ATTACHMENT C – Recommended Amendments to the Planning, Development and Infrastructure Bill 2015.

Bill Section	Council Submission	Suggested Methods	Reason
State Planning Commission			
12(1)	Amend	• Insert new section 12(1)(c) to include as an object of the Act the promotion of ecologically sustainable development; or • Amend section 12(1) to include ecologically sustainable development as part of the primary object of the Act (i.e., the subsection could include additional words in bold read "*the primary object of this Act is to support and enhance the State's prosperity* ***in an ecologically sustainable manner*** *by creating an effective efficient and enabling planning system, linked with other laws, that...*")	The Objects of the Bill should more clearly articulate the intention to promote sustainable economic prosperity of the State as is currently the case in s 3(c) of the *Development Act 1993*.
	Amend	Amend section 12(1)(b) to extend the role of community participation to development assessment matters, as appropriate (i.e. paragraph could include additional words in bold to read *"provides a scheme for community participation in relation to the initiation and development of planning policies and strategies* ***and in relation to development assessment matters, as appropriate****"*)	Clause 12(1)(b) should include reference to community participation in development assessment matters as appropriate as is currently the case in s 3(e) of the *Development Act 1993*.
14	Amend	• Include as a new section 14(h) *community consultation and engagement principles* with the particulars of these principles to relate to both policy development and development assessment.	The Principles of Good Planning are deficient in respect to community consultation and engagement principles (irrespective of the proposed Community Engagement Charter) for policy development and development assessment
17(4) and 17(5)	Amend	• Place the power of general control and direction over the Commission in the	Seek that the Commission is provided with more independence. This is consistent with Expert Panel

		Parliament, rather than the Minister. This could be supplemented with specific circumstances in which the Minister may direct the Commission (i.e. in a similar manner to the drafting of s 17(5) and/or with reporting requirements on the Commission to the Minister or the Parliament; or • Delete or re-draft the general power granted to the Minister in s 17(4) into a set of discrete circumstances in which the Minister can give direction and control to the Commission (i.e. reverse sub-sections (4) and (5) so that the Minister's direction and control is limited, rather than there being a set of carve-outs in (5); or • Expand the circumstances in s 17(5) where the Minister may not direct the Commission.	recommendations.
22(1)-(2) and 25(1) –(2)	Amend	Require the Minister to report annually to the Parliament on any directions or requests made to the Commission under s 22 and any information sought under s 25. • Amend section 25 to place further limits on the Minister's powers to require the Commission take certain action(s) or provide certain information; or • include a mechanism in s 25 to for the Commission to refuse an unreasonable request of the Minister, with a review of that refusal to be determined by, for example the Ombudsman or a Parliamentary Committee	Accepts that the Commission must report to the Minister but should ultimately be accountable to Parliament. This will support long term decision making separate from political influence. Retain Ministerial role for overall setting of State Planning Policy. Supports a transparent and accountable planning system.
18(1)(a)	Amend	Replace the entity appointing Commission members in s 18(1)(a) from the Minister to, for example, the Governor or Parliament.	

18(1)(b)	Delete	• Delete s 18(1)(b) (to remove the CEO from membership of the Commission); or	No government employee being appointed to the Commission consistent with the Expert Panel's recommendation. Not needed for efficient functioning of the system.
Regional Planning			
6 35(1)	Amend Amend	• Amend s 6(1) to provide that either the Governor or the Commission, rather than the Minister, may establish a subregion; or • Insert a new subsection to provide that prior to establishing a subregion under s 6(1) the Minister must consult and reach agreement with the Commission. These provisions could also apply to varying or abolishing a planning region under s 6(2). Introduce a new s 6(3a) that would require the Minister (or the Commission or Governor in the event that s 6(1) is amended) to, prior to establishing, amending or abolishing a subregion: • consult with any council whose area, or part of area, would form part of the subregion; and • if one or more councils object to the formation of the subregion, require the Commission to undertake any necessary investigations and prepare a report on the proposal Amend s 35(1) so that planning agreements are entered into with the Commission (in consultation with the Minister) rather than the Minister. Include a new s 35(1a) to clarify that a planning	Creation of sub-regions should not be at the unilateral discretion of the Minister but should be based on mutual agreement between affected Councils and the Commission with evidence-based report on communities of interest. Likewise, the ability of the Minister to enter planning agreements should rest with the Commission (in consultation with the Minister) and acknowledging that Minister in certain circumstances should have ultimate ability to issue direction where prescribed. Where agreement cannot be made, the Minister should be presented with a report and recommendation prepared by the Commission before making a decision.

35(5)	Delete	agreement cannot be entered into in relation to or over an area or part of an area of a council without the agreement of that council except in prescribed circumstances. Include a new s 35(1b) to provide that where prescribed circumstances exist, additional measures must be undertaken before a planning agreement can be entered into in relation to the council area, including that investigations be undertaken and a report drafted and considered (by the s 35(1) decision-maker) in relation to: • whether it is appropriate that the agreement be entered into; and • if so, the terms of that agreement under s 35(2) in relation to the affected council. Delete s 35(5) which provides a limitation on the Minister's ability to agree to terminate a joint planning agreement by consent of all other parties.	This clause is unnecessary and has no work to do. If all other parties to a planning agreement no longer wish to be bound by it, the Minister should not be able to unilaterally prevent its termination. The "public interest" is very broad and difficult to define. It should not be used in this context.
Regional Boards			
Joint Planning Boards 36(1)	Amend		Should enable a council to establish a board without the requirement for amalgamation (if the case is made that a local government area has unique urban form or absence of suitable merger partner is evident). On our reading, it does – see s 35(1)(a) – "any council". ACC could, if the Minister agreed, enter into a planning agreement with the Council as a sole council. It could then establish a joint planning board as a sole council. Could potentially recommend amendments which confirm

			this. Do not support Minister's unilateral ability to impose a board if councils are unable to form a regional board. Do you mean Ministerial establishment of a Regional DAP? Or the possibility that a JPA can be agreed over an area without all affected Councils signing on (which the suggested amendments above are directed to) What resolution procedures could be employed to enable regional board formation where agreement between parties cannot be obtained? The amendments we suggest in relation to s 35 should address this concern. The Bill should be amended so that a Council is consulted in the preparation of the planning agreement, and a Council retains the right to have a seat on the planning board.
35(2)(b)(i)	Amend	Amend the membership requirements for joint planning boards under s 35(2)(b)(i) to ensure that all councils whose areas comprise the planning agreement area are represented. For example, amend to include that: • that each council whose area (or part thereof) is within the area over which a planning agreement operates must have at least one representative on the board, nominated by the council; and • where the number of councils who have their area (or part thereof) within the area over which a planning agreement operates is more than, say, 5, then the maximum number of members of a board shall be that number plus not more than 2.	

41	Amend	Amend s 41(1) to: • require objective criteria for the appointment of an administrator; or • require an adverse finding from the Ombudsman, ICAC, court or the Commission before an appointment can be made under s 41(1). Include additional provisions to establish a mechanism to review a decision to appoint an administrator, including that before an administrator is appointed, the Minister advises the board that the Minister is considering appointing an administrator and providing an opportunity for the board to make submissions to the Minister.	Seek criteria written into legislation identifying circumstances by which the Minister can appoint an administrator if the Minister is of the opinion that the board is not fulfilling its charter (i.e. corruption, unreasonable delay in decision-making, excessive administration costs, errant decisions) - subject to consultation with the relevant board prior to making a decision.
Assessment Panels			
77(1)(d) and 78(1)(f) Regional Assessment Panels –s 77 and 78		Permit representation of elected members on assessment panels by: • deleting subsections 77(1)(d) and 78(1)(f) which prohibit elected members from sitting on assessment panels; or • amending subsections 77(1)(d) and 78(1)(f) to limit the number of elected members who are able to sit on assessment panels and requiring them to hold the relevant accreditation under s 81. Alternately, amend sections 77(1)(b) and 78(e)(i) (with consequential amendments to sections 77(1)(d) and 78(1)(f)) to require that:	Permit members of Council to sit on Assessment Panels subject to accreditation to retain an element of elected member representation on assessment panels. Recognition of the robust and efficient decision-making arrangements already in place under the current Act. Seek representation of local government to allow legitimate input of local knowledge and input.

		• when regional panels are established, membership of the panels must comprise at least one representative from each constituent council in an *ex-officio* capacity; and/or • panels must have regard to submissions made by constituent councils in relation to matters which concern their council area.	
Local Assessment Panels 78(1)(d) 78(1)(e)	Amend Amend	Amend s 78(1)(d) to: • require objective criteria for the appointment of a local assessment panel; or • require an adverse finding from the Ombudsman, ICAC, court or the Commission before an appointment can be made under s 78(1)(d). Include additional provisions to establish a mechanism to review a decision to appoint a local assessment panel, including that before an administrator is appointed, the Minister advises the council assessment panel and/or the council's CEO that the Minister is considering appointing an administrator and providing an opportunity submissions to be made to the Minister. Amend s 78(1)(e)(i) (with subsequent amendments to s 78(1)(f)) to require one or more elected members be appointed to a local assessment panel, if established by the Minister.	Seek criteria written into legislation identifying circumstances by which the Minister can dismiss a Council Assessment Panel if the Minister thinks the panel is not fulfilling its charter. Retain an element of elected member representation on local assessment panels in recognition of the robust and efficient decision-making arrangements already in place under the current Act.
Status of Regional Assessment Panel Manager - sections		Amend section 78(1) to require: • consultation with councils in relation to cost sharing arrangements (and other prescribed	Appointed by and answerable to the panel (or, in the case of s 80(d)(iii), the Chief Executive) but funded by Councils represents divided 'loyalties'.

78(1)(j) and 80(d)		mattes), prior to the Gazettal of regional assessment panels; and • if agreement on a cost sharing arrangement ins not able to be reached, the Minister is to seek and consider a report from the Commission in relation to the matter. Similar provisions could also be incorporated in section 71(1)(k) if it is proposed to vary a cost sharing arrangement. Amend s 80(d) such that an assessment manager is always appointed by and answerable to the Panel for which he/she works Amend s 80 to prohibit an assessment manager who is appointed in relation to a regional or combined panel from also being an employee of one of the constituent councils	Costs incurred borne by Local Government – including legal costs despite not being party to development decisions.
Heritage			
63	Seek clarification	Seek confirmation (not necessarily alterations to the Bill) that: • all existing places of local heritage value will automatically be listed as places of local heritage value in the Code; • places for which designations of local heritage value were made prior to the requirement that the designation nominate or identify the component or other item, feature or attribute of local heritage value (as proposed to continue in the Bill at s 63(2)(b)) will not be required to be re-assessed to determine such components or items when the listing is continued under the Code; and • no right of appeal will lie against an	Seek inclusion of implementation plan with the Bill confirming that existing local heritage items will be transferred into the Planning & Design Code without appeal rights to owners of those properties .

3(f) and 63(2)(b)	Seek clarification	existing place of local heritage value being listed under the Code Should the above not be able to be confirmed, include transitional provisions in the Bill that will address these concerns. Seek confirmation that the definition of "development" in s 3(f) of the Bill in relation to a local heritage place will not be limited to the component or other item, feature or attribute which is recorded as forming part of, or contributing to, the heritage significance of the place but will apply in relation to the whole of the place, which will be relevant where a property was listed prior to the requirement that the designation nominate or identify the component or other item, feature or attribute of local heritage value.	Seek release of timeframe and consultation process for review of heritage matters in subsequent Bill(s). The Council is willing to consider new listings of local heritage items being subject to appeal rights if it can be shown that community consultation and expert assessment is maintained in the process.
Recognition of Park Lands			
11(b) and 59	Amend	Include *Adelaide Park Lands Act 2005* in s 11(b)	Seek inclusion of the Park Lands Act as a Special Legislative Scheme recognised by the Bill to recognise the unique nature of the Park Lands and existing management arrangements and controls. Doing so will require (in s 59) the creation of a specific state planning policy to address the Park Lands and recognises the Statutory Principles of the *Adelaide Park Lands Act 2005*
101, 123, 124	Amend	Include new subsections in sections 101, 123 and 124 exempting development within the Adelaide	Provisions in the current Act exempting development within the Park Lands from being declared a major project

		Park Lands from being: • declared by the Minister to be impact assessed development under s 101(1)(c); • assessed as essential infrastructure under s 123; or • assessed as Crown development under s 124.	(s 46(3a)) or assessed as electricity infrastructure (s 49A(22) or Crown infrastructure (s 49(18)) are not replicated in the Bill. The Council seeks that these exemptions are maintained in the Bill.
Essential Infrastructure			
155 122(2)	Amend Amend	Amend section 155(2) to include, as a precondition to the operation of s 155(2)(a) and (b), a requirement that either: • the infrastructure scheme accord with the relevant regional plan(s) and/or the Planning Rules; or • where the infrastructure scheme does not accord with the relevant regional plan(s) and/or the Planning Rules, the Minister consult with the councils who will be affected by the scheme (either by infrastructure being developed within its area or by falling within a proposed contribution area) prior to initiating the scheme. Include additional provisions in section 122 requiring the Commission to consult with stakeholders (including councils/local government) prior to recommending a design standard Include a requirement that any minimum design standard for the Capital be developed in consultation with the Council.	Only the Minister may initiate an infrastructure scheme however the Minister can be requested to do so by any person or body. There is no linkage tying the creation of infrastructure schemes with adopted regional plans. There is no mechanism that determines when infrastructure upgrade is reasonably required in accordance with adopted regional plans. Incorporation of head powers for new 'design standards' which may apply to public realm and infrastructure, that may be developed by the Minister through the State Planning Commission. Seek that the Commission be tasked with the formulation of minimum acceptable standards in consultation with stakeholders (with final approval to be given by the Minister) to ensure that the public realm in the City is of a suitable quality commensurate with its Capital City status.

Funding Compulsory contributions 155, 158, 160, 164	Delete/Amend	Amend or delete those provisions in Part 13 which provide that the costs of essential infrastructure projects can be recovered via contributions made and/or collected by councils without the consent of the affected councils by: • amending s 155(4) to include a requirement that consultation must occur with all councils whose area may include the whole or any part of a proposed contribution area; • deleting s 155(5)(b) and replace with a requirement that a draft outline must not include a proposal for the collection of contributions under subdivision 3 unless agreement has been reached with all councils whose area may include the whole or any part of the contribution area; • including a new s 158(5a) to limit the Minister's ability to vary a funding arrangement to circumstances where agreement has first been reached with all councils whose area may include the whole or any part of the contribution area; • including a new s 160(3a) to limit the Governor's ability to approve a funding arrangement which includes the collection of contributions under subdivision 3 to circumstances where agreement has first been reached with all councils whose area may include the whole or any part of the contribution area; • including a new s 160(4a) to limit the Governor's ability to vary a funding	Opposition to the Minister having powers to impose council contributions to infrastructure funding. Essential infrastructure needs should remain the responsibility of the state government, without councils acting as contributors (other than in a voluntary and negotiated manner) or collectors of levies or other charges for the State

		arrangement to when agreement has first been reached with all councils whose area may include the whole or any part of the contribution area; • amending s 164(1) to require agreement between the Minister and the relevant council(s) as to the amount of a contribution in accordance with subdivision 2 (and consistent with the funding arrangement), rather than the Minister specifying this amount; • including a new s 160(4a) to limit the Governor's ability to vary a funding arrangement to circumstances where agreement ahs first been reached with all councils whose area may include the whole or any part of the contribution area; • amending s 164(1) to require agreement between the Minister and the relevant council(s) as to the amount of a contribution in accordance with subdivision 2 (and consistent with the funding arrangement) , rather than the Minister specifying this amount; • including a new s 164(1a) to provide that where agreement under subsection (1) cannot be reached, the Commission will make a binding determination; • amending s 164(4) to require the share of each council to be agreed between the Minister and the relevant council(s), consistent with any relevant provisions of a funding arrangement; and • including a new s 164(4a) to provide that where agreement under subsection (4) cannot be reached, the Commission will make a binding determination.	

Consultation 155(3)(e) 162	Amend Amend	Amend s 155(3)(e) to require consultation be undertaken in relation to any draft funding proposal with all bodies which will be affected by the proposed arrangement. Amend s 162 to require consultation with affected council(s) prior to granting an exemption to a local government rate.	
Changing Plans			
69	Amend Amend	Include a new paragraph (c) in section 69(4) requiring the Minister to consult the council (and/or relevant joint planning board) before granting approval to a party to initiate a proposal to amend a designated instrument under 69(2)(c)(vi) and (vii). Delete the requirement in s 69(1)(b) and (2)(b) that the Commission be acting at the direction of or with the approval of the Minister in initiating a proposal to prepare or amend a designated instrument (i.e. permit the Commission to initiate a proposal of its own initiative. Amend s 69 to provide that the Commission, rather than the Minister, has the responsibility for and is the decision-maker in relation to amendments of designated instruments (in consultation with the Minister) under s 69. This would require amending subsections 2(c), (4), (5), (6)(c) and (d), (9) and 10(c) to refer to the Commission, rather than the Minister (and vice versa in subsection (9)(a) and(b). This would require consequential amendments to s 70 also.	Insufficient clarity re private initiated matters and Council's role in safeguarding the public interest. If private parties can initiate plan changes, there is potential for public and private interest conflict hence a need for checks and balances in the system. The Bill maintains interim control powers so if any tightening is required it may need to come from the Commission via practice guidelines. Pursuant to s 69(4)(b) – DPTI (through the Chief Executive) will conduct the process, so it should be acceptable for the purposes of interim controls Development of the Planning and Design Code has potential to slow implementation of the new planning system until it is fully operational.

		Amend s 71(1) to provide that the Commission, rather than the Minister, has the responsibility for and is the decision-maker in relation to amendments to the Code under s 71. Amend s 71(2) to require the Commission to consult with the Minister prior to agreeing an amendment under s 71(1). Amend s 72 to provide that the Commission, rather than the Minister, has the responsibility for and is the decision-maker in relation to amendments to the Code under s 72. This would require amending subsections (1), (1)(b), (2),(2)(b),(2)(c) and (3) to refer to the Commission, rather than the Minister. Amend s 73 to provide that the Commission, rather than the Minister will be responsible for decisions concerning the early commencement of amendments.	
Community Engagement			
44 (2)	Amend Amend	Amend s 44(2) to provide that the Commission, rather than the Minister, is responsible for preparing and maintaining the Charter. Include a new s 44(2a) requiring that Parliament is to ratify or adopt the Charter. Include a new s 44(3a) to include similar provisions to those in section 45(2)(b) regarding the consultation that is to be undertaken during the preparation of the charter. It would be expected that prescribed entities for the purpose of this proposed section (and for section 45(2)(b)) would include local government, government agencies, development industries, the community (etc)).	Should be developed by the Commission and include wide-ranging consultation with stakeholders: government agencies, utilities, development industry, local government, public, etc. The Charter (and alterations to it) should be approved by parliament, not by the Minister.

44(3) 60	Amend Amend	Include one or more new paragraphs in section 44(3) to incorporate the principles of inclusiveness, transparency, flexibility, adoption of community input and review/evaluation as principles which must be taken into account in relation to the preparation of the charter. Include a new subsection in section 60 to require input from relevant councils and the local community to be sought and considered as part of the drafting of regional plans.	Refinement of the head powers for the establishment of the Community Engagement Charter to reinforce principles of inclusiveness, transparency, flexibility, adoption of community input and review / evaluation. Regional planning mechanisms should reinforce Council and local community input
Benchmarks and Timing			
15(3) Schedule 4	Amend	Include in s 15(3) a requirement that local government is consulted as well as the Commission prior to establishing service benchmarks Include new paragraphs in s 15(3)requiring that: • relevant authorities be afforded an opportunity to provide a report to the Minister setting out their funding abilities and that service benchmarks are to be developed consistently with such report(s); • service benchmarks are not to be increased without further consultation (as per above)..	Seek inclusion of consultation process with Local Government (as the major funder of the services) to determine service levels reflecting funding ability.
118 (1) 118(2)-(8)	seek clarification Delete	It would be expected that timeframes for dealing with applications in s 118(1) would not be set without consultation with local government being undertaken. • Delete section 118(2) to (7) (inclusive); and	Seek inclusion of consultation process with Local Government (as the major funder of the services) to ensure that time taken for decision making is reasonable, comparable to and competitive with best practice benchmarks in Australia. Council does not support the 'deemed approval'

		• Delete the words "*other than planning consent*" in section 118(8).	provisions. Existing options in the *Development Act* for triggering a deemed refusal in s 41(2) should remain.
Planning Instruments			
Planning and Design Code 61(2) 62 (3) and (4)	Amend Amend/clarify	Amend s 61(2) to provide that the Commission, rather than the Minister, is responsible for preparing and maintaining the Planning and Design Code. Include a new paragraph in s 62(3) to provide that policies and rules are to include consideration of the local context Clarify the role of subzones in s 62(4) as accommodating issues of local character or unique importance.	Seek that the Planning and Code be developed, maintained and amended by the Commission in consultation with key stakeholders – and approved by the Minister. Seek release of Implementation Plan with the Bill detailing timeframe and inclusive consultation process for development of the Code. It is important that such detail is made available at an early stage in this process, as it informs the Council's position on the Bill. The Planning & Design Code should include consideration of local context, as recognised in the Principles of Good Planning of the Bill at s 14(c). Seek that the Code be allowed to include variations that enable policy appropriate to deal accommodate issues of local character or unique importance.
96, 97, 98			Support new development assessment categories subject to collaboration with the Minister and Commission to ensure that development in the City is appropriately categorised.
4 and 62(2)(c)			Support the creation of land use classes that enable changes of use within classes to occur speedily provided collaboration with the Minister and the Commission occurs to ensure appropriate classification occurs supporting City circumstances.
Enforcement			
210, 212, 217	Amend	Amend sections 210, 212 and 217 to enable	New enforcement options and sanctions are not available to councils but rather only to the State Planning

		councils to utilise these provisions	Commission (s 210 & 212) or the Chief Executive (s 217).
Fines 211 216(1)	Amend Amend	Delete the words "*brought within the ambit of this section by the regulations"* from s 211(a) Amend s 216(1) to provide that where enforcement action is commenced by a council, any order requiring payment of an economic benefit is to be paid to the council, not the Commission.	Section 211 would reverse the current situation where a council is entitled to all fines ordered by the court in relation to proceedings commenced by it and would limit this to circumstances only provided for by regulation. Payments to Council would be dependent on details of the Regulations (which may change from time to time). Councils will still incur costs associated with inspections and initiation of enforcement actions – with no clear link to payment of fines imposed as a result of a prosecution to Council (at this time).
Encroachments			
92 and 95(10) Schedule 6 Part 7	Amend Delete and amend	Include additional provision(s) in section 92 such that relevant authority in relation to s 95(1)(e) is the owner of, or entity with the care, control and management of, the public place which will be encroached upon by the proposed development in the same manner as the Council is the relevant authority for development approval. Delete s 95(1)(e) to remove the words "*(and not otherwise dealt with above)"* so that all encroachments over public places will require development authorisation from the relevant authority who is the owner of, or has the care, control and management of, the public place Delete clauses 21 and 22 of Part 7 of Schedule 6 Delete the words "*as part of a development authorisation under the Planning Development and Infrastructure Act 2015"* from clause 23 of Part 7 of Schedule 6 (as that clause refers to proposed s	The removal of the requirement to obtain permits under s 221 and 222 of the *Local Government Act 1999* will potentially impact on a council's ability to co-ordinate maintenance of existing and planned public infrastructure

		234A(1) of the *Local Government Act 1999*). This amendment will retain the requirement that encroachments comply with relevant design standards, but pursuant to a permit under the *Local Government Act*, rather than pursuant to a development authorisation. Delete proposed s 234A(2) to (7) of the *Local Government Act* contained in clause 23 of Part 7 of Schedule 6.	at grade, above and below ground level. It will inappropriately result in matters of tenure being dealt with (or not) under the development approval process.
Other			
Significant trees s 64	Seek clarification	Seek confirmation that all trees or stands of trees which are declared to be significant trees in Development Plans will automatically be listed as significant trees under the Planning and Design Code without requiring a nomination as to which of the criteria in s 64(a) or (b) each tree or stand of trees meets.	
Public Realm Design Standards 65(1) and (2)(b).	Amend	Amend s 65(1) to provide that the Commission, rather than the Minister, is responsible for preparing, maintaining and amending the Design Standards. Include a new subsection in s 65 to require that local government (including relevant council(s) and/or joint planning boards) are consulted in relation to the preparation of design standards, particularly where they relate to land within a council/joint planning board's area.	Seek that Design Standards be developed, maintained and amended by the Commission in consultation with stakeholders (for final approval by the Minister).
Referrals 115(10)	Delete	Delete section 115(10)	Council does not support the ability for applicants to defer referral to government agencies
Access to neighbouring land s 133	Delete or amend	Delete section 133; or Amend s 133(4) such that applications to gain access to neighbouring land are made to the ERD	New provisions enabling access to neighbouring land to facilitate development contravenes principles of trespass. What safeguards are required to deal with theft, property

		Court, not to the council (with subsequent amendments to appeal rights in s 189) and delete s 133(5), (6) and (7).	damage incurred, making secure neighbouring land and safety of children residing on adjacent land? Council should not be involved in what is essentially a private dispute between neighbours.
Regulations			Seek release of Implementation Plan with the Bill detailing timeframe and consultation process for development of the Regulations.