Submission No. 079
11.1.13

PLANNING AND DEVELOPMENT

CITY PLANNING UNIT

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

By email: ipnrc@parliament.qld.gov.au

Dear Sir/Madam,

SUBJECT >> TOWNSVILLE CITY COUNCIL SUBMISSION – PLANNING BILL 2015

Townsville City Council is pleased to provide a submission towards the Planning Bill 2015. Council would like to acknowledge and congratulate the general direction proposed by the Planning Bill; it is significant progress from the current legislative framework and its contribution to planning reform in Queensland. Overall, the Bill is a step in the right direction to creating the best planning system in Australia.

Council has undertaken a comprehensive review of the Bill and has consulted with the LGAQ in preparing the submission. As detailed in the attached submission, council has identified several areas of the Bill requiring further development, improved clarity, removal of material and improvements to address the submission matters. In particular, the following matters are of significant interest to council:

1. The retention of compliance assessment;
2. The support of transitional arrangements (a minimum of 12 months from adoption to commencement) and reimbursement (or similar) for costs incurred by local government;
3. Improvements to Infrastructure charging (Chapter 4) to ensure financial sustainability and administrative efficiencies of council;
4. Improvements to Show Cause notices; and
5. The refinement to public access to documents and associated costs to council.

Council are looking forward to the commencement of the Act.

Council would like to acknowledge the work of the Queensland Government in preparing the Bill, particularly the consultation program undertaken to date prior to the introduction to Parliament.

Should you require assistance regarding any of the matters raised in this letter, or would like to discuss any matters further, please contact

Yours sincerely

Graeme Bolton
Director Planning and Development

Townsville City Council Submission:
Planning Bill 2015
18 January 2016

Comments provided by:

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Part A—General comments

Ref. No.	Comment	Comment	Suggested solution/change
1.	Compliance Assessment	Council are not supportive of the removal of the Compliance assessable provisions from the Planning Bill. No rationale or evidence has been provided to demonstrate the purported benefits of the changes to the levels of assessment outweigh the costs to local governments (and industry) to change established business systems and processes. Council acknowledges that compliance assessment is not currently widely used (as was originally intended) and has been limited to secondary approval processes such as landscaping and crossover approvals (for example). The use of compliance assessment in these circumstances has been of substantial benefit. Notwithstanding this, it is widely used by Council for issuing development permits that require compliance assessment to be undertaken for operational works matters. It is intended to further expand the use of this tool to remove regulatory burden on easily quantifiable works that can be assessed against set standards. This enables council to not require a code assessable operational works application for works expected to occur as a result of approving development. To date, this system has worked well and we would fully support the transition of the *Sustainable Planning Act 2009* (SPA) provisions to the	The Planning Bill should be amended as follows: a. Allow for conditions that may be imposed on Code and Impact Assessment to require compliance assessment (as per SPA, s346(d)). b. Translate sections 394 to 404 of the SPA to the Planning Bill. It may also be relevant to move some of the detail to the Minister's Rules for Development Assessment. c. For deciding the request, in part translate section 405 from SPA to the Planning Bill, but include a 'close out loop' after issuing 3 action notices, which either refuses the request, or changes to code assessable development (assessable development). d. Allow for Compliance assessment to be its own assessment category as a way of lowering the level of assessment. e. Provide full financial assistance to enable council to transition away from compliance assessment, amend schemes and update existing processes.

		Planning Bill, with some modification. Council is concerned that, without other options to manage what is currently compliance assessable development, we may have to consider raising the assessment levels to facilitate an equivalent process. This will come at a cost to not only council, but the industry and community.	
2.	Cultural change	In relation to assessment benchmarks, it is noted the benchmarks will be prescribed under the Regulation. Council would strongly support the State Government implementing an incentive-based approach to performance against benchmarks, including advancing the purpose of the Act, which would empower councils to perform at or beyond identified performance targets. The proposal is that the State Government introduces a reward-type system for those councils who are demonstrating continuous improvement in planning and development. In relation to councils having access to various grants, priority development infrastructure and other rewards, there should be a benchmark set by the State Government (in consultation with Local Government) in relation to council's performance and demonstrated continuous improvement - in order to improve access to these various funding opportunities (i.e. if a council is demonstrating continuous improvement, then additional funding would be made available or, be rated higher in consideration of existing funding pools). Some possible performance standards that could be incorporated (with the planning legislation as a specific example) are provided below: • having a SPA and Queensland Planning Provisions-compliant planning scheme (or equivalent under the Planning Bill); • meeting set performance targets for development assessment timeframes (i.e. approval of code assessable material change of use and reconfiguration applications within specified timeframes); • having a "risk smart" process in place for low risk development applications, plan of survey and operational works applications with guaranteed approval timeframes; • having a planning scheme that is determined to be risk tolerant (e.g. lowest possible levels of assessment); • having a place making strategic planning process in place which can	-

		demonstrate 'on the ground' outcomes for the community, as a result of planning incentives implemented by council (i.e. partnerships on key infill sites to enable development or increased development incentives for development in key infill areas). Once a council has met the above standards / targets set by the State Government, they would then gain access to greater reward programs. This framework would ensure councils that are providing high levels of service and continuous improvement initiatives are directly rewarded.	

Part B—Specific comments

Chapter 1 — Preliminary

Ref. No.	Section	Comment	Suggested solution/change
1.	Part 1	It is suggested that some level of linkage between the *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act) is established in Part 1 of the Planning Bill. There are some good grounds to support this: 1. The new Federal Minister for Cities, whose portfolio also includes the EPBC Act. Part of this new Portfolio will put Australia's cities on the agenda, and will flow to State and Local Level over time. 2. There is talk of the EPBC Act being amended to reflect the creation of the new portfolio and better align and realise the potential economic benefits of Australian cities. 3. The current State Planning Policy and some of the local planning instruments (including the Townsville City Plan) include linkages to aspects mentioned under the EPBC Act (not duplication). For example, you cannot separate State or local level environmental mapping without impacting on the Federal level interests established by the EBPC Act. In all, it would be highly advantageous to create a nexus with the EPBC Act in the Bill such that future opportunity is created to better plan, integrate and manage Queensland's growing cities.	The Planning Bill should be amended as follows: • Part 1, is amended to establish a nexus to the EPBC Act such that State Planning Policy, Regional Plans and Local Planning Instruments have the ability to integrate matters at all levels governance to the extent possible.

Chapter 2 — Planning

Ref. No.	Section	Comment	Suggested solution/change
2.	Section 23	Council are generally supportive of this section of the Bill. As a suggestion for significant improvement, the making of a TLPI should be expanded to not only deal with potential significant risk (adverse), but also deal with the opposite to achieve positive outcomes. This is supported by the Planning Bill which notes that a TLPI is a local planning instrument, therefore, it is implied that they are more than just a negative risk management tool, but could operate if the risk of not undertaking positive change, would have negative consequences. That is, risk is not only a negative, but a positive. In this context, if a local government wanted to implement or affect the operation of a scheme on a temporary basis to stimulate development activity in a particular area (zone, precinct, local area), without changing a planning scheme intent or affecting state interests, a TLPI could be the right tool on a temporary basis. The TLPI could have the effect of an incentive program or the like to support a particular strategy over a given area. Townsville City Council in particular will utilise incentive policies that use the current planning scheme as a framework. These strategies are done generally through council resolutions. If a TLPI were able to be used for in Planning Schemes, then it would greatly empower the effect of a planning scheme when there is a risk (positive) to an area without changing the overall policy of the scheme that applies to that area. While the TLPI is in place, a local government could either amend the scheme based on outcomes from the TLPI or if not, rescind the TLPI.	The Planning Bill should be amended as follows: Section 23 to permit the following: • A TLPI can be used to manage positive risks and affect the operation of a planning scheme to allow incentives or other initiatives to take place.
3.	Section 26	Council understand the purpose of this provision. There are however some changes which are suggested in order to meet the overall objective of enhancing relationships between the State Government and local governments, as well as improving planning culture overall. The powers of the Minister have been expanded to allow the Minister to give a local government a direction about an existing or proposed designation and a proposed amendment to a designation. The Minister currently does not have	-

		these powers under SPA. Subsection (5) also confers two new directions the Minister may issue to a local government, namely: • to review a local planning instrument, in accordance with section 22, and report the results of the review to the Minister; and • to review a designation, and report the results of the review to the Minister. At this time, council are not supportive of this section. It is not clear as to the rationale for expanding the powers of the Minister and council seeks feedback as to why the powers have been expanded. It is recommended that the Minister must first consult with the Local Government about any changes before a notice is issued. Further, use of incentive schemes, as per our comments in Part A of this submission may indirectly assist in delivering better schemes, thus, reducing the likelihood that Minister's intervention from being required.	
4.	Section 30	Compensation provisions (Generally) – Council previously noted and continues to support the position the LGAQ that compensation provisions should be removed from the Bill in all instances. Despite this, compensation provisions are retained in the Planning Bill. It is the view of Council that the compensation provisions contained in the Bill do not differ greatly from the current SPA provisions. The Bill appears to limit when compensation is payable, when compared to the current SPA provisions, and have not greatly changed the current position; for example, an adverse planning change is essentially the new name for change. It appears that the Bill has attempted to tighten up the provisions to make it clear that an adverse planning change does not include a change made to reduce a material risk of serious harm to persons or property on the premises from natural events or processes. The provisions do not require the additional element of significant reduction of the risk could not be have been achieved by the imposition of conditions. However the proposed provisions do require a local government to prepare a report assessing feasible alternatives, including imposing development conditions. Essentially the current SPA provisions say something similar.	-

		The new provisions do not include serious environmental harm being an exception to compensation, and this is unclear if it is a deliberate omission or a missed reference elsewhere in the Bill. There does not appear to be a definition of public purpose, however there was none in SPA either and we therefore envisage that a public purpose is said to be straightforward. Council understand that it is intended to refer to a public purpose for Local Government and who can acquire/ resume land pursuant to the Acquisition of Land Act 1967. It is noted that the time frames for compensation appear to be the same as the current SPA. In terms of compensation for natural hazards, it appears to be the same as the current SPA provisions. There are no definitions, but examples of what the Government means by natural hazard. If it is not specifically named then this is open to interpretation. Council continues to support the LGAQ in its position towards this matter, including its concerns, while noting that improvements around natural hazard compensation provisions have been improved. Further, Council reserves overall support for this provision until more detail is made available through the yet to be provided Minister's Rules. Generally, compensation provisions appear to restrict the ability for a local government to make changes in planning schemes and Section 30 appears to be of the direction that planning schemes should maintain the 'status quo'. This has the effect of restricting planning for a community at a local level based on sound, new research. It is recommended that the compensation provisions be reviewed, so that there is a very limited scope for when and why local government should be liable for compensation. Council are also concerned about the exemption clause which qualifies risk and harm. This change may introduce some of the uncertainty that currently exists in the SPA. It is recommended that other Australian jurisdictions be benchmarked against Queensland in respect to compensation. Queensland would appear to be an anomaly in this respect.	

5.	Section 30 (5)	Item (5) of when the provision applies requires "*a local government to prepare a report assessing feasible alternatives for reducing the risk mentioned in subsection (4)(e)* (natural events – bush fire, coastal erosion, flooding or landslide), *including imposing lawful development conditions on development approvals*". It is not clear exactly what a report assessing *feasible alternatives for reducing the risk* involves? There are numerous minor updates to council's flood mapping based on improved accuracy which have the potential for mapping properties as more susceptible to flooding. It would be excessive for council to prepare a report outlining alternatives for reducing risk with each and every minor change to the mapping.	-
6.	Section 30 (4)	The use of the term 'events' is not supported by council. The term 'events' is not consistent with current State Planning Policy or terms used in most planning schemes. Of particular note, the term 'events' is more considered as an event in time, rather than hazard over time which persists based on evidence, which for planning, refers to an known area likely to be subject of a natural hazard and which may occur at any point in time based on a calculated probability. Development is generally required to minimise impacts from hazards (probability) to an acceptable level, and not necessarily from a single event.	The Planning Bill should be amended as follows: • Section 30 (4)(e)(i) 'events' to be replaced by 'hazards'.

Chapter 3 — Development assessment

Ref. No.	Section	Comment	Suggested solution/change
7.	Section 44	Item 6 (a), where unlike the previous SPA/QPP, development was always defaulted back to impact assessment, or for this Bill, accepted development. As per the Bill, if a categorising instrument does not state a particular type of development, it becomes accepted. This has implications for both local planning schemes and existing and proposed variations approvals. If for example, a categorising instrument or variation approval does not deal with a particular use, then does it defaults to accepted. This will have unintended consequences. This may also mean that planning schemes need to be more onerously drafted to prevent unintended consequences.	The Planning Bill should be amended as follows: s44(6)(a) *However—* *(a) if a categorising instrument does not categorise a particular type of development, the development is ~~accepted~~ assessable development – impact assessment; and*

		In terms of scheme drafting, it may also mean that we need to state every type of use as a particular level of assessment in every zone. This is likely to add bulk and complexity to planning schemes, particularly for the Townsville City Plan. The current default to impact under QPP/SPA works mechanically for the scheme and enables us to focus on what we want in each zone/precinct, rather than regulating for the uses we find undesirable and which should be considered on merit.	
8.	Section 46	Exemption Certificates are fully supported by council. Council would like to see the effect of Exemption Certificates expanded to support the pursuit of place making initiatives and other strategic planning outcomes. In particular, for the purposes of Item 3 (b), this could be expanded to include Temporary Uses on premises. Further, an option to allow the exemption certificate to apply for a lesser period than 2 years (for example, as agreed with the applicant, owner at the time of making the request, or local government discretion), should be considered to support temporary uses of a stated nature. If temporary uses are permitted, it must be clear that they are temporary and that they are not to operate on a permanent basis as permitted by the latter parts of section 46 (7). That is, exclude temporary uses from the requirements of section 46 (7). It may also be possible to link exemption certificates to TLPI's to the extent that an exemption certificate can be issued under a TLPI.	The Planning Bill should be amended as follows: Section 46 (3) The person may give an exemption certificate if— (a) for development, <u>except for temporary uses</u> for which there is a referral agency—each referral agency has agreed in writing to the exemption certificate being given; and (b) any of the following apply— (i) the effects of the development would be minor or inconsequential, considering the circumstances under which the development was categorised as assessable development <u>or accepted development</u>; (ii) the development was categorised as assessable development <u>or accepted development</u> only because of particular circumstances that no longer apply; (iii) the development was categorised as assessable development <u>or accepted development</u> in error. <u>(iv) the development is of a temporary nature and its operation would benefit in activating a place that is underutilised for the benefit of the community or council strategy.</u>
9.	Section 51	It is understood that to "accept" an application also links to the DA Rules 6.2 where the assessment manager may accept the application as properly made. If council choose to accept an application, and as per (5) it will now be considered a properly made application, council must action a notice of the outstanding items first to be sent to the applicant as required by Development assessment rule 6.2 (2), followed with a written notice to say it is accepted as properly made. It is suggested that the written notice to the applicant stating acceptance of the application and it is properly made as per Section 51 (4) c without the making of an action notice. Alternatively, by taking an application over the counter and entering into our system is therefore taken to be deemed as "accepting" the application.	The Planning Bill should be amended as follows: • Need to differentiate between the act of "receiving" an application and a decision to "accept" an application as properly made within the Bill so that the DA Rules are clearly applied.

10.	Section 57	Response before application – (2) mentions that where section 55 says properly made unlike the Minister's Development Assessment Rules where the properly made date goes to the next business day. In this section properly made is referred to the date the applicant first gave the person documents in relation to the proposed development. Firstly the use of the terminology 'day' and not business day implies that weekends and public holidays could be the day received and therefore be made the properly made date – secondly, and for the purpose of consistency, it should be the same as the Minister's Development Assessment Rules Subsection 4.1. It is noted that there is an inconsistency between Section 57(3)(b) of Bill and s1.3 of DA Rules. The Bill does not stipulate a minimum period whereas the DA Rules stipulates 6 months unless specified. Subordinate legislation cannot override primary legislation. Consistency is required.	-
11.	Section 60	Council support Section 60 - Deciding Development Applications. This section reinforces the importance of three key matters. 1. When making a planning instrument, is fundamental to ensure a vertical line of sight in the document, allowing the appropriate setting of levels of assessment as code assessable. 2. Code assessable should be bound as if the scheme is drafted correctly, code assessable development should be contemplated by the scheme and it will be about guiding the final form of the development through assessable provisions. 3. It provides some extra level of certainty to the applicant and assessment manager. It is imperative that the ability to resolve conflicts is maintained, up to and including the ability to refuse where compliance is not possible with an assessment benchmark. One issue that will arise for council is that we have used our planning scheme to make sure that assessable development is given the lowest possible level of assessment. In doing this, for example, shopping centre expansions are mostly code assessable on the assumption that development may not be supported if one exceeds the function for that catchment. Use of these rules may require a risk assessment which may result in the level of assessment being increased such that stronger and more wide ranging assessment benchmarks of impact assessment can be used. This is a mechanical and risk tolerant approach of this council, but may be impacted by support for this direction in the Bill.	-

12.	Section 88	Generally, council are supportive of the simplified and less confusing determination of currency period, including clear ability to set specific timeframes for aspects of development. We are still somewhat concerned about the 5 year timeframe stated in item 2 (c). We note that once some approvals take effect, for example, after a court appeal, there could have been several years pass in which circumstances would have considerably changed. Council would support a timeframe limited to four (4) years. This is on the basis of the following: - Planning and circumstances around the decision can change substantially over a 5 year period; - Often, if approvals are not acted on, they are amended to update even after 4 years, thus demonstrating that changes occur over time; - The community's awareness changes as does planning policy, including new information.	The Planning Bill should be amended as follows: • Section 88 – the currency period should be a maximum of 4 years, unless conditioned otherwise.
13.	Section 76	Section 76 limits local government to a single negotiated notice. Council supports amendments to the Bill to enable the issuance of more than one negotiated decision notice. There are savings in time and unnecessary appeals, including if errors are made in notices given.	The Planning Bill should be amended as follows: • Section 76 (5) should be deleted.

Chapter 4 — Infrastructure

Ref. No.	Section	Comment	Suggested solution/change
14.	Section 120	Giving credits for previous lawful uses that have since been abandoned is problematic and needs clarification that such credits only to the extent of infrastructure demand in the past and only if the infrastructure services were also not abandoned/reallocated as a consequence of the past use being abandoned. For example, a hospital in 1915 did not use the same water consumption as a hospital of the same floor space in 2015, and if the water mains servicing the old hospital have since been abandoned, then it is not fair to give a new use on the site credit for that service. Furthermore, previous lawful uses (e.g. airfields, accommodation, hospitals, etc.) arising from emergencies or temporary actions (e.g. war, cyclones, floods, rock concerts, etc.) should not qualify.	-

15.	Section 124	The Bill limits council to giving only one negotiated charges notice. This does not allow for the rare occasion when errors have not been corrected properly by the negotiated charges notice.	The Planning Bill should be amended as follows: • Council recommends amending sections 124 of the Planning Bill to allow more than one negotiated decision notice to be issued.
16.	Section 127(4)	The SPICOLAA introduced a number of significant changes to trunk infrastructure dedicated to local authorities through condition of development approvals. These changes have caused (and continue in the Bill) fiscal and administrative burden on Council, when comparing to changes prior to SPICOLAA. Council is also aware of the position of the LGAQ on this matter and we fully support their position towards this Bill. Council would also like to note the following: • Council has included an alternate method for the valuation of offsets in its adopted infrastructure charges resolution relating to its PIP gazetted in October 2014. That is: the PFTI is not costed in the scheme and the adopted infrastructure charges resolution call for the calling of tenders for the trunk infrastructure in accordance with Council (and State government) procurement provisions, and that Council be involved in accepting of the tender. Actual constructed price (allowing for valid variations in the contract) becomes that amount of the offset.	The Planning Bill should be amended as follows: Council suggests that in order to assist in financial suitability and administrative gains, the following amendments are made to sections 127 and 128 to: a. limit refunds to the money collected in relation to the relevant trunk infrastructure; b. remove the ability for the applicant to offset the share of the infrastructure servicing the development site; and c. limit offset and refunds to infrastructure identified in a council's LGIP. Council acknowledges the above changes are also represented positions of the LGAQ.
17.	Section 129	'Extra' payment terminology has been used to replace 'Additional' payment terminology currently in use, without any apparent change to the meaning. This is problematic as fact sheets, guidelines and nomenclature educated to our staff are all aligned with 'Additional'. To change the term without meaning will impose wasteful costs, time and energy modifying our current materials and education.	-
18.	Section 129(e)	'Extra' trunk infrastructure may actually occur on the trunk infrastructure network remote to a development site, or on sensitive infrastructure, which would not be reasonable to allow a developer to 'elect' to provide in lieu of making an 'extra' payment (e.g., sewerage treatment plant). The provision should change 'elect' to 'agree with the local government/service provider'.	-
19.	Division 4	Conversion of Trunk infrastructure (generally) – council do not support the conversion of trunk infrastructure process outlined in Division 4 – Chapter 4. While Council has had no conversion applied for to date, it has had to ensure that conversion will not occur where an inconsistent development was approved and/or an infrastructure agreement was entered into with the	The Planning Bill should be amended as follows: • All applications dealing with trunk infrastructure conversion should follow the standard assessment process, including representations during normal appeal periods and processes.

		developer ahead of the approval of the development. The agreement can prevent the conversion application of non-trunk infrastructure that could possibly be identified for a conversion application. All applications should follow the standard assessment process, including representations during normal appeal periods and processes.	

Chapter 5 — Offences and enforcement

Ref. No.	Section	Comment	Suggested solution/change
20.	General	Council are supportive of the increased penalty units applying to development offences.	-
21.	Section 166	Council is experiencing a significantly higher number of instances where development offences are being committed and wherein the show cause provisions are being abused by offenders to continue to offend whilst responding to the process. This is causing continued nuisance and angst to wider community members. This section requires further enhancement to make it more effective in dealing with development offences. In particular, the timeframes on which to respond are too generous for both the person committing and the enforcement authority. Further, there are no penalties associated with a show cause notice applying and that this means a substantial amount of time will lapse without penalty should an enforcement notice eventually be issued. It is also proposed that upon issuing a show cause notice, that the alleged offence is ceased by the person until a response is received, or the later of enforcement notice is issued. This ceasing of the offence allows for a lesser time in which to respond to the authority, and for the authority to then respond to the person's response in 5 days, or give an enforcement notice. It is noted that some concerns may be held for the inappropriate or vexatious use of this power by some councils. Council would support additional provisions that enable a party that believed it to be unduly targeted to seek legal redress and compensation through the Planning and Environment Court.	The Planning Bill should be amended as follows: Section 166 (1) This section applies if an enforcement authority— (a) reasonably believes a person has committed, or is committing, a development offence; and (b) is considering giving an enforcement notice for the offence to the person. (2) The enforcement authority must give the person a notice (a ***show cause notice***) that— (a) states the enforcement authority is considering giving an enforcement notice to the person; and (b) outlines the facts and circumstances that form the basis for the enforcement authority's reason for giving an enforcement notice; and (c) may state that the committing of the alleged offence must cease until the enforcement authority accepts the representations stated in subsection 5 (b), despite subsection 5(a) (d) ~~(c)~~ states the person may make representations about the notice to the enforcement authority; and (e) ~~(d)~~ states how the representations may be made; and (f) ~~(e)~~ states— (i) a day and time for making the representations; or (ii) a period within which the representations must be

			made. (3) The day or period stated in the show cause notice must be, or must end, at least ~~20~~ 10 business days after the notice is given. (4) The enforcement authority may issue fines from the date of the giving of the Show Cause Notice where the alleged offence fails to cease operation or use during the period of the show cause notice, until actions under sub-section 5 are completed. (5) Representations and response, - (a) After considering any representations made by the person in accordance with the show cause notice, the enforcement authority may give the enforcement notice if the enforcement authority still considers it appropriate to do so, or (b) the enforcement authority, within 5 business days of receiving the representations, accepts the representations and advises the person that no further action will be taken or a particular action is to be taken. (6) An enforcement authority need not give a show cause notice to the person, before giving the person an enforcement notice, if— (a) the development offence relates to— (i) a Queensland heritage place or a local heritage place; or (ii) works that the enforcement authority reasonably believes are a danger to persons or a risk to public health; or (iii) the demolition of works; or (iv) the clearing of vegetation; or (v) the removal of quarry material allocated under the *Water Act 2000*; or (vi) extracting clay, gravel, rock, sand or soil, not mentioned in subparagraph (v), from Queensland waters; or (vii) development that the enforcement authority reasonably believes is causing erosion, sedimentation or an environmental nuisance; or

			(b) the enforcement authority reasonably believes it is not appropriate in the circumstances to give the show cause notice (because the notice is likely to adversely affect the effectiveness of the enforcement notice, for example). (7) *[provisions for redress to the P&E Court for vexatious claims made by assessment manager]*

Chapter 7 — Miscellaneous

Ref. No.	Section	Comment	Suggested solution/change
22.	Section 263	Public access to documents: Council has concerns with the wording under subsection 4 (a) ii- "Whenever the office is open for business". This use of terms implies that at all times without giving notification and taking consideration to the timeframes that retrieval of documentation from respective storage facilities there is an expectation that all material for inspection or purchase will always be immediately on hand. The sheer volume of material required to be kept by local government does not allow for this to be the case. It is suggested that in order for this section to operate in line with current systems, there needs to be inclusion of retrieval and requirement to give notification of requesting to view. Storage and retrieval of material is a considerable cost to councils. Consideration should be made to allow council the ability to charge for the retrieval costs of stored material to allow for inspection or to make copies of.	-
23.	Section 264	Planning and Development Certificates: Section 264(5) is supported by council by placing a timeframe on compensation. However, part of the provision should be amended to imply the same wording of the SPA. That is, …'*claim is made within 6 years after the day the certificate is given'.* The current wording implies that at any time after the giving of the certificate, a right to claim to compensation can be made after a loss is first suffered. The loss may occur years after the giving of a certificate and then there is an additional 6 years in which to make a claim. Council are required by law to	The Planning Bill should be amended as follows: **264 Planning and development certificates** (3) The local government must give the certificate to the applicant within the following time after the application is made— (a) for a limited certificate—5 business days; (b) for a standard certificate— ~~10~~ **20** business days; (c) for a full certificate—30 business days. (5) A person who suffers financial loss because of an error or omission in a planning and development certificate has a right

		produce accurate information in any respect, so we would question how many claims have been made as a result of a certificate issue during the life of the SPA. In addition, the timeframes for which to issue a Standard Certificate be increased. The requirements of a Standard Certificate mean that additional time is required often to gather the necessary information (stated in Schedule 31 of Regulation).	to reasonable compensation from the local government if the claim is made within 6 years after the day the certificate was given. ~~loss is first suffered~~.

Chapter 8 — Transitional provisions and repeal

Ref. No.	Section	Comment	Suggested solution/change
24.	Transitional arrangements (general)	For local government, as chief implementer of the planning system, the challenge remains the same: how to get the best out of the system to achieve the greatest good for the greatest number of people. Local government is the entity required to implement and drive the system often regardless of practicality or cost and the date of assentation of the new Act will be the start of the journey for local government. The cost to council in reviewing planning schemes which have been prepared in recent years, to take account of the new legislation, is an ongoing issue. In particular, the financial and human resource costs associated with councils updating recent planning schemes could be considerable – involving not only changes to the planning scheme documents themselves, but integral systems and processes such as GIS databases, website data, information publications, etc.). Council accordingly have a strong desire to be involved in the transitional provisions of the Bill. While the 'background' costs are outside of the scope of the Planning Bill, it is important that the State Government recognise that there will be costs to local government and should give consideration to providing financial assistance. Council is working alongside the Sunshine Coast Regional Council and our collective technology supplier (Technology 1) to amend its workflow and document management system to align with the new Act. This initiative (the one council initiative) seeks to establish a common and standardised	Council supports and recommends that all transitional costs incurred by local government are offset by the State Government through appropriate funding mechanisms. Transitional commencement provisions allow for a **minimum** of nine (12) months between assent/adoption of the Act and its commencement. Council support an expert panel to respond to local government and industry during the 12 month transition period as a minimum.

		baseline process under the new Act for 15 councils across Queensland. Advice from our technology supplier indicates we will (collectively) require a minimum of nine (9) months between the assent/adoption of the Act and its commencement to allow for finalisation of coding, testing, production, training and implementation. Enhanced understanding and skill in the operation of the system must logically begin at the top and filter down through the whole of the community.	