

Positive Action for a Positive Outcome

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8 October, 2012.

**Research Director
State Development, Infrastructure & Industry Committee,
Parliament House
Cnr George & Alice Streets,
Brisbane Q4000.**

Dear Committee members,

**Re: SUSTAINABLE PLANNING AND OTHER LEGISLATION AMENDMENT BILL 2012
LOCAL GOVERNMENT AND OTHER LEGISLATION AMENDMENT BILL 2012**

On behalf of residents adversely affected by existing Local Government and Sustainable Planning Legislation we make the following submission, for consideration by the appropriate Parliamentary Sub Committees of the above Bills, which were tabled in Parliament on 13 September, 2012.

We have been advised that we are able to make a submission to the Enquiry provided it is received no later than 12 October, 2012, so we request that the points we raise be considered as part of the overall issues needing to be resolved, prior to these Bills becoming Legislative Acts.

Hansard confirms that the consultation which occurred, and has led to the drafting of these Bills, was restricted to industry bodies, developers, Planners, Mayors and Councillors. We can understand the difficulties facing Governments when confronted with technical issues and fully appreciate your Government's commitment to "*cutting red tape*" and "*restoring autonomy to Local Government*". This commitment is applauded, but it is also crucial to factor in the impacts on communities – an element which, we trust, this submission will, in part, address.

This submission is based on the personal experiences of many adversely affected persons and is compiled by me, as the secretary of the Kepnock Residents Action Group, and our Chairman – Mike Edgar. Between us we have 31 years of practical, elected Councillor experience. Seventeen years of that experience has been as Chairpersons of the Planning and Development Committee of the previous Bundaberg City Council, coupled with practical business experience and broad Local Government involvement at local, regional, State and national levels. Our individual resumes are attached as *Appendix 1*

Because our group is a local group, this submission is based on local experiences - both at Council and Planning levels, but I add a broader aspect to State Legislation when I refer to my personal involvement as a community advocate in the matter of the "*Building and Other Services Legislation Amendments 2001 (BOLA)*". These amendments were introduced, by the then State Government, as a knee jerk

reaction to the nearby Childers backpacker and the Kew Cottages (Victoria) fire disasters, where lives were lost (*My national parent advocacy role meant I was very familiar with the Kew Cottages issue, because many of the parents were members of our national advocacy group, of which I was the co-founder and inaugural Secretary*).

It is important to raise this issue because inadequate consultation in the drafting of *that* legislation, led to detrimental and unacceptable impacts on all of Queensland's supported accommodation and residential care – not just the “budget accommodation” at which it was aimed. The Public Benefit Tests and Regulatory Impact Statements were directed to Building Certifiers, Councils and Architects - not the users. Consequently, hundreds of intellectually impaired citizens (in residential group homes of a statutory 5+) were “imprisoned” behind closed doors because of the necessity to fit “fire-proof doors....”, etc.

I assisted, along with others, in a State wide campaign by families, (after our requests to relevant Queensland Ministers, fell on deaf ears), to have this legislation amended. – simply because the State Government, in their haste to ensure THEY – and Councils - were protected from litigation by aggrieved victims- failed to consult (at all) with those whose lives were adversely impacted by these amendments. It took 2 years to have the necessary amendments (to the 2001 amendments) made, at a high financial cost to taxpayers and unreasonable – and unnecessary- impact on the lives of vulnerable people.

Few would argue the necessity for the reforms you are now advocating, but restoring autonomy to Local Government and reducing “red tape” should also ensure that good planning decisions are not sacrificed and natural justice for adversely affected persons is not denied because of any inadequate understanding of possible impacts.

Some public concerns have been raised about the proposed SPA & LGA Bills, and we offer our comments as a means of conveying some of the matters of concern to us, and future possible ‘victims’ in the hope that the legislation, when enacted, will deliver sustainable development, ongoing economic development, efficient and effective local government and community cohesion, with equity for all..

We provide background data relevant to:

1. The duopoly. Woolworths (Masters) and their national war with Coles (Bunnings) for market domination.
2. A local development involving home units – Council approved – which is commonly know as “*The residents in the drain*”. – for very obvious reasons.

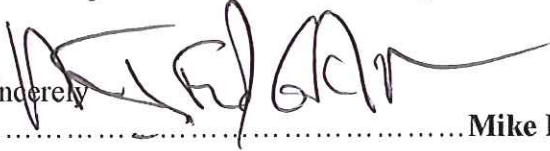
These examples convey much of what is wrong with both the Sustainable Planning Act (2009) and the Local Government Act.(2009)

It should be remembered that our joint Council/Councillor experiences cover the years 1988 – 2008, so the IPA(1997) legislation is also something we lived through, as elected Councillors.

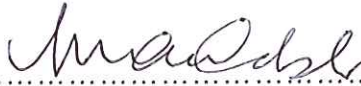
For purposes of our submission we accept that the legislation overlaps both departments and, to provide better assimilation of our concerns, and suggestions we have formatted it around these two issues.

As people from a business, community and family background we know you are committed, as a Government, to “getting it right”, and our comments are provided – in that vein. We remain committed to good economic development, good long term planning and have already requested a meeting with relevant Ministers to ensure that the lessons learned from the poor decisions depicted by our examples, are not repeated in the future. – irrespective of the outcome of the local Masters development application

Sincerely



..... Mike Edgar (Chairman)



..... Mary Walsh (Secretary)

