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Sheila and Steve Davis



Research Director
Infrastructure, Planning and Natural Resources Committee
Parliament House
George Street
Brisbane QLD 4000
By email to: ipnrc@parliament.qld.gov.au

Dear Research Director,

Submission on the Draft Planning and Development (Planning for Prosperity) Bill 2015 and Planning and Development (Planning Court) Bill 2015

We have lived in the hinterland of the Gold Coast for the past 23 years and have worked hard during that time to raise awareness of the extremely high biodiversity of southeast Queensland and the threats posed by unfettered development. We believe any attempt to weaken protection for our flora and fauna, bypass the restrictions posed by our landscape constraints, or limit public participation in the planning process, as these bills seem to do, must be resisted.

Thank you for the opportunity to make a submission on these Private Member Bills. Planning decisions impact on the environment and all Queenslanders. Planning legislative frameworks must provide for:

- transparent and accountable decision making processes, with clear and firm criteria not subject to discretion;
- statutory rights enabling the community to participate in planning decision making through submission and appeal rights; and
- statutory rights enabling easy public access to all necessary information to properly understand the likely impacts of a development proposal.

We are very concerned that these Bills do not provide for these essential elements of democratic planning legislation and we request that the Committee recommends that these Bills are not passed.

Planning and Development (Planning for Prosperity) Bill 2015

The importance of Ecologically Sustainable Development

Ecologically Sustainable Development (ESD) is the foundation of best-practice planning and development. We support that ESD has been included in the purpose of the Bill, however for ESD to be truly integrated into planning decision making in line with national and international standards:

- it should be the core purpose of the Bill – in line with the Sustainable Planning Act 2009 section 3, not simply a means of achieving the vague concept of ‘prosperity’;
- the principles of ESD must be provided for in the Bill;
- there must be a requirement that this purpose be advanced in decision making under the Act.

Community involvement in decision making

This Bill makes community participation in decision making discretionary and provided for through only subordinate legislation or rules. Community participation in decision making is essential to transparent and accountable planning and development and is necessary to ensure decisions are informed by local knowledge and reflect all relevant interests and have community support. As stated by ICAC, NSW (2012): The absence of third party appeals creates an opportunity for corrupt conduct to occur, as an important disincentive for corrupt decision-making is absent from the planning system.

Public submission rights lead to appeal rights. The requirement for public notification of impact or 'merit' development applications must be obligatory and provided for in the Act, with details specified in the Act as to how and when this must be undertaken. Public notification must be required to be undertaken after the information request stage so that the community is as informed as possible when making submissions.

Public access to planning and development information

This Bill greatly weakens transparency in planning decision making by providing:

- requirements for public access to information through 'access rules' which have not yet been seen – public access to information must be a requirement provided in detail in the Act, not in rules which may be changed easily and which are not enforceable;
- a loose and discretionary approach to the type of information required to be made available to the public – the types of documents and information must be clearly listed in the Act; and
- no obligation for the information request stage to be undertaken prior to public notification; the public must be as informed as possible prior to making their submission, this saves all stakeholders time and money.

Public access to planning and development information is integral to a transparent and accountable planning system. We do not support reform that weakens rules regarding access to information and allows for decisions regarding access to be made arbitrarily.

Planning and Development (Planning Court) Bill 2015

Free and fair access to the court

We reject recent changes to cost rules under the planning legislation which open up the possibility of costs applications against submitters. There are already numerous hurdles hindering the public from utilising their rights to participate in development appeals. It is in the public interest, and the interests of transparency and accountability, to support community access to the court by maintaining the 'own costs' rule. The 'own costs' rule must be enshrined in our planning legislation in Queensland.

Yours sincerely

Sheila and Steve Davis