**From:** Martin Garred
**Sent:** Tuesday, 29 September 2015 2:13 PM
**To:** Yatala Residents Alliance
**Subject:**
YRA REQUEST FOR ONE ON ONE MEETING REGARDING STATE PLANNING POLICY 2015

Further to the request from YRA to respond to questions highlighted in the meeting of 16 September 2015, I can provide the following:

1) Have the industry to residential separation distances as introduced by the Labour government in their previous term been retained.

The policy position in relation to separation distances which existed prior to the introduction of the State Planning Policy in 2013, is not a matter which is covered by the draft Planning Bill. However, I can advise that there are requirements which Local Government's must consider when drafting a new planning scheme. These include protecting sensitive uses from the impacts of activities that cause risk to people or property and locating industrial uses in areas that avoid, mitigate and manage the adverse impacts of emissions on sensitive land uses. Furthermore, whilst these requirement are not in the current *Sustainable Planning Act 2009* or the proposed bill, both give power to the State Planning Policy which contains these requirements.

2) Does the 1km separation between residences and hard rock quarries which carry out blasting still apply, and what actual / clear / unambiguous conditions would allow / permit these same quarries to operate closer to residences. i.e answers such as due to the terrain or certain circumstances a lesser distance is acceptable, is clearly not an acceptable answer.

Further to the above requirements which are an extract from the State Planning Policy, there are minimum requirements which must be achieved to ensure that development does not result in an adverse impact on sensitive land uses such as residential development. Queensland does not have a prescriptive planning system, instead using a performance based system for the assessment of development applications. These applications are assessed against the relevant local planning scheme, and relevant state instruments, where the Act provides a process for the assessment. The Act itself does not provide specific regulations for the assessment of development applications.

3) Is it indeed State Government policy to not permit Councils to show Special / Hazardous industry in their city plans, as was advised to us by the Gold Coast City Council in their response in the Draft City Plan 2015 Submission Report.

The State require local governments to draft planning schemes which are compliant with the Queensland Planning Provisions. These provisions include all the land uses definitions which can be included in a planning scheme, including Special Industry and High Impact Industry. Gold Coast City Council made a policy position to not include this definition of Special Industry or a special industry zone in their planning scheme. This decision was made entirely by Council and was not a direction or requirement of the State Government.

4) Does the amended bill set limits for hazardous material volumes in the case of high impact and special impact / hazardous industries, as is the case for low impact and medium impact industries. If not why? And how can one differentiate between high impact and special industry?

As described above, the Bill will not prescribe criteria which development is to be assessed against. A local government planning scheme is a document which outlines matters which a development application would be assessed against. Further to obtaining a development permit, in some instances, industrial uses may also require an environmental authority to operate. These are assessed under the *Environmental Protection Act 1994*. Applications that solely concern an environmental authority are lodged with the Department of Environment and Heritage Protection. I would encourage that if you require further information on these permit types, that you contact that DEHP directly.

5) Will the amended 2015 planning bill's guidelines stand up in court in order to prevent developers who purchase low impact land, from then being able to build High Impact or Hazardous / Special industry on it through the use of the MCU application process?

The proposed Bill will be a separate document from the proposed Planning and Environment Court Bill. The proposed Bill will give the P&E court its powers under the draft Planning and Environment Court Bill. This draft bill also proposes that each party will bear its own costs in relation to any appeal. However, further to the above, as already discussed, the proposed Bills or current Act does not provide assessment criteria for development applications and is the document which gives power to the relevant instruments used to assess these applications.

I trust the above information is of assistance and I encourage your organisation to make a submission in relation to the draft Planning Bills.

**Martin Garred**
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