

**RESPONSE TO DISCUSSION PAPER –
DYNAMIC PLANNING FOR A GROWING STATE**

Strategy/Proposed Improvements		Comment
1.1	DLGPSR will develop and implement a detailed stakeholder engagement framework.	Supported - although non-identified stakeholders should be given opportunity to be engaged also, as such changes may have secondary impacts that are significant to them. Such framework should be accessible and available on, say, a central website for information and scheduling etc. so engagement can be planned in advance and monitored for progress.
1.2	Audit all advice and information dealing with the IPA and IDAS and redraft in plain language.	Supported - implementation notes, guidelines etc are a mix-match of outdated and sometime inaccessible references, and in many cases are harder to interpret than the respective act or regulations.
1.3	Develop and implement a detailed communication plan to support the stakeholder engagement framework.	Supported - see comment for 1.1.
2.1	DLGPSR in its leadership role will prioritise change management, conflict resolution and good organisational communication within the department.	Supported - ownership and understanding of needs/mechanics for change helps the change process. Likewise, DLGP need to monitor how well local governments are facilitating changes, and proactively guide them through the process, particularly where statutory deadlines etc are imposed.
3.1	Accelerate regional planning that is able to be progressively implemented across the State, using regional plans to ensure State interests and policies are clearly articulated at the regional level and integrated into the planning schemes.	Supported - 'whole of state' and regional plans are seen as necessary, particularly given the unique resource limitations, constraints, opportunities and expansion into regional areas like Townsville-Thuringowa. The whole question of 'sustainable' development bears an interesting discussion in light of recent SEQ development issues. On a broader scale, market forces should be influenced by some structured planning to determine the location of population, industries, etc that can better suit regional constraints, and integration between regions, in the longer term. A mechanism is required for this to work effectively and equitably for local government.
4.1	DLGPSR will develop a webbased, centralised repository for information about State interests to ensure councils have a single point of reference when preparing or amending their planning schemes.	Supported - this should include a definition of 'State Interests', and examples to illustrate how State Interests impacted on local governments planning schemes.
4.2	DLGPSR will collaborate with State agencies to finalise the following: <ul style="list-style-type: none"> • Extractive Industries SPP • Koala Conservation and Management Program • Housing and Residential Development SPP • SEQ Regional Coastal Management Plan • Guidelines for State coastal management planning to complement State and regional coastal management plans • State Code for Telecommunications Facilities • Wild Rivers Codes 	Supported - however, the roll-out should bear in mind limited resources available to the local governments to respond (e.g., by planning scheme and policy amendments) to the State planning initiatives in a timely and comprehensive manner.

4.3	<p>DLGPSR will establish an IPA/IDAS State Agencies Reference Group to negotiate and integrate State policies across State agencies.</p> <p>Key functions of the group will include:</p> <ul style="list-style-type: none"> • reviewing integration of State interests into IDAS; • agreeing on State interests in planning schemes; and • identifying the need for improvements to IDAS processes and legislative requirements. 	<p>Supported - this would also provide opportunity for State planning interests to be prioritised before local governments being tasked to respond (see comment to 4.2)</p>
4.4	<p>Amend the IPA to simplify and clarify the relationship between the SEQ Regional Plan, State Planning Policies (SPPs) and other planning instruments in development assessment.</p> <p>This amendment will:</p> <ul style="list-style-type: none"> • allow for a SPP yet to be reflected in a planning scheme, to prevail to the extent of an inconsistency with a local planning instrument or code; and • confirm that, for the SEQ region, the SEQ Regional Plan prevails over an SPP, planning scheme or code. 	<p>Supported - This should also apply to any other Regional Plan (not just the SEQ Regional Plan). The relationship between SPP and planning scheme is too complex and does need to be simplified - planning schemes are required to reflect SPP requirements, but may have a limit of codes etc that do not give opportunity for all SPP requirements to be reflected. Strategy 4.4 clearly indicates that no matter whether or not aspects of the SPP are reflected in the planning scheme, the SPP prevails.</p>
4.5	<p>Amend the IPA to include a new schedule setting out a process for making State codes.</p>	<p>Supported</p>
4.6	<p>Amend IPA to allow a code included in an SPP to continue to be used in development assessment, after the remainder of the SPP has been reflected in a planning scheme.</p>	<p>Supported - however, where SPP provide codes, planning schemes should only be coerced into including the relevant SPP code as 'an applicable code', rather than being integrated into the Council planning scheme code (avoiding duplication of assessment effort, administration costs for incorporating into the planning scheme codes, and opportunity for inconsistencies when amendments are made, etc)</p>
4.7	<p>Establish a new mechanism by which the Minister, responsible for the IPA, can assume a proactive role in the assessment of significant developments.</p>	<p>Neutral - on the one hand, where developments have regional planning significance, especially where inconsistent with a Regional Plan (or no Regional Plan is available), this mechanism is appropriate. On the other hand, if Council planning schemes adequately reflect the regional planning and the development is consistent, then is there really a need for Ministerial facilitation ? Details of the Minister's involvement/proposed mechanism/criteria are needed to make a more informed comment - particularly in relation to process, rules and transparency.</p>

4.8	Amend Chapter 2, Part 3 (State powers) of the IPA to allow the Minister to implement a temporary local planning instrument (TLPI) where there is an urgent need to protect a State interest. The amendment will allow the Minister to do this, without first seeking the relevant council's representations or directing the council to make the TLPI.	<p>Supported - local governments are generally frustrated by resource constraints and other priorities to develop a TLPI in a timely and comprehensive manner if directed by the Minister. Furthermore, the conflict between local government and State agency interpretation may not result in a satisfactory outcome for which the Minister intervened. Allowing the State agency to develop the TLPI circumvents these issues.</p> <p>Oppose - not consulting representations from Council first is inappropriate. Having planning restraints imposed upon a municipality without opportunity to comment, contribute, or prepare for impacts will lose the confidence of State agency - council - developer relationships, and hence a degree of good planning outcomes.</p>
4.9	DLGPSR will work with State agencies to ensure that any proposed changes to IPA-related State policy are adequately resourced, including implementation guidelines, training, and where appropriate for the State agency to undertake a referral role under IDAS.	<p>Supported - local government, and some state agencies, have experienced greater administrative and development assessment requirements resulting from IPA State agency policies, making implementation an issue in the present environment of limited resourcing. Assessment officers (and ancillary staff) now must know a considerably wide range of material on behalf of state interests, so appropriate training, resourcing and administration is required and should not be the primary responsibility of local government.</p>
5.1	<p>DLGPSR will:</p> <ul style="list-style-type: none"> • lead State agencies to determine and define what constitutes "State interests"; and • reflect State interest requirements in planning schemes through standard planning scheme provisions. 	<p>Supported - a coordinated definition of 'State Interests' is appropriate, and State agencies should confine their involvement to those aspects (see comment for strategy 4.1).</p> <p>Neutral - the reflection of State Interests in planning schemes by 'standard provisions' may, on one hand, remove the ambiguity of some state interest provisions incorporated into the planning scheme, and between municipalities. Some interests could be reflected efficiently by State agency codes (such as the Prescribed Tidal Works Code) - leading to greater consistency of assessment and interpretation. On the other hand, some of the state interest 'standard provisions' may be irrelevant to the municipality or conflict with other planning scheme provisions, sufficient to generate confusion of expected development outcomes - is this what DLGPSR would facilitate by 'agreement' ?</p>
5.2	Establish a process for State interest issues to be resolved by the relevant State agencies or Ministers.	<p>Strongly Supported - at present planning scheme amendments etc undergo State Interest checks, although most Council officers can only speculate what this entails, and how long an appropriate period involved. A clear and transparent process should streamline decisions, allow for anticipation of delays and facilitate greater confidence</p>

6.1	<p>DLGPSR will encourage community engagement and input to planning schemes by:</p> <ul style="list-style-type: none"> • reviewing public information about planning schemes and opportunities for the community to have their say; • training stakeholders in community engagement practices; and • showcasing good examples of planning schemes developed with community input. 	<p>Neutral - the individual local government is responsible and accountable to the community for the planning scheme and particular development outcomes. Likewise, the level of community engagement achieved (i.e., effectiveness and efficiency of Council) should remain an individual local government prerogative, with minimum thresholds set state-wide (as presently occurs). The community, on the other hand, is generally uninformed about what planning schemes are and do, and how/when it is appropriate for their involvement in the process.</p>
6.2	<p>DLGPSR will seek to jointly develop and roll out with the Local Government Association of Queensland (LGAQ) a strategy to encourage councils to improve community engagement in the process for making and amending planning schemes.</p>	<p>Supported - A well researched, cooperative strategy should be a valuable resource to local government. The individual council should retain the flexibility on how to implement all, or parts of, the strategy (see comment for strategy 6.1). It should be brought forward as a short term project to have effect sooner rather than later.</p>
7.1	<p>Amend IPA to introduce limited prohibition at three levels.</p> <p><u>State level</u></p> <ul style="list-style-type: none"> • Include a new schedule of prohibited development in the IPA. At first this could reflect existing prohibitions under other Acts, but could later be expanded to be the key point for identifying State level prohibitions. <p><u>Regional level</u></p> <ul style="list-style-type: none"> • DLGPSR will work with the Office of Urban Management to investigate extending prohibitions at the regional level through the SEQ Regional Plan. Any long term improvements to regional planning in other regions of the State could also allow regional level prohibitions. <p><u>Local level</u></p> <ul style="list-style-type: none"> • The State will prescribe instances in which councils can prohibit certain development at the local level. 	<p>Supported - Making development prohibited for proposals that practically will not satisfy the relevant codes/statutory requirements is appropriate and sends clear message to the community and development industry.</p> <p>Neutral - It is not clear what instances that Council will be allowed to prohibit development at the local level. Likewise is also not clear what regional planning prohibitions will mean for Townsville, especially if it constrains land well below present land use expectations. Are there compensatory provisions for affected land owners, and who will bear the cost of such prohibitions?</p>
	<p>8.1 DLGPSR will collaborate with councils and LGAQ to establish standard administrative definitions in planning schemes for terms such as storey, height, gross floor area, and ground level.</p>	<p>Strongly supported - this will make interpretation of legislation, out-of-municipality court action and cross-municipality activity much more efficient. It could be extended to incorporate some of the more common land use definitions as well.</p>
8.2	<p>DLGPSR will work with councils to improve the form and content of strategic elements in planning schemes.</p>	<p>Neutral - not sure this is a real issue for Townsville City. IPA planning schemes essentially represent 'strategic plans' since the previous practice of changing colours on the scheme to reflect 'rezoning' and 'consent permits' has been repealed.</p>

8.3	Amend the IPA to enable the Minister to make “standard planning scheme provisions” using a process under a new schedule to the IPA, which councils will be required to use when making planning schemes.	Strongly Supported - The approach is very similar to the Building Code of Australia, but at a state level, and offers lots of benefits for case law outcomes, inter-council planning/monitoring etc. It is supported provided there are flexible opportunities for individual local governments to have municipality specific requirements (i.e., the equivalent of the Queensland Development Code for the building provisions) to over-ride allowable 'standardised' provisions.
8.4	Use standard planning scheme provisions to introduce a consistent approach to prohibition at the local level.	Supported - see comments to strategies 8.1 and 8.3
8.5	DLGPSR will improve the expression of policy in planning scheme code and promote the wider range of assessment outcomes available as a result of proposed changes to code decision rules by: <ul style="list-style-type: none"> • reviewing existing code templates and guidelines; • providing training and workshops to assist councils to amend their codes; and • establishing an ongoing review process for codes in individual planning schemes to share learning between councils. 	Neutral - allowing a wider scope of development to be made assessable gives Council more flexibility, although it is not clear whether or not this is really an issue for Townsville City. The additional training etc is welcome.
8.6	To supplement the development and implementation of the standard planning scheme provisions, DLGPSR will devise an implementation program to: <ul style="list-style-type: none"> • set a target period for including the standard planning scheme provisions into existing planning schemes; • establish strategies allowing necessary amendments to planning schemes to proceed in the short term while not compromising longer term implementation of the standard planning scheme provisions; and • support councils in making necessary changes to their schemes. 	Supported - a strategy is required for DLGPSR to achieve a set of 'standardised' provisions and administrative terms (and possibly land use definitions). Contributing to this strategy, and the subsequent exercises of 'standardising' provisions etc will be important to represent Townsville City and the local community interests. The exercise of 'standardising' the planning scheme will be quite involved and support by DLGPS&R will be required (guidelines, workshops and proactive monitoring of changes will help at the least).
9.1	In consultation with State agencies, DLGPSR will streamline the plan making and amendment process, by: <ul style="list-style-type: none"> • adopting a single state interest check process for amendments as a “default” (second state interest check by exception); • developing and publishing guidelines identifying planning scheme amendments that do not affect State interests; • preparing guidelines outlining State agency involvement and responsibilities in scheme reviews; and • assisting councils to organise proposed planning scheme amendments to best take advantage of streamlined departmental procedures. 	Strongly supported - see also comment to strategy 5.2

9.2	<p>DLGPSR will publish on its website performance targets for State involvement in planning scheme reviews and regularly report on performance against:</p> <ul style="list-style-type: none"> • 90% of all first State Interest Reviews will be completed within eight weeks (from the date the draft planning scheme is first received by DLGPSR until the time it provides a recommendation to the Minister); and • 90% of all second State Interest Reviews, where undertaken, will be completed within five weeks (from the date the second draft planning scheme is first received by DLGPSR until the time it provides a recommendation to the Minister). 	<p>Neutral - this is more of a management tool for the State Agencies and DLGPS&R but will also be of interest to local governments concerned with impacts of state interest checking on project timeframes etc - see also comment to strategy 4.1. There already are guidelines available for the format of planning scheme amendments to help this process.</p>
10.1	<p>DLGPSR will educate stakeholders about the new infrastructure planning and charging framework by conducting information and training sessions commencing in May 2006 dealing with new IPOLAA 2006 amendments.</p>	<p>Supported - this training was valuable, however, it could only focus on the most critical topics due to the time constraints and volume of changes involved. Plain English summaries of each change is helpful. Likewise, a checklist for local government action would be very useful to ensure all relevant aspects which require a change to be implemented (e.g., publishing decision notices etc) would also be practical.</p>
10.2	<p>DLGPSR will accelerate the current PIP example project and establish a dedicated project team to develop example PIPS for small, medium and large-scale councils.</p>	<p>Supported - PIP seem to be ever-evolving, with legislation changes happening all the time to reflect more practical procedures/formats etc as lessons are learnt from recent PIP development, adoptions, implementation and case law. Example/template PIPs will help Council's, rather than rely upon laborious interpretation of the legislation and test against appeal actions to confirm PIP outcomes. Townsville City is nearly ready with a first edition PIP, so does not benefit greatly from this exercise until perhaps the second edition is produced.</p>
10.3	<p>DLGPSR will build its capacity to deal with infrastructure issues and provision of advice to councils and other stakeholders through recruitment of a specialised infrastructure planning and charging project team.</p>	<p>Strongly supported - this role has largely been facilitated by specialists consultants at present who are in close liaison, and help the government develop the PIP guidelines and regulations. Such advice really should be forthcoming in a timely manner and without charge from a team of specialists at the government source.</p>
10.4	<p>Develop a plain language version of the infrastructure guidelines including case studies and example plans.</p>	<p>Supported - the guidelines are written in reasonable terminology and format, however, better case studies and examples could be provided to illustrate the methodology and interpretation of the guidelines</p>
10.5	<p>DLGPSR will establish a PIP Reference Group for councils, the LGAQ and other relevant stakeholders to exchange ideas and provide suggestions for improvement in rolling out the infrastructure planning framework. This group will also provide councils with direct access to technical expertise to assist them in drafting the PIPs using the templates.</p>	<p>Supported - see comment to strategy 10.3</p>

10.6	<p>DLGPSR will develop two training packages for ongoing support and training:</p> <ul style="list-style-type: none"> • an overview module aimed at providing general users with an explanation of the infrastructure planning and charging framework and its relationship to the IPA framework; and • specialised modules to provide technical support to councils and consultants on PIPs, infrastructure charges and related local government business system arrangements. 	<p>Strongly Supported - the wider development community, and infrastructure service providers tend to understand a limited aspect of the whole PIP concept (e.g., the 'charge' or the 'master planning'). Greater involvement in effective strategic master planning and greater acceptance of infrastructure charges are likely to result from a better informed audience. Townsville City used consultants involved in the development of the PIP guidelines, and also taught itself the concept of PIPs, although one government workshop was held on the release of the guidelines. The concepts are very complex, and require more than one workshop to train councils in the developmental and administrative aspects of the PIPs. A series of specialist modules to suit the different stage of PIPs construction would have been appropriate.</p>
10.7	<p>DLGPSR will partner with LGAQ to provide support to councils on governance, financing and business systems aspects of infrastructure planning and charging. Products will include specialised training packages</p>	<p>Supported - implementing the PIPs to recover infrastructure charges, account for them, and apply them to capital works projects equitably, and efficiently is a challenging concept. The guidelines currently leave this largely up to Council to derive, and a documented 'policy' /reporting is probably as much transparency that can be envisaged. Government guidelines on this aspect would assist the confidence of this aspect.</p>
10.8	<p>DLGPSR will continuously monitor how well the new framework is working by using:</p> <ul style="list-style-type: none"> • an IPA/IDAS external reference group; • the DLGPSR/LGAQ Council Infrastructure Charges Project Team; and • an external audit. 	<p>Supported</p>
11.1	<p>DLGPSR will build upon the PIP example project outlined in Proposed Improvement 10.2 above by undertaking a pilot project to develop an example of how infrastructure planning at the regional level can improve infrastructure delivery and assist with the preparation of local government priority infrastructure plans.</p>	<p>Supported - testing the development of Regional Planning will give lots of confidence and preparation for when/if it becomes imposed, minimising the need to modify regulations and guidelines etc 'on the run' otherwise.</p>
12.1	<p>DLGPSR will investigate and develop an independent certification and approval system for PIPs and infrastructure charging methodologies.</p>	<p>Neutral - Some of the consulting companies presently are closely involved in the development of the PIPs guidelines and regulations - allowing them to certify the PIPs and subsequent changes (will be bucket loads in the very near future) will keep them employed for ages. Whether or not this is successful in removing a bottle neck from DLGPS&R will depend on the uptake of this function. It is hard to see that outsourcing will resolve this issue (e.g., seems comparable to Building Certification experience).</p>

12.2	DLGPSR will investigate methods of redress/appeal other than to the court for disputes regarding infrastructure charges.	Supported - Infrastructure charges are not a negotiable entity under current regime. Contest of the amount charged is managed through court appeal. The past culture in Townsville City has seen few and relatively low infrastructure type charges levied on development. PIP will see more realistic charges applied at every appropriate opportunity. This indicates great potential for court appeal solutions which are costly, time consuming and damaging for confidence. Alternative resolution options should be explored, and the opportunities for tribunals to try limited cases may be appropriate.
13.1	In consultation with referral agencies, DLGPSR will prepare guidelines to clearly define the scope and jurisdiction of referral triggers and publish these on the IPA website.	Strongly Supported - The details for some of these triggers are difficult to retrieve, being embodied in associated legislation, requiring local conversion to illustrated formats for easier interpretation (e.g., prescribed Tidal works). Other triggers already have guidelines, however, some of these are more difficult and confusing to interpret than the actual Integrated Planning Regulations - needing to be improved !
13.2	DLGPSR will improve the quality of conditions in a development approval imposed by both assessment managers and concurrence agencies through providing training on drafting conditions, particularly in relation to compliance assessment under IPA, section 3.5.31A.	Strongly Supported - Townsville City is continually reviewing the development assessment staff skills for drafting conditions. This should be on the curriculum for Planning education given the wide ranging impact of development approvals in the industry. Training materials should be simple, resource based so they can be used to induct new development assessment officers, and regularly refresh other staff.
13.3	The scope of conditions requiring compliance assessment under section 3.5.31A of IPA will be expanded by amending schedule 12 of the Integrated Planning Regulation 1998.	Neutral - Compliance Assessment is supported in principal. The default approval provision requires clarifying whether or not development carried out under the default approval needs to comply with the 'approved' plans, or if, regardless of the 'approved plans', only those aspects complying with the relevant code are 'approved'. There seems to be more certainty imposing conditions that require additional plans etc to be submitted to Council for approval, and works/use not to commence until such plans are approved.
13.4	Amend schedule 8 of the IPA to clarify and simplify referral triggers.	Strongly Supported - perhaps as a short term task ?
13.5	Amend the IPA to include a separate process in Chapter 2 for determining whether development may be undertaken or an application assessed under a superseded planning scheme.	Neutral - Townsville City introduced the IPA compliant City Plan 2005 on 1 January 2005. Provisions allowing applications under the superceded planning scheme expire after 2 years, being 1 January 2007. Changes from the IPA Improvement Project are unlikely to be effective by then.

13.6	<p>The IPA will be amended to reword sections 3.5.13 and 3.5.14 to: for code assessment –</p> <ul style="list-style-type: none"> • retain and emphasise the substantial role of relevant codes in code assessment, while removing the current presumption in favour of approval in all circumstances in s 3.5.13(2); and • provide guidance about decision-making in cases where codes conflict; and <p>for both code and impact assessment –</p> <ul style="list-style-type: none"> • simplify and clarify the decision-making rules; and • remove current “double negative” wording about the SEQ Regional Plan and SPPs, and clarify when these documents prevail if there is an inconsistency with local planning instruments. 	<p>Neutral - it is not really clear that this initiative will achieve any real impact as code assessable development currently can still be refused or conditioned if not satisfying the relevant codes.</p>
13.7	<p>The IPA will be amended to consolidate, clarify and simplify the existing arrangements for changing or cancelling approvals.</p>	<p>Supported</p>
13.8	<p>DLGPSR to establish a project team, including EPA, councils and LGAQ, to assess the benefits of including general decision-making criteria in IPA that reflect the provisions of the Environmental Protection Act 1994 related to preventing environmental harm.</p>	<p>Neutral - it is not clear what this strategy envisages. Does 'general decision making' imply that standard environmental provisions will apply to all relevant development codes? Will this negate the EPA role as a referral or advice agency ? More detailed information is required to give a meaningful comment on this strategy.</p>
13.9	<p>The IPA will be amended to:</p> <ul style="list-style-type: none"> • clarify how and when development applications can be changed without having to return to an earlier stage of IDAS; • that if an applicant changes a development application, and the application must return to an earlier stage of IDAS, the only additional referrals to be made are those arising because of the change itself, and not referrals that have resulted because the law itself has been changed; and • to allow a development application to be modified enabling a missed referral to be made without requiring the entire application to return to an earlier stage. Changes to the IPA will also (in certain circumstances) provide for the variation of a development application based on community consultation undertaken with the applicant. 	<p>Supported - this will help the less experienced development assessment officers and applicants know how to deal with 'substantial' changes to the application. Economies to both the development industry and council assessment units are possible with the savings from not having to re-apply. Careful drafting is required in order to simply and clarify the current uncertainties, rather than introducing a range of additional complexities requiring further clarification.</p>

13.10	DLGPSR will accelerate the implementation of the Smart eDA project by developing a prototype by December 2006 and implementation of the Smart eDA by July 2007.	Supported - good administration efficiencies are on offer, however, provision must still be made for non-electronic and partial-electronic applications. The workflow system may need to be centralised web-based to allow for real-time updating of regulatory changes etc. (a system that local councils would not have to maintain their current versions).
13.11	Amend the IPA to redistribute those provisions relating to the lapsing of development applications held within section 3.2.12. These provisions will be chronologically relocated to correspond with the appropriate stage of the IDAS process.	Supported - referencing the section no.s alone does not make for a meaningful section about when applications lapse for other sections. Either relocate to those sections, or expand the present provision to describe in words what sections the specific lapsing provisions apply to.
13.12	Amend IPA to extend the jurisdiction of the Building and Development Tribunal to allow it to make binding determinations or hear appeals about: <ul style="list-style-type: none"> • whether the correct assessment manager or referral agencies have been identified; • other matters stated in an acknowledgement notice, including the aspects of development applied for and the type of assessment; or • decisions made by the assessment manager during the application stage, such as refusing to accept a development application, or failing to give an acknowledgement notice. 	Supported - this will save time and costs of court action, for mostly process/administration type matters. Clarification will be needed whether or not the tribunal must hear all such matters if an appeal also involves matters of a planning nature requiring the court to decide.
13.13	DLGPSR will engage with stakeholders to communicate the new assessment and decision rules for impact and code assessment.	Strongly supported !
13.14	With a view to promoting councils delegating their planning decisions to the greatest extent possible, DLGPSR will work with councils and LGAQ to ensure that opportunities for delegation of planning decisions to officers are maximised where appropriate.	Strongly supported - at the end of the day it is the local government prerogative to decide what should be delegated or not, as representative of the views of the community. While Townsville City has a reasonably good delegation system, there is room for better efficiencies with simple, straightforward matters dealt with at even lower levels than Director. Records/statistics of approvals, compliance with codes, court appeals, tribunal issues, etc (and associated financial costs) bundled into performance reporting can rationalise whether or not there is good reason to delegate aspects of planning and development decision making. Support from DLGPSR is appropriate.
13.15	DLGPSR will work with Brisbane City Council to further develop an information package to promote the benefits of the Risk Smart project.	Supported - this is a project which is trialling 'self approval' of particular low risk development applications using the RiskSmart framework. Outcomes of the project may influence other planning and development assessment frameworks in the future - particularly if there is a continuing professional planner shortage and growth in development activity.

13.16	The IPA will be amended to reduce the period for responding to an information request from 12 months to three months with allowance for extensions by exception.	Strongly Supported - This means that development applications will reflect current planning and development requirements, and Council will not be inconvenienced with assessing development with outdated supporting information, potentially not addressing current planning scheme codes etc. Three months may not be enough time though, especially in the current development climate to engage specialists consultants to carry out investigations. There is also support that enforcement penalties should reflect the 'cheek' of developers continuing to carry out works without an approval during an information request period.
13.17	The IPA will be amended to reduce the period for an applicant to provide a notice of compliance about public notification from three months to 15 business days.	Strongly Supported - The public, subject of the notification, are not later surprised by development approved beyond their recent memory of the 'sign' being on the fence etc.
13.18	Rationalise schedule 8 of the IPA to better reflect jurisdictions of State agencies.	Strongly Supported - Some of these referral triggers are obsolete or self-contradictory, which adds to the confusion.
14.1	DLGPSR will prepare best-practice information checklists for different types of applications and encourage councils to provide these documents to applicants.	Neutral - Council already has similar checklists, customised to cater for Townsville City specific supporting information requirements etc. Perhaps DLGPSR could provide template checklists etc ?
14.2	DLGPSR will review the IDAS Application Form 1 (including the Referrals Checklist) to improve: <ul style="list-style-type: none"> • legibility and ease of use of the application form by drafting it in plain language; and • the extent of information that must be submitted with certain types of applications. 	Supported - Form 1 has exploded in complexity in the last three years, especially the Referrals Checklist. Some of the forms are still hard to interpret what is mandatory information, and how that is given power to be mandatory.
14.3	The IPA will be amended to require that: <ul style="list-style-type: none"> • an assessment manager may only accept a development application if it is properly made; • in the event an application is not properly made an assessment manager must give a written notice to an applicant stating the changes required in order for the application to be accepted; and • an applicant may change an application within a reasonable time without additional fees to ensure it can be accepted. 	Supported - generally, provided changes to the application are only in consequence of the mandatory information required. Not Supported - Councils' fees and charges structure reflects the cost of application assessment, so if an application is amended, or substantially more supporting information is then provided, it is appropriate to charge additional fees.
14.4	Amend the IPA to require submission of information as part of a properly made application for assessable development that includes the following minimum information: <ul style="list-style-type: none"> • the nature and extent of environmental impact likely to result from the proposed development; and • the prevention, minimisation and mitigation strategies for managing identified environmental impacts. Where the proposed development identifies potential for material or serious environmental harm, the following information 	Oppose - it is easy to see that development applications will trend towards erring on the side that fails to identify environmental impacts - and there is strong argument that the description of nature for such impacts will vary from applicant to applicant - only to create an 'invalid' application, or result in a later Information Request to remedy the situation. Existing planning scheme policies are in place for the Assessment Manager to request this information in an Information Request, and practically speaking, this is probably the most realistic way of managing supporting information requirements of a

	<p>could also be required:</p> <ul style="list-style-type: none"> • the identification of performance criteria and objectives in relation to environmental and social impacts; and • the proposed monitoring, reporting and remediation measures to ensure performance criteria and objectives are met. 	<p>technical nature. In this case, it is better not to be burdened with fiddly/impractical legislation.</p> <p>Note - as much as it would be good not to accept an application 'properly made' unless it included all the information necessary to assess the application, it is impractical as sometimes that is not known until the assessment starts, and for most cases, will not be volunteered unless shown to be absolutely necessary.</p>
14.5	DLGPSR will review and amend IDAS forms to include the above proposed additional mandatory information.	Neutral - See comment above
14.6	Introduce the Environmental Impact Statement (EIS) process for controlled actions under the Environment Protection and Biodiversity Conservation Act 1999 (Cwlth).	Neutral - Although the IPA is state legislation, the planning and development outcomes also have federal consequences and should be considered when being 'approved'. The implications of this on local governments, who are largely accountable to the state, is unclear. Perhaps it is better that a State agency assumes this role? Council currently shares some responsibility to identify State government referral agencies, however, the onus for this legislation should remain on the developer or another party to correctly identify such matters.
14.7	For council assessment managers, the IPA will be amended to require reasons for any departure from planning schemes or codes to be stated and recorded at the council meeting when the decision is made. In addition, and where appropriate, each individual councillor's vote will also be recorded.	Opposed - the current IPA requires reasons for the decision to be stated on the Decision Notice for these situations. Furthermore, all Decision Notices are supposed to be published on the website (when the government guidelines are made available). Requiring all such decisions to be made at a Council meeting will introduce inefficiencies presently managed by appropriate delegation structures which allow less contentious matters to be dealt with at Director level.
14.8	Further expansion of the EIS triggers will be investigated for additional types of high impact development.	Neutral - will depend on the threshold of 'high impact development', practicality of implementation etc.
15.1	Encourage councils to improve community awareness of local development by publicising all current development applications.	Oppose - this strategy involves monumental administration effort for limited returns/benefits to the community. The present IPA requirements provide for a degree of community awareness, recent changes to IPA now require all Decision Notices to be published anyway. A list of development applications is less effort than posting the application material, but this is of limited value for informative purposes. Publishing complete applications and maintaining their status becomes a significant task which would inevitably raise fees and charges to recover the cost of extra work.

15.2	DLGPSR will identify the benefits of pre-lodgement meetings and how they should be conducted, and promote this to councils.	Supported - the conduct of prelodgment meetings is important to control to avoid Council being utilised as a default design/planning consultancy rather than just providing advice about process and interpretation of planning scheme etc/ Likewise there is a need to avoid being criticised/implicated for subsequent development decisions conflicting with early advice.
15.3	DLGPSR will work with councils to identify and outline the opportunities for community members to present submissions to council planning committees prior to the council decision-making process.	Supported - standardising a basic process for this activity across the state will help community and developer expectations about the submission process, however, the format should remain flexible to meet individual local government operational structures, where there is a demonstrable balance of benefit for the effort involved.
15.4	Investigate amending the IPA to require the public notification of certain code-assessable applications. This will also involve investigating whether appeal rights would attach to properly made submissions arising from such applications.	<p>Supported - there is scope for some code assessable applications to undergo public consultation, particularly where alternatives to some of the more contentious expected Probable Solutions of the relevant code are proposed, but the Specific Outcome is achieved (e.g., building heights, densities, etc exceeds the recommendations specified in the code).</p> <p>Neutral - code assessable development has an expectation to meet requirements of the relevant code when approved. Development which does not meet the code requirements but is approved (e.g., does not achieve a Specific Outcome) is likely to attract public comment and may warrant appeal rights for submitters to a public consultation process. Further discussion on this topic is anticipated.</p>
15.5	The IPA will be amended to allow submissions to be made about applications requiring public notification at any time after the application has been made until the end of the notification period for the application.	Opposed - often such applications undergo a degree of amendment after lodgement so it may be that early submissions become redundant and the submitter fails to address the actual development being assessed.
15.6	The IPA will be amended to enable concurrence agencies and principal submitters to be involved in the negotiated decision notice Process.	Supported - this will remove some pressure from the Assessment Manager when an Applicant seeks to negotiate matters which may affect aspects of concern to the Concurrence agency or the submitter. Hence this should only apply to the extent the negotiation affects the Concurrence agency or submitter.
16.1	DLGPSR will investigate the extension of the jurisdiction of the Building and Development Tribunal, to encompass disputes about a broader range of planning and development matters.	Supported - see comments to strategy 12.2 and strategy 13.12. Specific details about the extent of extended jurisdiction would be helpful to comment on further.
17.1	DLGPSR will collaborate with the Department of Justice and Attorney-General to amend the Planning and Environment Court's fee structure to align it with changes already made to the fee structures for other higher court jurisdictions.	Supported - so long as fees are appropriately proportioned to the nature of the action.

17.2	DLGPSR will collaborate with the Department of Justice and Attorney-General to establish a full-time Registrar to undertake pre-court mediation throughout Queensland to minimise likelihood that disputes proceed to full court hearing.	Neutral - some court actions are effectively commercially driven tactics, which this proposal would likely further facilitate by adding to the time and cost for resolution. In other respects, mediation has great benefits for short-circuiting court action. The details of this strategy need to be carefully constructed so that net additional time delays, or costs are not created for the majority of cases.
17.3	Amend the IPA Chapter 4, Part 1, to give the Planning and Environment Court wider discretion in deciding whether there are sufficient grounds for departing from a planning instrument.	-
17.4	Section 4.1.5A of the IPA will be amended to extend its application and remove existing limitations on the Planning and Environment Court's discretion about procedural matters.	-
18.1	DLGPSR will profile successful mediations as case studies on the departmental and IPA websites.	Strongly Opposed - Case studies are a great educational technique, however mediation tends to be a matter concerning professional reputations, political directions, as well as technical interpretation and scrutiny in a legal sense. Being so widely publicised in this context is not a good motivation for most development assessment staff to get out of bed and go to work for a successful mediation.
18.2	DLGPSR will introduce a comprehensive training package aimed at: <ul style="list-style-type: none"> • providing awareness about the current ADR processes (e.g. the mandatory Dispute Resolution Plans required by the Planning and Environment Court – PEC Practice Direction 2006/1) available for resolving planning and development disputes; and <ul style="list-style-type: none"> • educating and supporting stakeholders on how to best use these ADR processes. 	Supported - this is unfamiliar, but relevant territory for many local government development assessment professionals.
19.1	Amend the IPA to remove the requirement to give a "show cause notice" before giving an enforcement notice.	Supported - the time delays often involved with Show Cause notices tend to result in a very ineffective enforcement regime. Often the offender is given an informal courtesy warning before any formal action is taken anyway. An Enforcement Notice has the effect of requiring the developer to stop committing a development offence immediately or undertake a compliance programme - being appealable and, potentially, compensable if later appeal finds it was not actually an offence.

19.2	<p>The State Penalties Enforcement Regulation 2000 will be amended to introduce Penalty infringement Notices (PINs) and on-the-spot fines for certain development offences. Likely offences include:</p> <ul style="list-style-type: none"> • non-compliance with conditions of approval; and • non-compliance with self assessable codes; and carrying out certain works without a development approval. 	<p>Supported - Council has commented on the discussion paper on this strategy and anticipates PINs may be very effective in discouraging and enforcing remedial action for minor offences.</p>
20.1	<p>DLGPSR will develop a targeted training plan based on the DLGPSR 2005/2006 Training Needs analysis.</p>	<p>Strongly supported - local governments tend to be characterised as training grounds for professional personnel, planning and development staff are no exception. Townsville City has experience high turnover and recruitment of planning professionals - experienced personnel being poached by industry and new personnel being sourced from graduates, interstate, overseas and intra-discipline areas. Training in the IPA tends to be conducted in-house by on-the-job methods which is difficult due to workloads challenging mentoring opportunities and structured training being very infrequent. DLGPSR will do very well to provide regular and comprehensive structured IPA training.</p>
20.2	<p>DLGPSR will implement the targeted training plan based on the DLGPSR 2005/2006 Training Needs analysis.</p>	<p>Strongly supported - see comment above</p>
21.1	<p>DLGPSR will investigate funding university scholarships in planning to increase the attractiveness and ultimately the supply of planning professionals.</p>	<p>Strongly supported</p>
21.2	<p>DLGPSR will increase its support for the LGAQ Diploma in Local Government (Planning) course by:</p> <ul style="list-style-type: none"> • Fully funding at least 12 positions in the course (i.e., two positions per course for six courses each year) • Facilitating expansion of the number of courses offered • Continuing to provide in-kind support, by making one experienced technical officer available per course to deliver content, and assist with facilitation, evaluation and assessment; and • Determining the resources and other requirements necessary to deliver the course in regional and rural areas of Queensland. 	<p>Strongly supported - Townsville City has already 3 personnel enrolled in this course to develop technical staff into para-professionals. It is easing the burden due to planning professional shortages and gives a valuable professional development opportunity to the department.</p>
21.3	<p>DLGPSR will partner with LGAQ and the Planning Institute of Australia to work closely with Queensland tertiary institutions to ensure development assessment subjects in their undergraduate and post-graduate credentials.</p>	<p>Strongly supported - development assessment is very relevant given its role in the delivery of development and implementation of planning so it should be included in tertiary education curriculum.</p>

22.1	DLGPSR will establish a secondment/exchange program with councils, other State agencies and the private sector	Supported - an exchange opportunity in these areas gives a good cross section of experiences and skills otherwise only obtainable by career relocation. It offers benefits of cross-fertilisation of ideas, communication links, systems/philosophy understanding, and is probably more suited to senior planning professionals as a professional development incentive/reward.
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