

## **COMMUNITY ENGAGEMENT GROUP**

13 January 2016

Re: Review of Planning Act - submission

Dear Sir/Madam

Please find enclosed our covering letter including our submission and our document - Appendix A.

On behalf of the Toowoomba Region Community Engagement Group (CEG), I submit our views on the much needed reforms to the Queensland Planning Act, which, we believe, will reintroduce some much needed sense of democratic community involvement in what happens in our own street, neighbourhood, town and region.

Town planning legislation provides a yardstick for measuring the extent to which an elected government is prepared to engage with its citizens in democratic processes. This is particularly so in the development assessment provisions of the planning act and how it is applied in local government planning schemes.

The stakeholders in these processes do not all operate from a level playing field. Powerful development interests have a long history of engaging professional lobbyists in unrelenting campaigns to persuade governments to accept their particular views, whereas householders lack the resources to engage professional help in presenting their case.

This disadvantage for residents increases with their difficulty in understanding planning legislation, which seems to become more voluminous, complex and jargon filled with each legislative review. It is therefore, we believe, incumbent on governments to recognise the disadvantage faced by ordinary citizens who have the legitimate and democratic right to have their concerns properly considered in the assessment of development proposals that may have a crucial impact on the liveability of the communities in which they live.

Toowoomba's Community Engagement Group (CEG) is a non-profit, apolitical group which strongly supports the core values of the International Association for Public Participation (IAP2) which we include in Appendix A. CEG acknowledges that the Queensland Government and Toowoomba Regional Council (TRC) also claim to support IAP2 values.

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It is the view of the CEG that the Planning Bill 2015, like its predecessor the Sustainable Planning Act 2009, are travesties, which fail to meet democratic procedures for public participation.

The recent experience in Toowoomba has seen widespread dismay, anger and frustration at the

number of developments that have taken place in residential areas without public notification, due mainly to the Code Assessable provisions applied very liberally under the planning scheme by a pro-development LNP politically dominated council.

Our greatest concern therefore is in the Chapter 3 development assessment processes of the 2015 Bill. Though we can accept in principle the Clause 44(2) prohibited development and Clause 44(4) accepted development provisions, we strongly object to Clause 44(3) assessable development procedures where they exclude public participation.

CEG reiterates the importance of public participation in decision-making and our particular concerns for the liveability of residential areas and protection of heritage assets threatened by unannounced, incompatible forms of development as seen recently in Toowoomba under the "fast-track/tick-the-box" assessment system.

### SUBMISSION:

1. That the Queensland Government in revising its planning act ensures conformity with IAP2 Core Values for the Practice of Public Participation.
2. That the Queensland Government in revising its planning act stipulates in the section dealing with development assessment, a requirement that every development application in a residential zone requiring a form of town planning approval under a local planning scheme shall require the applicant to:
  - . Place a development notice sign on each road frontage of the site advising the nature of the development proposal, details of which may be inspected at the office of the council
  - . Provide written advice to adjoining property owners of their intended development proposal
  - . Place a public notice of the proposed development in the public notices column of a local newspaper
  - . Provide details of the proposed development for the relevant local authority to display on its website

. Provide hard copies of the proposed application and all associated documents to the relevant local authority for public scrutiny.

3. That the revised act allows a period of 30 days from the time of erection of signage and lodgement of documents for the public to make written comment or objection with the requirement that objectors must state their grounds for objection. Councils to advise objectors in writing of their decision in regard to their objection and the grounds for their decision. Objectors to also be advised of their right to appeal to the Planning and Environment Court where applicable.

Yours faithfully,

A handwritten signature in cursive script that reads "Terry Ryan".

Mr. Terry Ryan

Honorary Secretary



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## APPENDIX A

<https://www.iap2.org.au/documents/item/83>

IAP2 developed the Core Values for the practice of public participation for use in developing and implementing public participation processes to help inform better decisions that reflect the interests and concerns of potentially affected people and entities. The Core Values were developed with broad international input to identify those aspects of public participation that cross national, cultural and religious boundaries.

- 1) Public participation is based on the belief that those who are affected by a decision have a right to be involved in the decision-making process.*
- 2) Public participation includes the promise that the public's contribution will influence the decision.*
- 3) Public participation promotes sustainable decisions by recognising and communicating the needs and interests of all participants, including decision makers.*
- 4) Public participation seeks out and facilitates the involvement of those potentially affected by or interested in a decision.*
- 5) Public participation seeks input from participants in designing how they participate.*
- 6) Public participation provides participants with the information they need to participate in a meaningful way.*
- 7) Public participation communicates to participants how their input affected the decision.*