



The Research Director
Infrastructure, Planning and Natural Resources Committee
Parliament House
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Dear Sir

The following is my submission to the IPNRC on Private Members Bill, Planning and Development (Planning for Prosperity) Bill aimed at reforming the planning legislation. I am concerned that issues raised in the detailed submissions by the Environmental Defenders Office (26 September 2014) and Redlands2030 were not adequately addressed in the assessment of submission. Specifically my concerns are:

1. Given the complexity and broadranging implications of the planning reform bills the Committee should ascertain why a formal Discussion Paper was not prepared to guide community thinking and submissions. This is particularly important given the rhetoric about the Bills being important to people, but the subject documents were essentially written using “legalistic plannerese” not “plain english”.
2. Can the Committee report on the evaluation of the consultation process and why so few Queenslanders even responded to the consultation on the draft Bills. It is not reasonable to allege that organisations like the EDO Qld or Conservation Queensland represent community views. It seems reasonable that a representative sample of submissions from people across the state and across social and cultural cohorts are needed to give any veracity to any assertion that the community was effectively involved in the consultation process.
3. Diminished commitment to the principles of Ecologically Sustainable Development (ESD) weakens the proposed act. ESD is a fundamental cornerstone of planning law particularly the DSDIP objective of achieving a “world’s best practice planning system” for Queensland.

4. **Local planning schemes should advance the purposes of the Act and not allow so many back-door amendments or “extra-planning” scheme devises such as PDA’s that over-ride a planning scheme .**
5. **The Committee may be aware that in NSW, the Independent Commission Against Corruption (ICAC) has identified public appeals as of vital importance to a transparent and accountable planning system. ICAC recommended that the scope of merits appeals be extended as an anti-corruption measure. ICAC found, *“The limited availability of third party appeal rights under the Environmental Planning & Assessment Act 1979 (NSW) means that an important check on executive government is absent... 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.”* Hence the importance of third party community appeal rights cannot be overstated.**
6. **Public notification and appeal rights are essential for merit assessment, and some types of standard assessment. (Noting that prior to the last State election, the LNP leader Campbell Newman made a clear commitment that there would be no changes to community third party appeals should the LNP win. The surprising result at the election might had something to do with the hubris and arrogance with which such commitments were made. As a Committee of the Parliament there must surely be some obligation on members to show they have too have listened to the people.**
7. **Planning instruments are supposed to be built upon the community’s vision for their region or local government area. Therefore only matters of public interest should be the basis for deviating from those instruments.**
8. **Public interest third party appeal rights have been embedded in Queensland planning law since the mid-1960s. Over time, such rights have been recognised as broad, open and an essential means of third parties accessing and achieving environmental justice in the public interest.**
9. **There is a planning crisis being faced in Redland City with the continued decline of the City’s koala population. There is need for a certainty in the protection of koala habitat. The failure of planning initiatives (since at least 1995) to redress this “open sore” in the**

planning system..... needs to be fixed.

- 10. Ensure planning legislation is geared to deliver *planning of the people, by the people* and for the people rather than *planning of the planners, by the planners, for the planners!!***

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