



ENQUIRIES: Sarah Cook  
OUR REF: #5323976 8/27/3

25 January 2017

Research Director  
Infrastructure, Planning and Natural Resources Committee  
Parliament House  
George Street  
BRISBANE QLD 4000

Email: [ipnrc@parliament.qld.gov.au](mailto:ipnrc@parliament.qld.gov.au)

Dear Sir/Madam

**Submission – Parliamentary committee inquiry into the Local Government Electoral (Transparency and Accountability in Local Government) and Other Legislation Amendment Bill 2016**

Thank you for the opportunity to make a submission to the inquiry into the Local Government Electoral (Transparency and Accountability in Local Government) and Other Legislation Amendment Bill 2016.

Cairns Regional Council supports the ongoing reform to deliver a better planning system that enables responsible development and delivers prosperity, sustainability and liveability for now and into the future.

Cairns Regional Council considered the Bill at its Ordinary Meeting held on 25 January 2017 and resolved to make the following submission to the Infrastructure, Planning and Natural Resources Committee for its consideration. This submission relates to the proposed amendments to the *Building Act 1975* and planning legislation addressed in the Bill.

Amendments to clarify preliminary approval provisions for building works

Council strongly supports all amendments to the *Building Act 1975*, the *Sustainable Planning Act 2009*, the *Planning Act 2016* and the *Planning (Consequential) and Other Legislation Amendment Act 2016* that:

- Confirm the circumstances under which two approvals for building works are required and those in which only one approval is required;

- For building works requiring more than one approval, establish the order in which the approvals should be obtained; and
- Clarify the responsibilities of certifiers to await approvals from local government before finalising their own assessments.

### Amendments to the *Planning Act 2016*

Council supports all amendments to the *Planning Act 2016* contained within Clauses 31- 58 of the Bill, with the exception of Clause 43.

Clause 43 amends the *Planning Act 2016* by the insertion of subsection s82(5), this subsection provides that where assessing and deciding applications for other changes, if the change application is made within 1 year of the development approval, any properly made submission is taken to be a properly made submission for the change application.

Council suggests that the period within which submissions remain valid for the purposes of assessing and deciding applications for other changes, should be consistent with currency period of the approval (as established within s85), not limited to 1 year. Furthermore, subsection s82(5) appears to be contrary to subsection s53(7). Subsection s53(7) provides that *submissions about the application remain effective even if the notice is given again under the development assessment rules.*

### Planning (Consequential) and Other Legislation Amendment Act 2016

Council supports all amendments to the *Planning (Consequential) and Other Legislation Amendment Act 2016* contained within the Bill.

### Sustainable Planning Act 2009

Council supports all amendments to the *Sustainable Planning Act 2009* contained within the Bill.

In particular Council supports the bringing forward of the effective date for Temporary Local Planning Instruments, as provided for within Clause 69 and the increase in the maximum penalty units that can be applied for development offences within Clauses 77-88.

Should you have any further enquiries or require additional information, please contact Sarah Cook from Council's Strategic Planning team on the above phone number.

Yours sincerely



Kelly Reaston  
General Manager Planning & Environment