Submission No. 026
11.1.13

Infrastructure, Planning and Natural Resources Committee

From: Lynette
Sent: Sunday, 10 January 2016 8:21 PM
To: Infrastructure, Planning and Natural Resources Committee;
Subject: planning bill submission

I responded to the committee's earlier enquiry with serious concerns about five parts of the new bill and my comments were ignored. If the State government intends to create the best planning bill in Australia, then these issues need to be considered.

Division 2 Changing development approvals - Subdivision 1 Changes during appeal period **- Sections 72–74**. There is still no penalty or time frame for local government to make decisions about what is currently called negotiated decisions. ***Subdivision 2 Changes after appeal period - Sections 75–80*** There is a time frame in the new act as there was previously for councils to decide this, but there is still no penalty for this. Councils such as WDRC take advantage of this and take as long as they please to do so. I had an extremely simple change of decision that involved adding to 2 transportable buildings for staff to a large motel and it took six months to decide, and I might add, 5 months after DTMR had made their decision. This is completely unacceptable.

Reasonable time frames MUST be in place for a council to make a decision for both negotiated decisions and change of decisions. Because there are no penalties in place, Council don't feel that these are a priority, but they are for the development industry. There are already time frames in place for code assessment, there is no reason why these same time frames couldn't be used for these. This is completely unacceptable and if the new planning act is to have any substance, this must be addressed.

Carry out assessable development without a permit - Section 161 Building certifiers all have to do training to be able to interpret planning schemes (albeit all of the schemes being quite different to each other across Qld). Occasionally, the certifier may make an error and issue a building permit when a town planning development permit is required. 17,000 or 4,500 penalty points x $117.80 (the current rate) represents a significant sum of money. I would suggest though that the current population of building certifiers are aging and most of them are completely fed up with:

- being liable (till the day they die) and paying high fees for professional indemnity (till the day they die);
- having to interpret poor quality overlays and poor quality planning schemes (and sometimes misinterpret them);
- having to understand the structure of each different planning scheme (our firm at one stage had to deal with over 30 different planning schemes, each of which being quite different to the others);
- dealing with builders who want their approvals yesterday and don't want to worry or understand about planning scheme issues.

I must warn the State Government that building certifiers in Qld are at breaking point and it wouldn't take much for them to walk away from doing this. They have already been through a somewhat damning review last year which is still in dispute and who knows whether it will go ahead. They play an extremely valuable role in the building industry and have a wealth of experience that builders appreciate. Furthermore, they are helping to maintain safety in all new building work. The State Government must start considering the role they play and lessen the penalties on them if they intend to keep building certification as a profession.

I would further suggest that, if the State Government wants to maintain the current system of building certification, rather than placing a penalty unit on carrying out assessable development without a permit for building certifiers, instead indicate that a development application for a material change of use (or whatever it will be called) must be lodged within a reasonable time frame.

Part 6 – Inspectors - 180–221 This is an extremely large section for an *Act* that the State government has taken considerable pride in stating that the size of it has been cut down, and yet the purpose of these inspectors has not been made clear. It is certainly clear that these inspectors will have considerable powers, but what is their purpose? This is not made clear.

Section 284 – Remove the word take/taking from *'If the Governor in Council approves the taking or purchasing, the local government is taken to be a constructing authority under the Acquisition Act and may take or purchase the land under that Act, including by taking an easement.'* It is unacceptable to allow the local government to take someone's land when the owner has paid for it and is given no compensation.
Regards,

Lynette Prince-Large
GradDipUrbRegPlan(Merit),B.ED.,Dip.T.,MDIA,MPIA,CPP
Senior Associate
Town Planning Consultant

BCERT Consulting Pty Ltd
P: 07 4638 5100
M: 0407 595 158
F: 07 4638 7500
www.bcertconsulting.com.au

PO Box 4584
Toowoomba East. Qld. 4350
445 Ruthven St, Public Trustee Building (1st Floor)