (in July, September and October 2015 and January 2016). These workshops were design to assist with broad, informed community consultation on the new proposed planning legislation and supporting instruments. Planning reforms are often complex and multilayered. EDO Qld's experience in working with the community, to help them understand current and proposed planning and environment laws, is invaluable to ensure that all Queenslanders can meaningfully participate in planning law reform and decision making. EDO Qld's seminars are growing in popularity; we have even been advised by Department of Planning staff that our recent planning workshops have had higher attendance rates than those undertaken by the Department in the same regions.

EDO Qld Planning Law Jam – Brisbane July 2015

Law Reform

In relation to the reform process, EDO Qld has used its experience in advising community groups on planning matters to put forward quality well-reasoned and informed submissions at all stages of the planning reform process, and to help organise and provide analysis to community groups at a number of forums on discussion papers, draft Bills and supporting instruments. We have met with various

PRE-RELEASE

departmental and ministerial staff to work together to ensure the proposed legislation and supporting instruments adequately protect community rights and the environment, including closely assisting with the provisions reinstating the 'own party' costs rule and the purpose of the new legislation.

Legal Advice

EDO Qld provides oral and written legal advice to community groups about the planning and development assessment process through employed staff and also through a community advice line with the assistance of volunteer solicitors. Some funds are provided from DJAG however this is insufficient to cover all of our work, that extends far beyond planning and development matters.

EDO Qld is a community legal centre, which has run both merits and enforcement cases in the Planning and Environment Court and has experience in other relevant Courts, such as the Supreme Court, Land Court, Court of Appeal and Federal Court. Major cases require separate extensive community donations. However we have the experience to ensure our advice is relevant, current and professional.

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APPENDIX 2 - TESTIMONIALS

"EDO Qld is a highly professional and effective community legal centre"

Stephen Keim SC
Human Rights Barrister

"Community legal organisations including Environmental Defenders Offices have played an integral role in the struggle for justice in this country for decades … The extensive experience of these organisations at the very front line of service delivery means that they are often able to provide unique insights and contributions to policy development in their areas of expertise."

Mark Dreyfus QC MP
Former Federal Attorney-General

"The handbook makes a real and substantial contribution to access to environmental justice."

Judge Michael Rackemann, Planning & Environment Court Brisbane

Foreword to 4th edition, EDO Qld's Community Litigants Handbook

'The Sunshine Coast Environment Council (SCEC) is the peak environmental not-for-profit advocacy group for the Sunshine Coast region. Established in 1980, we currently represent 50 community groups working on conservation, natural resource management and sustainability with a combined membership of over 15,000 individuals.

SCEC has drawn upon the resources and expertise of the EDOQ on numerous occasions for our own requirements and on behalf our member groups. With our Strategic Plan covering four main areas, Sustainable Communities, Protecting Nature, Good Government and the Green Economy the advice of the EDO Qld has, and will continue to be, extremely important and relevant.

The support and skills of EDO Qld has enabled SCEC to make contributions on various planning matters and provided enormous benefit to us, our members and wider community by way of planning seminars, community-orientated fact sheets, submission material, legal advice and more.

Planning legislation and reform is a high priority for SCEC, its members and the Sunshine Coast community. The services, reliability and commitment of the EDO Qld are not only highly valued, but indispensable.'

Narelle McCarthy

Liaison & Advocacy, Sunshine Coast Environment Council

"It is a sobering thought, that stage one of this environmental disaster would be operating now had this group not been able to rely on your resources. I had no idea what to expect, I'd never even seen the inside of a court room. If we hadn't found EDO, we couldn't have done it. The courts are a foreign place and speak a foreign language. We weren't prepared the first time, but this time we are armed with the knowledge we need to prove to the developers and council that a development of this nature, in this location is flawed."

John Greacen, grazier
Successfully appealed against a feedlot on the Condamine River

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Participation in several of the recent seminars organised by the EDO to assist community, interest groups and other concerned parties to understand and respond constructively to the proposed changes in the planning system associated with the 2015 Planning Act, has reinforced my appreciation of the work of the organisation. Their meticulous research, sound knowledge and purposive engagement contribute to a positive level of community engagement, which can only benefit democratic processes and the quality of legislation, which is ultimately enacted.

Phil Heywood, Planner

Past President, Qld Division Planning Institute of Australia & former Associate Professor & Head of Discipline of Urban & Regional Planning, Queensland University of Technology

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Page 31 redacted for the following reason:
- -
Sch. 4(4)(4) - Disclosing deliberative processes

RTI RELEASE

Tess Pickering

Subject: 9.30am - Meeting: Environmental Defenders Office - EDO (Advisor: Tess Pickering)
Location: DP's Office

Start: Thu 25/08/2016 9:30 AM
End: Thu 25/08/2016 10:00 AM
Show Time As: Tentative

Recurrence: (none)

Meeting Status: Not yet responded

Organizer: Jackie Trad
Required Attendees: Tess Pickering

Time:	9.30am
Topic For Discussion:	planning supporting instruments
Attendees:	Jo Bragg – CEO, Solicitor – EDO Revel Pointon – Solicitor
Advisor:	Tess Pickering
Briefs & Attachments:	Attachment 4 EDO proposal re... Attachment 3 EDO sponsorshi... Attachment 2 EDO Snapshot f... Attachment 1 EDO submission... Meeting with the Environmental...
Contact:	Revel Pointon *Solicitor* EDO Qld. Environmental Defenders Office 30 Hardgrave Rd WEST END, QLD 4101 *tel* +61 7 3211 4466 *fax* +61 7 3844 0766 edoqld@edoqld.org.au www.edoqld.org.au
Notes:	Email confirmation sent.. Brief Requested..ER..15/07/16

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Tess Pickering

From: David Attrill <David.Attrill@dilgp.qld.gov.au>
Sent: Tuesday, 23 August 2016 3:10 PM
To: Emily Brogan
Cc: Adriana Chilnicean; Sarah Charlwood; Tess Pickering; Teresa Luck
Subject: UPDATED MEETING BREIF MBN16/1050 : Meeting with the Environmental Defenders Office (EDO) on 25 August 2016
Attachments: Meeting with the Environmental Defenders Office (EDO) on 25 August 2016.doc; Attachment 1 EDO submission on instruments.pdf; Attachment 2 EDO Snapshot for MBN16 1050.docx; Attachment 4 EDO proposal response - August 2016.docx

Importance: High

Hi Em,

Stuart met with the EDO yesterday afternoon and this has necessitated **the brief and attachment 4** being updated.

I attach all documents again though for consistency. Please note I've left the yellow highlighting on the additions to the soft copy brief and attachment 4 so you can see what has been added.

I will print off and drop down (clean) hard copies of the two updated documents now for the folder.

Thanks very much…….

Kind regards

David Attrill
Departmental Liaison Officer
Office of the Director-General
Department of Infrastructure, Local Government and Planning
p. 07 3452 6771 | **m.** Sch. 4(4)(6) - Disclosing personal information | **e.** david.attrill@dilgp.qld.gov.au

From: David Attrill
Sent: Monday, 22 August 2016 9:37 AM
To: Emily Brogan (Emily.Brogan@ministerial.qld.gov.au)
Cc: Adriana Chilnicean; Sarah Charlwood; tess.pickering@ministerial.qld.gov.au; Teresa Luck
Subject: MEETING BREIF MBN16/1050 : Meeting with the Environmental Defenders Office (EDO) on 25 August 2016

Hi Em,

I attach electronic copies of this brief and attachments, will drop the hardcopies to DPO reception shortly.

I note the brief mentions that to date there has been no request for a departmental rep to attend this meeting. Should one be required could you please advise (and also as to if there's any preference as to who this should be).

Thanks.

Kind regards

David Attrill
Departmental Liaison Officer
Office of the Director-General
Department of Infrastructure, Local Government and Planning
p. 07 3452 6771 | **m.** Sch. 4(4)(6) - Disclosing personal information **e.** david.attrill@dilgp.qld.gov.au

RTI RELEASE

From: Emma L Robertson [mailto:Emma.L.Robertson@ministerial.qld.gov.au]
Sent: Friday, 15 July 2016 10:17 PM
To: DLO
Cc: Tim Pearson; David Attrill
Subject: MEETING BREIF REQUEST: 25 August 2016

Hi Tim

The Deputy Premier has agreed to meet with EDO representatives regarding Planning Supporting Instruments on 25 August 2016 at 9.30am. Could you please provide a meeting brief.

Two people will be in attendance:

1. Jo Bragg – CEO, Solicitor – EDO
2. Revel Pointon – Solicitor

If you have any questions, please do not hesitate to contact me.

Kind Regards
Emma

Emma Robertson
Office Manager / Executive Assistant
Office of the Hon. Jackie Trad MP
Deputy Premier
Minister for Infrastructure, Local Government and Planning
Minister for Trade and Investment

T 07 3719 7100 **E** emma.robertson@ministerial.qld.gov.au
Executive Building 100 George Street Brisbane QLD 4000
PO Box 15009 City East QLD 4002

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Ref No: MBN16/1050

DILGP – BRIEF FOR MEETING	Date: 22 August 2016

NOTED or APPROVED/NOT APPROVED

Hon. Jackie Trad MP
Deputy Premier
Minister for Infrastructure,
Local Government and Planning
and Minister for Trade and Investment

Date: ____/____/____

DETAILS OF THE MEETING

You are meeting with the Environmental Defenders Office (EDO) on Thursday, 25 August 2016 at 9.30 am. Confirmed attendees from the EDO include:

- Ms Jo Bragg, Chief Executive Officer
- Ms Revel Pointon, Solicitor.

The primary purpose of the meeting is to discuss planning supporting instruments.

To date, your office has not requested a representative to attend the meeting with you.

BACKGROUND:

The EDO has been a consistent contributor to the work of the planning reform agenda. EDO made representations to the Department of Infrastructure, Local Government and Planning (the department) in relation to the instruments issued for consultation in November 2015 in support of the Planning Bill 2015 (**Attachment 1**).

The *Planning Act 2016* (the Planning Act) was assented to on 25 May 2016 and the following instruments have been released as interim drafts to enable transition, particularly by councils, ahead of commencement proposed for early July 2017:

- Minister's Guidelines and Rules, including processes for plan making, infrastructure plans and infrastructure designation
- Development Assessment Rules expressing the process for assessing development applications.

These interim draft instruments are currently being used to inform transition and will be subject to formal consultation processes under the Planning Act before they can be approved, prescribed by regulation and become operational. This formal consultation is currently scheduled for early 2017. However, strong feedback is being received from councils during the workshops being held statewide that, particularly for the transition and re-design of development assessment Information Technology systems, early finalisation of the instruments for increased certainty is desirable.

ISSUES AND SUGGESTED APPROACH:

Generally, a number of matters raised by the EDO have been determined and finalised through the Bill processes, particularly policy decisions about where matters are expressed across legislation, regulation and other instruments; and public notification and accessibility matters. Other matters have been addressed in the interim draft instruments released in July 2016.

The EDO will have the opportunity to make further submission on the instruments through the formal consultation process to be undertaken prior to their making and prescription by regulation.

A number of other matters are best considered in the context of the Integrated Review Project (IRP) which is considering state interests as expressed through the regulation, State Planning Policy and the State Development Assessment Provisions. The EDO will have the opportunity to participate in the consultation to be undertaken under the IRP in October 2016.

Author details: Megan Bayntun Position: Director Telephone: 3452 6822 Date: 18 August 2016	Endorsed by: James Coutts Position: Executive Director Telephone: 3452 7673 Date: unavailable	Endorsed by: Stuart Moseley DDG: Planning Group Telephone: 3452 7909 Date: 19 August 2016	Endorsed by: Frankie Carroll Director-General Telephone: 3452 6767 Date: ____/____/____

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A snapshot outlining the issues raised by EDO and responses is at **Attachment 2**.

Sch. 4(4)(4) - Disclosing deliberative processes

ELECTION COMMITMENT:

The government has met its commitment to reforming Queensland planning legislation.

CONSULTATION WITH STAKEHOLDERS:

The EDO's positions are likely to be supported by a range of community and environmental groups, noting that there are strongly competing sectoral views on issues across the planning framework. The IRP is likely to further draw out these issues. Other matters, like certainty and a development assessment process more aligned with current Integrated Development Assessment System processes, have broad support (including the legal sector) and are reflected in the interim draft instrument.

MEDIA OPPORTUNITY: Is there a media opportunity for the DP's Office? ☐ Yes ☒ No

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EDO Qld.
Environmental Defenders Office
Using the law to protect our environment.

30 Hardgrave Rd WEST END, QLD 4101
tel +61 7 3211 4466 *fax* +61 7 3211 4655
edoqld@edo.org.au www.edo.org.au/edoqld

5 February 2016

Planning Reform Group
Department of Infrastructure, Local Government and Planning
Sent via email only: bestplanning@dilgp.qld.gov.au

Dear Planning Reform Group,

Submissions on draft planning supporting instruments

We welcome the opportunity to make a submission on the draft planning supporting instruments. Our **15 recommendations** are provided in this letter on pages 3 and 4, and in more specific detail in the **appendix**. These submissions are limited to the following draft instruments:

- Planning Regulation 2016;
- development assessment rules; and
- plan making rules.

We have not considered the draft infrastructure guidelines for want of resources to properly review these guidelines.

Queensland needs a better planning framework – for the environment and the community

As a community legal centre providing assistance to urban and rural Queenslanders on public interest environment and planning matters, we are frequently made aware of the worst case scenarios that have come into fruition from legislative frameworks. We are therefore keenly familiar with the elements of planning legislation which can lead to poor outcomes for the community and the environment, being uncertainty, lack of transparency and accountability and lack of consideration of the environment in decision making. As lawyers dedicated to improving access to justice and environmental protections, the key outcomes we want to see provided for in our planning framework are therefore:

- protection of nature;
- meaningful community participation in planning decision making; and
- open, accountable, transparent and certain governance.

We are very concerned that this planning framework does not adequately provide safeguards to provide for these essential elements, and therefore that poor decision making and 'worst case scenarios' may become more frequently found in Queensland planning and development.[1]

[1] EDOQld and QCC Scorecard of proposed and enacted planning frameworks available here: http://www.edoqld.org.au/wp-content/uploads/2015/11/QCC1421-Scorecard-1211156.jpg

PI RELEASE

Safeguards for environmental protection and community consultation rights must be in the Act

Overall, as stated previously, we are disappointed to see many important elements of our current planning framework removed from the primary legislation and subjugated to subordinate instruments, rules and guidelines. Too often important safeguards intended to protect nature or community rights are silently removed from rules and regulations without the public's attention being raised, to benefit vested financial interests. For example, our *Sustainable Planning Regulations 2009* (Qld) used to provide for increased public notification timeframes for high risk developments (previous schedules 16 and 17) – these were repealed silently in 2013 unbeknownst to the many Queenslanders who would have made submissions reflecting the importance of these schedules.

Further, the division of the planning framework into so many documents leads to confusion and uncertainty as to where to look for the answer to questions or to understand planning processes. We appreciate the government's intention to make documents which are more easily understandable in format, however we note that this could have been achieved by providing for these elements in the Act, while still providing easy to use explanations of the framework to complement the Act.

We recommend that the government takes the remaining opportunity to reinsert key elements of the planning framework, such as the development assessment rules, list of publically accessible information and all public notification process into the primary planning legislation. This will ensure certainty is brought back into the new planning framework.

Community participation and environmental protections must be valued and improved

We are concerned that insufficient attention has been provided to improving community participation in decision making in this planning reform process. Community participation in decision making is an essential element in any best practice planning and development framework.

Community participation provides a check and balance to ensure good planning decisions are made for the community benefit, reducing the influence of corruption and politics, and ensuring that the community's interests are adequately represented to shape the regions in which Queenslanders live. Further, heroic community groups or individuals who are concerned with the health of particular regions or species often provide a check and balance that environmental considerations are being given adequate weight in planning decision making.

The supporting instruments provides minor amendments for better consultation on planning schemes, however they otherwise maintain the status quo of the planning framework we currently operate under, with many missed opportunities for truly improving meaningful community engagement.

'Flexibility' for developers, and sometimes assessment managers, appears to be a key driver of many of the changes introduced through the planning instruments, introduced mainly through increased discretion. Discretions erode the accountability and transparency that is necessary in planning and development decision making to ensure confidence in our decision makers being free of bias or corruption. Given the high financial interests frequently involved in planning decision making, discretions are too often utilised to benefit developers at the expense of the community and the environment. Significant discretions and 'flexibility' are not suitable features of a certain, open, accountable and transparent planning framework.

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Commitments to protect Great Barrier Reef must be integrated into the new planning reform

Our Great Barrier Reef (**Reef**) has had international attention due to its declining health and consequent concern that it was not being appropriately managed. Planning and development decisions through the Reef catchments impact on the health of our Reef. The Queensland and Commonwealth governments have committed to take strong actions to improve management of impacts to the Reef; namely as reflected in the Reef 2050 Long-Term Sustainability Plan (**Reef Commitments**). Many of these commitments could be neatly provided for through our planning framework, however, we are not aware of any efforts made by the Queensland Government to provide for extra protections to our Reef's health through this new planning framework. We have provided recommendations as to ways the Reef Commitments could be realised through the supplementary instruments to the planning framework.

The Great Barrier Reef as a State interest

Along with these supplementary instruments, the State Planning Policy (**SPP**) and State Development Assessment Provisions (**SDAP**) are important instruments through which the Reef Commitments can be integrated into the planning framework. We understand it is the intention of the Queensland Government to open the SPP, SDAP and once again the Planning Regulation for concurrent review sometime in 2016. We recommend that through this review process a new chapter is introduced into the SPP to reflect the Reef as a State interest.

The significant international attention the Reef has obtained in recent years, along with the benefit the Reef brings to Queensland through tourism revenue and sheer scale of diverse ecosystem habitat and natural beauty make it an obvious choice as a State interest. This new SPP Reef chapter should reflect the various matters needing to be addressed to better protect our Reef from the impacts of development. For example, provision should be made to ensure a net benefit to the Reef is provided through the planning framework and water quality and other cumulative impacts are considered in development decision making. We look forward to participating in the review of the SPP and SDAP as two integral elements of our planning framework.

Our 15 recommendations (further discussed in the appendix) are as follows:

PLANNING REGULATION (pp 6-8):

1. **Agencies such as DEHP and DNRM, should be provided with the power to dictate conditions or application decisions where their specialist areas are applicable to a development application. The regulation could easily be amended to provide this power for the following essential matters:**
    - coastal protection and heritage – DEHP and the Queensland Heritage Council;
    - Development in sensitive Great Barrier Reef catchments – DEHP / Office of GBR and/or GBRMPA; and
    - vegetation management – DNRM.
2. **The extended public notification requirements for more high risk developments be reintroduced be reintroduced into the Regulation, if not the Planning Act.**
3. **The list of information to be publically accessible should be provided in the Planning Bill, rather than the Regulation, to ensure it is not open to be amended without proper scrutiny.**

PRE-RELEASE

4. **In order to implement the Reef Commitments:**

    - **certain agricultural development in highly vulnerable Reef catchments should be prohibited development, or should trigger impact assessment with DEHP as a concurrence agency.**

5. **Further, to implement Reef Commitments, the following activities should be declared prohibited development:**

    - development that involves offshore disposal of more than 15,000 m3 of capital dredge material in state waters within the GBRWHA; and
    - development that involves capital dredging of more than a certain volume [to be specified] for minor marine infrastructure (eg.boat ramps, marinas) in state waters within the GBRWHA.

DEVELOPMENT ASSESSMENT RULES (pp 9-12):

6. **The development assessment process under the new planning framework is amended to return the fixed stages for development assessment in the Planning Bill, as is provided for in SPA currently.**
7. **Community consultation pre-application should be mandated, or at least highly encouraged – this will likely increase social licence of developments and reduce planning appeals, while ensuring better development outcomes that reflect community expectations.**
8. **Minimum public notification processes should be mandated in a form that involves on site, newspaper and electronic methods, to ensure notification methods adequately meet the needs of all sectors of the community. Discretion around public notification options differing per development will lead to lower notification standards and community uncertainty.**
9. **Re-notification should be required in certain prescribed circumstances.**
10. **Clear guidance must be provided as to when a decision maker must require re-notification.**
11. **The assessment manager must be permitted to extend a timeframe for assessment without the agreement of the applicant.**
12. **The opt-out power should be removed from the DA Rules; transparency and collaboration should be encouraged in the framework, for community confidence in planning decision making.**

PLAN MAKING RULES (pp. 12-13):

13. **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.**
14. **Core matters, such as key environmental values, should be require to be provided for in local government planning instruments.**
15. **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.**

RTI RELEASE

We look forward to continuing our work with the government to improve the draft planning framework to ensure it truly becomes 'Australia's best planning and development assessment system'.

Yours faithfully
Environmental Defenders Office (Qld) Inc

Sch. 4(4)(6) - Disclosing personal information

Revel Pointon
Solicitor

RTI RELEASE

full

APPENDIX

PLANNING REGULATION 2016 (Planning Regulation)

Transparency and accountability in assessing State interests slightly improved - but more work to be done

Under the proposed Planning Regulation, there is a new requirement for referral agencies and assessment managers to assess relevant development types against the SDAP. This is a good improvement to introduce more accountability into the assessment of State interests, however it is still not enough.

Currently there is no requirement under SPA for assessment managers or referral agencies to assess matters of State interest against the State Development Assessment Provisions (**SDAP**). The SDAP provide the criteria for assessing matters of State interest.

In mid-2013 the State Assessment and Referral Agency (**SARA**) was introduced. This led to the removal of concurrence agency power for specialist departments – whereby departments, such as the Department of Environment and Heritage Protection (**DEHP**), could dictate conditions or refusal or approval of development applications which affected matters over which they had specialist regulation, such as heritage or coastal protection for DEHP. While these departments can still provide advice to SARA, SARA is not required to comply with advice. With the loss of concurrence power for specialist departments, it became essential that transparent and thorough criteria are provided for decision makers to assess applications affecting matters of State interest against.

We are pleased to see that the SDAP are now required to be utilized in decision making; and further that the Department of Planning has the intention to review the SDAP this year. However, further steps can be taken to ensure specialist knowledge of relevant departments is integrated into planning decision making.

We recommend:

1. **Agencies such as DEHP and DNRM, should be provided with the power to dictate conditions or application decisions where their specialist areas are applicable to a development application. The regulation could easily be amended to provide this power for the following essential matters:**
    - coastal protection and heritage – DEHP and the Queensland Heritage Council;
    - Development in sensitive Great Barrier Reef catchments – DEHP / Office of the GBR; and
    - vegetation management - DNRM

Hypothetical example of potential impact if not changed:

Danny Developer wants to develop a new tourist resort in an area mapped as highly sensitive to the Great Barrier Reef. The Office of the GBR in the Department of Environment and Heritage Protection have specialist skills and knowledge which demonstrates that the development will pose a high risk to the Reef if it is allowed to go through as applied for; they provide advice to the local government as assessment manager that the development should be refused. The local government decides that there is a need from a planning perspective for this development and approves it, leading to further impacts to our vulnerable Reef and a failure to meet international expectations and commitments to protect our Reef from further damage. Reasons are provided for the local government's decision, but reasons are not provided for the local government's decision not to follow the specialist agency's advice.

PREVIEW

Public notification periods should be longer for high risk developments

We note that there is a power in the Planning Bill that a regulation can provide for public notification periods (Planning Bill, section 53(4)(b)(ii)). Currently there is nothing provided in the draft Planning Regulation. Prior to 2013, the *Sustainable Planning Regulation 2009* (Qld) (**SPR**) provided for certain high risk developments, such as development within 100 metres of critical habitat or applications for large tourist resorts, were required to undertake public notification for at least 30 business days. Schedules 16 and 17 of the SPR which provided for these further notification periods were quietly repealed by the previous government; demonstrating the importance that provisions such as these must be in primary legislation to ensure proper scrutiny when appealing them.

We recommend:

2. **that 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* be reintroduced into the Regulation, if not the Planning Act.**

Access to information

We support the inclusion of a detailed list of documents which must be made available to the public to ensure transparency and adequate information is available to the public to understand planning and decision making processes, as has been provided in Schedule 32 of the Planning Regulation.

We recommend:

3. **that the list of information to be publically 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.**

Reef Commitments to be implemented through the Planning Regulation

The Planning Regulation provides the opportunity for the State government to prescribe certain development as being prohibited or assessable. This power ensures more consistent and comprehensive planning decisions are made across Queensland for relevant matters. The Regulation is therefore an ideal location for addressing certain Reef Commitments which need a whole-of-government approach to decision making, including through the planning framework, if they are to be effectively implemented, such as:

- ***WQT1**: Achieve a 50% reduction of anthropogenic end-of-catchment dissolved inorganic nitrogen loads in priority areas by 2018, increasing to achieve 80% reduction in nitrogen loads by 2025. Achieve a 20% reduction of anthropogenic end-of-catchment sediment loads in priority areas by 2018, increasing to achieve 50% sediment reduction by 2025.*
- ***EHA8**: Implement a net benefit policy to restore ecosystem health, improve the condition of GBRWHA values and manage financial contributions to that recovery.*

PRELEASE

- ***EBT3**: Cumulative impacts caused to the GBRWHA by human activities are understood and measures to ensure a net environmental benefit approach for the GBRWHA are implemented.*
- ***EHT4**: Key direct human-related activities are managed so that cumulative impacts are reduced and to achieve a net benefit for the GBRWHA.*

We recommend:

4. **In order to implement the Reef Commitments made by the Queensland Government to address impacts of agricultural development, the following amendments could be made to the Planning Regulation:**
    - agricultural development involving increased intensification or new cropping could be prohibited development under schedule 9 where proposed for specified highly-sensitive Reef catchments;
    - alternatively, a new trigger should be provided in the Regulation to ensure that agricultural development involving new or intensified cropping through increased land area is impact assessable development. This trigger should require that DEHP is a referral agency, and that the assessment manager is required to follow the advice of DEHP where this trigger applies.

Further, the Queensland Government has committed to banning the sea dumping of capital dredge spoil within the Great Barrier Reef World Heritage Area (**GBRWHA**).[2] The Commonwealth Government has provided for restrictions on sea dumping of dredge spoil in waters under Commonwealth jurisdiction of the Great Barrier Reef Marine Park through amendments to the *Great Barrier Reef Marine Park Regulation 1983* (Cth). The Queensland Government has however to date only provided for restrictions on capital dredge material disposal in port areas. The Infrastructure, Planning and Natural Resources Parliamentary Committee stated in their report on the Sustainable Ports Development Bill 2015 that:

> *'The Deputy Premier is currently conducting a review of existing powers which will seek advice on the most appropriate way to minimise the impacts of dredging works from minor marine infrastructure and the disposal of dredge material'*[3]

The Planning Regulation is the ideal instrument to implement the Government's commitments with respect to minimising the impacts of non-port dredging and dredge material disposal on the Great Barrier Reef.

We recommend:

5. **The following activities should be declared 'prohibited development' under schedule 9 of the Planning Regulation:**
    - development that involves offshore disposal of more than 15,000 m3 of capital dredge material in state waters within the GBRWHA; and
    - development that involves capital dredging of more than a certain volume [to be specified] for minor marine infrastructure (eg.boat ramps, marinas) in state waters within the GBRWHA.

[2] Australian Labor Party Qld, *Saving the Great Barrier Reef: Labor's Plan to protect a natural wonder*, January 2015.
[3] Infrastructure, Planning and Natural Resources Committee Report No. 6, 55th Parliament, September 2015, page 26.

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DEVELOPMENT ASSESSMENT RULES (DA Rules)

Removing certainty in the development assessment process

The proposed development assessment rules take away the clear and certain stages provided by the 'Integrated Development Assessment System' found currently in SPA, in favour of a floating assessment stage. This floating assessment process does little to assist developers, while reducing certainty and clarity in process for the community, as well as potentially for assessment managers.

Under this floating process, public notification can occur at any point from 5 days after the development has been applied for up until the decision stage. Public notification can therefore occur prior to the information request stage being completed, meaning the public may not be fully informed with all documents at the time of notification.

Even with fixed stages, frequently EDO Qld is contacted to assist the community to understand when they can expect various stages of a development assessment process to commence as they await their opportunities to participate in decision making. Without fixed stages, the community will need to be on constant alert, draining their already limited resources.

We recommend that:

6. **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. This should ensure that public notification occurs after the information request stage has been completed.**

Public notification must be improved

Public notification processes that are certain and adequate in raising the communities attention to the development proposed and providing community rights to have input into decision making are an integral part of the planning framework. We are concerned that this framework does not adequately provide for or improve certainty and adequacy of public notification processes, namely due to the discretions held by the decision maker to:

- decide the means of public notification required for each development proposal (27.1(1)), with a minimum of only providing written notice to adjoining land owners and the assessment manager; and
- allow an applicant to not comply with the particular public notification processes required of them.

What's worse, the above discretions are coupled with a *maximum* public notification requirement (DA Rules, 27.1(4)) that is currently under SPA the *minimum* standard for informing the community (SPA s297(1)). This does not reflect a policy of attempting to improve public notification and community consultation – which is apparently the Deputy Premier's intention as quoted above. While Department representatives have stated that the intention is to encourage more creative and effective public notification procedures, including electronic methods, there is no provision or reference made to this in the proposed framework, and in fact it appears it might conflict with 'maximum' public notification requirements prescribed in rule 27.1(4) of the DA Rules.

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We recommend that:

7. **A requirement for public notification prior to the application would assist in alerting the public's attention to proposed developments and allowing them to make basic submissions. This should alleviate concerns that decision makers may have already pre-determined their decision by the time the information request period is finished.**

8. **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:**[4]
   - signs on the property that are clearly visible;
   - written notice to the adjoining land owners;
   - newspaper advertisement in a newspaper distributed most commonly in the region of the development proposal;
   - 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 wide spread electronic medium for notifying development proposals; and
   - written notice to the assessment manager.

9. **Re-notification should be required in certain clearly prescribed but appropriately flexible circumstances, provided ideally through a new provision in the Planning Bill.**

10. **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 as is not sufficient to provide guidance as to when re-notification must take place.**

Hypothetical example of potential impact if not changed:

Gillian is concerned with development in her neighbourhood. She has heard whisperings that a development is proposed to be applied for to the tune of 30 storeys on her street, but she hasn't been able to find any information about this to learn more about what might be proposed. Gillian leads a busy life with a full time job and 3 children, but she believes in the democratic process of engaging in public consultation opportunities for decision making processes to make sure planning decisions reflect the desires of local residents who have to live with them.

Gillian has to check her local council's website every day to find out when the application is lodged, and then to check when public notification will commence. There are no required timeframes to help guide Gillian as to when public notification may commence. Gillian is shocked to discover that there is no requirement for public notification to even be advertised on the website or in her local newspaper where she is used to finding development notifications. The developer utilizes her power to 'stop the clock' numerous times on the development assessment process prior to public notification, but this is not advertised on the council's website. Gillian is left having to check the council's website every day for 6 months to make sure she doesn't miss the 15 business day public notification opportunity.

[4] 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.

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What the development assessment process could look like…

Stellar Government has decided to provide the best planning framework in Australia; one which truly provides for certainty, transparency, accountability and adequate public consultation in planning and development because it understands the benefit this provides to improve quality and community confidence in decision making.[5] *A culture of collaboration between developers, the community and decision-makers is encouraged to facilitate smooth, quality decision making processes.*

Under this framework, Gillian finds out a development is proposed on her street because she is on an email list and social media site that alerts her as to when a development is being considered for a site, prior to application. Adverts are also placed on site in clear view of passers-by, and in the local newspaper. Mr and Mrs Rogers, who don't use a computer and who are also interested in participating in planning decision making in their region find out about the proposal through the newspaper.

The developer undertakes pre-application consultation meetings with the community at three different times through the week to allow community members to understand what is proposed for the site and to have their say in what is important to them in their region. These meetings were advertised with the various pre-application notices described above. Local council planning decision makers also attend this meeting. This helps shape the development into something that will better fit with community expectations and needs; the development has more social licence and the community has confidence that their desires are being heard by the developer and decision makers.

Public consultation is undertaken by the developer after the information request stage has been completed and all information is available to the public to inform their decision, including the issues of concern to the local council and referral agents. Not many submissions are provided during public consultation and no appeals are undertaken because the community has had a chance to express their concerns and desires at the start of the process to help shape the development. The community is very happy with the development, and apartments sell quickly, with many locals buying apartments.

Timeframes for assessment managers should not be tightened – this could pressure decision makers and lead to poor decisions

We note that the time available to assessment managers and referral agencies to assess and respond to development applications have been tightened under this framework, however the discretion to extend assessment timeframes as necessary has been removed from the assessment manager. We do not support the need for the agreement of the applicant prior to a timeframe being extended by the assessment manager. This is coupled with the power being extended to the applicant to 'stop-the-clock' at any time in the assessment process to make representations up to a maximum of 6 months; creating an unbalanced relationship of power between the assessor and applicant.

[5] Parliament of Australia, 'Citizens' engagement in policymaking and the design of public services', Research Paper No. 1, 2011-2012. http://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/rp/rp1112/12rp01 ; NSW Independent Commission Against Corruption report, Anti-corruption safeguards and the NSW planning system (February 2012), p 22 http://www.icac.nsw.gov.au/media-centre/media-releases/article/4023; Productivity Commission NSW, Major Project Development Assessment Processes (2013), p 274, http://www.pc.gov.au/inquiries/completed/major-projects/report/major-projects.pdf.

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Hypothetical example of potential impact if not changed:

Amanda Assessor is the only assessment manager at Bangowrie Council, a very low resourced local government. Amanda is swamped with applications and is struggling to assess them in time. Danny Developer has an application being assessed by Amanda and Danny is keen to get his application assessed as quickly as possible. Amanda asks Danny to consent to an extension to allow her more time to consider his application; Danny refuses this request. Amanda decides to refuse the application as she has not been able to assess the application fully.

Danny appeals this refusal, which sucks up more of Amanda and the Council's resources.

We recommend that:

11. **The assessment manager must be permitted to extend a timeframe for assessment without the agreement of the applicant.**

'Opt out' step provides minimal benefit while removing transparency in process

The power of the applicant to 'opt out' of the information request stage, so that assessment managers and referral agencies are not free to formally ask for more information from applicants to better understand an application, creates a more adversarial culture between assessment managers, referral agents and applicants. We should be encouraging a culture of collaboration in planning. The small benefit to developers is not worth the reduction in transparency in viewing the communications between the assessment manager and applicant as to further information that may be required to understand the proposed development.

We recommend that:

12. **The opt-out power should be removed from the DA Rules; transparency and collaboration should be encouraged in the framework, for community confidence in planning decision making.**

PLAN MAKING RULES

We have previously made recommendations to encourage the Queensland Government to take responsibility for ensuring more consistency in planning approaches by local governments across Queensland. While we understand that Queensland has many large local governments, this is not an adequate reason to provide greater discretions to local government bodies in planning decision making. At minimum, the following elements should be required to ensure consistency in how local governments provide for certain key matters and meet their strategic outcomes.

We recommend:

13. **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.**

    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.

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

    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.

15. **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.**

    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.

RTI RELEASE

EDO Recommendation	Comments
1. Technical agency powers - State Assessment and Referral Agency (SARA)	
Recommendation 1 Agencies such as DEHP and DNRM should be provided with the power to dictate conditions or application decisions where their specialist areas are applicable to a development application. The regulation could easily be amended to provide this power for the following essential matters: • coastal protection and heritage – DEHP, Queensland Heritage Council • development in sensitive Great Barrier Reef catchments – DHEP, Office of the GBR • vegetation management – DNRM.	Supporting accountability and transparency, the *Planning Act 2016* includes provisions that: • SARA is required under the Planning Act to publish reasons for its decisions • SARA's current requirement under SPA to "may have regard to" SDAP has been escalated to "must assess against" under the Planning Act, considerably strengthening the rigour of assessment required by SARA • SARA is required under the Planning Act to consult with the Queensland Heritage Council in relevant circumstances considered desirable by the council. EDO's request that technical agencies return to separate concurrency agency arrangements in certain circumstances has not been supported as: • it erodes the SARA model and its effectiveness in coordinating cohesive, timely whole of government position and response and single point of contact • it would give rise to further debate across agencies and sectors about which technical agencies should have overriding powers and their scope • responses from SARA provide a cohesive whole of government position. It has not been considered appropriate to mandate internal arrangements of the state in dealing with matters of state interest. These arrangements are the subject of service level agreements with the technical agencies.
2. Public notification on development applications	
Recommendation 2 That 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* be reintroduced into the Regulation, if not the Planning Act.	While there are no items currently prescribed in the draft regulation, the Planning Act accommodates EDO's request and includes provision for the Regulation to prescribe development that requires longer notification times. The Sustainable Planning Regulation does not currently contain schedules 16 and 17 referred to - the extended timeframes were removed as systems and information are much improved since the longer periods were originally established. They were explored again during the course of the legislative review as a result of the EDO's submissions. Again, the matters for which longer timeframes were provided appeared obsolete. No high risk developments have presently been identified for having longer time frames set in the regulation. However, this provision in the Planning Act is available should a type of development be considered suitable for longer consultation timeframes. It is also noted that while public consultation timeframes are set in the Planning Act, these timeframes are set as minimums and applicant is not prevented from undertaking longer or additional public consultation with respect to the development application.
3. Access to information	
Recommendation 3 That the list of information to be publicly accessible,	There is no intended reduction in the material to be made publicly accessible and has been expanded to include new

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EDO Recommendation	Comments
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.	arrangements under the Planning Act. The Planning Act includes requirements in relation to exemption certificates, as per the recommendation of the Parliamentary Infrastructure, Planning and Natural Resources Committee. The use of a regulation to prescribe matters that need to be publicly accessible, who by and how, is considered a more effective way of managing accessibility issues. It is intended to operate in favour of the community, as the regulation can be changed more readily as new forms of communication become available.
4. Prohibited development – Great Barrier Reef commitments	
Recommendation 4 In order to implement the Reef Commitments made by the Queensland Government to address impacts of agricultural development, the following amendments could be made to the Planning Regulation: • Agricultural development involving increased intensification or new cropping could be prohibited under schedule 9 where proposed for specified highly-sensitive reef catchments. • Alternatively, a new trigger should be provided in the regulation to ensure that agricultural development involving new or intensified cropping through increased land area is impact assessable development. This trigger should require that DEHP is a referral agency, and that the assessment manager is required to follow the advice of DEHP where this trigger applies.	Matters relating to state interests are part of the Integrated Review Project. The suggestion in relation to agricultural development has been investigated and raises significant issues. Options other than those recommended that may achieve the same outcomes were explored and an options paper prepared. The paper recommended that work continue on current actions/measures within and outside of the planning framework and support other programs through the Reef 2050 IDC to improve or reduce impact on the GBR from agricultural pursuits. This work involves: – review of planning schemes during the state interest check – the existing work program under the Integrated Review Project including the review of the water quality state interest policy and supporting guidelines. The paper informed response back to the Office of the GBR on the Reef Science Taskforce recommendation in relation to strengthening the regulation of agriculture in relation to reef water quality. EDO will have the opportunity to make submission on these issues to the Integrated Review Project over coming months. Requiring that DEHP advice must be following in a referral would undo the intent and outcomes of the effectiveness of SARA as the State's referral agency, and would not be considered palatable at this time. The role of SARA and technical agencies was debated at length during the Bill development process and this policy position has been settled as reflected in the Planning Act and related instruments. Prohibition would be considered a significant response and has not been considered a palatable option to date. Competing strongly-held sectoral views would be expected should further prohibitions be considered by the state, particularly in the context of a performance based system. Further broad consultation would be necessary to test these proposals and impacts.
Recommendation 5 The following activities should be declared 'prohibited development' under schedule 9 of the Planning Regulation: • development that involves offshore disposal of more than 15,000m^3 of capital dredge material in state waters within the GBRWHA, and • development that involves capital dredging of more than a certain volume [to be specified] for minor	The department has undertaken a preliminary review of options to limit the disposal of material generated from capital dredging in the Great Barrier Reef World Heritage Area (GBRWHA) within Queensland's jurisdiction and has prepared a discussion paper. This has been progressed to your Office for consideration (MBN15/1653).

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EDO Recommendation	Comments
marine infrastructure (eg. boat ramps, marinas) in state waters within the GBRWHA.	
5. Development assessment process - general	
Recommendation 6 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. This should ensure that public notification occurs after the information request stage has been completed.	EDO's concerns have been addressed in the interim draft version of the DA Rules released in July 2016. The DA Rules have returned to a more linear process, where public notification occurs in a fixed place in the process as it currently does under SPA.
6. Development assessment process – public notification	
Recommendation 7 A requirement for public notification prior to the application would assist in alerting the public's attention to proposed developments and allow them to make basic submissions. This should alleviate concerns that decision makers may have already pre-determined their decision by the time the information request period is finished. **Recommendation 8** 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: • signs on the property that are clearly visible • written notice to the adjoining land owners • newspaper advertisement in a newspaper distributed most commonly in the region of the development proposal • 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 wide spread electronic medium for notifying development proposals • written notice to the assessment manager. **Recommendation 9** Re-notification should be required in certain clearly prescribed but appropriately flexible circumstances, provided ideally through a new provision in the planning Bill. **Recommendation 10** 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 as is not sufficient to provide guidance as to when re-notification must take place.	EDO's concerns about the degree of certainty in the community's expectation about public notification have been addressed in the interim draft version of the DA Rules released in July 2016. The DA Rules have returned to a more linear process, where public notification occurs in a fixed place in the process, as it currently does under SPA. The DA Rules are provided for under s.68 of the Planning Act, which requires that the Minister must make rules "for the development assessment process". This means that matters that occur prior to lodgement of the application do not sit within the scope of the DA Rules. Public notification prior to the application was raised during the course of the legislative review process. Its value was recognised and leading practice guidance material is to be prepared to assist in decisions about public notification prior to the application. The current mandatory minimum requirements for notification in SPA have been carried forward in the interim draft DA Rules. This includes signs on the property, written notice to adjoining land owners and newspaper advertisement. It is noted that the November 2015 draft of the DA Rules did allow some discretion to councils to decide public notification requirements based on the circumstances [eg where signs on the property may be impractical for large rural properties]. This discretion has not been carried forward into the interim draft DA Rules. Schedule 1 - Substantially different development will be supplemented by further guidance material. 'Substantially different' has been the subject of court direction and it has been considered imprudent to date to regulate to affect the current understanding of the term.
7. Development assessment process – assessment manager timeframes	
Recommendation 11 The assessment manager must be permitted to extend a timeframe for assessment without the agreement of the applicant.	IDAS currently provides the ability for an assessment manager to automatically extend the decision period by up to 20 days and the information request period by up to 10 days without the agreement of the applicant. Any further extensions under IDAS must be agreed with the applicant. A significant issue raised with the current IDAS processes has been the time taken in assessing and deciding

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EDO Recommendation	Comments
	development applications. Some of this has been directed at the regular use of automatic extensions of time, when no justification for this extra time need be provided. Automatic extensions of time have been removed from the process, and instead, standard timeframes have been lengthened and set in the DA Rules. The assessment manager and the applicant can agree to extend timeframes. The timeframes now also include a set period of 10 days for assessing public submissions. This approach has removed uncertainty and made more overt and upfront the expected timeframes for the progress of assessing development applications, including for assessing public submissions. Re-introduction of unilateral extensions of time would go beyond the current IDAS provisions and undo the gains delivered by the DA Rules in more certain and tighter assessment arrangements.
8. Development assessment process – information request	
Recommendation 12 The opt-out power should be removed from the DA Rules; transparency and collaboration should be encouraged in the framework, for community confidence in planning decision making.	The ability for an applicant to indicate that they do not wish to receive an information request has been retained in the interim draft DA Rules. Further checks and balances have been included to ensure that councils are able to assess an application in a timely manner and with the material they need to make an informed decision. The responsibility rests with the applicant to ensure a robust application is made and supported, or face a refusal from a council due to lack of relevant material available to assess the application. The applicant bears the risk of taking such a decision to not receive an information request, as without relevant information, the applicant may find its application refused. The option to choose not to receive an information request does not compromise public notification requirements; the requirements of the scheme that need to be met by the applicant; or the types of information that must be made publicly available.
9. Plan making rules – scheme requirements	
Recommendation 13 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. **Recommendation 14** Core matters should be required to be provided for in local government planning instruments. **Recommendation 15** 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.	The Planning Act [s.16] requires that a local planning scheme must: • identify strategic outcomes for the local government area to which the planning scheme applies • include measures that facilitate the achievement of the strategic outcomes • include the 'regulated requirements' set in the Planning Regulation. These legislative requirements coupled with the rules and guidelines for plan making which establish principles for plan making and the extensive guidance being developed, provide a robust approach to making improved schemes. Specifically, guidance about impact assessment and tools for use by council in assessing risks, are being developed and will be available. Work is also underway to articulate appropriate performance measures for monitoring by the State. This project is in its research phase and EDO will be consulted on these in due course.

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Pages 56 through 57 redacted for the following reasons:
- -
Sch. 4(4)(4) - Disclosing deliberative processes

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Tess Pickering

Subject: 9.30am - Meeting: Environmental Defenders Office - EDO (Advisor: Tess Pickering)
Location: DP's Office

Start: Thu 25/08/2016 9:30 AM
End: Thu 25/08/2016 10:00 AM
Show Time As: Tentative

Recurrence: (none)

Meeting Status: Not yet responded

Organizer: Jackie Trad
Required Attendees: Tess Pickering

Time:	9.30am
Topic For Discussion:	planning supporting instruments
Attendees:	Jo Bragg – CEO, Solicitor – EDO Revel Pointon – Solicitor
Advisor:	Tess Pickering
Briefs & Attachments:	Attachment 4 EDO proposal re... Attachment 3 EDO sponsorshi... Attachment 2 EDO Snapshot f... Attachment 1 EDO submission... Meeting with the Environmental...
Contact:	Revel Pointon *Solicitor* EDO Qld. Environmental Defenders Office 30 Hardgrave Rd WEST END, QLD 4101 *tel* +61 7 3211 4466 *fax* +61 7 3844 0766 edoqld@edoqld.org.au www.edoqld.org.au
Notes:	Email confirmation sent.. Brief Requested..ER..15/07/16

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Tess Pickering

From: Sch. 4(4)(6) - Disclosing personal information
Sent: Monday, 29 August 2016 7:22 PM
To: Deputy Premier; Tess Pickering
Cc: Jo-Anne Bragg
Subject: Thank you / Information on EDO Qld LawJam on supporting the renewable energy industry

Dear Deputy Premier and Tess,

Thank you very much for your time in meeting with us last week. We know you are busy and greatly appreciate the chance to talk through our concerns with you.

We look forward to hearing whether there is any news as to the State of the Region Report mentioned at the meeting.

For your information, below my signature I forward a page we have provided to our members to advertise the 'Advancing Climate Action in Queensland' discussion paper, and to help in their submissions. We have suggested that people send through their submissions to all Ministers who have portfolios concerning issues to which their submissions relate, in the hope that the policies that are decided through this process will be implemented across government. As we are sure you are aware, action on climate change cannot happen sufficiently through the Environment Department alone.

At the bottom of this page we have also provided links to the presentations recently provided at our EDO Qld LawJam on how we can better support the renewable energy industry in Queensland, which we discussed at our meeting.
This was a very successful event with approximately 100 attendees and very informative presentations from three speakers with experience in the obstacles the industry is currently facing and the policies that would best support renewable energy. We have sent this information also to offices of Ministers Bailey and Miles.

Kind regards

Revel Pointon
Solicitor

EDO Qld.
Environmental Defenders Office
Using the law to protect the environment

30 Hardgrave Rd WEST END QLD 4101
tel +61 7 3211 4466 *fax* +61 7 3844 0760
edoqld@edoqld.org.au www.edoqld.org.au

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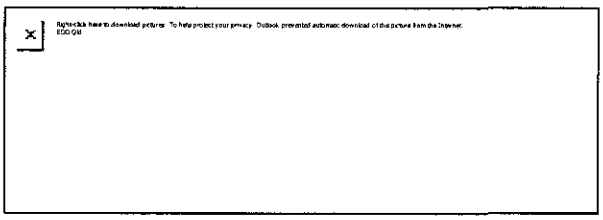

Advancing Climate Action in Queensland: Submissions due 2 September

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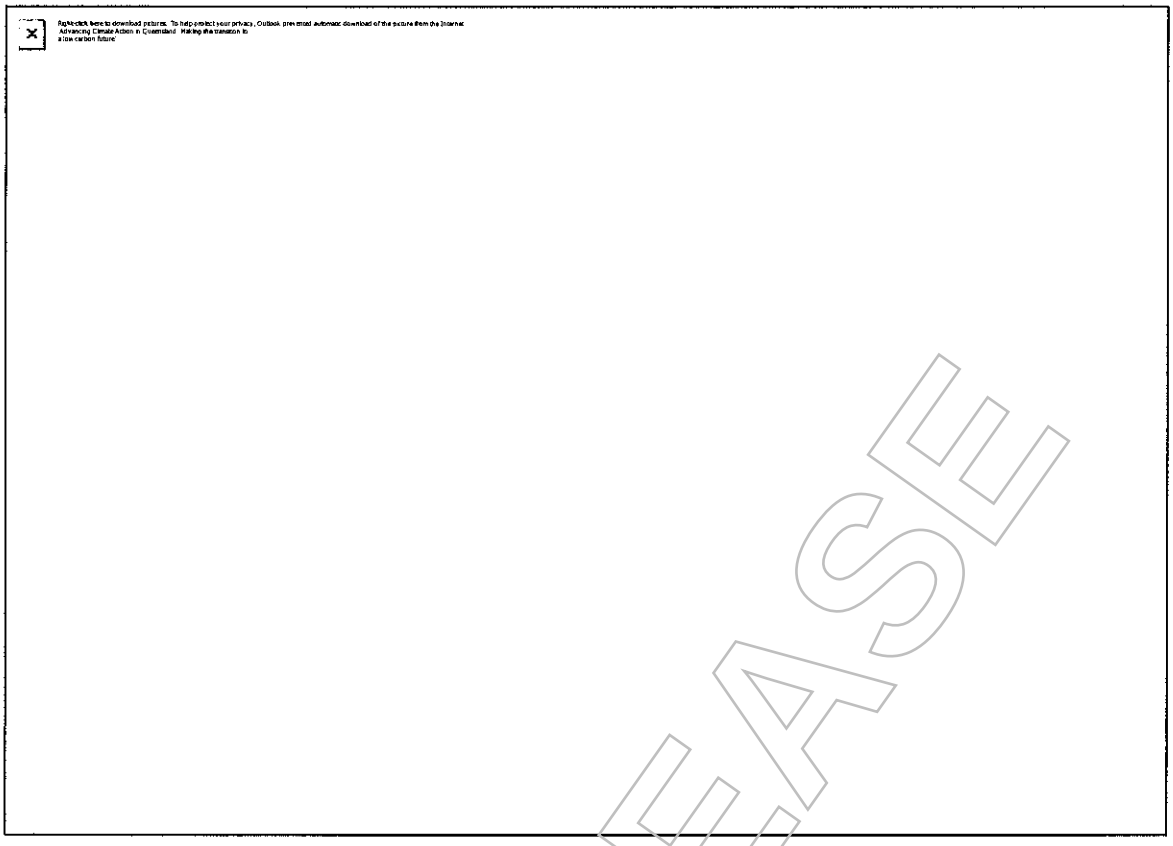
Page Number 61



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Tess Pickering

From: DLO <dlo@dilgp.qld.gov.au>
Sent: Tuesday, 30 August 2016 1:02 PM
To: Tess Pickering; Executive Correspondence DILGP
Subject: NRN: INCOMING CORRO - Thank you / Information on EDO Qld LawJam on supporting the renewable energy industry - Revel Pointon Environmental Defenders Office

Hi Tess,

Fyi we've seen a few of these submissions referenced below come through. We've been logging as NRN as they've gone to Min Miles too as responsible Minister.

We will make this corro NRN as well.

ESU – please log as NRN and allocate to DP NRN file.

Kind regards

David Attrill
Departmental Liaison Officer
Office of the Director-General
Department of Infrastructure, Local Government and Planning
p. 07 3452 6771 | **m.** Sch. 4(4)(6) - Disclosing personal information | **e.** david.attrill@dilgp.qld.gov.au

From: Deputy Premier [mailto:deputy.premier@ministerial.qld.gov.au]
Sent: Tuesday, 30 August 2016 12:18 PM
To: DLO
Subject: INCOMING CORRO - Thank you / Information on EDO Qld LawJam on supporting the renewable energy industry

From: Revel Pointon Sch. 4(4)(6) - Disclosing personal information
Sent: Monday, 29 August 2016 7:22 PM
To: Deputy Premier <deputy.premier@ministerial.qld.gov.au>; Tess Pickering <Tess.Pickering@ministerial.qld.gov.au>
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Revel Pointon
Solicitor

EDO Qld.
Environmental Defenders Office

30 Hardgrave Rd WEST END QLD 4101
tel +61 7 3211 4466 *fax* +61 7 3844 0766
edoqld@edoqld.org.au www.edoqld.org.au

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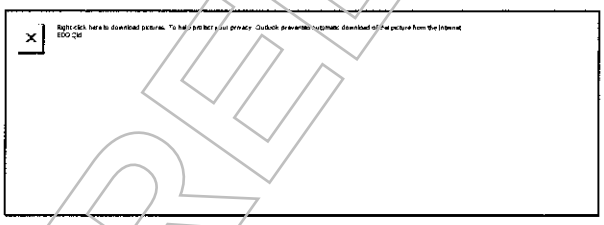

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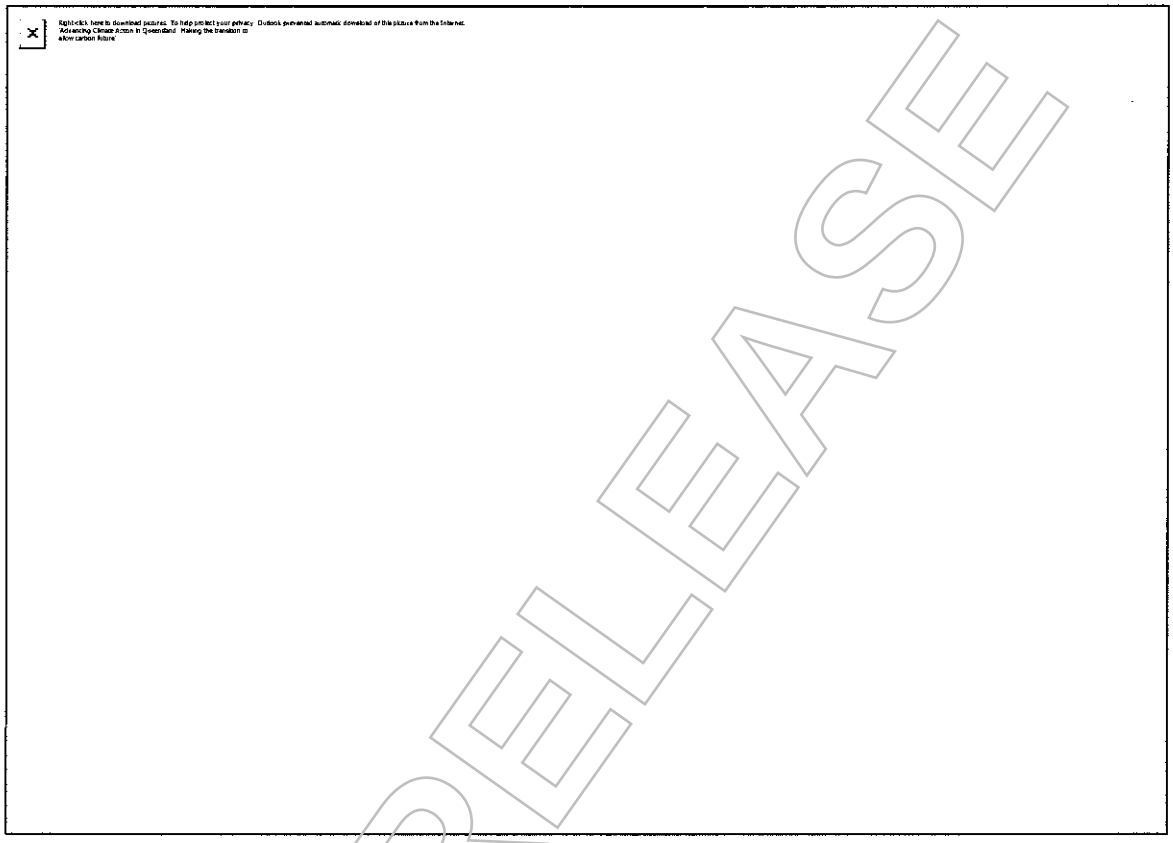

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