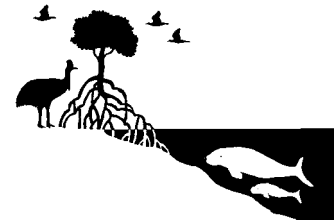


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Reform to Integrated Planning Act (Qld) 1997 Making the System Fairer & Achieving Ecological Sustainability

Those of you who have opposed a development, lodged a written submission, or been involved with a planning appeal will know just how important the *Integrated Planning Act* (IPA) is to the community. The Minister for Local Government, Planning and the Environment has announced a review of IPA, Queensland's most important piece of planning legislation. IPA sets out the processes for development and environmental protection. IPA was designed to streamline the development application process, but in reality fundamental problems with IPA have led to bad outcomes for the environment. For example: did you know IPA prevents Councils from prohibiting development? The EDO attended a summit of stakeholders on 14 March 2006 to discuss amendments to IPA and propose solutions and raised the following issues:

A. Is the system fair to community members?

Community involvement is vital to development and planning, a fact which is recognised in IPA with submission and appeal rights. The effectiveness of these community rights is deteriorated with unfair and unequal processes which favour developers over the community.

B. Is IPA achieving its purpose of ecological sustainability?

How can the Act be said to advance ecological sustainability with no EIS procedure, no prohibition on development, no consideration for natural resource constraints, and meagre protection of environmental values in state planning policies?

Within these two issues, we have identified six priority issues, including such things as timeframes for written submissions; the unintelligibility of planning schemes and the need for an Environmental Impact Assessment process. These issues are detailed in the attached *IPA Priority Issues Questionnaire*.

How you can help

1. Let us know what you think

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Stakeholder submissions for the IPA review are due on 30 March 2006. To help us represent your views in the stakeholder submission, please let us know briefly whether you have faced problems associated with any of the six key issues identified the attached form, and if so, provide examples. Later in the year the Minister will release a public discussion paper on IPA, but we need to get in early with our IPA issues.

2. The EDO and the Queensland Conservation Council were the only environmental community based stakeholders invited to attend the summit. We asked the Department of Local Government and Planning for participant funding, but were refused. The EDO has employed a project worker in Brisbane to liaise with community groups and individuals and present our views to the Minister and any donations to assist with this are welcome.

Environmental Defenders Office

IPA Priority Issues Questionnaire

Name: _____ Organisation (if applicable) _____

Phone: (Business hrs.) _____ Email: _____

Address: _____

Have these issues affected you, and if so, how? Please give specific case **examples**.

1. **Improving community rights and making the system fairer.** The timeframes are too tight for groups to cope with in high growth areas. Developers can reodge similar applications within short time frames or incomplete applications which wastes community group time. Developers are legally entitled to refuse to answer information requests and developer applicants have sole rights to negotiate with Council after some applications are decided. Councils ignore clear majority views of citizens in planning processes. The

community has problems with: independent assessors and the outsourcing of planning processes; old approvals; and preliminary approvals.

(Queensland has no Legal Aid for test cases, which means developers dominate the Planning and Environment Court. Linda Lavarch Attorney -General and the Legal Aid Board are currently considering this issue, but it directly impacts on IPA appeals. This also highlights why the community rights need improvement and the system needs to be fairer, as community groups can rarely afford to go to Court.)

2. Restore the Environmental Impact Statement process. We favour restoration of formal EIS process, with EIS triggers, EIS processes and EIS required content defined in the legislation. The best system is where the EIS (when triggered due to the nature of the development, impacts or the locality of the site) accompanies the development application. If the EIS is not with the development application, or is deficient, the development application is not valid and need not be processed. This was the system under the old *Local Government (Planning and Environment) Act 1990* and it was a useful "gate" against poorly thought out development. If the EIS process is triggered, public submission and appeal rights must apply.

3. Planning Schemes are unintelligible and need to prohibit development. Planners find the layered schemes unnecessarily difficult and far too flexible, community has no chance of understanding the schemes and developers can “drive a truck” through loopholes. The community wants clear prohibitions on certain types of development- it is the developers who favour “flexibility”.

4. Are natural resources constraints taken into account in planning? This needs to

be addressed. The SEQ Plan needs review due to population increases compared to available water. How well do planning schemes realistically consider resource constraints? Poorly in our experience.

5. There is a deficit of strong state planning policies/codes that effectively protect Environmental Values. Since IPA 1997 we have lost extensive areas of wildlife habitat, greenspace and suffer increasing air pollution. Where are the effective State level policies to protect environmental values? There is also effectively a State level policies vacuum on two issues: Climate Change and Peak Oil. The consequences of this vacuum are not quite clear but will be severe and adverse. How does the issue of injurious affection influence environmental protection?

6. Generally, Minister Boyle's ideas for reform of Local Government elections and IPA. How do these welcome electoral reform ideas relate to IPA?

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The EDOs are not for profit community legal centres, part of a national network offering free legal advice and representation in public interest environmental matters. The bulk of community queries we receive relate to IPA.