

PO BOX 557,
BEAUDESERT
Queensland 4285
www.laca.org.au



Department of Infrastructure,
Local Government and Planning

By Email : bestplanning@dilgp.qld.gov.au

18 October 2015

Dear Madam/Sir,

**RE: Submission on Directions Paper: Better Planning for Queensland
(Comments close 23 October 2015)**

The **Logan and Albert Conservation Association INC (LACA)** is a volunteer not for profit community group that has been working with the community to improve environmental outcomes in the Logan and Albert area for more than 25 years. The Logan and Albert Conservation Association Inc has a membership that extends across the Logan City Council and Scenic Rim Regional Council areas.

The local government areas of Logan City Council and Scenic Rim Regional Council areas have extensive and large areas proposed for future development and population increase under the SEQRP including : Bromelton SDA, Greater Flagstone, Yarrabilba , and Park Ridge. The Logan and Albert Conservation Association Inc has been involved in writing submission to these planning processes for more than 25 years, in addition to the local planning changes that have been proposed in the Logan City council and Scenic Rim Regional Council areas.

The Logan and Albert Conservation Association appreciates this opportunity to comment on the Directions Paper: Better Planning for Queensland. However we continue to be deeply concerned for the current and future wellbeing of the community and the environment in Queensland and Australia generally.

I have outlined below our major concerns about the *Directions Paper: Better Planning for Queensland*:

1. This Direction Paper completely ignores the environment, Ecologically Sustainable Development (ESD) and its principles (e.g. precautionary principle and intergenerational equity) . It is critical that a prescriptive definition of Ecologically Sustainable Development needs to be added to this document. Queensland and Australia's economy and community depend on the health, liveability and sustainability of our environment. We all depend on this.
2. There is little mention of climate change with the exception of s3(4)(c)(iv). Climate change is a recognised phenomenon, occurring now. It is essential that climate change is considered in all relevant areas of planning decision making.
3. The Directions Paper proposes fewer codes to guide development and name changes for these codes will occur. For example, self-assessable development will be called accepted development and have no codes that apply. The constant changing of terminology is confusing to the general community and makes it difficult for genuine community engagement and participation. Codes are very important because they assist in ensuring that developments are suitable for the site and to reduce possible impacts. The assessable development should remain with code to be considered for each site.

1

Logan & Albert Conservation Association

PO Box 557, Beaudesert, Qld 4285

ecoinfo@laca.org.au

www.laca.org.au

ABN 91 993 348 588

4. Public notification for the community is essential – this right has and is still now being lost, for example, with self-assessable land uses and for uses proposed in Priority Development Areas (such as Interim Uses that are deemed “ appropriate and not subject to any public notification”). The community has the right to be publically notified – this democratic right should be returned to this document and other planning documents. The public should have a say in decisions about actions that could affect their lives and local community and environment. Public participation should include a commitment that public contributions will influence the decision. Public participation promotes sustainable decisions.
5. The length of time for public notification also needs to be sufficient to ensure the community has the opportunity to comment. Public notification periods are presently shorter for major developments, for example, 15 business days. However under the Sustainable Planning Act (SPA) the public notification period is 30 business days. Major developments do require a longer time frame for public notification. Many development applications are complex, have many documents with technical information in them and use language that is not familiar to the average person. Consequently, the community needs adequate time to peruse the material themselves or to get an expert to view documents of their behalf, before they can write a submission.
6. Public notification provisions are now located in the section on Development Assessment Rules – this makes it easier to change and reduces certainty for the community. Public notification provisions should have greater certainty.
7. It is critical that public involvement in decision making occurs through submission and that appeal rights are retained for the community for open, transparent and accountable decision making.
8. It is essential that the community is provided with third party appeal rights in the Act so that they have the opportunity to have their concerns about a development fully investigated by an independent decision maker. This is essential for open, transparent and accountable decision making.
9. At present, if a community group takes a developer to the Planning and Environment Court, costs may be made against third parties who take the enforcement action – this means that a community group is significantly at risk and this is a disincentive for groups to take this action. In the past, the rule was that each party pay their own costs in the Planning and Environment Court. This rule should be returned so that the community third party appeal rights are exercised in the interests of good planning.
10. Local newspapers which are most popular and widely spread in the relevant area, should be kept as the source of advertisement for development applications. It makes the information more accessible to the local community.
11. Short public notice timeframes are not taking into consideration the time needed for the community to (a) learn about the planning issue, (b) respond to the planning issue to attend workshops or (c) to have adequate time to read the required documents and prepare a response to those documents. Time frames of 25 – 35 business days should be allowed generally, and for planning scheme reviews 45- 60 business days.
12. Key elements and core matters are not provided in the Directions Paper to direct what needs to be included in local planning instruments. By not including these, there is a greater likelihood that there will be inconsistencies in local government approaches to environmental protection. Clear and meaningful performance indicators are essential and assess the effectiveness of strategic outcomes. Performance indicators need to be included in local and State planning instruments. This is not the case at present in this Directions Paper.

Logan & Albert Conservation Association

PO Box 557, Beaudesert, Qld 4285

ecoinfo@laca.org.au

www.laca.org.au

ABN 91 993 348 588

13. State Department concurrence powers need to be returned, so that departments have the ability to refuse or condition development. **Currently under SARA, State Departments only have advice agency status and cannot require refusal, approval or conditions.** State Government departments like Dept of Environment and Heritage Protection and the Dept of Natural Resources and Management are specialists in areas like vegetation protection and coastal protection. Previously, these departments were given concurrence agency status for some development applications and they could direct refusal, or approval, or set conditions on a development to ensure environmental protection. LACA recommends that SARA be bound to follow the technical advice of referral advice agencies.
14. It is essential that a high level of public consultation occurs on State and local planning instruments because these planning instruments are the basis of all development assessment decisions. The community needs strong provisions in legislation to mandate how public consultation should be undertaken, to provide consistency and certainty for public consultation.
15. There should be mandated in the Act a specific list of documents that must be available for the public to access, as is the case with the Sustainable Planning Act (SPA) at present.
16. Third party enforcement provisions need to be included in the Act. This is a benefit to the Government and community by ensuring compliance and enforcement are provided in the event that the government lacks the resources or willingness to do so itself.
17. Judicial review should be allowed for planning decisions in the planning Act e.g. reviewing whether a decision was made according to the legal processes provided for. Planning decisions should not be exempt from this.
18. It is important that Ministerial powers are provided in the Act as they are in SPA. It is important to have these powers provided in the Act so that they are not open to be changed as governments change over time.
19. It is necessary for planning studies and supporting documents to be prepared to inform new planning instruments and this should be mandated. At present, this is optional and not mandatory. These studies should be available and accessible to the community. Public consultation should be undertaken prior to any new or amended planning instrument being developed.
20. Background studies and reports to inform planning instruments should be accessible as historical background documents for the community.
21. It is important that State Planning Regulatory Provisions (SPRP) such as the SEQ Regional Plan and the Koala Conservation SPP and Queensland Planning Provisions (QPP) should be continued and not moved to subordinate legislation. The Draft Regulation out for comment does not have a current updated list with all the SPRPs and this is unable to be critiqued at this time. Prescriptive directions need to be given to local governments in the preparation of their local planning schemes or policies to provide greater consistency in regulation between each local government area.
22. LACA supports the regular and timely review of planning instruments to improve their currency and effectiveness.
23. LACA does not support discretionary power being given to the government to exempt development proposals from assessment e.g. exemption certificates may be sought by developers (s44) . This power should not be provided in the planning framework.

Logan & Albert Conservation Association

PO Box 557, Beaudesert, Qld 4285

ecoinfo@laca.org.au

www.laca.org.au

ABN 91 993 348 588

The Logan and Albert Conservation Association Inc requests that the Queensland's Planning Framework is 'best practice' and should reflect the needs and desires of the community and protect our ecological assets through : ensuring the protection of our environment; transparent and accountable governance; genuine community participation in decision making; and reforms for new and previous planning instruments and legislation.

The Logan and Albert Conservation Association Inc also supports the submissions made by The Environmental Defenders Office Queensland, Queensland Conservation Council, FOSEQ (Friends of South-east Queensland) and Redlands 2030.

Yours sincerely,

Anne Page (M Env Mgt , BA Hons Dip Ed)
President
Logan and Albert Conservation Association
PO BOX 557 Beaudesert QLD 4285
Email: mkpage@bigpond.com
Ph: 3297 0624

Since its inception in 1989, LACA has worked with community, council, industry, and government to develop understanding, commitment and actions for more sustainable living.

LACA aims...

- To play an active role in the protection and enhancement of the environment.*
- To promote the concept of environmental sustainability as an essential criterion of planning for development.*
- To educate and inform the community on all aspects of conservation.*
- To research and report on current and proposed activities likely to affect the local environment.*
- To encourage the widest possible public consultation and informed debate on matters of conservation and environmental importance to the local community.*

Logan & Albert Conservation Association

PO Box 557, Beaudesert, Qld 4285

ecoinfo@laca.org.au

www.laca.org.au

ABN 91 993 348 588