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Submission No. 017
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13 July 2015

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

Dear Sir/Madam

LOGAN CITY COUNCIL SUBMISSION – PLANNING AND DEVELOPMENT (PLANNING FOR PROSPERITY) BILL 2015 AND PLANNING AND ENVIRONMENT COURT BILL 2015

Thank you for your invitation of 10 June 2015 to make a submission on the Planning and Development (Planning for Prosperity) Bill 2015 and the Planning and Environment Court Bill 2015 (the Bills). Council has reviewed the Bills and provides this submission for your consideration.

Logan City Council does not support the Bills; this position is consistent with our earlier letter (11 July 2013) to the Department of State Development, Infrastructure and Planning (*see attachment 1*) and our submission (17 September 2014) to the draft Planning and Development Bill 2014 (*see attachment 2*).

Logan City Council will always support positive change designed to make planning and development more efficient and cost effective for both Council and our customers. We have consistently demonstrated our commitment to achieve best practice in development assessment and planning, however we see no compelling argument for new legislation. Specifically:

1) The Bills do not appear to significantly reduce red tape. For example the advertised three categories of assessment are actually five once assessable development is unpacked to Standard and Merit and Merit notifiable.
2) There are aspects of the proposed changes which will create uncertainty for local governments, the development industry and the community. For example, the alternate assessment manager provisions represent a significant change to the development assessment function in Queensland and there is little guidance within the Bill as to how this initiative will be managed.
3) The introduction of new legislation will impose significant time and financial impacts upon Council in terms of changes to planning policies, business processes, services and systems. Customers will also need to adjust to the new provisions, at likely cost and inconvenience. It would be appreciated if there is due consideration and recognition of these impacts by the State.

In addition, we are unable to provide a detailed analysis of the Bills when key components such as the regulations and decision making rules are not available.

Logan City Council fully supports improvement and reform, and believes these agendas can be progressed effectively through the integration of some of the proposed changes into the existing legislation. This will preserve familiar terminology and frameworks and enable the desired efficiencies and benefits to be achieved, with a reduced impost on councils, customers and other agencies.

We include with this submission (see attachment 3) a register of issues and comments which address the Bills in their entirety. Should you wish to clarify any components contained within this submission, please contact myself on 3412 4637 or Christian Parks on (07) 3412 4783.

Yours faithfully

Todd Rohl
DEPUTY CHIEF EXECUTIVE OFFICER - STRATEGY & SUSTAINABILITY
(on behalf of Chris Rose, Chief Executive Officer)

ATTACHMENT 1

Enquiry Phone:	3412 5269
Please Quote File:	668419 -1
Document Reference:	8449768

11 July 2013

Director-General
State Development, Infrastructure and Planning
PO Box 15009
CITY EAST QLD 4002

Attention: Director General - David Edwards

Dear Sir

SUSTAINABLE PLANNING ACT 2009 – PROPOSED PLANNING REFORM

Council is writing to the Department of State Development, Infrastructure and Planning to provide a response to the recent media release issued on 12 June 2013 regarding the proposal of the State Government to create new laws to deliver planning reform.

It is considered by Council that wholesale changes to the current *Sustainable Planning Act 2009* (SPA) and/or a new act will not resolve the challenges Local Governments and Industry currently face, having regard to the reduction of red tape, processes to enable development, the infrastructure charge regimes and a streamlined process for plan making and development assessment. Instead, Council believes that a structured review of the existing legislation would deliver greater benefits to all parties as there are many opportunities available to improve these processes by amendments to the SPA.

Council recognises the key issues with any review would have to ensure:

1. Greater emphasis within the SPA to allow for local government discretion, particularly in cases where the Planning Scheme does not conflict with higher order policies; and
2. Transitional arrangements were established for local governments who are currently in the process of formulating new Planning Schemes.

It is recognised that legislation alone will not be able to address culture change however this is considered critical in terms of moving forward. Council would be happy to meet with you to discuss this matter further.

Logan City has significant potential to contribute to the planning and development industry within South East Queensland and your consideration into this matter is appreciated. If you have any questions please do not hesitate to contact Alisha Swain – Manager Development Assessment on (07) 3412 5260 or via email on AlishaSwain@logan.qld.gov.au.

Yours faithfully

Todd Rohl
DEPUTY CHIEF EXECUTIVE OFFICER - STRATEGY & SUSTAINABILITY
(on behalf of Chris Rose, Chief Executive Officer)

ATTACHMENT 2

Enquiry Phone: 3412 4631
File No: 878107-1
Document Reference: 9088138/STARKEB:SINGLEJ

17 September 2014

The Honourable Jeff Seeney MP
Deputy Premier, Minister for State Development, Infrastructure and Planning
PO Box 15009
CITY EAST QLD 4002

Dear Deputy Premier,

LOGAN CITY COUNCIL SUBMISSION – DRAFT PLANNING AND DEVELOPMENT BILL AND DRAFT PLANNING AND ENVIRONMENT COURT BILL

I refer to your release for comment of the draft *Planning and Development Bill* and draft *Planning and Environment Court Bill* (the draft Bills) on 1 August 2014. Council has reviewed the draft Bills and provides this submission for your consideration.

As you are no doubt aware, Council made its position clear on the proposed legislation in our letter dated 11 July 2013 to the Department of State Development, Infrastructure and Planning (*see attachment 1*). Council reaffirms its position in this letter, that it does not support the draft Bills.

Logan City Council will always support positive change designed to make planning and development more efficient and cost effective for both Council and our customers. Our recent track record demonstrates our willingness to work tirelessly to achieve best practice in development assessment and planning. However, Council has never seen a compelling argument as to why the proposed legislation is being pursued and we cannot provide a detailed analysis of the draft Bills when key components such as the regulations and decision making rules are not available.

The changes proposed in the draft Bills will have significant time, effort and financial impacts that will be incurred upon Council in order to ensure our planning policies, business, systems and processes align with any proposed legislation and to achieve best practice. it would be appreciated if there is due consideration and recognition of these impacts by the State.

You should note, the cost to implement the draft Bills for Council is initially estimated to be in excess of one million dollars. This estimate has been calculated on the reform we undertook in 2009 in development assessment and the cost of preparing the draft Planning Scheme.

It is our view, some of the good ideas identified in the draft Bills could be integrated into the existing legislation to create the desired reforms. We do not anticipate that the proposed legislation will yield any significant benefits or efficiencies for either Council or our customers. The draft Bills as a whole do not appear to cut red tape and there are aspects that will create uncertainty for both local governments, the development industry and the community alike. In fact, the only certainty is an unnecessary cost burden on Council and our customers in having to adjust to the new provisions.

If the Department of State Development, Infrastructure and Planning chooses to proceed with the draft Bills, please find attached a register of issues and comments which addresses the draft Bills in their entirety *(see attachment 2)*. Should you wish to clarify any components contained within this submission, please contact myself or Ben Starkey on (07) 3412 4631.

Yours faithfully

Todd Rohl
DEPUTY CHIEF EXECUTIVE OFFICER - STRATEGY & SUSTAINABILITY
(on behalf of Chris Rose, Chief Executive Officer)

Logan City Council's Submission on the Planning and Development (Planning for Prosperity) Bill 2015 and Planning and Environment Court Bill 2015

Planning and Development Bill (Planning for Prosperity) 2015

Section	Matter	Issue
14	Required contents for local planning instruments	With respect to LGIP, the Bill states that 'a regulation may prescribe requirements for the contents of a local planning instrument'. The Bill is less clear than SPA which states that the LGIP must be prepared in accordance with the guideline (regulation).
15	Minister's rules and guidelines	What are these? It is difficult to comment on this and the potential impacts this may have on Council, community and industry as these are not available for comment.
16	Making or amending planning schemes	How is the ability to negotiate the plan making process beneficial or provide certainty to the community? We note that there is the potential to streamline the process and this a positive step, however this should be and can be quantified. This would go a long way to providing clear governance rules for all participants in the process.
24 (2)	Compensation	How will the term 'adverse planning change' relate to case law? There is a lot of new terminology that is used throughout the Bill which may make it difficult to relate to current case law.
24 (6)	Compensation	The definition of gross floor area conflicts with the definition of gross floor area in QPP. It is recommended that the two definitions be the same to ensure consistency in interpretation across planning documents. Acknowledge that QPP is being "watered down" but this needs to be investigated.
31	Making or amending designation	a) A local government should be an affected party even when it does not impact land owned by the local government. b) 15 business days is insufficient to make a submission about the proposed designation. It is recommended that this should be 30 business days. c) The decision rules for making a Community Infrastructure Designation should consider representations of a Local Government (to a greater effect than a normal landholder) and have some assessment against the strategic framework of the planning scheme. Council could possibly become a referral agency and impose conditions on a Community Infrastructure Designation application. d) The draft provision remove a reference or reliance on the infrastructure being for community purposes and are on required to be 'infrastructure'. It is uncertain as to the implications of this broadening of the application. In particular, whether it could be used for the support of non-public infrastructure?
39	Categories of development	a) Whilst the Bill states that there are 2 categories of development, there are actually really 5 being: prohibited development, accepted development, standard assessment, merit assessment (non-notifiable) and merit assessment (notifiable). Under *SPA* there are 6 being: exempt, self assessable, compliance assessment, code

ATTACHMENT 3

Planning and Development Bill (Planning for Prosperity) 2015

Section	Matter	Issue
		assessable, impact assessable and prohibited. This is only a reduction of 1 category of development. It is not really simplifying development. b) What is the basis for changing the categories of development, as there is no foreseeable benefits to any stakeholder? c) We would have preferred changes designed to improve compliance assessment in order to make it a more palatable alternative for councils and private industry to use. This combined with mandating certain development to be compliance assessment would have greatly improved and expedited development approvals. Logan City Council has previously provided significant commentary on how compliance assessment could have been better utilised. d) There is no clarity around whether all Merit applications are assessed against the entire scheme or just those that are notified. It is a concern if Merit are assessed against the whole scheme and there is no opportunity for public input.
41	Exemption certificate for some assessable development	This concept is supported in principle however there is not enough information contained within the Bill to provide Council with confidence of exactly how this will work. There needs to be guidelines around what is "minor and inconsequential". Some comments/questions on the use of exemption certificates include: a) There is a risk this will be used to address poor scheme drafting rather than amending the scheme to fix the error. b) If there are no clear rules or guidelines, it may also be used differently by all Councils leading to frustration among applicants. c) Can exemption certificates be used at plan sealing stage to excuse small non compliances with conditions of approval that over the passage of time have become redundant (this does occur from time to time). Or is the correct process under the Bill to modify the approval via a variation application? d) Can you appeal an exemption certificate? e) Are exemption certificates limited only to overlays or matters that were considered as part of a previous application such as a reconfiguring a lot? f) Do exemption certificates apply to Merit or only Standard Assessment? g) What implication will an exemption certificate have for planning and development certificates? Will they need to be included in a planning and development certificate?

Planning and Development Bill (Planning for Prosperity) 2015

Section	Matter	Issue
		h) Can a person re-apply for an exemption certificate once the two year timeframe has passed?
43	Meaning of assessment manager	There is not enough information contained within the Bill to provide Council with confidence of exactly how the (alternate) assessment manager mechanism will work. This is the single most important initiative contained within the Bill. Several questions come to mind: a) How will the risk be managed by both parties? With addressing potential risks, there is little incentive for Councils or private consultants to take up this initiative. At present Council is quite comfortable with our RiskSmart initiative which is a valuable tool and utilises an accreditation agreement to manage risks for all parties involved. b) Does Council become a party to the appeal? c) Who funds an appeal for an application that was decided by the alternate Assessment Manager? d) At what point can the alternate Assessment Manager hand responsibility back to Council? e) At what points during the application is Council notified of certain events? f) Is there an accreditation program behind it? g) Is it all Standard assessment? h) Who is responsible for change applications, extension applications and cancelling development approval applications? i) Who is responsible for issuing the letter to the Applicant that the application is about to lapse? j) How will operational works and asset management (on and off maintenance of public assets) work? k) How will an alternate Assessment Manager coordinate applications that involve internal expertise such as environmental and infrastructure issues? l) What happens if an alternate Assessment Manager is not performing to an appropriate standard? m) What happens if an alternate Assessment Manager receives a deemed approval? n) What if an alternate Assessment Manager puts unnecessary conditions on an approval? In particular, what if Council ends up receiving Operational Works applications that they don't want or need due to risk adverse conditions? o) What if the application involves trunk infrastructure - is there any security that Council's assets will be appropriately protected? p) What happens if an alternate Assessment Manager accepts an application that Council would consider to be not properly made? q) There is no process outlined for Council of keeping a 'list of other entities'.

Planning and Development Bill (Planning for Prosperity) 2015

Section	Matter	Issue
		r) There is no clarity for how to deal with an alternate Assessment Manager that is no longer in business or ceases to exist. Does this default back to Council? Can this be used as a means for an alternate Assessment Manager to walk away from a decision they issued and not be liable in the Court, leaving Council to defend a poor decision? s) Section 42(2)(a) suggests that the regulations may prescribe persons with certain skills as being an Assessment Manager. This particular clause can be interpreted to mean that local governments will have no control in some circumstances as to the use of private persons as Assessment Managers. If this interpretation is correct then the previous concerns are magnified. t) There will be implications politically and on Council's delegations.
43(4)	Meaning of assessment manager	There is no timeframe for an alternate Assessment Manager to notify Council of an application they have received. It is recommended that the Chosen Assessment Manager has 5 business days to inform Council and supply the application material to Council or that Council has the ability to request the application material.
48 (4)	Public notification requirement	Without the DA Rules being available for comment, it is impossible to comment on the public notification process and anticipate any impacts it may have. Notification requirements should be clear and prescriptive to give certainty to both Council, the Applicant and the community as to when and how notification should be undertaken. There should not be flexibility in the way the notification process is carried out because if there is, there will not be consistency across Councils as to how this is administered.
53	Effect of no referral agency response	Council supports a 'deemed approval' approach for all referral agencies, regardless of whether or not they are a referral agency with 'advice' powers only.
57(5)	Variation Request	This clause states that a variation approved development includes "any development that is the natural and ordinary consequence of the development that is the subject of the application". It is unclear as to what this means and needs to be clarified.
61	Deemed approval of applications	Deemed approvals should apply to all development applications, not just standard assessment.
61 (2)(d)	Deemed approval	This clause states that the deemed approval provisions do not apply to those applications which owners consent is required but not provided. Whilst the owner's consent provisions have been changed several times, the drafting of this Bill suggests that this is a mandatory requirement. As a consequence this mechanism is redundant and cannot be used.
62 (2)(a)(ii)	Permitted conditions	Why is there a need to limit how long a lawful use may continue? There is no need for this. If absolutely necessary surely it could be justified by the "reasonable and relevant test".

Planning and Development Bill (Planning for Prosperity) 2015

Section	Matter	Issue
63 (2)	Prohibited conditions	This section indicates when conditions are prohibited. A constant challenge currently faced by Council occurs when an earlier development approval states that development shall occur at a particular standard (imposed under the planning scheme in force at time of assessment) and the subsequent related approvals require assessment under a new planning scheme that requires a new standard. A simple example is: 1. An MCU is granted that requires the development to be above the Q50 2. An OW is applied for, which requires assessment against a new planning scheme that requires the development to be constructed above the Q100. The drafting of section 63 should be improved to be clear which standard should be applied / or what is considered to be 'inconsistent', when assessing a 'related' application – the standard applied to the 'parent' approval, or the standard applicable to the assessment of the 'related' approval. It is noted that section 63 (2) appears to address this issue, but the section could benefit from improved drafting.
65	Development assessment rules	The DA rules are a fundamental component of the legislative framework. Without the DA rules being available for view there is no ability to form a conclusive view on the Bill. Should the Bill be exhibited again, it would be of benefit to include all of the documentation in the consultation phase.
83	Extension applications	This section could be amended to allow a short 'grace' period after an application has lapsed in which a revival/extension to the currency period could be sought. This would have some qualifications such as, did not attract submissions originally, to provide a certain framework for applicants.
84 (1)	Deciding extension applications	The Assessment Manager may consider 'any relevant matter'. What is meant by this? This is too broad and vague. It could be anything?
86	Particular approvals to be noted	What is the intent of noting these types of approvals in the scheme as it does not amend the planning scheme? It is not necessary. All applications can be viewed on PD Online.
91	Direction to give copies of future applications	What is the intent of this? All of Council's development applications and associated documents are available to be viewed on Council's website via PD Online.
97 (4)	Call in power	The Minister can decide the 'restarting point' and may have regard to 'anything the Minsters considers relevant'. What is meant by this? This is too broad and vague. It could be anything.
100 (3)	Provisions for Minister to decide application	The Minister may consider anything the Minster considers relevant. What is meant by this? This is too broad and vague. It could be anything. How do you determine what the application should be assessed against?

Planning and Development Bill (Planning for Prosperity) 2015

Section	Matter	Issue
136	Conversion applications	Under the Bill conversion applications are only available for 1 year after the development approval is given. This change is supported as it limits local governments exposure and provides more certainty around infrastructure budgeting.
138 (1)	Notice of decision	There is no timeframe for the local government to advise of a decision on a conversion application. It is recommended that 5 business days be nominated for the sake of having a timeframe and being consistent.
Chapter 5	Offences and enforcement	Given the current review of the *Building Act 1975* there should be an alignment of all Building Work enforcement provisions for local government in the *Building Act 1975* as this will align the current two separate Enforcement Chapters. This will of significant assistance to local government.
160	Carrying assessable development without approval	This offence provision (modified from SPA) requires Council to establish the types of development permits required for the development in its entirety and the subsequent absence of such approvals. To establish a breach Council would have to determine all development permits they may require, whereas at present Council only have to establish that they are lacking only one permit.
165 (4)	Enforcement notices	This provision appears to limit the circumstances in which Council can introduce a requirement in an enforcement notice to remove or demolish works. We suggest that greater clarity is given to the following: • whether 'work' refers to operational works, or includes building or other works • the meaning and purpose behind subsection (b) • in respect to subsection (c), whether this is intended to limit the requirement to removing the danger only, or whether it is to remove the work in entirety.
184 (2) (ii)	Appeals to tribunals or P&E Court	This section increase the appeal period from 10 to 20 days to encourage more matters to be sent to such tribunals.
185 (2)	Appeal rights	As a general matter of justice, decisions made by a Minister under the Act should be appealable.
194 (3)	Application for declaration about making of development application	To start a committee proceeding, the Applicant and Assessment Manager have different timeframes. It is recommended that these timeframes be the same for consistency and fairness.
220	Planning and Development Certificates	These matters appear to have been transferred across as is from SPA. Importantly though, the respective regulation is not available. On this basis it is suggested that the existing provisions also be carried across. In particular, it is important that whatever information the Access Rules prescribe as being necessary to include within a certificate be administratively feasible within the timeframes nominated.

Planning and Development Bill (Planning for Prosperity) 2015

Section	Matter	Issue
243	Statutory instruments	• Council has recently adopted a *Sustainable Planning Act* (*SPA*) compliant planning scheme. • Due to the timing of the new Bill, there is significant risk that our customers will be impacted by significant policy changes in a relatively short amount of time. It is assumed that Council will need to amend the scheme so that it complies with the new *Planning and Development Act (P&DA)*, and adopt a new *P&DA* compliant scheme shortly after the new Act commences. It is requested that the State consider such an amendment as this to be a minor amendment (as it has been through public notification) and allow the draft *P&DA* compliant scheme to be adopted shortly after the *P&DA* commences. This would save Council considerable time and resources.
249	Transitional provisions	It is difficult to determine if the Bill requires local governments to bring their planning schemes into alignment with the new legislation within a specified timeframe or whether there will simply be provisions which will 'translate' the scheme into the new format.
256	Levied charges	256 (3) is very confusing and does not remove any doubt. Wording under the saving provision of the amended SPA is easier to understand and less likely to be misinterpreted.
258	Infrastructure charges resolution	This section seems to say that local government will not be allowed to condition trunk infrastructure or issue an ICN if Council does not have a LGIP in place by 1 of July 2016. The Bill is less clear than SPA and would benefit from a re-draft.
Schedule 2	Dictionary	Material Change of Use – the definition appears to exclude a 'minor change of use' which is not defined and is referenced in the proposed regulation. The provision appears to contemplate land use changes which are not captured as MCUs and as a consequence may reduce Council's capacity to regulate and impose conditions. Without access to the Regulations this appears to be a change of significance and needs further clarity.
Schedule 2	Dictionary	Minor Change – The definition has been altered from the previous 'permissible change' under SPA and has removed the 'cause a person to make a properly made submission'. This change will remove uncertainly and is supported.
Schedule 2	Dictionary	a) Operational Works - This definition has been considerably reduced in comparison to the current *SPA* definition and it is considered that it will now make certain things not assessable. For example, Advertising Devices that need building approval will not need Operational Works approval from Council. b) Council would prefer not have advertising signs as a development application and have them policed via a local law.

Planning and Development Bill (Planning for Prosperity) 2015

Section	Matter	Issue
		c) For work to be considered operational works, the work has to materially affect the property. Will this have an impact on vegetation clearing where only a small amount of vegetation is cleared on a large property? Does the fact that Council considers any vegetation on a property to be important enough for it to be operational works? d) For clarity, the existing definition of Operational Works in the *Sustainable Planning Act* would be preferred to the proposed definition. e) Further clarification is sought on what regulatory guidance will be available to local government on how to determine in what instances operational works materially affect a premises or its use.
Schedule 2	Dictionary	Properly Made - item (e) requires an email address in order to be a properly made submission. What if the Applicant does not have an email address? This is a restrictive provision that adds no value what so ever.
Schedule 2	Dictionary	Variation Request - can this be called something else because it can be confused with a change application (modification)? Possibly call it an Overriding Request or leave as is under SPA?
Schedule 2	Dictionary	Definition of Use – Under SPA this included any uses incidental and necessarily associated with the use of the premises. This is a much tighter and more certain definition than the new definition which simply includes any ancillary use. This requires amendment or clarification as the definition will be challenged by persons attempting to place additional uses on a property without the necessary approval.
Miscellaneous	Priority Development Area	How does the Bill relate to Priority Development Areas?
Miscellaneous	Portable Long Service Levy	At present the *Building and Construction Industry (Portable Long Service Leave) Act 1991* requires the levy to be paid prior to the issuing of a development permit for building work, plumbing and drainage work, or operational work, or, if no development permit is given, before the work starts. This can often delay the issuing of operational works approval. It would be preferred if this was amended so that there was no link between the portable long service leave and the issuing of development permits. PLSL payment should only be required prior to construction commencing.
Miscellaneous	Regulation, DA Rules and Guidelines	After a review of the Bills it appears that most of the detail is contained within the Regulation, DA Rules or Guidelines. Without this information, Council's comments on the Bills is preliminary until such time as these documents are released for public comment. When these documents are released for consultation, Council welcomes the opportunity to review these documents and to provide an informed position on the changes to draft planning legislation and provide meaningful comment to the State. It is requested that these documents are released for comment as soon as possible so that Council can ascertain what the impacts may be on its business and have adequate time to create or amend its systems, procedures, protocols and templates and provide training to our staff to allow a smooth transition from *SPA* to *P&DA*.

Planning and Development Bill (Planning for Prosperity) 2015

Section	Matter	Issue
Miscellaneous	Dwelling houses	This issue straddles both the Planning and *Building Act*. It requested that the State resolve the 'conflict' between the *Building Act* and the Planning Act in terms of houses. Ie. Let the *Building Act* deal with houses and the planning act to state that the *Building Act* deals with houses. Having observed the recently adopted planning schemes around the state it is very clear that this area remains a failure. The overlapping mechanisations of the *SPA Regulations*, *SPA*, QPP and the *Building Act* are intensely complicated and has resulted in some planning schemes being unusable and lengthy with regards to houses and building works. The end result remains that regulation pertaining to houses and building works is unclear and inconsistently used around the state.

Planning and Environment Court Bill 2015

Section	Matter	Issue
17	ADR registrar's powers - general	The jurisdiction of the ADR registrar to hear and decide proceedings is supported as this will result in decreased legal costs and quick resolution of less complex matters.
21	ADR Registrar's powers	The new legislation could include scope to allow the ADR Registrar to make orders that enable a matter to be heard and decided with reduced formality, complexity and/or costs. The current wording of s21 appears to allow the ADR Registrar to decide proceedings on the basis of written submissions only. For example, if the parties consent, a very simple matter could be heard by the ADR Registrar without the presence of lawyers and/or barristers. The hearing would then rely on evidence / expert evidence only, thus reducing cost and complexity for all parties involved. Such a change would increase the community's access to the court.
26	Discretion to deal with noncompliance	This section has been expanded to not be limited to a development application that has lapsed or a not properly made development application. It appears section 26 can now deal with a range of non-compliance matters which is an improvement and supported by Council.
52 (5)	General costs provision	It is clearly articulated that Council can seek costs incurred by investigating or gather evidence for a development offence, declaration or defending an enforcement notice appeal. Whilst this is unlikely to be a provision much relied upon, it certainly strengthens local government's position when entering proceedings, and would likely deter would-be

		Appellants from lodging an appeal against an enforcement notice if they do not have a reasonable prospect of success.
Miscellaneous		Council is supportive of the increased jurisdiction of the Building and Development Tribunal as an alternative dispute resolution mechanism that is an efficient and cost effective method for settling appeals. It also allows the Planning and Environment Court to focus on appeals involving larger more complex development applications that usually end up at hearing. Any initiative designed to reduce dispute resolution costs for all parties will always be positively received and accepted by Council.