

**KOALA ACTION PINE RIVERS INCORPORATED**

**P.O. BOX 3290**

**WARNER QLD 4500**

**ABN: 92 282 853 793**

<http://koalas.kumbartcho.org.au>



The Research Director  
State Development, Infrastructure and Industry Committee  
Parliament House  
George Street  
BRISBANE QLD 4000

On behalf of the 70 paid members of Koala Action Pine Rivers Inc. (KAPR) I have been asked to write to you in regards to legislative amendments proposed by the Sustainable Planning and Other Legislation Amendment Bill 2012 (the Bill). The Bill seeks to:-

1. provide that the chief executive administering the *Sustainable Planning Act 2009* (Qld) (SPA) be the single state assessment manager and referral agency;
2. omit the existing master planning and structure planning arrangements in SPA but preserve the use and development rights established by existing structure plans and master plans;
3. unlink the development application process under SPA from the allocation or entitlement process under other legislation to enable applicants to apply for a state resource allocation or entitlement prior to, concurrent with, or following the development application and assessment process;
4. give the assessment manager the discretion to accept development applications which do not have all the mandatory supporting information;
5. provide that the Queensland Planning Provisions apply to local government planning schemes made under the repealed *Integrated Planning Act 1997* (Qld) as well as those under SPA;
6. provide that the losing party in a proceeding pays the costs of the proceeding in the Planning and Environment Court of Queensland, unless the court orders otherwise;
7. give the chief judge of the District Court of Queensland the discretion to direct that certain powers of the court be exercised by the Alternative Dispute Resolution Registrar.

This submission will identify the areas of concern by KAPR members by detailing the number next to each point in question.

KAPR considers that a single state assessment manager and referral agency would be the most logical and effective way to deal with sustainable planning and the legislation involved therein.

Number 2 – KAPR members point out there are many complexities around the classification of the koala itself on a regional, state and federal level as well as on the vegetation incorporated into the habitat upon which the koala ultimately depends. KAPR members are conscious of the fact that as more information becomes available the legislative processes must remain flexible enough to incorporate updated research material that will impact on the existing master planning and structure planning arrangements. Omitting the existing master planning and structure planning arrangements in SPA but preserving the use and development rights established by existing structure plans and master plans will not always be conducive to retaining mature koala habitat and regrowth essential to the survival of the koala across its natural range.

Number 3 – KAPR members would like to ensure that all the relevant legislation including koala conservation and management plans/legislation must be considered and incorporated into the decision making processes when dealing with development applications affecting koala habitat.

Number 4 - KAPR members are worried about this particular aspect of the amendments. We believe a development application must have all the mandatory supporting information in place before it is accepted by the assessment manager. The assessment manager should not have the right to accept development applications if they are not completed. This could lead to a lack of accountability, transparency and even be perceived in some instances as a conflict of interests.

Number 6 - this specific section of the bill is generating a great deal of anxiety amongst our members. The proposal that losing parties in appeals will be liable for paying all legal costs is unjust. KAPR is a volunteer not for profit association made up of individuals concerned about the plight of the koala. Part of the voluntary work we undertake is to lobby and legally fight against activities that have a negative and destructive impact on koalas and the habitat that is so crucial to their survival.

Our organisation does not have the money to pay for legal costs and our effectiveness in writing submissions, undertaking legal activities and objecting to developments would be severely curtailed should this come into effect. This will not be good for koalas. Third party appeals will therefore only be for those with deep pockets and the financial reserves in place to fight the system.

Yours sincerely  
Wanda (aka Vanda) Grabowski  
Secretary and Education Officer  
Koala Action Pine Rivers Inc.