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**Sustainable Planning and Other Legislation Amendment  
Bill 2011**

**Submission particular to the proposed amendments to the  
*Urban Land Development Authority Act 2007***

**Local Government Association of Queensland Ltd  
25 November 2011**



The Local Government Association of Queensland (LGAQ) is the peak body for local government in Queensland. It is a not-for-profit association setup solely to serve councils and their individuals' needs. The LGAQ has been advising, supporting and representing local councils since 1896, allowing them to improve their operations and strengthen relationships with their communities. The LGAQ does this by connecting councils to people and places that count; supporting their drive to innovate and improve service delivery through smart services and sustainable solutions; and delivering them the means to achieve community, professional and political excellence.

## 1. Introduction

The LGAQ welcomes the opportunity to provide feedback on the Sustainable Planning and Other Legislation Amendment Bill 2011 (the Bill). The comments contained in this submission mainly relate to the proposed changes to the *Urban Land Development Authority Act 2007*; however reference is also made to the *Animal Management (Cats and Dogs) Act 2008*, *Plumbing and Drainage Act 2002*, and the *Sustainable Planning Act 2009*. Each has been identified with the corresponding section number in the Bill. Where reference has not been made to a particular section, the LGAQ has refrained from stating a position or providing comment.

## 2. Part 1 Amendment of Animal Management (Cats and Dogs) Act 2008

The LGAQ is in support of the inclusion of Chapter 9, Part 5 – Miscellaneous, Section 207A of the *Animal Management (Cats and Dogs) Act 2008*. The ability for local government to access vehicle registration information in the event of a serious dog attack will greatly assist local government in identifying dog owners that have left the scene. Local government animal management officers have been lobbying for such changes for some time and these are welcomed by the LGAQ.

## 3. Part 6 Amendment of Plumbing and Drainage Act 2002

The LGAQ provided feedback directly to the Department of Local Government and Planning (Building Codes Queensland) in relation to the proposed changes to the *Plumbing and Drainage Act 2002* through submission of the document entitled "Response to Building Codes Queensland particularly related to Plumbing Red-tape Reduction" and dated 11 November 2011. This document has been included as Attachment 1 for your convenience.

## 4. Part 7 Amendment of Sustainable Planning Act (SPA) 2009

It is understood by the LGAQ that the intention of the State is to make infrastructure charging less complex, deliver more certainty and transparency, and make infrastructure charges more equitable and reasonable through the introduction of the infrastructure charges reform program. The LGAQ is in principle in support of these reforms.

However, in relation to the proposed changes to the *Sustainable Planning Act (SPA) 2009*, the LGAQ seeks clarification and further guidance as to how indexation can be applied by a local government should, in accordance with the proposed amendments, the Minister decide to allow for Consumer Price Index (CPI) increases to local government adopted infrastructure charges. Specifically, it is unclear how indexation will assist local government in cost recovery of infrastructure provision when, under the *draft State Planning Regulatory Provision (adopted charges)*, a local government cannot charge for infrastructure above the identified maximum.

Accordingly, the LGAQ requests that the provisions be changed to allow for a local government to increase an adopted infrastructure charge, from the date it is levied to the date it is paid, by indexation, without being limited by an identified maximum.

Additionally, the current policy position of the LGAQ in relation to infrastructure charging states that the Association is not in support of the capping of increases in infrastructure charges by the Consumer Price Index (CPI), as it does not reflect the true cost of infrastructure related to good and services. The LGAQ suggests that increases should not be less than the LGAQ Council Cost Index (CCI).

## 5. Part 8 Amendment of the Urban Land Development Authority (ULDA) Act 2007

The Urban Land Development Authority (ULDA) was established in 2007 as part of the State Government's housing affordability strategy to help make housing more affordable and to deliver a range of housing options for the changing needs of the community. The ULDA's role was identified as to plan, to carry out, and to coordinate the development of land in selected urban areas. This

includes planning and development assessment and the development of key sites and priority infrastructure within selected urban areas designated as Urban Development Areas (UDAs).

This action has resulted in the effective removal of the relevant local government from the development assessment and approval processes within the UDAs, except to the extent that the ULDA chooses to engage with and take into consideration the plans and policies of the local government.

Whilst welcomed in some quarters, there is ongoing debate about the ULDA's ability to deliver on its key objective of housing affordability. In addition, there is also significant concern at the approach of the State Government to use the ULDA as a political mechanism to 'fast-track' urban development, particularly in South-East Queensland (SEQ).

While purporting to 'fast-track' an outcome, this approach is contributing to conflict with:

- the opportunity of local communities to have meaningful engagement and input on development outcomes;
- existing local government planning policy; and
- certainty for local governments, particularly in terms of infrastructure provision, future infrastructure financial liability, and maintenance commitments that could present further financial liabilities (where different to local government adopted levels of service).

There remains the broader question of whether the ULDA is the right mechanism to deliver on the objectives of the State Government, or whether the current approach is reflective of a 'stop-gap' measure to overcome inherent issues with the structure planning process.

In the examples of both Caloundra South (Sunshine Coast Regional Council) and Ripley Valley (Ipswich City Council); local governments have demonstrated the ability to deliver planning policy, and in the case of Sunshine Coast Regional Council, to do so within extraordinary timeframes. In both examples, it was the commitment of the proponents and the State Government providing certainty on infrastructure delivery that presented the final challenge.

However, it is acknowledge that a number of UDAs have been created in regional centres across Queensland, particularly in areas impacted by resource sector development, which has occurred by agreement with the relevant local governments. The ULDA is providing access to expertise and support for these local governments in expediting housing and infrastructure development beyond their available capacity. In recognition of this situation a motion adopted at the LGAQ's 2010 Annual Conference included the following statement:

"... the Local Government Association of Queensland believes the ULDA's powers should be exercised in close partnership with Councils, including reporting directly to the Regional Planning Committee and developing partnership agreements with Local Governments that recognise the Local Governments' overall planning scheme and other strategic objectives. The Local Government Association of Queensland notes its preferred option that Councils maintain their ongoing role in development assessment ..."

The LGAQ considers that an over-riding principle for local government in Queensland should be that decisions on functions undertaken and services provided for each local community, should be achieved by the level of government which best represents the local communities and the people who are affected by these decisions.

The LGAQ supports, indeed seeks, the retention of an accessible and locally accountable planning and development system securing the rights of Queensland communities to effectively participate and influence decisions impacting upon their lifestyle and well-being. In this context, the LGAQ does not support the current ability of the ULDA to assume the planning powers of local governments without consultation with and formal agreement by the relevant local government.

The proposed amendments to the *ULDA Act 2007* are not considered to be in-line with the policy position of the LGAQ, and of explicit concern is the inclusion of a new 'Part 6A Infrastructure

Agreements'. Specifically, the proposed amendments provide for transitioning of infrastructure agreements once an Urban Development Area (UDA) ceases or is reduced in size. In such an instance, a superseding public sector entity (usually a local government, and possibly a water service provider) will be party to any infrastructure agreement over that area in place of the ULDA. Any rights and responsibilities of the ULDA under the infrastructure agreement will therefore become those of the superseding public sector entity.

Ordinarily, an infrastructure agreement will bind the parties on details of infrastructure, responsibilities, and funding mechanisms and would typically cover elements relating to:

- specifications of infrastructure contributions to be provided, including land, work, and financial contributions for trunk and non-trunk infrastructure;
- requirements for local, sub-regional, and regional infrastructure;
- timing for the delivery of infrastructure; and
- the party responsible for the delivery of infrastructure.

The exclusion of the local government from involvement in the drafting and negotiation of any UDA infrastructure agreement further heightens the potential for significant mismatch between the requirements of any infrastructure agreement and the alignment with long term financial commitments, standards of service, and obligations upon the local government to provide infrastructure for the balance of the local government area.

The LGAQ suggests that it is inappropriate for a local government to be taken to be party to an infrastructure agreement in circumstances where the local government was not, and was not required to be, consulted with prior to the ULDA entering into such an agreement.

The LGAQ requests that the Bill is changed to remove the proposed amendment to the *ULDA Act 2007* that provides for a superseding public authority for land that is no longer in an UDA to assume the rights and responsibilities of the ULDA under an infrastructure agreement entered into.

## **6. Conclusion**

Thank you for the opportunity to outline the LGAQ perspective relevant to the Sustainable Planning and Other Legislation Amendment Bill 2011.

Should you have any questions or concerns in relation to the comments provided in this response, please feel free to contact Tracy Haynes, Principal Advisor Planning & Development via telephone on (07) 3000 2291 or email at [tracy\\_haynes@lgaq.asn.au](mailto:tracy_haynes@lgaq.asn.au).



## **Response to Building Codes Queensland particularly related to Plumbing Red-tape Reduction**

**Local Government Association of Queensland Ltd  
11 November 2011**

## Introduction

The Local Government Association of Queensland (LGAQ) is the peak body for local government in Queensland. It is a not-for-profit association setup solely to serve councils and their individuals' needs. The LGAQ has been advising, supporting and representing local councils since 1896, allowing them to improve their operations and strengthen relationships with their communities. The Association does this by connecting councils to people and places that count; supporting their drive to innovate and improve service delivery through smart services and sustainable solutions; and delivering them the means to achieve community, professional and political excellence.

This document has been prepared to respond to Glen Brumby, Executive Director of Building Codes Queensland's correspondence dated 3 November 2011; particularly in regard to the proposed amendments of the *Plumbing and Drainage Act 2002* and plumbing red-tape reduction as part of the Sustainable Planning and Other Legislation Amendment Bill 2011. The Association welcomes the opportunity to provide feedback and, given the need to move forward with red-tape reduction, generally supports the proposed amendments.

## Alignment of Terminology

The LGAQ believes that consistent terminology across the development industry field is beneficial to both local government officers and development industry personnel alike. Specifically:

1. Changing the term *regulated work* to *compliance assessable work*, but maintaining the existing process of approval utilising Form 1 is supported by the Association.
2. The changes from *notifiable minor work* to *notifiable work* and *other minor work* to *minor work* are considered to be of little impact to local government and are supported by the Association. It should be noted however that the LGAQ recommends that a training program be developed and implemented in order to appropriately educate licensed plumbers, other industry stakeholders, and local government of the amendments and their effect.

## Consultation and Engagement

The Association encourages the State and in particular Building Codes Queensland to consult and engage on future proposed policy changes with all stakeholders early in the process. Through experience, the LGAQ believes that when interested parties are invited to openly discuss issues and potential solutions in an organised forum, better outcomes are achieved. The LGAQ requests that, in addition to consulting with stakeholders individually, Building Codes Queensland enables a facilitated discussion including all key stakeholders to occur when significant policy change or reform is proposed.

## Detailed Comments Specific to Notifiable Work

Overall, expanding the types of plumbing work which can be achieved through a notification process as opposed to an assessment process is supported. Additionally, the Association understands the precise scope of the works anticipated to be defined as notifiable work will be the subject of further consultation and refined through the *Plumbing and Drainage Regulation*. However, the LGAQ would like to highlight the following issues.

1. Notifiable work is anticipated to utilise a modified Form 4 process, whereby evidence of work is provided to the Plumbing Industry Council (PIC) by a licensed plumber. The PIC will perform the administrative responsibilities and maintain an electronic register.

The shift from local government to the PIC processing plumbing that is notifiable work is unexpected and considered an unsuitable amendment by the Association. This is because local governments' already have the administration and reporting systems in place to perform this function. Further, it is considered inappropriate to require an auditing program of notifiable work to be implemented by local governments when they are not a direct party to

the notifiable work and Form 4 process. Additionally, an auditing program cannot be supported by the LGAQ without details of the requirements on local government of such a program.

2. The inclusion of additional disciplinary provisions for the PIC is supported by the LGAQ. The LGAQ recommends, given the above paragraph, that the PIC act as a disciplinary and enforcement body, should a problem or inconsistency be found by local government. In this way, local government would be maintained as the administrator for notifiable work, and could potentially act as an auditor, while the PIC would ensure compliance when/if issues arose.
3. On 4 November 2011, Glen Chatterton, Acting Principal Advisor, Plumbing Legislation and Standards Branch of Building Codes Queensland provided an email to Tracy Haynes, Principal Advisor, Planning and Development of LGAQ, outlining the proposed wording for both notifiable work and minor work.
  - a. A suggested revision of the proposed wording for notifiable work and minor work has been included by the Association as Appendix A of this document. The suggested wording is consistent with previous correspondence provided by the LGAQ Plumbing Representative, Allan Hazell dated 17 August 2011.
  - b. The Association is not in full support of the proposed instances where an 'unlimited' number of fixtures can be installed through a notifiable work process. This is because the number of fixtures is considered at the development stage by Water Service Providers in order to inform them of the future use/capacity on their systems. A clear indication from the Water Service Providers that these proposed provisions will not negatively impact them is considered necessary.
  - c. Broadly, the proposed amendments are supported by LGAQ.

## Conclusion

Thank you for the opportunity to outline the LGAQ perspective relevant to plumbing and red-tape reduction. It is respectfully requested that the LGAQ be included in any consultation about further amendments to the Plumbing and Drainage Act 2002 or associated regulations.

Should you have any questions or concerns in relation to the comments provided in this response, please feel free to contact Tracy Haynes, Principal Advisor Planning & Development via telephone on (07) 3000 2291 or email at [tracy\\_haynes@lgaq.asn.au](mailto:tracy_haynes@lgaq.asn.au).



## Appendix A

<i>BCQ Proposed Wording</i>	<i>LGAQ Suggested Wording*</i>
<ul style="list-style-type: none"> <li>emergency work</li> </ul>	
<ul style="list-style-type: none"> <li>repairing or replacing a plumbing or drainage pipe that is broken or damaged, but not if the work involves repairing a pipe or drain at a connection point or replacing more than 6m of a pipe or 3m of a drain</li> </ul>	<ul style="list-style-type: none"> <li>repairing or replacing a plumbing or drainage pipe that is broken or damaged, other than work involving the repairing of a pipe or drain at a connection point</li> <li>installing plumbing or aboveground drainage pipework to divert existing pipework</li> </ul>
<ul style="list-style-type: none"> <li>other work of a minor nature related to, and reasonably necessary for, repairing plumbing or drainage</li> </ul>	<ul style="list-style-type: none"> <li>other work of a minor nature necessary and incidental to repairing plumbing and drainage</li> </ul>
<ul style="list-style-type: none"> <li>work necessary for replacing a tempering valve, water heater, cistern, pump or water meter</li> </ul>	<ul style="list-style-type: none"> <li>work necessary for installing or replacing a tempering valve, water heater or replacing a water meter</li> </ul>
<ul style="list-style-type: none"> <li>work necessary for replacing a water heater with a solar or heat pump hot water system in a building classified under the BCA as a class 1, 2, 3 or 4 building</li> </ul>	
<ul style="list-style-type: none"> <li>work necessary for installing a solar or heat pump hot water system in a building classified under BCA as a class 1, 2, 3 or 4 building</li> </ul>	
<ul style="list-style-type: none"> <li>disconnecting, extending and reconnecting existing plumbing and drainage for a building, classified under the BCA as a class 1 building, that is being raised if— <ul style="list-style-type: none"> <li>a) a building certifier has, by written notice given to the owner of the building, certified that the building has been affected by a flood or storm surge; or</li> <li>b) the building is located in an area designated as a natural hazard management area (flood) by a local government under the Building Regulation 2006, section 13; or</li> <li>c) a local government has, by written notice given to the owner of the building or notice published on the local government's website, declared that the building is likely to be affected by a flood or storm surge.</li> </ul> </li> </ul>	
<ul style="list-style-type: none"> <li>work necessary for maintaining, repairing or replacing a backflow prevention device or thermostatic mixing valve</li> </ul>	<ul style="list-style-type: none"> <li>work necessary for replacing a backflow prevention device</li> <li>work necessary for replacing a thermostatic mixing valve or automatic changeover device for rainwater tank installations</li> </ul>
<ul style="list-style-type: none"> <li>work temporarily installed downstream of a backflow prevention device if the work remains in place for less than 4 weeks</li> </ul>	
<ul style="list-style-type: none"> <li>repairing or replacing a greywater treatment plant or greywater diversion device</li> </ul>	<ul style="list-style-type: none"> <li>work for repairing or replacing a like for like greywater use facility or on-site sewerage treatment facility</li> </ul>

<ul style="list-style-type: none"> <li>work necessary for extending existing plumbing and drainage.</li> </ul>	<ul style="list-style-type: none"> <li>work necessary for extending existing plumbing and aboveground drainage, that does not connect directly to a water service provider's infrastructure, relating to altering, relocating or installing in an existing, or as an extension to an existing Class 1a building under the BCA, in a sewered area</li> </ul>
<ul style="list-style-type: none"> <li>work necessary for extending existing plumbing and drainage</li> </ul>	<ul style="list-style-type: none"> <li>work necessary for extending existing plumbing and aboveground drainage, that does not connect directly to a water service provider's infrastructure, relating to altering, relocating or installing in an existing, or as an extension to an existing Class 1a building under the BCA that has no additional bedrooms constructed since Building Approval, in a non-sewered area</li> </ul>
<ul style="list-style-type: none"> <li>work necessary for extending existing plumbing and drainage</li> </ul>	<ul style="list-style-type: none"> <li>work necessary for extending existing plumbing and aboveground drainage relating to altering or relocating fixtures in an existing Class 2 building under the BCA</li> </ul>
<ul style="list-style-type: none"> <li>work necessary for extending existing plumbing and drainage</li> </ul>	<ul style="list-style-type: none"> <li>work necessary for extending existing plumbing and aboveground drainage relating to altering, relocating or installing one fixture in an existing or extension or alteration to an existing Class 5-9 building under the BCA</li> </ul>
<ul style="list-style-type: none"> <li>work necessary for extending existing plumbing and drainage</li> </ul>	<ul style="list-style-type: none"> <li>work necessary for extending existing plumbing and aboveground drainage, that does not connect directly to a water service provider's infrastructure, relating to altering, relocating or installing no more than four fixtures in an existing, or as an extension to an existing, detached Class 10a building under the BCA where there is an existing Class 1a building on the lot.</li> </ul>
<p>For sanitary plumbing and sanitary drainage</p> <ul style="list-style-type: none"> <li>cleaning or maintaining ground level grates to traps on sanitary drains</li> <li>replacing caps to ground level inspection openings on sanitary drains</li> <li>maintaining an above or below ground irrigation system for the disposal of effluent from an on-site sewerage facility</li> </ul>	
<p>For water plumbing</p> <ul style="list-style-type: none"> <li>installing or maintaining an irrigation or lawn watering system downstream from an isolating valve, tap or backflow prevention device on the supply pipe for the irrigation or lawn watering system</li> <li>replacing a jumper valve or washer in a tap</li> <li>changing a shower head</li> <li>replacing, in a water closet (WC) cistern, a drop valve washer, float valve washer or suction cup rubber</li> </ul>	<p>For water plumbing</p> <ul style="list-style-type: none"> <li>installing or maintaining an irrigation or lawn watering system downstream from an isolating valve, tap or backflow prevention device on the supply pipe for the irrigation or lawn watering system</li> <li>replacing a jumper valve or washer in a tap</li> <li>changing a shower head</li> <li>replacing, in a water closet (WC) cistern, a drop valve washer, float valve washer, suction cup rubber or water filter cartridge</li> </ul>
<ul style="list-style-type: none"> <li>work necessary for maintaining, repairing or replacing a fitting or fixture</li> </ul>	

<ul style="list-style-type: none"> <li>work necessary for maintaining or repairing an apparatus other than a backflow prevention device or thermostatic mixing valve</li> </ul>	<ul style="list-style-type: none"> <li>work necessary for maintaining or repairing an apparatus</li> </ul>
<ul style="list-style-type: none"> <li>work necessary for replacing apparatus other than a backflow prevention device, thermostatic mixing valve, tempering valve, water heater, cistern, pump or water meter</li> </ul>	
<ul style="list-style-type: none"> <li>work necessary for maintaining, repairing or replacing fire hydrants or fire hose reels</li> </ul>	
<ul style="list-style-type: none"> <li>unblocking a pipe that is sanitary plumbing or sanitary drainage</li> </ul>	<ul style="list-style-type: none"> <li>unblocking a pipe that is sanitary plumbing or sanitary drainage</li> </ul>
<ul style="list-style-type: none"> <li>work necessary for maintaining or repairing a solar or heat pump hot water system in a building classified under BCA as a class 1, 2, 3 or 4 building</li> </ul>	<ul style="list-style-type: none"> <li>work necessary for maintaining or repairing a water heater</li> <li>work necessary for installing a property service</li> </ul>