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24 November 2011

The Research Director
Transport, Local Government and Infrastructure Committee
Parliament House
George Street
BRISBANE QLD 4000

Dear Sir/Madam

SUBMISSION - INQUIRY INTO THE SUSTAINABLE PLANNING AND OTHER LEGISLATION AMENDMENT BILL 2011

Please find detailed below Logan City Council's submission to the inquiry into the Sustainable Planning and Other Legislation Amendment Bill 2011.

Animal Management (Cats and Dogs) Act 2008

At the most recent Local Government conference, Moreton Bay Regional Council put forward the motion detailed below requesting urgent amendments to the Animal Management Act.

> "That the Local Government Association of Queensland make representations to the State Government seeking amendments to the Animal Management (Cats and Dogs) Act 2008 to give local governments the power to, without notice, seize and destroy a dog that is proven to have seriously attacked and injured a person or animal, whether that dog is a Regulated Dog or not, and whether the dog poses a continuing risk to public safety or not."

It is believed that this motion received unanimous support. The single biggest factor preventing the effective response to dog attacks within our community is the inability of Council officers to seize and destroy dogs that are involved in a serious dog attack. Logan City Council would like to support the above motion and ask that this be considered during the inquiry.

Building Act 1975

Clause 7 (4) specifies that a local law, local planning instrument or local government resolution must not include provisions about building work, to the extent the building work is regulated under a code under subsection (3).

Adaptable housing is covered by the Building Act and therefore cannot be included in a Planning Scheme. How will Councils' ensure that there is an appropriate portion of adaptable dwellings across the City?

Urban Land Development Authority Act 2007

Clause 105 inserts new subsection (1) to more directly identify the respective aspects of development under the *Sustainable Planning Act 2009* (SPA) that also apply under the *Urban Land Development Authority Act 2007* (ULDA).

Section 31 (Ministerial power to amend submitted scheme) provides a new provision, 31(1), for the Minister to amend the submitted development scheme within 45 business days after receiving it, in a way the Minister considers appropriate. The provision of 45 business days allows at least 20 clear business days for the Minister to consider affected owner submissions once received.

Council would like clarity around the link between local government and Ministerial amendments, and proposes amendments to the legislation to ensure that the Minister can act on issues identified by local government. It is unclear if the definition of affected owner includes local government.

Clause 111 replaces subsection (2) and introduces a shortened process for amending a development scheme. This new provision provides for the periods in Division 1 for making a development scheme to be shortened as follows:
• the period relating to public notification (section 25(2)) - reduced from 30 to 15 business days;
• the period relating to the affected owner's submission to the Minister (sections 30(c) and section 31(2)(a)) - reduced from 20 to 10 business days;
• the period relating to the Minister's period to amend the submitted development scheme (section 31(2)(b)) - reduced from 40 to 20 business days.

This has been indentified as a major issue by Council's Community Services Branch. Reduced timeframes could limit Council's ability to adequately review and respond to amendments to a development scheme.

Section 136C (Infrastructure agreements prevail if inconsistent with UDA development approval) clarifies that to the extent the infrastructure agreement is inconsistent with a UDA development approval, the agreement prevails. Section 136D (Infrastructure agreement continues beyond cessation of urban development area) deals with the transitioning of the infrastructure agreement once a UDA ceases when revoked or reduced under section 11 of the Act.

Council supports this as it would see a continuation of an infrastructure agreement if a UDA ends. This would mean that Council does not need to re-negotiate with a developer. Additional clarity could be provided relating to the roles and responsibility of the local government authority in relation to infrastructure agreements.

Plumbing and Drainage Act 2002

The proposed amendments to the Plumbing and Drainage Act 2002, to reflect a change from "Notifiable Minor Work" to "Notifiable Work" has the potential to dramatically affect the outcomes of quality of works that would have previously been the subject of compliance assessment and inspected by the Local Authorities.

The need to continue to evolve as an industry is well understood, but to remove the scope of work, as is being proposed, does not reflect a well balanced or thought out approach to solving issues. If we accept, as has been reported in the information circulated from Building Codes Queensland, that the current scope of Notifiable Minor Works does not accurately reflect what is truly appropriate, then a balanced approach might be to review that work, seek involvement from all stakeholders, actively listen to the responses and formulate an appropriate plan. This would not seem to be the case, as submissions from local government seem to unanimously oppose the depth of proposed changes, but appear to have gone unheard. The response given by BCQ at the recent plumbing forum held at the Gold Coast only pays lip service to those concerns, with little or no hope of correcting the scale of proposed amendments.

As has been reliably established here in Queensland, self certified work performed since the inception of the modified Form 4 process for solar installations resulted in a dismal failure rate outcome, that work having been performed by licensed persons who had been trained and up-skilled (at no small cost to the individual plumbers) so as to receive an endorsement on their existing license. We continue to see failures, even in respect to significantly over temperature water delivered to ablution fixtures, even after the relevant

training. BCQ identified their concerns for further self regulation to the Notifiable Minor Work. Then to suggest we will not still have those same types of issues as regards to quality of workmanship is to exhibit naivety in the extreme.

Specifically, removing renovation work from compliance assessment has the potential to create a dual standard. Under current legislation, work performed involving the installation of fixtures is compliance assessable whether it is in a new building, or in an existing one that is being renovated. Under the proposed regime, work carried under the new structure (NW) will not be covered by conditions which are reasonably imposed by councils under S85 (7) of the *Plumbing and Drainage Act 2002*. This will became apparent where we as a local council requiring existing disconnector gully to be upgraded or installation of overflow relief gully to be installed as a condition in our compliance permit, but that will not be enforceable in the case of retrofitted installations.

Additionally, as constructed drainage plans are recorded by local government, and records updated to retain an accurate record of buried work, which may then be utilised at a later date to identify location of the property's house drainage. If this process is circumvented, as will almost certainly be the case if no visual inspection is carried out by a third party (i.e. the plumbing inspector) there will little or no accurate information for future use, unless a rigorous program is adopted by the Plumbing Industry Council to oversee the process and require compliance.

Logan City Council proposes that the focus of the proposed legislation be shifted away from the wish list of the HIA and Master Plumbers Association to a more workable system involving constructive consultation and input from all relevant stakeholders, particularly local government. Are we following in the failed footsteps of self regulation as tried by several of our southern neighbours? The consequent problems, particularly at a time when population densities are increasing, and where public health is going to be the victim is not where we should be aiming.

If you have any further queries relating to the above submission, please contact me on 3412 5212.

Yours faithfully

Simon Benham
Governance Manager
(on behalf of Chris Rose, Chief Executive Officer)