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12 October 2012

VIA EMAIL (sdiic@parliament.qld.gov.au)
 State Development, Infrastructure & Industry Committee
 Queensland Parliament
 Parliament House
 BRISBANE QLD 4000

Dear Sir / Madam

SUBMISSION TO SUSTAINABLE PLANNING & OTHER LEGISLATION
AMENDMENT BILL 2012 (QLD)

The Community Alliance for Responsible Planning (CARP) Redlands Inc has serious reservations about the likely immediate and long-term outcomes of many of the changes proposed within the Sustainable Planning & Other Legislation Amendment (SPOLA) Bill. In particular, we are concerned about the overarching intent behind these changes which favour the development industry at the expense of the broader community and we seek amendments accordingly.

Removal of 'own costs' – Planning & Environment Court

As the newly elected Premier, the Hon Mr Campbell Newman promised to govern for all Queenslanders. The changes within the SPOLA Bill indicate otherwise, particularly those intended to give greater discretion to the Queensland Planning and Environment Court (QPEC) regarding costs. With respect to the removal of the default situation in which costs are borne by each of the parties in favour of costs to follow the event, we make the following comments:

1. when the community appeals to the QPEC we do so as guardians of the future; we act with the purpose of safeguarding a lasting, inter-generational legacy of environmental, social and economic wellbeing; in other words, we act as the protectors of the collective good; individuals and community groups obtain no direct financial benefit for initiating proceedings in the Planning and Environment Court, nor from successful outcomes
2. in contrast, removing the 'own costs' legislation serves the interests of a comparatively small group of influential individuals within the development industry, whose focus is maximising short-term personal profits with little regard for broader, longer-term outcomes
3. removal of 'own costs' places inordinate influence in the hands of the wealthy and concurrently disempowers the community, resulting in a fundamental and apparently deliberate undermining of democracy and democratic process
4. The Planning and Environment Court "is the community's court" (*John Greacen, Brisbane Times 14.09.12*); removing the 'own costs' legislation will effectively remove the community from the court
5. the justification/ rationale provided by the State Government for removing 'own costs' is based on sweeping assumptions and is not supported by the facts (kindly refer to the submission from the Environmental Defenders Officer dated 09.10.12 for details, attached for your reference); the dire consequences of these amendments in shutting down participative democracy are far worse than any problems alleged within the rationale

6. the change to 'own costs' has been proposed without public discussion and consultation; the State Government cannot claim to have consulted the community on this matter and to do so is deceitful and wrong
7. in the ongoing 'David and Goliath' battle that is waged in the QPEC, the State Government's plan to remove 'own costs' legislation serves only Goliath, and does so in spades, actively subordinating community interests/ the collective good in favour of individuals; this in itself smacks of payoff – is the LNP simply delivering for developers in return for campaign contributions?
8. we fully support the submission from the Environmental Defenders Officer dated 09.10.12 (attached for your reference) and the following recommendation:

Recommendation / Required Change

Delete Clause 61 of the SPOLA Bill to retain the current costs rules unchanged.

Removal of master/ structure planning provisions

The removal of these provisions will likely see a return to ad hoc development with loss of properly planned and funded infrastructure. The community could potentially be left with the costs of poorly planned developments. Greenspace could also be lost to the community if master planning provisions are removed, leading to social and quality of life problems as well as the loss of biodiversity.

Recommendation / Required Change

The requirement for master and structure planning should be retained.

The SPOLA Bill proposes the removal of provisions that currently allow Councils to prohibit the lodgement of an s242 Preliminary Approval (PA) within a declared Master Plan Area.

Recommendation / Required Change

The prohibition on Preliminary Approvals in adopted structure plans should be maintained.

Single state assessment manager/ referral agency

The decision to move to a single state assessment manager/ referral agency has the potential to deliver the desired 'responsiveness' at the expense of the expert comment and mitigating advice that should be factored into development approvals.

Recommendation / Required Change

The decision to move to a single state assessment manager/ referral agency should be deferred pending further development of the proposal including details about structure (including resources skills and knowledge), regulation, clear definitions of State interests, management of competing interests – and subsequently put out for public consideration and consultation.

Thank you for the opportunity to comment.

Yours sincerely



Lavinia Wood
on behalf of

Community Alliance for Responsible Planning (CARP) Redlands Inc