



18th January 2016

Research Director
Infrastructure, Planning and Natural Resources Committee
Parliament House
George Street
Brisbane Qld 4000

Dear Committee Members

Re: Review of legislation currently before the Infrastructure, Planning and Natural Resources Committee

We write to you on behalf of Queensland Catholic Education Commission (QCEC) and Independent Schools Queensland (ISQ) regarding the draft legislation currently before the Infrastructure, Planning and Natural Resources Committee, specifically the draft *Planning Bill 2015* and draft *Planning and Development (Planning for Prosperity) Bill 2015*.

QCEC and ISQ represent the interests of more than 490 non-state schools - educating around 267,000 students, or a third (33%) of all Queensland school enrolments, and contributing significantly to Queensland's economic development through student education, staff employment and school infrastructure investment.

Context

Over recent years significant work has been done by the State Government and industry representatives in delivering a better planning system in Queensland. We value and appreciate that this reform continues under the current Government.

The reform agenda has included a focus on better strategic planning, effective engagement in the planning framework, clearer legislation and efficient development assessment, and an open and accountable planning system that delivers investment and community confidence.

Part of this reform agenda has reflected the importance of schooling within the State of Queensland with the addition of Education as an explicit State Interest and incorporation into the State Planning Policy (SPP). The State's ongoing commitment to improving forward planning for schools and cross sectoral collaboration is recognised as valuable by all the parties involved.

We applaud the Education Minister's continued support of this work through the new Queensland Schools Planning Reference Committee (replacing the Queensland Schools Planning Commission [QSPC]). Many of the recommendations of this cross sectoral collaboration have been incorporated into the current draft *Planning Bill 2015* and subordinate legislation.

Issues

Two of the underlying principles in education planning reform are equity and fairness. Consistent with this approach is the provision of a "level playing field" for all sectors where there is a single set of consistent planning rules for State and non-state education providers.

Significant discrepancies that occur between the sectors in terms of planning timeframes are due to the different development approval pathways (refer to **Attachment A**). This discrepancy in pathways impacts on the time and cost of delivering schools and is not in the interest of the State or our communities.

Submission

Our submission to the Committee seeks to ensure future school planning is undertaken on a consistent and equitable basis for all school providers.

Our key points relate to:

Changes to the Community Infrastructure Designation process

1. As non-state education providers, we strongly support the proposed changes to the Infrastructure Designations process. This includes changes to both the Planning Act and the Statutory Guideline that provide for a simpler and quicker provision of essential infrastructure that includes schools (State and non-state).

Education as a State Interest

2. The incorporation of Education into the **Single State Planning Policy (SPP)** as a State interest and the changes to the Act to streamline state instruments is supported. This is already providing the opportunity for all sectors to be engaged at the "front end" of the planning process, working with local governments to ensure adequate provision for the future growth of potentially 100-120 new schools over the next two decades.

Exemption from Infrastructure Charges

3. Application of local government infrastructure charges for schools was discussed extensively by the QSPC. Although a consensus was not reached (with LGAQ not in agreement with the school sectors), the final recommendation included a two-pronged approach being:
 - a. the exemption of infrastructure charges to all school sectors, and
 - b. a compensation provision from the State to Local Governments where trunk infrastructure impacts are demonstrated.
4. This recommendation supports the principle of ensuring an equitable approach with all education providers having a "level playing field" i.e. consistency between State and non-state sectors. It needs to be noted that the State schooling sector is now exempt but non-state schooling sectors are not.

5. Analysis of trunk usage (i.e. in peak and non-peak demand periods) has shown that education facilities already support an efficient use of trunk infrastructure. We do acknowledge there are 'reasonable and relevant' direct infrastructure costs which would still impact ~~related to~~ on school developments, such as roadworks.
6. The following Table 1 provides an overview of total local government infrastructure charges (including trunk infrastructure and external works) for non-state school projects over the past three years. These figures are based on details of the 50% State subsidies provided under the *External Infrastructure Subsidy Scheme*.

While the total charges raise only a moderate level of revenue for local government, for individual schools these charges can be excessive relative to the size of the relevant project and can have a prohibitive influence on the viability of some projects.

Table 1: Local Government Infrastructure Charges on Non-State School Projects		
School sector	Local Govt charges (estimated)	State subsidy granted (50%)
2015		
Catholic	\$5,889,586	\$2,944,791
Independent	\$8,455,094	\$4,227,547
Total	\$14,344,680	\$7,172,338
2014		
Catholic	\$6,308,616	\$3,154,308
Independent	\$6,475,408	\$3,237,704
Total	\$12,784,024	\$6,392,012
2013		
Catholic	\$4,672,306	\$2,336,155
Independent	\$7,140,832	\$3,570,416
Total	\$11,813,138	\$5,906,571

7. We also note there is inconsistency, in regards to the treatment of infrastructure charging for non-state sectors, between the provisions of the draft *Planning and Development (Planning for Prosperity) Bill 2015*, the draft *Planning Bill 2015*, and the *Statutory Guideline for Ministerial Designations 2015* (refer to **Attachment B**). It was our clear understanding from consultations and discussions to date that the Bills would address this inconsistency. The Private Members' Bill *Planning and Development (Planning for Prosperity) Bill 2015*, Section 108, 2 c iii does address this inconsistency and is strongly supported by our sectors.

From discussions with departmental policy makers, we understand the failure to address this inconsistency in the *Planning Bill 2015* may be an administrative oversight as the policy position was intended to reflect the reform agenda in the drafting of the new legislative regime. It was a Government election commitment that the treatment of infrastructure charging for both state and non-state schools would be consistent and equitable. We are disappointed that the current wording in the draft Bill does not reflect this commitment.

We strongly urge that the provisions of the draft Bill be amended to reflect what we understood to be the intended position, that is, that the infrastructure charging exempts all essential infrastructure including non-state school providers, where the development is undertaken through Ministerial designation.

The provision of school education is essential community infrastructure and an important contributor to the economy of the State of Queensland. All school sectors have contributed to the growth in school provision that has already occurred and, having identified the challenges that all sectors face in providing for future enrolment growth, it is critical we ensure a simple, efficient, consistent and cost-effective planning process is in place to support the delivery of this critically important infrastructure in a timely and cost-efficient manner.

We thank you for the opportunity to bring these matters to your attention for consideration. We would welcome the opportunity to discuss our submission in more detail with the Committee.

Yours sincerely



Dr Lee-Anne Perry AM
Executive Director
Queensland Catholic Education Commission

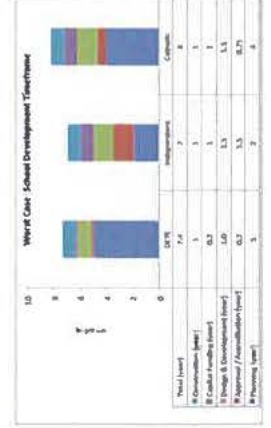
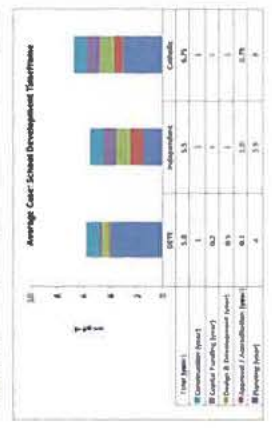
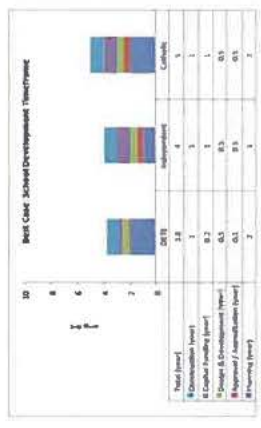
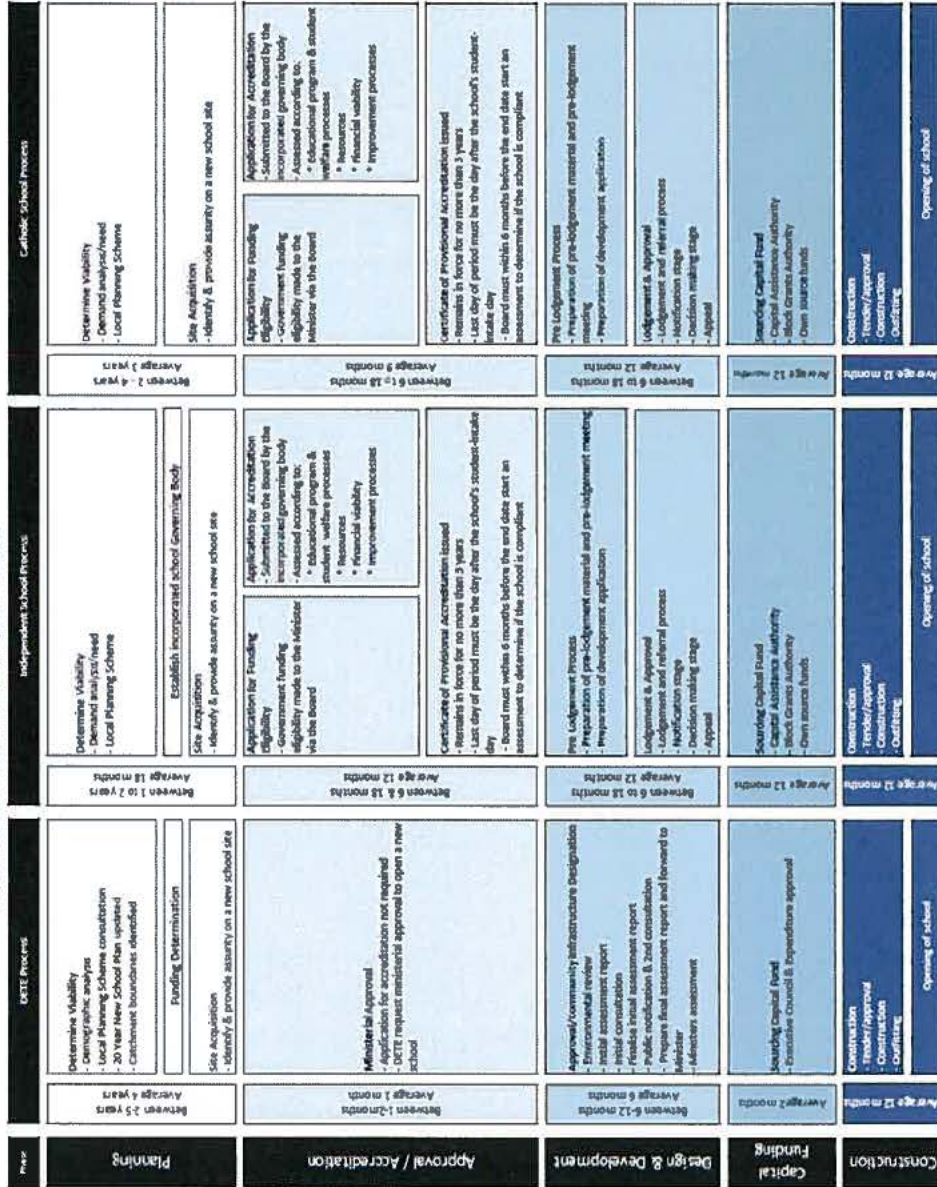


David Robertson
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Independent Schools Queensland

Queensland Schools Planning Commission First Report, Appendix 3

Current school development flowchart

SCHOOL DEVELOPMENT FLOWCHART (AS-IS PROCESS)



Government Bill - Planning Bill 2015– Infrastructure Charge Clauses

Chapter 4 – Infrastructure, Part 2 – Provisions for Local Governments, Division 2 – Charges for Trunk Infrastructure, Subdivision 1 – Adopting Charges

112 Adopting charges by resolution

- (1) A local government may, by resolution (a **charges resolution**), adopt charges (each an **adopted charge**) for providing trunk infrastructure for development.
- (2) However, a charges resolution does not, of itself, levy an adopted charge.
- (3) **An adopted charge must not be for—**
 - (a) works or use of premises authorised under the *Greenhouse Gas Storage Act 2009*, the *Mineral Resources Act 1989*, the *Petroleum Act 1923* or the *Petroleum and Gas (Production and Safety) Act 2004*; or
 - (b) development in a priority development area under the *Economic Development Act 2012*; or
 - (c) **development by a department, or part of a department, under a designation.**

Private Member’s Bill - Planning and Development (Planning for Prosperity) Bill 2015:

Chapter 4 – Infrastructure, Part 2 – Provisions for Local Governments, Division 2 – Charges for Trunk Infrastructure, Subdivision 1 – Power to Adopt Charges

108 Power to adopt charges by resolution

- (1) A local government may, by resolution (a **charges resolution**), adopt charges (each an **adopted charge**) for providing trunk infrastructure for development.
- (2) However—
 - (a) a charges resolution does not, of itself, levy an infrastructure charge; and
 - (b) the making of a charges resolution is subject to this subdivision and subdivision 2; and
 - (c) **an adopted charge must not be for—**
 - (i) works or use of premises authorised under the *Greenhouse Gas Storage Act 2009*, the *Mineral Resources Act 1989*, the *Petroleum Act 1923* or the *Petroleum and Gas (Production and Safety) Act 2004*; or
 - (ii) development in a priority development area under the *Economic Development Act 2012*; or
 - (iii) **development under a designation.**

2.3 Infrastructure charges and designations

Infrastructure charges are applicable to all development the subject of a development application assessed by either the relevant local government or state government. As designation of premises for infrastructure removes consideration of the infrastructure project from the development assessment process, infrastructure charges are not applicable to designated infrastructure. However, it is noted that provision of designated infrastructure will, in many cases, have impacts on other classes of infrastructure. For example, a school provided as designated infrastructure will have impacts on the surrounding road network. As part of the infrastructure designation process, infrastructure entities must provide a scope of associated infrastructure requirements and are obliged to discuss delivery of these requirements with the

Infrastructure Designation: Statutory Guideline for Ministerial Designations

Department of Infrastructure, Local Government and Planning

relevant local government or state government agency including roles, responsibilities and funding arrangements.