
Implementation of the Queensland Government's Regulator Performance Framework 2019-2020 performance report

Background

The Queensland Government's Regulator Performance Framework (the Framework) is a key element of the Better Regulation Strategy.

The Framework sets out five model practices to support the achievement of government policy objectives through better interactions between regulators and their stakeholders, which aims to reduce the burden and/or costs for all parties.

The model practices are to:

1. **Ensure regulatory activity is proportionate to risk and minimises unnecessary burden**
2. **Consult and engage meaningfully with stakeholders**
3. **Provide appropriate information and support to assist compliance**
4. **Commit to continuous improvement**
5. **Be transparent and accountable in actions**

Further information about the Framework and the Better Regulation Strategy is available from the Queensland Productivity Commission's [website](#) and Section 5 of the [Queensland Government Guide to Better Regulation](#).

The following report outlines the Department of State Development, Infrastructure, Local Government and Planning's (DSDILGP) performance in implementing the Framework during 2019-20 incorporating two parts of DSDILGP which undertake regulatory functions:

- Economic Development Queensland (EDQ) and
- Office of the Coordinator-General (OCG).

The third part is the Planning function which was transferred into the department from Queensland Treasury as part of a machinery-of-government change on 12 November 2020. The report outlining Planning's performance was published on the Queensland Treasury website prior to the transfer.

The Planning performance report can be found here: <https://s3.treasury.qld.gov.au/files/Annual-Report-201920-Regulator-report-published.pdf>

Performance report – 2019-2020

Regulator model practices and supporting principles	Evidence and relevant information to demonstrate the extent to which DSDILGP's regulatory practices aligned with the regulator model practices throughout 2019-20	Examples or case studies to highlight the extent to which DSDILGP'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	Actions taken in 2019-20, or currently being taken by DSDILGP, to improve regulatory activities and business practices to reflect the model practices
<p>1. Ensure regulatory activity is proportionate to risk and minimises unnecessary burden</p> <ul style="list-style-type: none"> ▪ 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. 	<p>EDQ</p> <ol style="list-style-type: none"> 1. When dealing with compliance and enforcement issues since March 2020, EDQ has accounted for the impacts from COVID-19 on undertaking site inspections and accessing required technical expertise to address/rectify any issues, and (where appropriate) in providing additional time and assistance to do so. 2. In Priority Development Areas (PDA), low risk development may be categorised as exempt, self-assessable or PDA accepted development, meaning a development application is not required. EDQ has also established a compliance assessment process. These initiatives lessen regulatory and financial burden for certain types of development within the PDA. 3. EDQ undertakes risk management in line with the department's Risk Management Framework. 	<ol style="list-style-type: none"> 1. Examples include: <ul style="list-style-type: none"> ▪ Wren Street Bowen Hills ▪ Gregory Terrace Bowen Hills ▪ 35 Hercules Street, Northshore Hamilton ▪ Greenbank/Willowbrook Road, Greenbank ▪ 20 Darter Street, Oonoomba. 2. Examples include categorising all aspects of development consistent with an approved Plan of development as PDA accepted development in the Albert Street Cross River Rail PDA, Development Scheme. 	<p>Amendments to the <i>Economic Development Act 2012</i> (ED Act) were passed in March 2020 to address concerns raised by a range of stakeholders, including local government and industry, in response to COVID-19. The changes included:</p> <ul style="list-style-type: none"> ▪ declaring COVID-19 as an applicable event under the <i>Planning Act 2016</i> on 19 March 2020 – now extended to 31 October 2020 ▪ declaring Shops, Warehouses and Transport Depots as uses that can operate 24 hours a day, 7 days a week during the COVID-19 applicable event ▪ providing for applications for a temporary use licence during the COVID-19 applicable event ▪ providing for the extension or suspension of statutory timeframes during the COVID-19 applicable event ▪ extending the currency periods of applicable PDA development approvals by 6 months.

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	<p>OCG</p> <p>Part 7A of the <i>State Development and Public Works Organisation Act 1971</i> (SDPWO Act) provides guidance to officers on the management of enforcement and general offences.</p> <p>The Environmental Impact Statement (EIS) process is managed using a flexible approach which responds to each individual project.</p> <p>The Impact Assessment Report (IAR) methodology was introduced into the SDPWO Act in 2014 as a streamlined approach to assessment and an alternative to the EIS process.</p> <p>OCG also operates under the Bilateral Agreement between the Commonwealth and the State of Queensland allowing projects to be assessed by a single environmental impact assessment that addresses State and Commonwealth environmental legislation where approvals are required by both levels of government.</p> <p>OCG undertakes an annual compliance audit to evaluate compliance with the</p>	<p>OCG provided advice on best approvals process approach for major projects taking into account risks and impacts.</p> <p>OCG has completed two evaluation reports this period, including the 15 Mile Irrigated Agricultural Development, which was assessed using the more streamlined IAR approach, and the Port of Gladstone Gatcombe and Golding Cutting Channel Duplication Project completed under the Bilateral Agreement.</p> <p>Coordinated projects declared by the CG to undertake a coordinated impact assessment process for this period include:</p> <ul style="list-style-type: none"> ▪ Urannah Project (7 May 2020) ▪ Valeria Project (12 June 2020); and ▪ Remondis Waste to Energy Facility (29 June 2020). <p>OCG may impose conditions requiring third-party audit reporting to ensure on-going compliance (where appropriate and proportionate to risk).</p>	<p>OCG reviews the legislation it administers regularly to ensure it does not conflict with other legislation that has been amended, and to ensure it meets contemporary project practices.</p> <p>Issues to be addressed to improve regulatory activities will be managed by any future amendments to the SDPWO Act.</p> <p>OCG is undertaking a post-implementation review of the SSRC Act to understand if it is achieving its purpose. The review, which will conclude in May 2021, includes consultation with industry and government stakeholders to determine the effectiveness of the SSRC Act.</p> <p>As part of its annual compliance audit, OCG considers approaches to improve future practices.</p> <p>Regular reviews of proposed policy ensure a proportionate approach to the assessment of coordinated projects.</p> <p>There are 16 large-scale coordinated projects located across the regions of the</p>

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	<p>Coordinator-General's conditions and recommendations on coordinated projects.</p> <p>Where non-compliance is discovered, OCG takes action to address non-compliance and, following investigation, may proceed with enforcement if warranted.</p> <p>The Coordinator-General (CG) is also responsible for implementation and administration of the <i>Strong and Sustainable Resource Communities Act 2017</i> (SSRC Act). The SSRC Act aims to ensure that residents of communities near large resource projects benefit from these projects.</p> <p>OCG undertakes risk management in line with the department's Risk Management Framework.</p>	<p>The CG has declared eight large resource projects and their 59 nearby regional communities under the SSRC Act.</p> <p>In accordance with the SSRC Act's statutory guideline, OCG has progressed evaluations for 11 social impact assessment processes which require a strong collaborative approach to ensure high standard outputs for all stakeholders.</p> <p>As part of OCG's compliance framework, it reviews third-party independent audit reports for coordinated projects to evaluate the level of compliance and accuracy.</p> <p>Due to the compliance and enforcement actions undertaken by OCG, a discussion paper and risk register were developed to ensure best practice is carried out by officers. The discussion paper and risk register will be reviewed and updated annually.</p>	<p>State undergoing assessment and evaluation by the CG.</p> <p>There are ten social impact assessment processes for resource projects undergoing assessment and evaluation.</p> <p>During the period, OCG has strengthened its collaborative approach across government including risk identification and management to ensure a proportionate response to issues and ability to identify, manage and neutralise risks more efficiently. For example, regular strategic issues and information sharing meetings with Directors-General, CEOs and the CG.</p>

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<p>2. Consult and engage meaningfully with stakeholders</p> <ul style="list-style-type: none"> ▪ 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 helps 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. 	<p>EDQ</p> <ol style="list-style-type: none"> 1. The ED Act requires development schemes and scheme amendments to undergo public notification which enables stakeholders, including the local community, to express their views about the contents of the development scheme including the development vision and the regulation that applies to new development in the area. 2. The ED Act and PDA development schemes require certain PDA development applications to undergo public notification which provides an opportunity for stakeholders, including the local community, to express their views about the proposal. The ED Act requires these views to be considered when deciding the application. 3. Pre-lodgement discussions between EDQ Development Assessment staff and development proponents are encouraged. There is no fee for these meetings and multiple meetings are available. 	<ol style="list-style-type: none"> 1. Development schemes for the Albert Street Cross River Rail PDA underwent public consultation prior to coming into effect on 13 December 2019. 2. As well as extensive community consultation being undertaken during the preparation for the Oxley PDA Development Scheme, the first PDA development application for the Oxley PDA also underwent public notification in 2020. 3. All PDA development applications, when EDQ is the Minister for Economic Development Queensland's (MEDQ) delegate, are uploaded onto the DSDILGP website, enabling interested parties to review the proposed development. https://www.statedevelopment.qld.gov.au/economic-development-qld/buying-and-developing-land/development-applications-and-assessment.html. 	<p>The <i>Economic Development COVID-19 Emergency Response Regulation 2020</i> commenced on 26 June 2020 and expires on 31 December 2020. This legislation is in response to issues arising from COVID-19 and modifies the requirements for public notification of PDA development applications and for the viewing of planning and development related documents.</p>

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	<p>OCG</p> <p>OCG ensures engagement with all relevant stakeholders by using a variety of platforms including advertisements online and in newspapers, fact sheets, targeted consultation and providing opportunities for stakeholders to meet to discuss projects or processes and provide feedback prior to undergoing assessment. These projects include a potential new State development area (SDA), a variation to the boundary of an existing SDA, draft development schemes, prescribed projects, coordinated projects and large resource projects.</p> <p>In carrying out development assessment within an SDA, a proponent may be required to undertake a public consultation stage with relevant stakeholders. OCG provides the proponent with timing requirements and, to ensure a consistent approach, the templates for signage to be placed onsite and for advertisements either online or in newspapers.</p> <p>Consultation is undertaken with:</p>	<p>An 1800 number and a general email address to manage all enquiries and feedback from its stakeholders and the general public.</p> <p>Following consultation with stakeholders, a variation was made to the boundary of the Cairns South SDA and its development scheme was approved.</p> <p>Consultation with proponents and other regulators and agencies led to the declaration of four new prescribed projects. The declaration enables the CG to assist with timely decision-making of project approvals to realise jobs and investment in Queensland.</p> <p>OCG has undertaken engagement with key stakeholders for coordinated projects and has made use of the 'Have your say website' and other consultation mechanisms for public submissions to improve input into and build confidence in the submissions process. Coordinated projects that underwent public notification include:</p>	<p>Information published on DSDILGP's webpage provides details of the current 12 SDAs, their development schemes, and how to undertake development within an SDA.</p> <p>Guidelines and a suite of standard word templates are available and are regularly reviewed to ensure they provide consistency and transparency in the approach and the best outcomes for all involved.</p> <p>Prescribed project application guidelines are publicly available and provided to proponents during 'pre-application' discussions, to assist proponents to submit meaningful applications that promote robust decision-making.</p> <p>As part of OCG's annual compliance audit, conditions are reviewed to evaluate their effectiveness and enforceability. These learnings are then fed back to the OCG's assessment teams.</p> <p>OCG:</p> <ul style="list-style-type: none"> ▪ hosts two senior official meetings each year with the Commonwealth

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	<ul style="list-style-type: none"> ▪ other regulators and agencies that may be impacted by a prescribed project or critical infrastructure project declaration, prior to making a decision on the declaration ▪ impacted landowners and occupiers prior to the exercise of land access and acquisition powers. <p>The environmental assessment process has achieved a comprehensive and coordinated whole-of-government evaluation of major projects. Throughout the process, the CG seeks advice from government agencies and technical specialists.</p> <p>Public input is routinely sought and considered on coordinated projects' Terms of Reference (ToR), draft EIS and project change applications.</p> <p>As a standard practice OCG actively engages with State agencies and or other entities that have condition jurisdiction or a compliance role with coordinated projects including when formulating coordinated project conditions to ensure they are fit-for-purpose.</p>	<ul style="list-style-type: none"> ▪ Cross River Rail – project change application 7 ▪ New Acland Coal Mine Stage 3 – project change application 2 (train load-out facility) ▪ CopperString project Draft ToR ▪ North Queensland Country Club Resort and Equestrian Centre – Draft ToR ▪ Winchester South project – Draft ToR <p>The CG also collaborates closely with the Commonwealth government on matters of national environmental significance covered by the Bilateral Agreement and conducts a single EIS that addresses State and Commonwealth environmental legislation. As a result, Commonwealth assessment times have reduced.</p> <p>Community consultation has been undertaken by OCG to help people understand how to have their say on an EIS, targeting contentious projects to ensure best use of resources and assistance.</p> <p>Eight large resource projects and the respective 59 nearby regional communities</p>	<p>Government in relation to bilateral assessment projects under the <i>Environment Protection and Biodiversity Act 1999</i></p> <ul style="list-style-type: none"> ▪ engages strongly with regional stakeholders, including local government in relation to coordinated projects and the administration of SDPWO and SSRC Acts ▪ meets regularly with other regulators including the Department of Environment and Science, the Department of Resources, the Department of Agriculture and Fisheries as well as the Planning Group to strengthen working relationships. <p>OCG completed the Sunset Review of the <i>State Development and Public Works Regulation 2010</i> which was informed through stakeholder consultation to remove redundant regulations and maintain regulations for ongoing projects. It also involved updating and simplifying the description of prescribed fees to 2020 figures. <i>The State Development and Public Works</i></p>

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	<p>The CG's decisions under the SSRC Act are informed by consultation with relevant stakeholders, including regional Councils, Unions, proponents, mine owners, local government and industry groups.</p>	<p>were decided to be included under the SSRC Act in July 2019.</p>	<p><i>Regulation 2020</i> commenced on 2 September 2020.</p> <p>OCG commenced targeted consultation with stakeholders for the SSRC Act post-implementation review in February 2020. Due to the impacts and constraints of COVID-19, consultation was extended beyond June 2020.</p> <p>OCG is engaging with government agencies to ensure an efficient approach to public notification of coordinated project material, including ToRs.</p>

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<p>3. Provide appropriate information and support to assist compliance</p> <ul style="list-style-type: none"> ▪ 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. 	<p>EDQ</p> <p>For EDQ's development assessment function, the DSDILGP website:</p> <ul style="list-style-type: none"> ▪ outlines the development assessment (DA) process including statutory timeframes ▪ provides the DA fees and charges schedule ▪ DA decisions are provided in writing and clearly outline any conditions required as part of the approval. <p>Regarding the compliance function within PDAs, EDQ:</p> <ul style="list-style-type: none"> ▪ receives and documents complaints received in relation to any alleged unlawful development / uses ▪ undertakes the necessary investigations for any alleged unlawful development / uses ▪ takes the necessary steps to ensure any development (or uses) deemed unlawful is removed (or ceases) or is legitimised through a formal assessment process. 	<p>EDQ offers pre-lodgement meetings with people wanting to lodge a DA, to provide applicants with advice and direction; and allows them to review their application and make possible changes before officially lodged. 48 applicants took advantage of this service.</p> <p>EDQ processed:</p> <ul style="list-style-type: none"> ▪ 84 development applications ▪ 71 requests to change development approvals ▪ 138 compliance assessments ▪ 162 State interest reviews; and ▪ sealed 94 survey plans facilitating the creation of over 1,410 freehold lots. 	<p>EDQ reviewed its suite of model PDA development approval conditions to improve clarity and enforceability.</p> <p>EDQ also reviewed the 'Preamble' to the conditions which is used to assist applicants interpret and comply with their conditions of approval.</p> <p>EDQ prepared a PDA conditions handbook and delivered in house staff training to improve officer expertise in setting and drafting PDA conditions of approval.</p> <p>EDQ reformatted its intranet site which provides quick, convenient access to templates and guidance material for use by staff.</p>

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	<p>OCG engages with parties affected by the exercise of powers under the SDPWO Act.</p> <p>OCG publishes a range of documentation on the DSDILGP website to guide proponents and the public on how to undertake and participate in the environmental impact statement of impact assessment report process.</p> <p>Part 7A of the SDPWO Act provides guidance to officers on the management of enforcement and general offences. To ensure consistency and transparency in any actions taken OCG has prepared guidelines and has a suite of standard word templates for its officers to reference and apply.</p> <p>During the environmental assessment process under the SDPWO Act, the CG may apply conditions to a project to manage project impacts. Compliance with conditions imposed by the CG is an indicator that projects are proceeding lawfully and in line with government and community expectations and environmental standards.</p>	<p>OCG provides direct contact details of officers to landholders who are subject to land access or acquisition notices, to enable affected parties to obtain timely guidance or advice should an issue with compliance of a statutory process or notice arise.</p> <p>OCG publishes on the DSDILGP website:</p> <ul style="list-style-type: none"> ▪ guidance about the assessment processes, compliance and enforcement matters ▪ a social impact assessment guideline and information about resource projects subject to the SSRC Act. 	<p>Guidelines and the suite of standard word templates are regularly reviewed to ensure they provide consistency and transparency in the approach and the best outcomes for all involved.</p> <p>Information published on the DSDILGP website about the compulsory acquisition process, including frequently asked questions, provides parties with an understanding of the process which can help them determine whether statutory processes or notices are being complied with. Also published is information about management and enforcement of compliance issues.</p> <p>OCG has delivered additional risk management for compliance responsibilities for projects under construction, including development of roles and responsibilities, communications plans, and review of governance frameworks to exclude conflicts of interest.</p>

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	<p>OCG works closely with other government agencies to ensure conditions on coordinated projects are reasonable, relevant, clear and enforceable. Conditions are drafted to be fit-for-purpose and mitigate impacts where necessary.</p>		

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<p>4. Commit to continuous improvement</p> <ul style="list-style-type: none"> ▪ 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. 	<p>EDQ</p> <p>EDQ regularly reviews its guidelines, practice notes, systems and processes to meet / reflect industry and community standards and expectations.</p> <p>EDQ maintains a list of future regulatory process improvement projects .</p>	<p>EDQ has implemented new project management systems and processes to:</p> <ul style="list-style-type: none"> ▪ better project-manage the assessment of PDA development applications to minimise processing timeframes ▪ monitor project timelines and deliverable ▪ improve consistency in decision making and ▪ assure work quality and ▪ report on productivity. 	<p>EDQ continues to implement business improvements including:</p> <ul style="list-style-type: none"> ▪ model development approval processes ▪ streamlining the state interest review process for delegated PDAs ▪ application monitoring and tracking systems ▪ providing training and workshops for MEDQ delegates about administering the ED Act ▪ providing training for ED Act development assessment staff. <p>The intent of these business improvement processes is to streamline processes and achieve time and resource savings for EDQ and development stakeholders.</p>

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	<p>OCG regularly reviews its practices to ensure it provides the best approach to achieving outcomes. For example, prescribed project proponents have been surveyed to understand the application process and usefulness of the declaration.</p> <p>The CG's EIS processing times have been streamlined, with significant time reductions achieved since 2012. Conditions have also been strengthened and progressively made more outcome focussed.</p> <p>An annual audit is undertaken to measure the effectiveness of the CG's imposed conditions and related compliance and enforcement framework.</p>	<p>OCG is committed to continuously building an embedded disciplined project management culture and systems through in-house training, project programs with milestones and accountabilities, project control groups for all projects and peer reviews on key issues – all of which focus on improved quality of assessments and reduced assessment delivery times.</p> <p>OCG has established proactive compliance frameworks for critical timeframe projects. Where non-compliance against imposed conditions is identified, action is taken to ensure the matter is addressed and the project can proceed.</p>	<p>Appropriate training is provided to employees to ensure they have the necessary capabilities for their respective roles. This includes opportunities to attend training provided by legal firms as well as in-house training.</p> <p>There are periodical reviews and updates to guidance material for the assessment process under the SDPWO Act.</p> <p>OCG:</p> <ul style="list-style-type: none"> ▪ further developed and implemented an internal imposed condition monitoring program which audits compliance against imposed conditions on coordinated projects including high profile infrastructure projects ▪ continuously review public facing compliance guidance material to ensure it is up to date and fit-for-purpose ▪ measure the time for each stage of the environmental assessment process to focus attention on streamlining processes and achieving efficiencies ▪ are undertaking a post-implementation review of the SSRC Act to see if it is meeting its intent which is being

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			delivered in consultation with the Office of Best Practice, Department of Justice and Attorney-General and the Queensland Human Rights Commission.

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<p>5. Be transparent and accountable in actions</p> <ul style="list-style-type: none"> ▪ 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. 	<p>EDQ</p> <p>EDQ publishes on the DSDILGP website:</p> <ul style="list-style-type: none"> ▪ a range of guidelines and practice notes are available to assist people prepare development applications consistent with EDQ's planning framework ▪ a self-certification manual which streamlines the operational works process to promote more efficient delivery of land development within PDAs ▪ all development applications and approvals. <p>The benefits of the self-certification process include:</p> <ul style="list-style-type: none"> ▪ innovation and improved outcomes ▪ reduction in approval timeframes ▪ earlier commencement of construction ▪ potential reduction in holding costs. 	<p>EDQ publishes on the DSDILGP website:</p> <ul style="list-style-type: none"> ▪ details about the process followed by EDQ when assessing and deciding PDA development applications ▪ all PDA development schemes, draft development scheme and superseded development schemes ▪ the fees payable for all PDA development applications ▪ all gazettes showing declarations of all new or amended priority development areas ▪ submissions report for all proposed new or amended PDA development schemes ▪ all current and decided PDA development applications. 	<p>The webpages are regularly reviewed to be kept up to date with relevant information.</p>

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	<p>OCG publishes on the DSDILGP website:</p> <ul style="list-style-type: none"> ▪ information and decisions ▪ guidance on compliance and enforcement matters ▪ information about SDAs, development schemes, prescribed projects, coordinated projects and large resource projects ▪ fact sheets and guidelines on how development assessment is carried out and the associated timeframes. <p>Each SDA is subject to a development scheme which is a regulatory document that controls planning and development in that SDA.</p> <p>Applicants and all referral agencies are provided with the decision on all development applications.</p>	<p>OCG publishes on the DSDILGP website:</p> <ul style="list-style-type: none"> ▪ the fees payable for applications such as an application for declaration as a Private Infrastructure Facility ▪ all gazettes showing declarations of projects as prescribed projects or critical infrastructure projects, and links to project information ▪ all gazettes showing declarations of projects as coordinated projects, and links to project information. ▪ environmental assessment material considered by the CG in the evaluation of coordinated projects ▪ instructions for the public to have their say on coordinated projects undergoing evaluation ▪ the CG's evaluation report ▪ information providing an overview of the SSRC Act and social impact assessment requirements, including a list of large resource projects and associated nearby regional communities. 	<p>The webpages are regularly reviewed to be kept up to date with relevant information.</p>

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		The CG published timeframes for the Adani project's major approvals to be met to provide certainty to stakeholders.	