# Development Watch Inc

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Planning Reform Group
Department of Infrastructure, Local Government and Planning
*Sent via email*: bestplanning@dilgp.qld.gov.au

Dear Planning Reform Group,

## Submission on draft planning supporting instruments

Thank you for the opportunity to make submissions on the proposed planning supporting instruments.

Development Watch is a community group based in Coolum on the Sunshine Coast. One of our primary aims is to encourage policies and planning practices that preserve and enhance the quality of life in the Coolum district for both residents and visitors. We have prepared this submission with this aim in mind.

## 1. Opening Comments

The proposed Bills and supporting instruments do not outline a planning system that *"supports effective and genuine public participation in planning"* and do not *"provide for efficient and consistent decision making that instils investment and community confidence"* as is proposed in the Government's Direction Paper. New discretions, the removal of clear assessment stages and initiatives such as tightening timeframes for decision makers while developers can stop the clock at any point of the assessment process, will create **increased uncertainty and confusion for the community**.

The subjugation of many important elements of our current planning framework into subordinate instruments, rules and guidelines, again **creates confusion and uncertainty** due to the relative ease with which our planning framework can be amended.

## 2. Accountable, transparent and certain decision making

The proposed development assessment rules (**DA Rules**) take away the clear and certain stages currently provided in the *Sustainable Planning Act 2009* (Qld) (**SPA**), in favour of a floating assessment stage. This **degrades certainty for the community and decision makers** in our planning and development processes.

The changes proposed mean public notification can occur at any point from 5 days after the development has been applied for up until the decision stage. Public notification can therefore occur prior to the information request stage being completed, meaning the public may not be fully informed with all documents at the time of notification. The floating assessment process **reduces certainty and clarity for the community.**

We submit that **certainty in stages of the development process should be restored** ie. the new planning framework should provide for fixed stages as is currently provided for in the SPA. Additionally, clear guidance must be included as to when a decision maker must require re-notification. *"Substantially different development"* is too general and leaves too much discretion to the decision maker and does not provide guidance as to when re-notification must take place.

## 3. Timeframes for assessment managers should not be tightened

We note that the time available to assessment managers and referral agencies to assess and respond to development applications has been tightened under this proposed framework, however the discretion to extend assessment timeframes as necessary has been removed from the assessment manager. We do not support the need for the agreement of the applicant prior to a timeframe being extended by the assessment manager. This change will no doubt put pressure on decision makers and lead to poor decisions.

We submit that the assessment manager should be permitted to extend a time frame without consulting the applicant.

## 4. Community involvement in decision making

The very reason for a 'public notification process' is to draw the community's attention to a proposed development, and provide certain rights to the community to have input into decision making. We are concerned that this proposed framework:

- Gives discretion to the decision maker to decide the means of public notification required for each development proposal (27.1(1)), with a minimum of only providing written notice to adjoining land owners and the assessment manager;

- Gives discretion to the decision maker to allow an applicant to not comply with the particular public notification processes required of them;

- Provides a *maximum* requirement as to methods of public notification that can be requested (DA Rules, 27.1(4)) that is currently under SPA the *minimum* standard for informing the community (SPA s297(1)); and

- Does not provide for longer public notification periods for certain high risk developments, such as development within 100 metres of critical habitat or applications for large tourist resorts. Provisions such as these must be in primary legislation to ensure proper scrutiny when appealing them.

These proposed changes are inconsistent with the Government's stated aim for effective and genuine public participation in planning.

We therefore submit:

(a) that the clear and certain stages of IDAS as currently provided in the SPA should be retained;

(b) that there should be a requirement for public consultation prior to the application being lodged. This would assist in alerting the public and provide the opportunity for the community to make their views known. This would alleviate concerns that the development application process is simply the formalisation of pre-determined decisions.

(c) that the public notification procedures should be, at **minimum**:

  - signs on the property that are clearly visible;

  - written notice to adjoining land owners;

  - newspaper advertisement in a newspaper distributed most commonly in the region of the development proposal (for the benefit of the aged community who do not have access to technology);

  - inclusion in an electronic notification service to all community members who have signed up for notifications of development applications applied for in a local government area, or other appropriately widespread electronic medium for notifying development proposals; and

- written notice to the assessment manager.

(d) Re-notification should be required in clearly prescribed circumstances. Failure to do so, coupled with the proposed floating assessment would mean that an undue burden is placed on affected and interested community members who would need to check the Council's website daily to ensure that the opportunity to provide feedback in the public notification period is not missed.

(e) That the list of information to be accessible by the public should be provided in the Planning Bill, rather than the Regulations, to ensure it is not open to amendment without proper scrutiny.

(f) That public notification period for high risk developments should be thirty (30) business days.

## 5. Development Applications outside local Planning Schemes

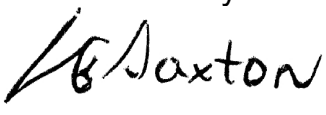
Finally, and most importantly we note that the proposed changes do not meet either the Government's objectives or community expectations. The proposed changes to the plan development process have a very strong, and welcome, focus on community consultation. The consultation process invites all members of the community – interested residents, community groups, property developers, business groups – to participate in the process. The finalised plan therefore represents a compromise between often competing interests. The plan provides the certainty for all parties that the Government indicated was a key aim of revising the planning legislation.

But that certainty is eroded if the DA rules as proposed in the supporting documents are adopted. These DA rules appear to be designed to make it easier to seek and have approved DA's that are outside the finalised plan for the area. They erode any confidence in the planning process.

We appreciate that the plan is a "living document". However the process of changing the plan should not be done through the DA process. It should be done through the formal processes for making changes to the plan.

We look forward to the outcome of the Department's deliberations.

Yours sincerely



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