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

Sent via email: ipnrc@parliament.qld.gov.au

Dear Mr Chair and Committee Members

Submission on Private Member and Government planning frameworks

Thankyou for the opportunity to make submissions on the proposed planning frameworks introduced by the Private Member Tim Nicholls and the Government.

Development Watch is a community group based in Coolum on the Sunshine Coast. One of our primary aims is to encourage policies and planning practices that preserve and enhance the quality of life in the Coolum district for both residents and visitors. We have prepared this submission with this aim in mind.

We submit as follows:

1. The Private Member planning framework be rejected because it:

- does not adequately provide for ecologically sustainable development (**ESD**) as a key purpose of the Planning Act; no definitions or explanations are provided for ESD nor is there a requirement to advance the purpose of the Act. ESD is an essential component of any planning framework and, as it is not an intuitive term, it must be supported by sufficiently detailed definition to guide its implementation.
- hinders community participation by providing costs rules which allow more discretion for costs against community groups in planning appeals. There are no specifications in the Act as to minimum time frames for public consultation on development applications, no detail in the Act as to what information is required to be publicly accessible, and no requirement for the Minister to consult prior to calling in a development application.

- provides no checks and balances on the State Assessment Referral Agency (**SARA**) – both the Government and Private Member's bills provide for SARA to be the key assessment manager, without allowing specialist departments such as the Department of Environment and Heritage Protection to hold concurrence agency status for development that concerns their specialist areas, as they did prior to 2012.
2. **The Government's planning framework be passed only with these amendments:**

Community involvement in decision making

- (a) ***Specify in the Act when an increased public notification period should be required, as provided for in section 53(4)(b)(ii) of the Planning Act.*** A schedule should be provided for in the Planning Act which specifies a minimum of 30 business days for high concern development, as was previously provided in the Sustainable Planning Regulation 2009 Schedules 16 and 17. We are pleased to see the insertion of section 53(4)(b)(ii) which may expand the requirement for public notification for certain development. However, this does not specify the 30 business days originally provided in the SPA. Also, it would be much improved if high impact development was provided for in a schedule to the Act itself, with a capability to add to this list in regulations.


Accountable, transparent and certain decision making

- (b) ***Remove section 45(4) which states that code assessable development need not be assessed in accordance with the purpose of the Act.*** Increasingly development is being categorised as code assessable – by including this provision the purpose of the Planning Act becomes irrelevant for a significant number of developments, and our environment suffers.
- (c) ***Remove section 60(2)(b) from the Planning Act. It provides an unacceptable discretion to approve code assessable development without that development proposal complying with any of the assessment benchmarks.*** Where is the assurance of quality, accountable, transparent decision making if decision makers can simply approve an application without compliance with the imposed assessment criteria?
- (d) ***Remove and redraft section 48 of the Planning Act which provides discretion as to who can be an assessment manager.*** It must ensure that an assessment manager can only be an appropriately qualified, objective person with no conflict of interest with a proposed project, with measures to address ramifications should a conflict of interest arise. The quality of planning decisions

may easily be eroded by providing such a significant discretion to allow the proponent to choose who will assess their application, with such little guidance as to the qualifications necessary and no recourse should a conflict of interest arise.

- (e) **Remove section 46 of the Planning Act which provides the discretion to provide exemption certificates from development assessment.** We have significant concerns regarding the loose level of discretion that this section provides to allow exemption certificates. This is not in line with accountability, transparency and quality development assessment and is open to abuse under bad governance.
- (f) **Maintain IDAS structure and provide for it in the Act, as it is in the SPA.** This will ensure certainty and will remove discretion around when each stage must be completed. It will also ensure public notification must be undertaken after all information is provided by the proponent in the information request stage. Further, where an application is required to be re-notified, it should be notified for the full period, with this requirement placed in the Act.
- (g) **Amend sections 58 of the Planning Act to provide for deemed 'refusals', rather than 'approvals'.** We do not support the inclusion of deemed approvals where assessment managers have not responded in time. The provision of a deemed approval coupled with reduced time frames for referral agencies and assessment managers to respond may lead to either more approvals or refusals – both without adequate consideration which will likely lead to an increase in resource draining planning appeals. If an agency or assessment manager hasn't responded in time, they clearly have not had time to properly consider the application. It is therefore nonsensical to then provide for a deemed approval. At the very least there should be an option for the referral agency or assessment manager to require more time to consider an application without the approval of the proponent.

Yours sincerely



Lynette Saxton,
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