

ANNUAL REPORT 2019–20

REGULATOR FRAMEWORK REPORT

Regulator model practices and supporting principles

Ensure regulatory activity is proportionate to risk and minimises unnecessary burden.

- A proportionate approach is applied to compliance activities, engagement and regulatory enforcement actions.
- Regulations do not unnecessarily impose on regulated entities.
- Regulatory approaches are updated and informed by intelligence gathering so that effort is focussed towards risk.

Evidence and relevant information to demonstrate the extent to which department's regulatory practices aligned with the regulator model practices throughout 2019–20

Through the State Assessment and Referral Agency (SARA), the department balances protecting state interests with facilitating sustainable development across Queensland. SARA was created to reduce regulatory burden for development applications that require state assessment and represents a one-stop shop for state development assessment triggers under the *Planning Act 2016* (the Planning Act).

SARA provides discounted fees (50% concession) under the Planning Regulation 2017 (the Planning Regulation) for government-supported community projects, and for applications by non-profit organisations.

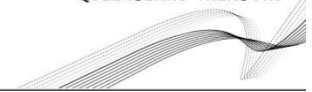
SARA implemented a fast track assessment pathway to streamline referral and assessment processes for low-risk applications. This allows SARA to assess and quickly decide eligible triggers and aspects of development while offering reduced costs, timeframes and red tape to increase certainty for applications.

Planning undertakes risk management in line with the department's Risk Management Framework.

Examples or case studies to highlight the extent to which the department's regulatory practices in 2019–20 aligned with the model practices, or to indicate where business practices could be enhanced in line with the model practices

In March 2020, the Planning Act was amended under the *Public Health and Other Legislation (Public Health Emergency) Amendment Act 2020* to introduce provisions to assist the planning framework to be adaptive and responsive in times of disaster. This included the provision of a new feature for the planning framework: a temporary use licence, which was designed to allow for businesses to adapt to a disaster. In this case, it provided for businesses during the COVID-19 disaster to provide for social distancing and to meet other requirements of this health pandemic. The new provisions also allowed for the Planning Minister to declare uses that could operate 24/7 during the disaster, and these provisions were used to provide for supermarkets and their loading docks to operate to restock during the panic buying at the start of the pandemic. This demonstrated a proportionate approach being applied by the state to remove the burden on planning authorities to undertake compliance activities and regulatory enforcement actions that would have been ordinarily required for amended operations during the COVID-19 pandemic.

The Sanctuary Resort Regulation 2009 was due to expire in September 2020. Following consultation with the representatives of Sanctuary Cove and the Gold Coast City Council, it was determined that remaking the regulation was an appropriate outcome. The Sanctuary Cove Resort Regulation 2020 was remade with only minor amendment to ensure consistency and the continued operation of the Sanctuary Cove Resort area.



Actions taken in 2019–20, or currently being taken by the department, to improve regulatory activities and business practices to reflect the model practices

Planning Group, particularly policy and legislation officers, frequently attend training and engage with the Office of Best Practice Regulation to ensure regulation development achieves the state's administrative policies for regulation to be necessary, effective, efficient and have clear benefits for Queensland.

SARA continues to monitor and report annually on key performance indicators (KPIs) as part of the ongoing commitment to improve service delivery, and transparency of performance monitoring under the *Planning Act 2016* and Development Assessment Rules.

As part of input into Queensland's economic recovery strategy and plan, Planning Group has been working with industry partners to identify refinements and improvements to the planning framework.

Regulator model practices and supporting principles

Consult and engage meaningfully with stakeholders.

- Formal and informal consultation mechanisms are in place to allow for the full range of stakeholder input and government decision making circumstances.
- Engagement is undertaken in ways that help regulators develop a genuine understanding of the operating environment of regulated entities.
- Cooperative and collaborative relationships are established with stakeholders, including other regulators, to promote trust and improve the efficiency and effectiveness of the regulatory framework.

Evidence and relevant information to demonstrate the extent to which department's regulatory practices aligned with the regulator model practices throughout 2019–20

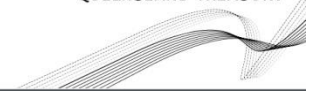
Planning Group regularly engages with industry peak bodies, local government and state agencies seeking to effect policy outcomes or improve operation of the planning framework, including changes to:

- assessment triggers
- State Development Assessment Provisions (SDAP) assessment benchmarks
- conditions on development applications.

Examples or case studies to highlight the extent to which the department's regulatory practices in 2019–20 aligned with the model practices, or to indicate where business practices could be enhanced in line with the model practices

SARA officers engage with the Department of Environment and Science to ensure that SDAP and SARA conditions were appropriately developed to reflect the State's interest in koala habitat areas in South East Queensland in line with the South East Queensland Koala Conservation Strategy 2020-2025.

The Planning Regulation was amended in late 2019 to set a clear height limit of three storeys on The Spit at the Gold Coast in response to The Spit Master Plan which was prepared by Planning Group. This height limit had been a foundation parameter for the preparation of the master plan and had been extensively consulted on with the development industry, community and environmental stakeholders, local government and state government entities over an 18 month period. The certainty for all stakeholders about what development could proceed on The Spit through this clear height limit delivered the commitment made by the Premier when the master plan was initially announced in 2017, and which had been carried through until the end of the master plan and into the implementation stage.



The Planning Act was recently amended under the *Implementation of The Spit Master Plan Act 2020* to clarify a matter related to the claiming of compensation for adverse planning changes. This was an issue that had been raised by stakeholders as creating uncertainty in the application of these provisions.

Actions taken in 2019–20, or currently being taken by the department, to improve regulatory activities and business practices to reflect the model practices

An annual stakeholder survey about SARA and Queensland's Planning System is undertaken to gain insights into stakeholder sentiment about the different elements of the SARA process and the planning framework.

Stakeholders including applicants, representatives from state agencies and development industry are invited to participate in the survey.

The qualitative and quantitative data that is obtained through this survey will be used to identify and prioritise areas of improvement and further engagement opportunities with our stakeholders to address the survey responses.

Regular meetings and forums are held with relevant state agencies to aid in the preparation of policy and continued operation of SARA.

Regulator model practices and supporting principles

Provide appropriate information and support to assist compliance.

- Clear and timely guidance and support is accessible to stakeholders and tailored to meet the needs of the target audience.
- Advice is consistent and, where appropriate, decisions are communicated in a manner that clearly articulates what is required to achieve compliance.
- Where appropriate, regulatory approaches are tailored to ensure compliance activities do not disproportionately burden particular stakeholders (e.g. small business) or require specialist advice.

Evidence and relevant information to demonstrate the extent to which department's regulatory practices aligned with the regulator model practices throughout 2019–20

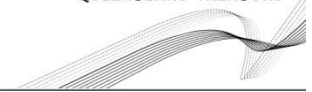
Planning Group provides support and guidance to officers across the state for the implementation of planning policy. This includes preparing and distributing practice notes and guidance material.

Examples or case studies to highlight the extent to which the department's regulatory practices in 2019–20 aligned with the model practices, or to indicate where business practices could be enhanced in line with the model practices

Planning Group publishes fact sheets on its website explaining the making and effect of regulatory material.

In February 2020, the Planning Regulation was amended by the Nature Conservation and Other Legislation (Koala Protection) Amendment Regulation 2020 to introduce a new regulatory framework to protect koalas. To support the release of the new mapping and development assessment controls, Planning Group released interim plan drafting guidance to assist local governments in integrating the State Planning Policy – Biodiversity state interest to ensure that viable koala populations in SEQ are protected by conserving and enhancing habitat extent and condition.

In June 2020, an extraordinary regulation under the *Planning Act 2016* was made using the head of power in the *COVID-19 Emergency Response Act 2020* to respond to the requirement for social distancing and temporary closure of offices; and cessation of publication for local newspapers across Queensland as a result of COVID-19.



The extraordinary regulation provided for statutory requirements affected by COVID-19 to be addressed in alternative ways, thereby tailoring a regulatory response to ensure that complying with the statutory requirements did not unduly burden a regulator or entity or increase the risk to public health.

Actions taken in 2019–20, or currently being taken by the department, to improve regulatory activities and business practices to reflect the model practices

Support and guidance for the implementation of SARA are reviewed and updated regularly on the Planning website.

Regulator model practices and supporting principles

Commit to continuous improvement

- Regular review of the approach to regulatory activities, collaboration with stakeholders and other regulators, to ensure it is appropriately risk based, leverages technological innovation and remains the best approach to achieving outcomes
- To the extent possible, reform of regulatory activities is prioritised on the basis of impact on stakeholders and the community
- Staff have the necessary training and support to effectively, efficiently and consistently perform their duties.

Evidence and relevant information to demonstrate the extent to which department's regulatory practices aligned with the regulator model practices throughout 2019–20

SARA has established KPIs and customer satisfaction surveys, which are published annually on the Planning website. These results contribute to the identification of areas for improvement.

Planning Group has a continuous improvement agenda for both the Planning Act and the implementation of planning policy under the framework created by the Planning Act. Regular reviews of the planning regulation, assessment triggers, assessment benchmarks and operational procedures, are undertaken to identify and implement improvements.

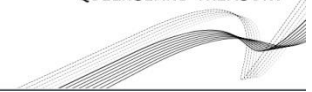
Examples or case studies to highlight the extent to which the department's regulatory practices in 2019–20 aligned with the model practices, or to indicate where business practices could be enhanced in line with the model practices

Planning Group employees undertake regular training concerning regulatory matters such as statutory interpretation and Cabinet and Executive Council processes.

Planning Group amended the Planning Regulation through the Planning (Infrastructure Charges Register and Other Matters) Amendment Regulation 2019 to improve the transparency and accountability for infrastructure charges. Documents that previously were not required to be published must now be, so communities can see how much different developments are contributing to a local government's infrastructure; as well as see how much money their local government is receiving for infrastructure and how and where infrastructure spending is going.

Following several bushfire events, it was identified that the planning system should not regulate clearing for fire safety. Following extension consultation with QFES and local governments, the Planning (Spit Master Plan and Other Matters) Amendment Regulation 2019 amended the Planning Regulation such that local governments are not able to make clearing for either firebreaks or fire management lines assessable development.

Planning Group released a fact sheet on craft brewing for local governments. The craft brewing industry is an important industrial sector that has been a key to the COVID-19 response and it will also be important for the recovery of the Queensland economy, including in regional areas.



Planning Group prepared guidance material on hydrogen development to assist local governments to understand what this new industry means for their planning schemes. This includes how a scheme can facilitate development and what are the needs of these types of developments.

A review of the *2018 Queensland Solar Farm Guidelines: Guidance for Local Governments* identified emerging matters in the renewable energy industry which Planning Group is monitoring. The guidelines continue to reflect current issues, providing advice on how to integrate solar farms into statutory local government planning schemes and what to consider when assessing development applications.

Planning Group released the new SPP state interest guidance material on Natural Hazards, Risk and Resilience – Bushfire, which reflects the recommendations of the 2009 Victorian Bushfires Royal Commission and the Malone Review. As part of this review, Planning Group has undertaken extensive consultation with technical experts, local government, bushfire practitioners and industry stakeholders on the guidance including code provisions, assessment benchmarks and preferred bushfire mapping methodologies that a local government may apply. Planning Group released refreshed community focused information on the planning framework including a new product called Know your zone. Both of these are aimed at enhancing community awareness and confidence in the planning framework. It is intended these will provide improved messaging of the planning framework, its purpose, benefits and components, in a way intended for the community.

The Planning System Reference Group (PSRG) is a collaborative forum between the planning group and other key planning industry stakeholders.

PSRG is used to raise and obtain feedback on contemporary planning issues and to advance continuous improvement within Queensland's planning system. Issues addressed by PSRG have included the model code for neighbourhood design, monitoring DA activity, analysis of dispute resolution framework and ongoing economic initiatives and activities as a consequence of COVID-19.

Actions taken in 2019–20, or currently being taken by the department, to improve regulatory activities and business practices to reflect the model practices

SARA monitors KPIs as part of Planning Group's ongoing commitment to improving its performance.

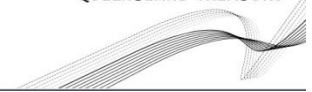
SARA uses the results of the annual stakeholder survey to improve on current practices and identify training opportunities. This has included operational changes to the pre-lodgement process and identification of the need to continue to undertake further work on the information requests and further advice components.

A review of planning schemes and residential developments in 2019 identified that despite state and local policies, residential neighbourhoods are not always developed to support walking and healthy and active communities.

Two rounds of public consultation were undertaken, discussing a model code for neighbourhood design and proposing mandatory provisions to require that footpaths, street trees, maximum block lengths, connected streets and proximity to parks and open space were minimum requirements for new residential neighbourhoods.

Consultation feedback has informed policy development, which is considering regulation amendments and further technical guidance for local government and developers.

The Planning Group is working with the Local Government Association of Queensland (LGAQ) to establish a development assessment monitoring pilot project. Under the pilot, LGAQ will engage with selected local government areas to obtain development assessment data. The data would be published as part of the SARA annual reporting (2019–20 financial year) and form the baseline for future monitoring.



Regulator model practices and supporting principles

Be transparent and accountable in actions.

- Where appropriate, regulatory frameworks and timeframes for making regulatory decisions are published to provide certainty to stakeholders.
- Decisions are provided in a timely manner, clearly articulating expectations and the underlying reasons for decisions.
- Indicators of regulator performance are publicly available.

Evidence and relevant information to demonstrate the extent to which department's regulatory practices aligned with the regulator model practices throughout 2019–20

SARA decisions are made publicly available and are provided in a timely manner, which meets statutory assessment timeframes.

Application material lodged with SARA as assessment manager is made publicly available on the Planning website in a timely matter which meets statutory timeframes.

As a result of planning reform led by Planning Group, development assessment decisions made under the Planning Act are required to be publicly available, as well as a statement of reasons for decisions.

Examples or case studies to highlight the extent to which the department's regulatory practices in 2019–20 aligned with the model practices, or to indicate where business practices could be enhanced in line with the model practices

SARA has established KPIs and customer satisfaction surveys, which are published annually on the DSDMIP website.

The Regional Planning Interests Regulation 2014 (RPI Regulation) was amended on 6 March 2020. The North Queensland Regional Plan (NQRP) identifies 'resource activities' as unacceptable uses in the designated precinct of the Strategic Environmental Area (SEA). This Amendment Regulation gave effect to this policy of the NQRP. The amendments ensure that all resource activities are unacceptable uses in the designated precinct in the SEA as identified in the NQRP. The identification of these unacceptable uses ensures the protection of identified environmental attributes in the designated precinct.

Actions taken in 2019–20, or currently being taken by the department, to improve regulatory activities and business practices to reflect the model practices

SARA monitors KPIs as part of Planning Group's ongoing commitment to improving its performance.