

Councillor Wendy Boglary
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VIA EMAIL (sdiic@parliament.qld.gov.au)
State Development, Infrastructure and Industry Committee
Queensland Parliament
Parliament House
Brisbane Qld 4000

Dear Sir/Madam,

Sustainable Planning and Other Legislation Amendment Bill 2012 (Qld)

Please accept my Submission for the proposed changes to Sustainable Planning Act.

Concerns for Proposed changes:-

- 1. Introduce a series of changes to enable the chief Executive of DSDIP to become a “single state assessment manager and referral agency”, in certain circumstances.**

I agree that there are delays between agencies but their specialised knowledge is often required to ensure quality outcomes. A key theme to SPA 2009 was integration if it hasn't worked then why?

I don't endorse giving all power to one single assessment manager, if advice etc will not be considered and respected by the various specialist groups. Procedure here does need to be more efficient but I have concerns with a single overriding authority. Safe guards need to be included. More detail as to what level of consultation with the other agencies still allowed is required.

- 2. Remove the master planning and structure planning arrangements**

Master Planning remains a critical strategic planning tool which was introduced in SPA as a key component of the Queensland Governments housing affordability strategy. It combines state, local and the private sector in the planning of a designated area. If correctly instigated masterplans can produce significant time and cost savings in the development process.

It would be a shame to lose a method to combine these forces in producing affordable housing and other great community outcomes. Rather than deleting Masterplans research the reason as to why the outcomes were not achieved with the current process. It might have been the people rather than the process. This process also allowed Local Councils to achieve a “planned” approach to a specific area to achieve community lifestyles. Now these areas will mainly be

planned by developers whose bottom line is financial gain. Could allow disjointed development in areas.
Again judgement to be reserved until all details are published.

3. Separating SPA Development Application Process from the State Resource Entitlement Requirements.

In theory this would be a more efficient program as the application can still progress along the assessment line while seeking the states requirements.

4. Amendments to Mandatory Information Requirements for Properly made Applications

I have concerns about giving assessment managers discretion to accept applications not strictly complying with mandatory requirements.

- We don't know the definition of mandatory requirements
- One of the changes to the Local Gov Act is the Mayor can now give direction to senior officers. Can a Mayor now direct a development assessment officer to approve developments without them complying? Remember this is for all councils across Queensland and in haste to "grow" areas there is a gate open here to hasten too quickly.

I want to understand what exactly now is a "mandatory requirement"

5. Facilitate the application of maximum assessment levels for certain applications.

Generally support compliance assessment for operational works but my concern is the deemed approval conditions of SPA relating to compliance assessment do not permit council to apply conditions unlike code applications
This needs to be clarified.

6. Greater discretion given to the Planning and Environment Court regarding costs.

The P&E Court is where individuals, groups and councils can appeal concerns and the court is seen as a transparent access to justice. Unfortunately this change will allow the court to have the discretion to award costs to the losing party.

This could potentially :-

- Discourage community groups with a genuine interest in protecting environmental or other public interest matter from litigation in the public interest given cost imposition
- Discourage Local councils from pursuing the rights of their community given the cost imposition.

- Favour Developers who have more finances to risk than individuals or councils in going to a trial.

If Community groups and Councils are intimidated into silence by the fear of court costs where will the community voice be heard.

If SPOLA is passed through Parliament as it is written the impact to change the present costs situation will only be known when the foreshadowed changes to the P&E Court rules have been understood , appreciated and implemented into practise. Unfortunately when this new judicial discretion is actually implemented it may be too late for the voice of the community and local councils.

This change needs to be omitted completely so the courts will be available to all. Democracy, the ability to be heard, has to be available to all not just the wealthy.

7. Arm the ADR Register with the ability to hear and decide minor and routine procedural applications.

No concerns, I support the alternative dispute methodology as a means of resolving disputes without going to court. Again no detail is known, there needs to be clear court rules about the role of chief Judge directing the registrar and the registrar back to the P&E Court.

If indeed the purpose of these changes was to hand back control to local communities as stated by Jeff Seeney in a media Release on the 13th September , then careful consideration needs to be given to the wording and detail before any implementation of these changes progresses especially concerning the P&E Court and awarding costs.

“The proposed amendments, if passed by Parliament, will significant change the procedures associated with the assessment of development applications and resolutions of dispute. In some respects, the proposed reforms represent a ‘back to the future’”, particularly in relation to properly made application discretions and court discretion in relation to costs.”.. McCullough Robertson lawyers

I request the State Government , while getting the State back on track which is their commitments to us, they stay on track to their commitment to the people of this State and give the clarification needed to fully understand all implications and revise these proposed changes to ensure they will not negatively impact on the community.

Yours sincerely

Wendy Boglary
Councillor for Ormiston/Wellington Point