

pitt&sherry

Specialist Knowledge.
Practical Solutions.

The path of least resistance – the need for a national environment and planning framework

Prepared by – David Carberry, David Lenel, Malinda Facey
Date – 30 April 2019



The Issue

- There is no national environment and planning framework.
- Which State has the “path of least resistance”?
- Not a reflection of a lack of commitment to good environmental and planning outcomes.
- Reviewed a hypothetical wind farm in Queensland, NSW and Tasmania.



The wind farm

pitt&sherry

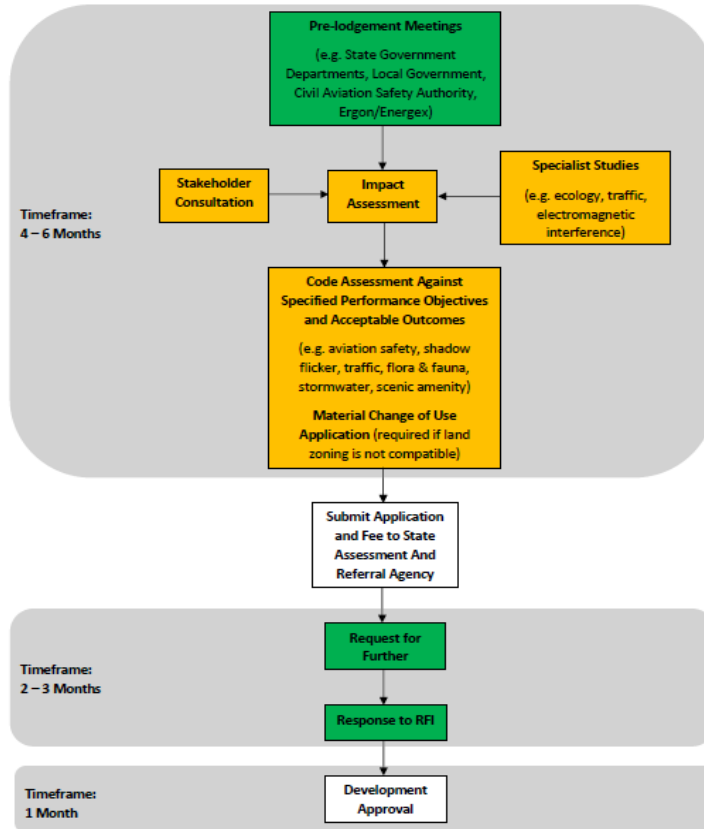


- **Size:** 50 turbines and 11 sub stations;
- **Power output:** 250 Megawatt (MW);
- **Site:** Largely cleared grazing land in one Local Government Area; and
- **Stakeholders and Community:** Most will be very supportive, some NIMBYs (Not In My Back Yard) and regulators are not overly concerned.

Queensland Approval Process

- Local Government is assessor and approver.
- State Code 23: Wind farm development
- Code Assessable as:
 - all wind turbines are at least 1,500m from a sensitive land use
 - 1 or more wind turbines for the wind farm are less than 1,500m from a sensitive land use on a non-host lot and the owner of the non-host lot has agreed by deed.
- Stakeholder engagement strongly recommended but not required.

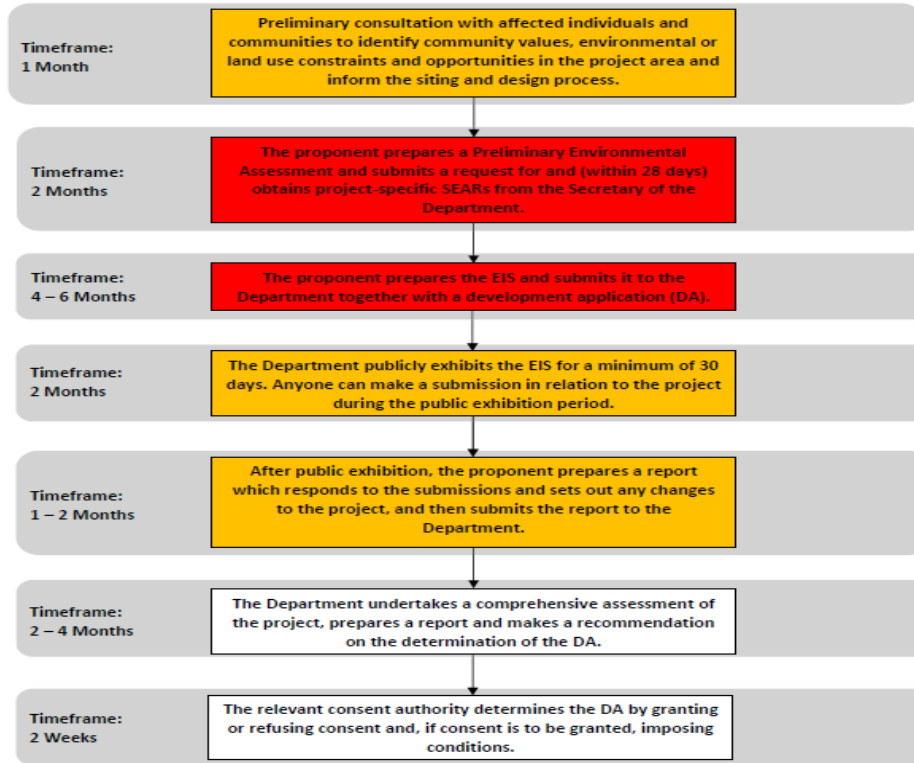







Relative level of effort in terms of cost and time	
High	Red
Moderate	Yellow
Low	Green

NSW Approval Process

- State Significant Development assessed by the State Government as:
 - CIV greater than \$30M; and
 - Output greater than 30MW.
- Wind Energy Guideline.
- Detailed approvals pathway needs to be assessed on a case by case basis.
- If over 25 objections are received or Local Government object it will go through to the Independent Planning Commission.
- NSW has a current focus on community and stakeholder consultation at the commencement of the project.
- Project will require an Environmental Protection Licence and possibly other approvals.



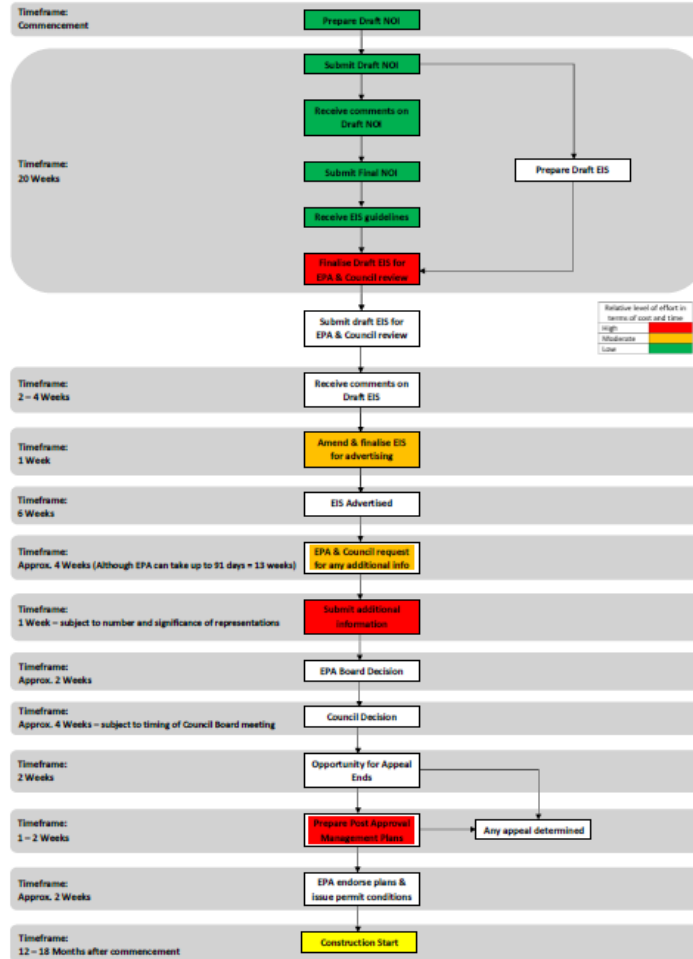
Relative level of effort in terms of cost and time	
High	
Moderate	
Low	

Tasmanian Approval Process

pitt&sherry



- Planning aspects assessed by Local Government. Referred to the State Environmental Protection Agency who would assess environmental aspects.
- Detailed EIA required.
- Stakeholder engagement is voluntary up to the point of advertising.
- Following all statutory advertising periods, the Local Government would issue the final Permit with the EPA conditions effectively sitting ‘behind’ it.



The National Education Curriculum

- The *Environment Protection and Biodiversity Conservation Act* (1999) - focusses on the protection of matters of national environmental significance.
- National Education Curriculum - framework to provide consistency across Australia.
- Historically, there had been numerous attempts at cross-jurisdictional cooperation.
- Australian Curriculum, Assessment and Reporting Authority (ACARA) was established as a Federal statutory authority in 2008 with the aim of developing and refining the Australian Curriculum, national assessment and reporting on schooling in Australia.



The Curriculum Development Process

pitt&sherry

acara AUSTRALIAN CURRICULUM,
ASSESSMENT AND
REPORTING AUTHORITY

A lot of work goes into
a great education...

ACARA improves the learning of all young Australians through
world-class school curriculum, assessment and reporting.

Step 1: Blueprint

We work with leading educators to develop a "shape" for the curriculum.

What do we look at?

- Educational goals for young Australians
- Key research
- Learning needs in the 21st century
- Leading national and international curriculum

Number of respondents:

7,339 across 12
Shape Papers



Step 3: Trialling

We trial the curriculum to make sure it works
in classrooms. 2,166 teachers trialed the
curriculum in primary and secondary schools
across Australia.



Step 5: Teaching

The Australian curriculum is published at
www.australiancurriculum.edu.au

States and territories work with their schools to
implement the curriculum. In 2014 all states
and territories have begun to implement F-10
Australian Curriculum



How do we make a
national curriculum for
over 10,000 schools?

Step 2: Writing

We work for about 18 months with experts
and advisors to draft a curriculum. Public
consultation is open for about 10 weeks.

During the writing phase, we received the following
number of consultation responses:

12,301

Both individuals and groups respond. One
submission from a state or territory may represent
the views of hundreds of teachers. We analyse
feedback and revise the curriculum.

Step 4: Approval

The curriculum is then approved by the ACARA
Board and all Education Ministers.



Step 6: Monitor it

From 2014 we will report annually on feedback
about the effectiveness of the curriculum.

We make decisions about change carefully,
balanced against the need for curriculum stability.

Under the new national curriculum

3,674,220

young people across Australia will access a
world-class curriculum that enables them to become
successful learners, confident and creative
individuals and active, informed citizens.

1. Curriculum shaping;
2. Curriculum writing;
3. Preparation for implementation; and
4. Curriculum monitoring, evaluation and review.

Lessons Learned

- The “missing step” - the development of an overarching curriculum development framework to underpin learning area and subject content;
- Too rushed;
- Timelines should have been applied to curriculum development for all subjects;
- Significant compromise in the development of the curriculum in order to get all jurisdictions and other stakeholders to agree however the educational basis for these compromises is unclear.
- Stronger governance framework was required that was independent from education authorities;
- Stakeholder engagement was planned and generally implemented well; and
- It was felt that depth had been compromised by breadth.

Conclusions

- Development applications are lodged with Local Governments in Queensland and Tasmania with possible referral to State Government in Queensland and required referral in Tasmania. Applications are lodged directly to State Government in NSW;
- Development applications are approved by the Local Government in Queensland, by Local and State Government in Tasmania and by State Government in NSW;
- The commencement of the assessment phase through to approval can take as little as 7 months in Queensland and up to 18 months in Tasmania and NSW;
- The impact assessment process is significantly more detailed in NSW, somewhat detailed in Tasmania and less detailed in Queensland; and
- Stakeholder engagement requirements vary widely across the three states.

Conclusions

- Significant differences in terms of costs to proponents, level of stakeholder input and potentially the environmental impact of the operational project.
- From an economic perspective, investment at State/Territory level could be impacted as a result of the lack of consistency in the assessment and approval process.
- Both proponents and their consultants face difficulties in judging the level of detail required in undertaking environmental assessments in terms of identifying risk, constraints and opportunities.
- Proponents also face difficulties in understanding investment cost and Return on Investment.

A pragmatic national environment and planning framework would address these and other issues