



Hon Paul Lucas MP



Queensland
Government

Our ref: DGC11/258

18 MAR 2011

Mr Neil Laurie
The Clerk of the Parliament
Parliament House
George Street
Brisbane QLD 4000

Deputy Premier and Attorney-General
Minister for Local Government and
Special Minister of State

Dear Mr Laurie

I refer to your representations to the former Minister for Infrastructure and Planning, the Honourable Stirling Hinchliffe MP, concerning petition number 1519-10 about development applications made under the *Sustainable Planning Act 2009* (SPA). As you are aware, I am now Deputy Premier and Attorney-General, Minister for Local Government and Special Minister of State, and am responding as required under the Standing Orders.

The petitioners have requested that:

- the SPA be amended to require a three month consultation period for development applications
- no development in a residential area other than a single residence can proceed without a majority vote.

I am advised that the SPA currently provides ample opportunity for public consultation and for the consideration of submissions made about development applications. In fact, the rights afforded to communities to influence development decisions are among the most generous in Australia. In particular, most states and territories have strict requirements to prevent or limit the number of third party appeals relating to the merits of a development application decision. For example, Western Australia has no third party appeal rights, while Queensland allows third party appeals for impact assessable applications.

In addition, the SPA requires impact assessable development applications to be publicly notified allowing public submissions to be made about the application. Impact assessable development applications involve development that the Local Government considers may not be consistent with intent of the planning scheme, or where the Local Government wishes to seek community input. These are matters for the Local Government to determine when preparing its planning scheme.

Level 12 Executive Building
100 George Street Brisbane 4000
GPO Box 15009 City East
Queensland 4002 Australia
Telephone +61 7 3224 4600
Facsimile +61 7 3224 4781
Email deputypremier@ministerial.qld.gov.au
ABN 65 959 415 158

The SPA requires Local Governments to consider the submissions received when deciding a development application, and to provide each principal submitter with a copy of its final decision. In Queensland, third parties who have made a submission during public consultation may appeal a decision about a development application.

The public notification of impact assessable development applications requires the public to be advised of the proposal and the process for making public submissions through:

- a newspaper advertisement
- a sign on the land, and
- a notice to all adjoining owners.

Depending on the complexity, type or location of the proposed development the public notification period may be 15 or 30 business days. This notification period has been developed over time in consultation with industry and the broader community, and is considered to be adequate to provide interested persons with an appropriate timeframe in which to consider the proposal and make a submission.

In addition to development applications, the preparation of state and local government planning instruments also includes extensive community consultation. Queensland has both statutory and non statutory processes that underpin and guide the consultation process for a broad range of instruments.

Ultimately, it is the Local Government's planning scheme which sets out the framework for appropriate and inappropriate development. For Local Government planning schemes, the public consultation period invites the community to make public submissions about the planning scheme. The Local Government must consider the submission and advise the submitter how its submission has been addressed.

Having regard to the above, I do not support extending the consultation period as proposed by the petitioners. The State Government is committed to reducing the regulatory burden and streamlining the development assessment process under the SPA in order to facilitate the provision of affordable housing options and other cost-saving measures. Extending the consultation period would be counterproductive to these objectives, and would not provide any significant benefits.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Paul Lucas', with a long horizontal flourish extending to the right.

PAUL LUCAS MP
Deputy Premier and Attorney-General,
Minister for Local Government
and Special Minister of State