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

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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

- **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.
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.
Preliminary consultation with affected individuals and communities to identify community values, environmental and land use constraints and opportunities in the project area and inform the siting and design process.

The proponent prepares a Preliminary Environmental Assessment and submits it to the Department within 28 days. Anyone can make a submission in relation to the project during the public exhibition period.

The proponent prepares the EIS and submits it to the Department together with a development application (DA).

The Department publicly exhibits the EIS for a minimum of 30 days. Anyone can make a submission in relation to the project during the public exhibition period.

After public exhibition, the proponent prepares a report which responds to the submissions and sets out any changes to the project, and then submits the report to the Department.

The Department undertakes a comprehensive assessment of the project, prepares a report and makes a recommendation on the determination of the DA.

The relevant consent authority determines the DA by granting or refusing consent and, if consent is to be granted, imposing conditions.

Relative level of effort in terms of cost and time:
- High
- Moderate
- Low
Tasmanian Approval Process

• 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

- 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

1. Curriculum shaping;

2. Curriculum writing;

3. Preparation for implementation; and

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