

Sub 48

Date: 25 November 2011
Contact: Cherie Watt
Location: Waterside West
Telephone: (07) 5581 7477
Your reference: 03_11.09.28_SPOL
Our reference: LG222/1123/939

ABN 24858548460
PO Box 5042 Gold Coast MC
Qld 9729 Australia
Email: gcccmail@goldcoast.qld.gov.au
Web: goldcoastcity.com.au
Administration Centres
Ph: +61 7 5582 8211
135 Bundall Road Surfers Paradise
Fax: +61 7 5581 6346
833 Southport Nerang Road Nerang
Fax: +61 7 5596 3653

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

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

RECEIVED

25 NOV 2011

TLGC

Dear Sir/Madam

Invitation to make a submission to an inquiry into the *Sustainable Planning and Other Legislation Amendment Bill 2011*

Thank you for your letter dated 26 October 2011, wherein you invited submissions in relation to the *Sustainable Planning and Other Legislation Amendment Bill 2011* ("the Bill").

Urban encroachment provisions

The Bill proposes inserting a new Chapter 8 into the *Sustainable Planning Act 2011* ("the SPA") which deals with urban encroachment. It is noted that the Bill purports to protect the existing lawful use of registered premises from encroachment by new development. The Bill does this by limiting particular civil proceedings for nuisance and criminal proceedings relating to a local law.

Council is concerned that the proposed new provisions are unclear in relation to their application to local government.

It is noted that virtually all prosecutions of a local law are brought by the relevant local government authority. However, the restriction on legal proceedings included in the proposed s.680E only applies to "a claim by an affected person". The definition of "affected person" included in subsection (6) clearly does not capture a local government.

It is submitted that consideration should be given to clarifying whether the proposed new Chapter 8A of the SPA is intended to limit a local government's ability to prosecute its local laws.

The proposed s.680G details the information that must be included in an application to the Minister for registration of premises. It is noted that the provision does not expressly require consultation with the local government authority for the area.

It is submitted that the proposed s.680G should require the applicant to provide details of consultation undertaken with the local government in whose local government area the affected area for the premises is situated.



Gold Coast City Council

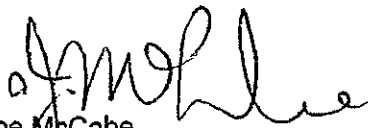
Superannuation contribution provisions

Of significance to Council, the Bill proposes amending the *Local Government Act 2009* to enable the minimum contribution an employer and employee must make to the LG Super Scheme to be reduced.

Council wholly supports the policy initiative underlying the proposed amendments, and agrees with the process proposed for dealing with the reduction in contributions.

If you have any questions, please contact Cherie Watt on 5581 7477.

Yours faithfully



Joe McCabe
DIRECTOR CITY GOVERNANCE
For the Chief Executive Officer