



Queensland

Sustainable Planning (Infrastructure Charges) and Other Legislation Amendment Bill 2014



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2014

A Bill

for

An Act to amend the *Sustainable Planning Act 2009* for particular purposes and to amend the *South-East Queensland Water (Distribution and Retail Restructuring) Act 2009* and the *State Development and Public Works Organisation Act 1971* for other particular purposes

[s 1]

The Parliament of Queensland enacts— 1

Part 1 Preliminary 2

Clause 1 Short title 3

This Act may be cited as the *Sustainable Planning
(Infrastructure Charges) and Other Legislation Amendment
Act 2014*. 4
5
6

Clause 2 Commencement 7

This Act, other than part 3, division 2, commences on a day to
be fixed by proclamation. 8
9

**Part 2 Amendment of Sustainable
Planning Act 2009** 10
11

Clause 3 Act amended 12

This part amends the *Sustainable Planning Act 2009*. 13
Note— 14
See also the amendments in schedule 1. 15

Clause 4 Replacement of ch 3, pt 2, div 4, hdg 16

Chapter 3, part 2, division 4, heading— 17
omit, insert— 18

	Division 4	Provisions about reviewing planning schemes generally	1
			2
			3
	Subdivision 1	Reviewing planning schemes	4
			5
Clause 5	Insertion of new ch 3, pt 2, div 4, sdiv 2		6
	After section 94—		7
	<i>insert—</i>		8
	Subdivision 2	LGIP review	9
	94A Requirement to review LGIP		10
	(1)	Each local government must complete a review of any LGIP included in its planning scheme (an <i>LGIP review</i>) within—	11
			12
			13
	(a)	5 years after the LGIP was included in the planning scheme; and	14
			15
	(b)	each subsequent 5-year period after completing the review under paragraph (a).	16
			17
	(2)	In conducting an LGIP review, the local government must consult—	18
			19
	(a)	the entities that participated in preparing the LGIP, including departments; and	20
			21
	(b)	if, under the SEQ Water Act, the local government is a participating local government for a distributor-retailer—the distributor-retailer.	22
			23
			24
			25
	(3)	However, before consulting under subsection (2), the local government must—	26
			27
	(a)	assess the factors affecting the LGIP since the last LGIP review; and	28
			29

[s 6]

	(b) give written notice about any proposed amendments to the LGIP to the entities mentioned in subsection (2)(a) and the distributor-retailer mentioned in subsection (2)(b).	1 2 3 4 5
	(4) An LGIP review is not a review for the purposes of a review under subdivision 1.	6 7
Clause 6	Amendment of s 117 (Process for making or amending local planning instruments)	8 9
	(1) Section 117, heading, after ‘for’— <i>insert—</i> preparing,	10 11 12
	(2) Section 117(2)— <i>renumber</i> as section 117(3).	13 14
	(3) Section 117— <i>insert—</i> (2) Without limiting the application of subsection (1) in relation to an LGIP, an LGIP or an amendment of an LGIP must be prepared as required under a guideline— (a) made by the Minister; and (b) prescribed by regulation.	15 16 17 18 19 20 21 22
Clause 7	Amendment of s 335 (Content of decision notice)	23
	Section 335(1)(e)— <i>insert—</i> (iii) for each condition about infrastructure imposed under chapter 8—the provision under which the condition was imposed;	24 25 26 27 28 29

Clause 8	Amendment of s 347 (Conditions that can not be imposed)	1
		2
(1)	Section 347(1)(b)—	3
	<i>omit, insert—</i>	4
	(b) other than under chapter 8, part 2 or 3—	5
	require a monetary payment for the	6
	establishment, operating or maintenance	7
	costs of, or works to be carried out—	8
	(i) for development infrastructure; or	9
	(ii) for the imposition of a condition by a	10
	State infrastructure provider—	11
	infrastructure or works to protect or	12
	maintain the infrastructure operation;	13
	or	14
	<i>Note—</i>	15
	Chapter 8, parts 2 and 3 deal with	16
	infrastructure conditions.	17
(2)	Section 347(1)—	18
	<i>insert—</i>	19
	(f) require the applicant to enter into an	20
	infrastructure agreement.	21
(3)	Section 347(2) and (3)—	22
	<i>omit.</i>	23
Clause 9	Replacement of s 478 (Appeals about particular charges for infrastructure)	24
		25
	Section 478—	26
	<i>omit, insert—</i>	27
	478 Appeals about infrastructure charges notice	28
(1)	The recipient of an infrastructure charges notice	29
	may appeal to the court about the decision to give	30
	the notice.	31

[s 9]

- | | | |
|-------|---|----------------|
| (2) | However, the appeal may be made only on 1 or more of the following grounds— | 1
2 |
| (a) | the charge in the notice is so unreasonable that no reasonable relevant local government could have imposed it; | 3
4
5 |
| (b) | the decision involved an error relating to— | 6 |
| (i) | the application of the relevant adopted charge; or | 7
8 |
| (ii) | the working out, for section 636, of additional demand; or | 9
10 |
| (iii) | an offset or refund; | 11 |
| (c) | there was no decision about an offset or refund. | 12
13 |
| | <i>Examples of possible errors in applying an adopted charge—</i> | 14
15 |
| | • the incorrect application of gross floor area for a non-residential development | 16
17 |
| | • applying an incorrect ‘use category’ under an SPRP (adopted charges) to the development | 18
19 |
| (3) | To remove any doubt, it is declared that the appeal must not be about— | 20
21 |
| (a) | for the application of the relevant adopted charge—the adopted charge itself; or | 22
23 |
| (b) | for a decision about an offset or refund— | 24 |
| (i) | the establishment cost of infrastructure identified in an LGIP; or | 25
26 |
| (ii) | the cost of infrastructure decided using the method included in the local government’s charges resolution. | 27
28
29 |
| (4) | The appeal must be started within 20 business days after the day the recipient is given the relevant infrastructure charges notice. | 30
31
32 |

478A Appeals against refusal of conversion application	1
	2
(1) The applicant for a conversion application may appeal to the court against a refusal, or deemed refusal, of the application.	3 4 5
(2) The appeal must be started within the following period—	6 7
(a) if the applicant is given written notice of the refusal—20 business days after the day the applicant is given the notice;	8 9 10
(b) otherwise—20 business days after the end of the required period under section 660(5) for the application.	11 12 13

Clause 10 Replacement of ss 502–504	14
Sections 502 to 504—	15
<i>omit, insert—</i>	16
502 Committee membership	17
(1) A building and development committee must not consist of more than 5 members.	18 19
<i>Note—</i>	20
For the establishment of a building and development committee and the appointment of its chairperson, see section 554.	21 22 23
(2) If the committee is to hear only an appeal about a referral agency’s response concerning the amenity and aesthetic impact of a building or structure, its chairperson must be an architect.	24 25 26 27
(3) If the committee is to hear only an appeal about an infrastructure charges notice or a conversion application, its chairperson must be a lawyer.	28 29 30

[s 11]

503 Membership continuity for proceeding

After a building and development committee is established for a committee proceeding, its membership must not be changed, except under section 554B.

Clause 11 Amendment of s 505 (Referee with conflict of interest not to be member of committee)

(1) Section 505(2)—

renumber as section 505(3).

(2) Section 505—

insert—

(2) However, subsection (1) does not apply to a referee merely because the referee previously acted in relation to the preparation of a relevant local planning instrument.

Clause 12 Replacement of s 535 (Appeals about charges for infrastructure)

Section 535—

omit, insert—

535 Appeals about infrastructure charges decisions

(1) The recipient of an infrastructure charges notice may appeal to a building and development committee about the decision to give the notice.

(2) However, the appeal may be made only on 1 or more of the following grounds—

(a) the decision involved an error relating to—

(i) the application of the relevant adopted charge; or

-
- (ii) the working out, for section 636, of additional demand; or 1
2
- (iii) an offset or refund; 3
- (b) there was no decision about an offset or refund. 4
5
- Examples of possible errors in applying an adopted charge—* 6
7
- the incorrect application of gross floor area for a non-residential development 8
9
 - applying an incorrect ‘use category’ under an SPRP (adopted charges) to the development 10
11
- (3) To remove any doubt, it is declared that the appeal must not be about— 12
13
- (a) for the application of the relevant adopted charge—the adopted charge itself; or 14
15
- (b) for a decision about an offset or refund— 16
- (i) the establishment cost of infrastructure in an LGIP; or 17
18
- (ii) the cost of infrastructure decided using the method included in the local government’s charges resolution. 19
20
21
- (4) The appeal must be started within 20 business days after the day the recipient is given the relevant infrastructure charges notice. 22
23
24

535A Appeals against refusal of conversion application 25
26

- (1) The applicant for a conversion application may appeal to a building and development committee against a refusal, or deemed refusal, of the application. 27
28
29
30
- (2) The appeal must be started within the following period— 31
32

[s 13]

	(a) if the applicant is given written notice of the refusal—20 business days after the day the applicant is given the notice;	1 2 3
	(b) otherwise—20 business days after the end of the required period under section 660(5) for the application.	4 5 6
Clause 13	Replacement of s 554 (Establishing a building and development committee)	7 8
	Section 554—	9
	<i>omit, insert—</i>	10
	554 Action when committee proceeding starts	11
	(1) This section applies when the registrar of building and development committees receives a document starting a committee proceeding within the period required under this Act and accompanied by the prescribed fee.	12 13 14 15 16
	(2) The chief executive must—	17
	(a) establish a building and development dispute resolution committee for the proceeding; and	18 19 20
	(b) subject to section 502(2) and (3)—appoint 1 of the referees as the committee’s chairperson.	21 22 23
	(3) If a building and development committee is established, the registrar must give each party to the proceeding written notice of the establishment.	24 25 26 27
	(4) Despite subsection (2), the chief executive may decide to end the committee proceeding without establishing a building and development committee if satisfied it is not reasonably practicable to do so.	28 29 30 31 32

Note—

- | | | |
|-----|---|----|
| | | 1 |
| | See section 554C(1), for examples of when it is not | 2 |
| | reasonably practicable. | 3 |
| (5) | The chief executive must give all parties to the | 4 |
| | committee proceeding notice of the decision to | 5 |
| | end the proceeding. | 6 |
| (6) | Despite another provision of this Act, a court | 7 |
| | appeal period for the matter the subject of the | 8 |
| | ended proceeding only begins when the person | 9 |
| | who started the ended proceeding is given a | 10 |
| | notice under subsection (5). | 11 |

554A Power to excuse irregularities 12

- | | | |
|------|--|----|
| (1) | This section applies if— | 13 |
| (a) | the registrar of building and development | 14 |
| | committees receives a document purporting | 15 |
| | to start a committee proceeding, | 16 |
| | accompanied by the prescribed fee; and | 17 |
| (b) | either of the following applies (the | 18 |
| | <i>noncompliance</i>) — | 19 |
| (i) | the document was not lodged within | 20 |
| | the period required under this Act; | 21 |
| (ii) | the document does not otherwise | 22 |
| | comply with requirements under this | 23 |
| | Act for validly starting a proceeding of | 24 |
| | that type. | 25 |
| (2) | The registrar must, in writing, refer the document | 26 |
| | to the chief executive together with the registrar's | 27 |
| | reasons for deciding there is a noncompliance. | 28 |
| (3) | The chief executive must— | 29 |
| (a) | consider the document and the | 30 |
| | noncompliance and decide whether the | 31 |
| | noncompliance would cause substantial | 32 |
| | injustice to anyone who would be a party to | 33 |
| | the committee proceeding; and | 34 |

[s 13]

- (b) give written notice to the registrar about the decision. 1
2

Example of no substantial injustice— 3

A notice of appeal contains an incorrect real 4
property description of the land the subject of the 5
appeal, but an attached supporting document 6
contains the correct one. 7

- (4) If the chief executive decides the noncompliance 8
would cause substantial injustice, the registrar 9
must give the person who lodged the document a 10
written notice stating that the document is of no 11
effect because of the noncompliance. 12

- (5) If the chief executive does not decide the 13
noncompliance would cause any substantial 14
injustice, the chief executive may act under 15
section 554 as if the noncompliance had not 16
happened. 17

**554B Power to suspend committee proceeding to 18
form another committee 19**

- (1) If the chief executive is satisfied the building and 20
development committee established for a 21
committee proceeding does not have the 22
expertise to hear or decide it, the chief executive 23
may— 24

(a) decide to suspend the proceeding; and 25

(b) establish another building and development 26
dispute resolution committee for the 27
proceeding. 28

- (2) Subsection (1) does not limit section 554C(1)(b). 29

**554C Power if committee unable to decide 30
proceedings 31**

- (1) If the chief executive is satisfied a building and 32
development committee is not able to make a 33

decision for a proceeding, the chief executive may—	1 2
(a) establish another building and development dispute resolution committee to re-hear the proceeding; or	3 4 5
(b) if satisfied it is not reasonably practicable to establish another building and development dispute resolution committee—decide to end the committee proceeding.	6 7 8 9
<i>Examples of when it is not reasonably practicable—</i>	10
• if there are no general referees or insufficient general referees appointed under section 571, who are not disqualified under section 505(3)	11 12 13
• if the referees who are available will not be able to decide the proceeding in a timely way	14 15
(2) The chief executive must give all parties to the committee proceeding written notice of a decision to end the proceeding.	16 17 18
(3) Despite another provision of this Act, a court appeal period for the matter the subject of the ended proceeding starts again when the person who started the ended proceeding is given a notice under subsection (2).	19 20 21 22 23
Clause 14 Insertion of new s 569A	24
Chapter 7, part 2, division 9—	25
<i>insert—</i>	26
569A Power to refund fees for committee proceeding ended by chief executive	27 28
If, under section 554(4) or 554C(1)(b), the chief executive ends a committee proceeding, the chief executive may, but need not, refund the fee paid to start the proceeding.	29 30 31 32

[s 15]

Clause 15	Amendment of s 570 (Appointment of referees)	1
	Section 570(2)—	2
	<i>omit, insert—</i>	3
	(2) Also, the chief executive may, by written notice, appoint other persons to be referees if satisfied each person has the qualifications, experience or qualifications and experience to be a referee.	4 5 6 7
Clause 16	Replacement of s 572 (Term of referee’s appointment)	8
	Section 572—	9
	<i>omit, insert—</i>	10
	572 Term of referee’s appointment	11
	(1) A person may be appointed—	12
	(a) as a general referee—for the term the Minister considers appropriate, but the term must not be longer than 3 years; and	13 14 15
	(b) as a referee appointed by the chief executive—for the term the chief executive considers appropriate, but the term must not be longer than 3 years.	16 17 18 19
	(2) The term of appointment as mentioned in subsection (1) must be stated in the notice of appointment.	20 21 22
	(3) A referee may be reappointed.	23
	(4) A referee may, at any time, resign the referee’s appointment by signed notice given to—	24 25
	(a) if the Minister appointed the referee—the Minister; or	26 27
	(b) if the chief executive appointed the referee—the chief executive.	28 29
	(5) An appointment may be cancelled at any time by—	30 31

	(a) if the referee is a general referee—the Minister; or	1 2
	(b) otherwise—the chief executive.	3
Clause 17	Amendment of s 573 (General referee to make declaration)	4 5
	(1) Section 573, heading, ‘General referee’— <i>omit, insert—</i>	6 7
	Referee	8
	(2) Section 573(1), ‘general’— <i>omit.</i>	9 10
Clause 18	Replacement of ch 8 (Infrastructure)	11
	Chapter 8— <i>omit, insert—</i>	12 13
	Chapter 8 Infrastructure	14
	Part 1 Preliminary	15
	625 Simplified outline of chapter	16
	(1) Part 1, other than this section, states interpretative provisions.	17 18
	(2) Part 2—	19
	(a) authorises local governments to do the following for development approvals that they give—	20 21 22
	(i) for trunk infrastructure, either or both of the following—	23 24
	(A) adopt, by resolution, charges for development infrastructure and	25 26

[s 18]

levy charges in accordance with the resolution;	1 2
(B) impose particular conditions about development infrastructure;	3 4
(ii) for non-trunk infrastructure, impose particular conditions about development infrastructure; and	5 6 7
(b) provides for a State planning regulatory provision to govern local government adopted charges and charges by distributor-retailers under the SEQ Water Act for trunk infrastructure.	8 9 10 11 12
(3) Part 3 authorises State infrastructure providers to impose particular conditions on development approvals about infrastructure.	13 14 15
(4) Part 4 provides for agreements between public sector entities and others about infrastructure.	16 17
(5) Part 5 contains miscellaneous provisions.	18
626 Extension of chapter to permissible changes and compliance assessment	19 20
(1) A reference in a provision of this chapter to a person or matter as follows (the <i>subject</i>) includes a reference to the other person or matter stated for the subject—	21 22 23 24
(a) for a development application—	25
(i) a change request; and	26
(ii) a request for compliance assessment for development;	27 28
(b) for the applicant for a development approval—a person making a change request or a request for compliance assessment;	29 30 31 32

-
- (c) for a development approval—a compliance permit; 1
2
- (d) for the giving of a development approval—the giving of a change approval or compliance permit. 3
4
5
- (2) The inclusions apply to both general and specific references and with necessary changes for them to apply for change requests and compliance assessment. 6
7
8
9
- (3) In applying this chapter to a change approval, parts 2 and 3 apply as if— 10
11
- (a) the power to give infrastructure charges notices were instead a power to amend, by notice to the applicant for the approval, any infrastructure charges notice for the relevant development approval; and 12
13
14
15
16
- (b) a reference to an infrastructure charges notice were a reference to the infrastructure charges notice as so amended; and 17
18
19
- (c) a reference to the giving of a development approval were a reference to the giving of the change approval; and 20
21
22
- (d) a power to impose a particular condition on a development approval were a power to amend the development approval the subject of the change request to impose the particular condition, as well as the power to impose under section 375; and 23
24
25
26
27
28
- (e) a reference to a development approval, or to a condition of a development approval, were a reference to the relevant development approval as so amended or the condition. 29
30
31
32
- (4) In this section— 33
- change approval* means the approval under section 375(1) of a change request. 34
35

[s 18]

change request means a request under section 369(1) to change a development approval. 1
2
relevant development approval, for a change approval, means the development approval changed under the change approval. 3
4
5

627 Definitions for ch 8 6

In this chapter— 7

additional payment condition see section 650(1). 8

adopted charge see section 630(1). 9

agreement means an agreement in writing. 10

automatic increase provision see section 631(3)(b). 11
12

charges breakup means the proportion of the maximum adopted charges under this chapter and under the SEQ Water Act as between— 13
14
15

(a) the local government; and 16

(b) a distributor-retailer of the local government. 17
18

charges resolution see section 630(1). 19

conversion application see section 659(1). 20

development infrastructure means— 21

(a) land or works, or both land and works, for— 22

(i) water cycle management infrastructure, including infrastructure for water supply, sewerage, collecting water, treating water, stream managing, disposing of waters and flood mitigation, but not water cycle management infrastructure that is State infrastructure; or 23
24
25
26
27
28
29
30

-
- (ii) transport infrastructure, including roads, vehicle lay-bys, traffic control devices, dedicated public transport corridors, public parking facilities predominantly serving a local area, cycle ways, pathways and ferry terminals; or 1
2
3
4
5
6
7
- (iii) public parks infrastructure, including playground equipment, playing fields, courts and picnic facilities; or 8
9
10
- (b) land, and works that ensure the land is suitable for development, for local community facilities, including, for example, the following— 11
12
13
14
- (i) community halls or centres; 15
- (ii) public recreation centres; 16
- (iii) public libraries. 17
- establishment cost***, for a provision about trunk infrastructure, means the following— 18
19
- (a) for existing infrastructure— 20
- (i) the value of the infrastructure as reflected in the relevant local government’s asset register; and 21
22
23
- (ii) the current value of the land acquired for the infrastructure; 24
25
- (b) for future infrastructure—all costs of land acquisition, and design and construction, for the infrastructure. 26
27
28
- impose***, for a provision about a condition of a development approval, includes a concurrence agency requiring the condition to be attached to a development approval. 29
30
31
32
- information notice***, about a decision, means a notice stating— 33
34

[s 18]

- (a) the decision and the reasons for it; and 1
 - (b) that its recipient may appeal against the 2
decision; and 3
 - (c) how the recipient may appeal. 4
- Note—* 5
- For appeals relating to this chapter, see sections 478, 6
478A, 535 and 535A. 7
- infrastructure agreement*** see section 670. 8
- infrastructure charges notice*** means— 9
- (a) if paragraphs (b) and (c) do not apply—an 10
infrastructure charges notice given under 11
section 364(2), 635(2) or 662(4)(a); or 12
 - (b) if, under section 643(1), a negotiated notice 13
within the meaning of that section replaces 14
an existing infrastructure charges 15
notice—the negotiated notice; or 16
 - (c) if an existing infrastructure charges notice is 17
amended under section 626(3), 657(3) or 18
662(4)(b)—the notice as amended. 19
- levied charge*** see section 635(6). 20
- LGIP*** (an acronym for local government 21
infrastructure plan) means the part of a local 22
government’s planning scheme that, to the extent 23
applicable, does any or all of the following— 24
- (a) identifies the PIA; 25
 - (b) states assumptions about— 26
 - (i) population and employment growth; 27
and 28
 - (ii) the type, scale, location and timing of 29
future development; 30
 - (c) includes plans for trunk infrastructure the 31
local government intends to provide or for 32

-
- which it intends to give infrastructure charges notices; 1
2
- (d) states the desired standard of service for development infrastructure. 3
4
- maximum adopted charge*** see section 629(5). 5
- necessary infrastructure condition*** see section 645(2). 6
7
- non-rural purposes*** means purposes other than rural or rural residential purposes. 8
9
- non-trunk infrastructure*** means development infrastructure other than trunk infrastructure. 10
11
- notice*** means a notice in writing. 12
- original notice*** see section 640. 13
- payer***, for a provision about a levied charge or for a payment, means anyone who pays part or all of the charge or payment. 14
15
16
- payment*** includes a contribution by way of a payment. 17
18
- PIA*** (an acronym for priority infrastructure area) means an area— 19
20
- (a) used, or approved for use, for non-rural purposes; and 21
22
- (b) serviced, or intended to be serviced, with development infrastructure networks; and 23
24
- (c) that will accommodate at least 10 (but no more than 15) years of growth for non-rural purposes. 25
26
27
- PPI index*** means the following— 28
- (a) generally—the producer price index for construction 6427.0 (ABS PPI) index number 3101—Road and Bridge construction index for Queensland 29
30
31
32

[s 18]

published by the Australian Bureau of Statistics;	1 2
(b) if an index described in paragraph (a) ceases to be published—another similar index prescribed by regulation.	3 4 5
<i>public sector entity</i> does not include a distributor-retailer.	6 7
<i>relevant appeal period</i> , for a provision about an infrastructure charges notice, means the period within which its recipient may appeal under section 478 or 535.	8 9 10 11
<i>relevant or reasonable requirements</i> means sections 345 and 406.	12 13
<i>SPRP (adopted charges)</i> see section 629(5).	14
<i>State infrastructure provider</i> means—	15
(a) the chief executive; or	16
(b) a public sector entity, other than a local government, that provides State infrastructure or administers a regional plan for a designated region.	17 18 19 20
<i>State-related condition</i> see section 666(1).	21
<i>subject premises</i> see section 645(1).	22
<i>submission</i> means written submission.	23
<i>trunk infrastructure</i> , for a provision about a local government, means both of the following—	24 25
(a) development infrastructure identified in the LGIP as trunk infrastructure;	26 27
(b) development infrastructure that, because of a conversion application, becomes trunk infrastructure.	28 29 30
<i>Note</i> —	1
Until 1 July 2016, identification of trunk infrastructure may also take place by resolution. See, for example,	2 3

section 979. 4

628 References in ch 8 5

(1) A reference in a provision of this chapter to a person or matter as follows (the *subject*) is a reference to the other person or matter stated for the subject— 6
7
8
9

(a) for ‘the applicant’— 10

(i) for a provision about a development approval—the applicant for the approval and anyone else in whom the benefit of the application vests from time to time; or 11
12
13
14
15

(ii) for a charge matter—the applicant for the relevant development approval; 16
17

(b) for ‘the development’— 18

(i) for a provision about a development approval—the development the subject of the approval; or 19
20
21

(ii) for a provision about a condition of a development approval—the development the subject of the development approval of which the condition is a part; or 22
23
24
25
26

(iii) for a provision about a charge matter—the development the subject of the relevant development approval; 27
28
29

(c) for ‘the land’— 30

(i) for a provision about a development approval—the land the subject of the approval; or 31
32
33

(ii) for a provision about a levied charge or infrastructure charges notice—the land to which the levied charge, or the 1
2
3

[s 18]

	levied charge under the notice, attaches;	4 5
(d)	for ‘the premises’—	6
	(i) for a provision about a development approval—the land the subject of the approval; or	7 8 9
	(ii) for a provision about a charge matter—the land the subject of the relevant development approval;	10 11 12
(e)	for ‘the PIA’—	13
	(i) for a provision about a local government—the local government’s PIA; or	14 15 16
	(ii) for a provision about a development application or condition of a development approval—the relevant local government’s PIA;	17 18 19 20
(f)	for ‘the LGIP’—	21
	(i) for a provision about a local government—the local government’s LGIP; or	22 23 24
	(ii) for a provision about a development application or condition of a development approval—the relevant local government’s LGIP.	25 26 27 28
(2)	In this section—	29
	charge matter means an adopted charge, infrastructure charges notice or levied charge.	30 31
	relevant development approval , for a charge matter, means the development approval to which the matter relates or will relate.	32 33 34

Part 2	Provisions for local governments	1 2
Division 1	Charges for trunk infrastructure	3 4
Subdivision 1	Power to adopt charges	5
629	State planning regulatory provision governing charges	6 7
(1)	A State planning regulatory provision may impose a maximum for each adopted charge—	8 9
(a)	under this chapter in relation to providing trunk infrastructure for development; or	10 11
(b)	under the SEQ Water Act in relation to providing trunk infrastructure.	12 13
(2)	The Minister may, by gazette notice, change the amount of a maximum adopted charge.	14 15
(3)	Any increase under subsection (2) in a maximum adopted charge over a financial year must not be more than an amount equal to the amount of the maximum adopted charge at the start of the financial year multiplied by the 3-year moving average annual percentage increase in the PPI index for the period of 3 years ending at the start of the financial year.	16 17 18 19 20 21 22 23
(4)	The SPRP (adopted charges) may also—	24
(a)	provide for the charges breakup; and	25
(b)	state development for which there may be an adopted charge under this chapter or land uses for which there may be an adopted charge under the SEQ Water Act for trunk infrastructure; and	26 27 28 29 30

[s 18]

- (c) provide for the parameters mentioned in section 633(2). 1
2
- (5) In this section— 3
- maximum adopted charge* means the maximum 4
for an adopted charge imposed under an SPRP 5
(adopted charges) as mentioned in subsection (1) 6
as the amount of that maximum is changed, from 7
time to time, under subsection (2). 8
- SPRP (adopted charges)* means a State planning 9
regulatory provision that imposes a maximum for 10
each adopted charge under this chapter. 11
- 630 Power to adopt charges by resolution** 12
- (1) A local government may, by resolution (a 13
charges resolution), adopt charges (each an 14
adopted charge) for providing trunk 15
infrastructure for development. 16
- (2) However— 17
- (a) a charges resolution does not, of itself, levy 18
an infrastructure charge; and 19
- (b) the making of a charges resolution is subject 20
to this subdivision and subdivision 2; and 21
- (c) an adopted charge must not be for— 22
- (i) work or use of land authorised under 23
the *Greenhouse Gas Storage Act 2009*, 24
the *Mineral Resources Act 1989*, the 25
Petroleum Act 1923 or the *Petroleum 26
and Gas (Production and Safety) Act 27
2004*; or 28
- (ii) development in a priority development 29
area under the *Economic Development 30
Act 2012*. 31

-
- (3) A charges resolution must state the day when an adopted charge under the resolution is to take effect. 1
2
3
Note— 4
See section 634(2). 5

Subdivision 2 Charges resolutions 6

631 Contents—general 7

- (1) An adopted charge may be made only if it is— 8
(a) permitted under the SPRP (adopted charges); and 9
10
(b) no more than the maximum adopted charge for providing trunk infrastructure for development. 11
12
13
Note— 14
See also section 632(5). 15
- (2) There may be different adopted charges for developments in different parts of the local government's area. 16
17
18
- (3) Also, a charges resolution may do the following— 19
20
(a) declare there is no adopted charge for part or all of the relevant local government area; 21
22
(b) provide for automatic increases in levied charges from when they are levied to when they are paid (an *automatic increase provision*). 23
24
25
26
- (4) However, an automatic increase provision must state how increases under it are to be worked out. 27
28
- (5) Also, the automatic increase must not be more than the lesser of the following— 29
30

[s 18]

- (a) the difference between the levied charge and the maximum adopted charge the local government could have levied for the development when the charge is paid; 1
2
3
4
- (b) the increase for the PPI index for the period starting on the day the levied charge was levied and ending on the day it is paid, adjusted by reference to the 3-yearly PPI index average. 5
6
7
8
9
- (6) In this section— 10
3-yearly PPI index average means the PPI index smoothed in accordance with the 3-year moving average quarterly percentage change between quarters. 11
12
13
14

632 Provisions for participating local governments and distributor-retailers 15
16

- (1) This section applies to each of the following (the *parties*)— 17
18
 - (a) a local government that, under the SEQ Water Act, is a participating local government for a distributor-retailer; 19
20
21
 - (b) the distributor-retailer. 22
- (2) The parties may agree about the charges breakup (a *breakup agreement*). 23
24
- (3) A breakup agreement prevails over a charges breakup under the SPRP (adopted charges). 25
26
- (4) A charges resolution of the local government must state the charges breakup for all adopted charges under the resolution. 27
28
29
- (5) However, the adopted charges must not be more than the proportion of the maximum adopted charges the local government may have under— 30
31
32

-
- (a) a breakup agreement to which it is a party; 1
or 2
- (b) if it is not a party to a breakup 3
agreement—the SPRP (adopted charges). 4
- (6) Subsection (7) applies if there is a charges 5
resolution of the local government and the parties 6
later enter into a breakup agreement with a 7
different charges breakup from the resolution. 8
- (7) The breakup agreement does not take effect until 9
the later of the following— 10
- (a) the local government makes a new charges 11
resolution that reflects the agreement; 12
- (b) the distributor-retailer adopts a new 13
infrastructure charge schedule that reflects 14
the agreement. 15
- 633 Working out cost of infrastructure for offset or 16
refund 17**
- (1) For the purpose of working out an offset or 18
refund under this part, a charges resolution must 19
include a method for working out the cost of the 20
infrastructure the subject of the offset or refund. 21
- (2) The method must be consistent with the 22
parameters for the purpose provided for under— 23
- (a) the SPRP (adopted charges); or 24
- (b) if the parameters are not provided for under 25
the SPRP (adopted charges)—a guideline 26
made by the Minister and prescribed by 27
regulation. 28
- 634 Steps after making charges resolution 29**
- (1) On making a charges resolution, a local 30
government must— 31

[s 18]

- (a) upload and keep the resolution on its website; and 1
2
- (b) attach the resolution to each copy of its planning scheme that it gives to, or publishes for, others. 3
4
5
- Note—* 6
 - A charges resolution is not part of a planning scheme even if it is attached to the scheme. 7
8
- (2) The charges under the charges resolution take effect— 9
10
 - (a) if the charges resolution is uploaded on the relevant local government website before the beginning of the day stated in the resolution as the day for the charges to take effect—on the day stated in the resolution; or 11
12
13
14
15
16
 - (b) otherwise—on the day the charges resolution is uploaded on the website. 17
18

Subdivision 3 Levying charges 19

635 When charge may be levied and recovered 20

- (1) This section applies if— 21
 - (a) a local government has given a development approval; and 22
23
 - (b) an adopted charge applies for providing the trunk infrastructure for the development; and 24
25
26
 - (c) section 205 does not apply to the development. 27
28
- (2) The local government must give the applicant an infrastructure charges notice. 29
30

-
- Note—* 1
- Under section 364, a local government may give a new 2
infrastructure charges notice for a negotiated decision 3
notice. 4
- (3) The local government may give the notice only— 5
- (a) generally— 6
- (i) if it is the assessment manager—on, or 7
as soon as practicable after, the giving 8
of the development approval; or 9
- (ii) if it is a concurrence agency—within 10
10 business days after it receives a 11
copy of the development approval; or 12
- (b) if the development approval is a deemed 13
approval for which a decision notice has not 14
been given—within 20 business days after 15
the local government receives a copy of the 16
deemed approval notice. 17
- (4) Subsection (3) is subject to any provision under 18
which an infrastructure charges notice may be 19
amended or replaced. 20
- Note—* 21
- See sections 626(3), 643(1), 657(3) and 662(4)(b). 22
- (5) The infrastructure charges notice lapses if the 23
development approval stops having effect. 24
- (6) If the infrastructure charges notice levies on the 25
applicant an amount for a charge worked out by 26
applying the adopted charge (a *levied charge*), 27
the following apply for the levied charge— 28
- (a) its amount is subject to sections 636 and 29
649; 30
- (b) it is payable by the applicant; 31
- (c) it attaches to the land; 32
- (d) it only becomes payable as provided for 33
under subdivision 4; 34

[s 18]

(e) it is subject to any agreement under section 639(1).	1 2
636 Limitation of levied charge	3
(1) A levied charge may be only for additional demand placed upon trunk infrastructure that will be generated by the development.	4 5 6
(2) In working out additional demand, the following relating to the premises must not be included—	7 8
(a) existing uses that are lawful and already taking place on the premises;	9 10
(b) other development that may be lawfully carried out on the premises without the need for a further development permit.	11 12 13
637 Requirements for infrastructure charges notice	14 15
(1) An infrastructure charges notice must state all of the following for the levied charge—	16 17
(a) its current amount;	18
(b) how it has been worked out;	19
(c) the land;	20
(d) when it will be payable under section 638 (without considering any possible operation of section 639);	21 22 23
(e) if an automatic increase provision applies—	24
(i) that it is subject to automatic increases; and	25 26
(ii) how the increases are worked out under the provision;	27 28

-
- (f) whether an offset or refund under this part applies and, if so, details of the offset or refund. 1
2
3
 - (2) The infrastructure charges notice must also include, or be accompanied by, an information notice about the decision to give the notice. 4
5
6

Subdivision 4 Payment 7

638 Payment triggers generally 8

- (1) A levied charge becomes payable— 9
 - (a) if the charge applies for reconfiguring a lot—when the local government that levied the charge approves the plan of subdivision for the reconfiguration; or 10
11
12
13
 - (b) if the charge applies for building work—when the certificate of classification or final inspection certificate for the building work is given; or 14
15
16
17
 - (c) if the charge applies for a material change of use—when the change happens; or 18
19
 - (d) if the charge applies for other development—on the day stated in the infrastructure charges notice under which the charge was levied. 20
21
22
23
- (2) This section is subject to section 639. 24

639 Agreements about payment or provision instead of payment 25 26

- (1) The recipient of an infrastructure charges notice and the local government that gave it may agree about either or both of the following— 27
28
29

[s 18]

(a)	whether the levied charge under the notice may be paid other than as required under section 638 including whether it may be paid by instalments;	1 2 3 4
(b)	whether infrastructure may be provided instead of paying part or all of the levied charge.	5 6 7
(2)	If the levied charge is subject to an automatic increase provision, the agreement must state how increases in the charge are payable under the agreement.	8 9 10 11
Subdivision 5 Changing charges during relevant appeal period		12 13
640 Application of sdiv 5		14
This subdivision applies to the recipient of an infrastructure charges notice (the <i>original notice</i>) given by a local government.		15 16 17
641 Submissions for infrastructure charges notice		18
During the relevant appeal period, the recipient may make submissions to the local government about the original notice.		19 20 21
642 Consideration of submissions		22
The local government must consider the submissions.		23
643 Decision about submissions		24
(1)	If the local government decides it agrees with a submission, it must, within 5 business days after making the decision, give the recipient a new	25 26 27

-
- infrastructure charges notice (a *negotiated notice*). 1
2
- (2) The local government may give only 1 negotiated notice. 3
4
- (3) A negotiated notice— 5
- (a) must be in the same form as the original notice; and 6
7
- (b) must state the nature of the changes; and 8
- (c) replaces the original notice. 9
- (4) If the local government decides it does not agree with any of the submissions, it must, within 5 business days after making the decision, give the recipient a notice stating the decision. 10
11
12
13
- (5) Despite another provision of this Act, the relevant appeal period for the infrastructure charges notice starts again when the recipient is given the notice under subsection (4). 14
15
16
17

644 Suspension of relevant appeal period 18

- (1) If the recipient needs more time to make submissions, the recipient may give the local government a notice (a *suspension notice*) suspending the relevant appeal period. 19
20
21
22
- (2) The recipient may give only 1 suspension notice. 23
- (3) If the submissions are not made within 20 business days after the giving of the suspension notice, the balance of the relevant appeal period restarts. 24
25
26
27
- (4) If submissions are made within the 20 business days and the recipient gives the local government a notice withdrawing the suspension notice, the balance of the relevant appeal period restarts the day after the local government receives the notice of withdrawal. 28
29
30
31
32
33

[s 18]

Division 2	Development approval conditions about trunk infrastructure	1 2 3
Subdivision 1	Conditions for necessary trunk infrastructure	4 5
645	Application and operation of sdiv 1	6
(1)	This subdivision applies if trunk infrastructure necessary to service premises the subject of a development application (the <i>subject premises</i>)—	7 8 9 10
(a)	has not been provided; or	11
(b)	has been provided but is inadequate.	12
(2)	Sections 646 and 647 provide for a local government to be able to impose particular conditions on the development approval (each condition is a <i>necessary infrastructure condition</i>).	13 14 15 16 17
646	Necessary infrastructure condition for LGIP-identified infrastructure	18 19
(1)	This section applies if the LGIP identifies adequate trunk infrastructure to service the subject premises.	20 21 22
(2)	The local government may impose a condition requiring either or both of the following to be provided at a stated time—	23 24 25
(a)	the identified infrastructure;	26
(b)	different trunk infrastructure delivering the same desired standard of service.	27 28

-
- 647 Necessary infrastructure condition for other infrastructure** 1
2
- (1) This section applies if the LGIP does not identify 3
adequate trunk infrastructure to service the 4
subject premises. 5
- (2) The local government may impose a condition on 6
a development approval that requires trunk 7
infrastructure necessary to service the premises 8
to be provided at a stated time. 9
- (3) However, a local government may impose a 10
condition under subsection (2) only if the 11
infrastructure is trunk infrastructure that services 12
development— 13
- (a) consistent with the assumptions about the 14
type, scale, location or timing of future 15
development stated in the LGIP; and 16
- (b) for premises completely inside the PIA. 17
- 648 Deemed compliance with necessary or reasonable requirements** 18
19
- (1) A necessary infrastructure condition is taken to 20
comply with the relevant or reasonable 21
requirements if— 22
- (a) generally, the infrastructure required is— 23
- (i) necessary to service the subject 24
premises; and 25
- (ii) the most efficient and cost-effective 26
solution for servicing other premises in 27
the general area of the subject 28
premises; and 29
- (b) for a necessary infrastructure condition that 30
requires the provision of the infrastructure 31
on the subject premises—its provision is not 32
an unreasonable imposition on— 33

[s 18]

- (i) the development; or 1
 - (ii) the use of the subject premises as a 2
consequence of the development. 3
- (2) To remove any doubt, it is declared that a 4
necessary infrastructure condition may be 5
imposed for infrastructure even if it will service 6
premises other than the subject premises. 7

649 Offset or refund requirements 8

- (1) This section applies if— 9
- (a) trunk infrastructure the subject of a 10
necessary infrastructure condition services, 11
or is planned to service, premises other than 12
the subject premises; and 13
 - (b) an adopted charge applies to the 14
development. 15
- (2) If the cost of the infrastructure required to be 16
provided under the condition is equal to or less 17
than the amount worked out by applying the 18
adopted charge, the cost must be offset against 19
that amount. 20
- Note—* 21
- For how the cost is worked out, see sections 633 and 22
657. 23
- (3) If the cost of the infrastructure required to be 24
provided under the condition is more than the 25
amount worked out by applying the adopted 26
charge— 27
- (a) there is no amount payable by that 28
application; and 29
 - (b) the local government must refund the 30
applicant the proportion of the 31
establishment cost of the trunk 32
infrastructure that— 33

-
- (i) may be apportioned reasonably to users of premises other than the subject premises; and
 - (ii) has been, is or is to be the subject of a levied charge.
 - (4) Timing of the refund is subject to terms agreed between the payer and the local government.

Subdivision 2 Conditions for additional trunk infrastructure costs

650 Power to impose

- (1) A local government may impose a condition (an *additional payment condition*) requiring the payment of additional trunk infrastructure costs only if—
 - (a) the development—
 - (i) will generate infrastructure demand of more than that required to service the type or scale of future development that the LGIP assumes; or
 - (ii) will require new trunk infrastructure earlier than when identified in the LGIP; or
 - (iii) is for premises completely or partly outside the PIA; and
 - (b) the development would impose additional trunk infrastructure costs on the local government after taking into account either or both of the following—
 - (i) levied charges for the development;

[s 18]

- (ii) trunk infrastructure provided, or to be provided, by the applicant under this part. 1
2
3
 - (2) However, an additional payment condition must not be imposed for a State infrastructure provider. 4
5
 - (3) An additional payment condition is taken to comply with the relevant or reasonable requirements to the extent the infrastructure is necessary, but not yet available, to service the development. 6
7
8
9
10
 - (4) Subsection (3) applies even if the infrastructure is also intended to service other development. 11
12
 - (5) The power to impose an additional payment condition is subject to the rest of this subdivision. 13
14
- 651 Content of additional payment condition** 15
- (1) An additional payment condition must state all of the following— 16
17
 - (a) why it was imposed; 18
 - (b) the amount of the payment to be made under the condition; 19
20
 - (c) details of the trunk infrastructure for which the payment is required; 21
22
 - (d) when the amount becomes payable (the *payment time*); 23
24
 - (e) that the applicant may, instead of making the payment, elect to provide part or all of the trunk infrastructure; 25
26
27
 - (f) if the applicant so elects— 28
 - (i) any requirements for providing the trunk infrastructure; and 29
30
 - (ii) when it must be provided. 31

-
- (2) Unless the applicant and the local government otherwise agree, the payment time is—
 - (a) if the trunk infrastructure is necessary to service the premises—by the day the development, or work associated with the development, starts; or
 - (b) if the condition applies for reconfiguring a lot—when the local government imposing the condition approves the plan of subdivision for the reconfiguration; or
 - (c) if the condition applies for building work—when the certificate of classification or final inspection certificate for the work is given; or
 - (d) if the condition applies for a material change of use—when the change happens.

652 Restriction if development completely in PIA

- (1) This section applies for an additional payment condition imposed by a local government for development completely inside the PIA.
- (2) The additional payment condition may require a payment only as follows—
 - (a) for trunk infrastructure to be provided earlier than planned in the LGIP, the difference between—
 - (i) the establishment cost of the infrastructure made necessary by the development; and
 - (ii) the amount of any charge paid for the development;
 - (b) for infrastructure associated with a different type or scale of development from that assumed in the LGIP—the establishment

[s 18]

cost of any additional trunk infrastructure 1
made necessary by the development. 2

653 Other area restrictions 3

- (1) This section applies for an additional payment 4
condition imposed by a local government for 5
development completely or partly outside the 6
PIA. 7
- (2) The additional payment condition may only 8
require the payment of— 9
- (a) the establishment cost of infrastructure that 10
is— 11
- (i) made necessary by the development; 12
and 13
- (ii) if the relevant local government’s 14
planning scheme indicates the premises 15
is part of an area intended for future 16
development for non-rural purposes— 17
necessary to service the rest of the area; 18
and 19
- (b) either or both of the following establishment 20
costs of any temporary infrastructure— 21
- (i) costs required to ensure the safe or 22
efficient operation of infrastructure 23
needed to service the development; 24
- (ii) costs made necessary by the 25
development; and 26
- (c) any decommissioning, removal and 27
rehabilitation costs of the temporary 28
infrastructure; and 29
- (d) the maintenance and operating costs for up 30
to 5 years of the infrastructure and 31
temporary infrastructure as mentioned in 32
paragraphs (a) and (b). 33

-
- 654 Refund if development in PIA** 1
- (1) This section applies for an additional payment 2
condition imposed by a local government for 3
development completely inside the PIA. 4
 - (2) The local government must refund the payer the 5
proportion of the establishment cost of the 6
infrastructure that— 7
 - (a) may be apportioned reasonably to other 8
users of the infrastructure; and 9
 - (b) has been, is or is to be, the subject of a 10
levied charge by the local government. 11
 - (3) Timing of the refund is subject to terms agreed 12
between the payer and local government. 13
- 655 Refund if development approval ceases** 14
- (1) This section applies if— 15
 - (a) a development approval subject to an 16
additional payment condition no longer has 17
effect; and 18
 - (b) a payment has been made under the 19
condition; and 20
 - (c) construction of the infrastructure the subject 21
of the condition has not substantially started 22
before the development approval no longer 23
has effect. 24
 - (2) The local government must refund the payer any 25
part of the payment the local government has not 26
spent, or contracted to spend, on designing and 27
constructing the infrastructure. 28
 - (3) Timing of the refund is subject to terms agreed 29
between the payer and local government. 30

[s 18]

656 Additional payment condition does not affect other powers	1 2
To remove any doubt, it is declared that the imposition of an additional payment condition does not prevent a local government from doing the following—	3 4 5
(a) adopting charges for trunk infrastructure and levying charges;	6 7
(b) imposing a condition for non-trunk infrastructure;	8 9
(c) imposing a necessary infrastructure condition.	10 11
Subdivision 3 Working out cost for required offset or refunds	12 13
657 Process	14
(1) This section applies if—	15
(a) a local government has given an applicant—	16
(i) a development approval under which the applicant is required to provide trunk infrastructure; and	17 18 19
(ii) an infrastructure charges notice that includes details of an offset or refund under this part relating to the establishment cost of the trunk infrastructure; and	20 21 22 23 24
(b) the applicant does not agree with the value of the establishment cost.	25 26
(2) The applicant may, by notice to the local government, require it to use the method under the relevant charges resolution to recalculate the establishment cost.	27 28 29 30

(3)	By notice to the applicant, the local government must amend the existing infrastructure charges notice.	1 2 3
(4)	The amended infrastructure charges notice must adopt the method to work out the establishment cost.	4 5 6
Division 3	Miscellaneous provisions about trunk infrastructure	7 8
Subdivision 1	Conversion of particular non-trunk infrastructure before construction starts	9 10 11
658 Application of sdiv 1		12
	This subdivision applies if—	13
(a)	a particular condition of a development approval under section 665 requires non-trunk infrastructure to be provided; and	14 15 16
(b)	the construction of the non-trunk infrastructure has not started.	17 18
	<i>Note—</i>	19
	The combined effect of the definitions <i>trunk infrastructure</i> and <i>non-trunk infrastructure</i> under section 627 is that where infrastructure is not identified in an LGIP it is, by default, non-trunk infrastructure.	20 21 22 23
659 Application to convert infrastructure to trunk infrastructure		24 25
(1)	The applicant for the development approval may apply (a <i>conversion application</i>) to convert non-trunk infrastructure to trunk infrastructure.	26 27 28

[s 18]

- (2) The application must be made to the local government in writing. 1
2

660 Deciding conversion application 3

- (1) The local government must consider and decide the conversion application within the required period. 4
5
6
- (2) A regulation may prescribe criteria relevant to a decision about a conversion application. 7
8
- (3) However, at any time before making the decision, the local government may give a notice to the applicant requiring the applicant to give information the local government reasonably needs to make the decision. 9
10
11
12
13
- (4) The notice must state— 14
- (a) what information it requires; and 15
 - (b) a period of at least 10 business days for giving the information; and 16
17
 - (c) the effect of subsection (5). 18
- (5) The application lapses if the applicant does not comply with the notice within the later of the following— 19
20
21
- (a) the period stated in the notice for giving the information; 22
23
 - (b) any later period, as agreed within the period stated in the notice, between the local government and the applicant. 24
25
26
- (6) In this section— 27
- required period*** means 30 business days after— 28
- (a) generally—the making of the application; or 29
 - (b) if an information requirement is made—the requirement is complied with. 30
31

-
- 661 Notice of decision** 1
- (1) As soon as practicable after deciding the conversion application, the local government must give the applicant notice of the decision. 2
3
4
 - (2) If the decision is to convert non-trunk infrastructure to trunk infrastructure, the notice must state whether an offset or refund under this part applies and, if it does, details of the offset or refund. 5
6
7
8
9
 - (3) If the decision is not to convert non-trunk infrastructure to trunk infrastructure, the notice must be an information notice about the decision. 10
11
12
- 662 Effect of and action after conversion** 13
- (1) This section applies if the decision on a conversion application is to convert non-trunk infrastructure to trunk infrastructure. 14
15
16
Note— 17
See section 627, definition *trunk infrastructure*. 18
 - (2) The condition of the relevant development approval requiring the non-trunk infrastructure to be provided no longer has effect. 19
20
21
 - (3) Within 20 business days after making the decision, the local government may amend the development approval by imposing a necessary infrastructure condition for the trunk infrastructure. 22
23
24
25
26
 - (4) If a necessary infrastructure condition is imposed, the local government must also do either of the following within 10 business days after the imposition for the purposes of section 649(2) or (3)(b)— 27
28
29
30
31
 - (a) give an infrastructure charges notice; 32
-

[s 18]

(b) amend, by notice to the applicant, any existing infrastructure charges notice for the development approval.	1 2 3
(5) For taking action under subsections (3) and (4), divisions 1 and 2 and sections 478 and 535 apply (and IDAS does not) as if—	4 5 6
(a) a development approval were a reference to the conversion; and	7 8
(b) a levied charge were a reference to the amendment of a levied charge.	9 10
Subdivision 2 Other provisions	11
663 Financial provisions	12
(1) A levied charge paid to a local government must be used to provide trunk infrastructure.	13 14
(2) To remove any doubt, it is declared that the amount paid need not be held in trust by the local government.	15 16 17
664 Levied charge taken to be rates	18
(1) A levied charge is, for the purpose of its recovery, taken to be rates of the local government that levied it.	19 20 21
(2) However, subsection (1) is subject to any agreement between the local government and the applicant.	22 23 24
(3) In this section—	25
<i>rates</i> means rates within the meaning of—	26
(a) for Brisbane—the City of Brisbane Act; or	27
(b) otherwise—the Local Government Act.	28

Division 4	Non-trunk infrastructure	1
665	Conditions local governments may impose	2
(1)	This section applies for the imposition by a local government of a condition of a development approval about non-trunk infrastructure.	3 4 5
(2)	The condition may be only about providing development infrastructure for 1 or more of the following—	6 7 8
(a)	a network, or part of a network, internal to the premises;	9 10
(b)	connecting the premises to external infrastructure networks;	11 12
(c)	protecting or maintaining the safety or efficiency of the infrastructure network of which the non-trunk infrastructure is a component.	13 14 15 16
	<i>Example for paragraph (c)—</i>	17
	A condition may require construction works in the vicinity of existing transport infrastructure must not adversely affect the infrastructure's integrity.	18 19 20
(3)	The condition must state the infrastructure to be provided and when it must be provided.	21 22
Part 3	Provisions for State infrastructure providers	23 24
666	Power to impose conditions about infrastructure	25 26
(1)	A State infrastructure provider may impose a condition on a development approval (a <i>State-related condition</i>) about—	27 28 29

[s 18]

- | | | |
|-----|--|----------------------------|
| (a) | infrastructure; and | 1 |
| (b) | works to protect or maintain infrastructure operation. | 2
3 |
| (2) | However, a State-related condition may be only about protecting or maintaining the safety or efficiency of any or all of the following— | 4
5
6 |
| (a) | existing or proposed State-owned or State-controlled transport infrastructure; | 7
8 |
| (b) | public passenger transport or public passenger transport infrastructure (whether or not State-owned or State-controlled); | 9
10
11 |
| (c) | the safety or efficiency of railways, ports or airports under the Transport Infrastructure Act; | 12
13
14 |
| (d) | if the State infrastructure provider is the chief executive—a matter mentioned in paragraph (a), (b) or (c) for another State infrastructure provider. | 15
16
17
18 |
| | <i>Examples of infrastructure that might be required under a State-related condition—</i> | 19
20 |
| | • turning lanes or traffic signals at a site access or nearby intersection that are to ensure road links and intersections continue to perform at an acceptable level | 21
22
23
24 |
| | • upgraded traffic control devices at a level crossing in response to increased traffic | 25
26 |
| | • drainage or retaining structures that are to protect transport infrastructure from changed hydraulics or excavation adjacent to State-owned or State-controlled transport infrastructure | 27
28
29
30
31 |
| (3) | In this section— | 32 |
| | public passenger transport means the carriage of passengers by a public passenger service as defined under the <i>Transport Operations</i> | 33
34
35 |

<i>(Passenger Transport) Act 1994</i> using a public passenger vehicle as defined under that Act.	1 2
<i>public passenger transport infrastructure</i> means infrastructure for, or associated with, the provision of public passenger transport.	3 4 5
<i>safety or efficiency</i> , of infrastructure mentioned in subsection (2), means—	6 7
(a) the safety of any of its users and of others it affects; or	8 9
(b) the efficiency of its use.	10
<i>State-owned or State-controlled</i> , for transport infrastructure, means transport infrastructure under the Transport Infrastructure Act that is owned or controlled by the State.	11 12 13 14

667 Content requirements for condition 15

A State-related condition must state—	16
(a) the infrastructure or works to be provided, or the contribution to be made, under it; and	17 18
(b) when the provision or contribution must take place.	19 20

668 Refund if State-related condition ceases 21

(1) This section applies if—	22
(a) a State infrastructure provider imposed a State-related condition on a development approval; and	23 24 25
(b) a payment has been made under the condition; and	26 27
(c) the development approval ceases to have effect; and	28 29

[s 18]

- (d) construction of the infrastructure the subject of the condition had not substantially started before the cessation. 1
2
3
 - (2) The public sector entity responsible for providing the infrastructure must refund the payer any part of the payment not spent, or contracted to be spent, on designing or constructing the infrastructure before being told of the cessation. 4
5
6
7
8
- 669 Reimbursement by local government for replacement infrastructure** 9
10
- (1) This section applies if infrastructure provided under a State-related condition— 11
12
 - (a) has replaced, or is to replace, infrastructure for which there has been, is or is to be a levied charge by a local government; and 13
14
15
 - (b) provides the same desired standard of service as the replaced infrastructure. 16
17
 - (2) The local government must— 18
 - (a) pay the amount of the levied charge, when paid to it, to the State infrastructure provider that imposed the condition to— 19
20
21
 - (i) provide the replacement infrastructure; 22
or 23
 - (ii) reimburse someone else who provided the replacement infrastructure; and 24
25
 - (b) agree with the State infrastructure provider and the person who provided the replacement infrastructure about when the amount of the levied charge will be paid. 26
27
28
29

Part 4	Infrastructure agreements	1
		2
670 Infrastructure agreement		3
An <i>infrastructure agreement</i> is an agreement, as amended from time to time, mentioned in any of the following—		4 5 6
• section 348, to the extent the agreement is about a condition for paying for, or providing, infrastructure		7 8 9
• section 639		10
• section 649(4)		11
• section 651(2)		12
• section 654(3)		13
• section 655(3)		14
• section 664(2)		15
• section 669(2)		16
• section 677.		17
671 Obligation to negotiate in good faith		18
(1) This section applies if—		19
(a) a public sector entity proposes to another entity that they enter into an infrastructure agreement; or		20 21 22
(b) another entity proposes to a public sector entity that they enter into an infrastructure agreement.		23 24 25
(2) The public entity or other entity to whom the proposal is made must in writing tell the proponent if the public entity or other entity		26 27 28

[s 18]

agrees to entering into negotiation for an infrastructure agreement.	1 2
(3) In negotiating an infrastructure agreement, the public sector entity and the other entity must act in good faith.	3 4 5
<i>Examples of actions that subsection (2) requires—</i>	6
• disclosing to the other party to the negotiation in a timely way information relevant to entering into the proposed agreement	7 8 9
• considering and responding in a timely way to the other party's proposals about the proposed agreement	10 11
• giving reasons for each response	12

672 Content of infrastructure agreement 13

(1) An infrastructure agreement must—	14
(a) if obligations under it would be affected by a change in the ownership of land the subject of the agreement—include a statement about how the obligations must be fulfilled in that event; and	15 16 17 18 19
(b) if the fulfilment of obligations under it depends on development entitlements that may be affected by a change to a planning instrument—include a statement about both of the following—	20 21 22 23 24
(i) refunding or reimbursing amounts paid under the agreement;	25 26
(ii) changing or cancelling the obligations if the development entitlements are changed without the obligee's consent; and	27 28 29 30
(c) include any other matter required by regulation to be included.	31 32
(2) To remove any doubt, it is declared that an infrastructure agreement may include matters	33 34

that are not within the jurisdiction of a public 1
sector entity that is a party to the agreement. 2

**673 Copy of infrastructure agreement to be given 3
to local government 4**

- (1) This section applies if— 5
- (a) a public sector entity other than a local 6
government is a party to an infrastructure 7
agreement; and 8
- (b) the local government for the area to which 9
the agreement applies is not a party to it. 10
- (2) The public sector entity must give the local 11
government a copy of the agreement. 12

**674 When infrastructure agreement binds 13
successors in title 14**

- (1) This section applies if the owner of land to which 15
an infrastructure agreement applies is a party to 16
the agreement or consents to the obligations 17
under it being attached to the land. 18
- (2) However, subsection (1) does not apply for any 19
of the obligations that are to be fulfilled by a 20
public sector entity. 21
- (3) The obligations under the infrastructure 22
agreement attach to the land and bind the owner 23
and the owner's successors in title of the land. 24
- (4) If the owner's consent under subsection (1) is 25
given but not endorsed on the agreement, the 26
owner must give a copy of the document 27
evidencing the owner's consent to the local 28
government for the land to which the consent 29
applies. 30
- (5) Despite subsection (3), subsections (6) and (7) 31
apply if— 32

[s 18]

(a)	the infrastructure agreement states that if the land is subdivided, part of the land is to be released from the obligations; and	1 2 3
(b)	the land is subdivided.	4
(6)	The part is released from the obligations.	5
(7)	The obligations are no longer binding on the owner of the part.	6 7
675	Exercise of discretion unaffected by infrastructure agreement	8 9
	An infrastructure agreement is not invalid merely because its fulfilment depends on the exercise of a discretion by a public sector entity about an existing or future development application.	10 11 12 13
676	Infrastructure agreement prevails over approval and charges notice	14 15
(1)	If an infrastructure agreement is inconsistent with a development approval or infrastructure charges notice, the agreement prevails to the extent of the inconsistency.	16 17 18 19
(2)	However, if a State infrastructure provider (other than the chief executive) is a party to the infrastructure agreement, subsection (1) applies only if the chief executive has approved the agreement.	20 21 22 23 24
(3)	The approval of the agreement must be given by notice to all parties to it.	25 26
677	Agreement for infrastructure partnerships	27
(1)	A person may enter into an agreement with a public sector entity about—	28 29
(a)	providing or funding infrastructure; or	30

-
- (b) refunding payments made towards the cost of providing or funding infrastructure. 1
2
 - (2) Subsection (1) has effect despite parts 2 and 3 and chapter 6, part 5, division 6. 3
4

Part 5 Miscellaneous 5

678 Sale of particular local government land held on trust 6 7

- (1) This section applies if a local government intends to sell land it holds on trust in fee simple for public parks infrastructure or local community facilities. 8
9
10
11
- (2) The local government must advertise its intention to sell the land by placing notice of the sale in a newspaper circulating in the local government area if— 12
13
14
15
 - (a) part or all of the land was obtained under a condition of a development approval; or 16
17
 - (b) selling the land would not be inconsistent with a current infrastructure agreement under which the local government obtained the land. 18
19
20
21
- (3) The notice must state the following— 22
 - (a) a description of the land; 23
 - (b) the purpose for which the land is held on trust; 24
25
 - (c) the reason for the proposed sale; 26
 - (d) a reasonable period within which submissions about the proposed sale may be made to the local government. 27
28
29

[s 19]

	(4)	Before making a decision about the sale, the local government must consider all submissions made to it within the stated period.	1 2 3
	(5)	The following apply if the local government complies with this section and sells the land—	4 5
	(a)	the land is sold free of the trust;	6
	(b)	the net proceeds of the sale must be used to provide trunk infrastructure.	7 8
	679	Trunk infrastructure not identified	9
	(1)	This section applies if the trunk infrastructure for a local government is not identified because neither paragraph (a) nor (b) of the definition <i>trunk infrastructure</i> under section 627 applies.	10 11 12 13
	(2)	For giving development approval for premises by the local government—	14 15
	(a)	non-trunk infrastructure is taken to be development infrastructure for 1 or all of the purposes mentioned in section 665(2); and	16 17 18
	(b)	development infrastructure for any other purpose is taken to be trunk infrastructure.	19 20
Clause 19		Insertion of new ch 10, pt 11	21
		Chapter 10—	22
		<i>insert</i> —	23

Part 11	Savings and transitional provisions for Sustainable Planning (Infrastructure Charges) and Other Legislation Amendment Act 2014	1 2 3 4 5 6 7 8
Division 1	Purpose of part and definitions	9 10
974 Purpose of pt 11		11
(1)	The purpose of this part is to make particular provisions of a savings or transitional nature.	12 13
(2)	Division 2 provides for matters under the unamended Act to be saved and for the unamended Act to continue to apply to those matters.	14 15 16 17
(3)	Division 3 provides for matters dealt with under the unamended Act to be dealt with under the amended Act unless a provision of division 2 or another provision of division 3 otherwise provides.	18 19 20 21 22
(4)	Division 4 provides for other matters including transitional regulations.	23 24
(5)	This part does not limit the <i>Acts Interpretation Act 1954</i> , section 20 and 20B unless a provision otherwise provides.	25 26 27
975 Definitions for pt 11		28
	In this part—	29

[s 19]

<i>amended Act</i> means this Act as in force after the commencement.	1 2
<i>amending Act</i> means the <i>Sustainable Planning (Infrastructure Charges) and Other Legislation Amendment Act 2014</i> .	3 4 5
<i>commencement</i> means the day the amending Act, section 18 commences.	6 7
<i>PIP</i> means a priority infrastructure plan, as in force under the unamended Act.	8 9
<i>transitional regulation</i> see section 990(1).	10
<i>unamended Act</i> means this Act as in force immediately before the commencement.	11 12

Division 2 Saving provisions 13

976 Deferment of LGIP requirement for existing planning schemes 14 15

- (1) If a planning scheme in effect under the unamended Act does not include a PIP, the planning scheme need not include an LGIP until 1 July 2016. 16
17
18
19
- (2) However, on or after 1 July 2016, a local government may not do any of the following unless its planning scheme includes an LGIP— 20
21
22
 - (a) make a charges resolution as mentioned in section 630; 23
24
 - (b) impose conditions about trunk infrastructure under section 646, 647 or 650; 25
26
 - (c) give an infrastructure charges notice under section 635. 27
28

-
- 977 Existing notices** 1
- (1) This section applies to each of the following notices given before the commencement and as in force under the unamended Act— 2
3
4
- (a) an infrastructure charges notice; 5
- (b) a negotiated infrastructure charges notice; 6
- (c) a regulated infrastructure charges notice; 7
- (d) a negotiated regulated infrastructure charges notice; 8
9
- (e) an adopted infrastructure charges notice; 10
- (f) a negotiated infrastructure charges notice. 11
- (2) The unamended Act continues to apply to each notice. 12
13
- (3) Despite subsection (2), if a person who was given a notice to which this section applies makes a request under section 369(1) to change the development approval the subject of the notice, the notice may be amended under the amended Act. 14
15
16
17
18
19
- 978 Existing charges** 20
- (1) This section applies to each of the following charges that are payable under the unamended Act— 21
22
23
- (a) an infrastructure charge; 24
- (b) a regulated infrastructure charge; 25
- (c) an adopted infrastructure charge. 26
- (2) The unamended Act continues to apply to— 27
- (a) each charge; and 28
- (b) any offset, refund or repayment under the unamended Act that previously applied to the charge. 29
30
31

[s 19]

979 Charges resolutions until 1 July 2016	1
(1) An adopted infrastructure charges resolution of a local government as in existence under the unamended Act (an <i>existing resolution</i>) continues in effect, subject to this section.	2 3 4 5
(2) An existing resolution is of no effect to the extent it is inconsistent with the SPRP (adopted charges).	6 7 8
(3) If the existing resolution does not include a method for working out the cost of infrastructure the subject of an offset or refund, the existing resolution is taken to include a method as set out in a guideline—	9 10 11 12 13
(a) made by the Minister; and	14
(b) prescribed by regulation.	15
(4) Subsections (5) to (8) apply if the local government's planning scheme does not include an LGIP.	16 17 18
(5) Until 1 July 2016, an existing resolution may continue to do either or both of the following (each a <i>saved provision</i>)—	19 20 21
(a) identify development infrastructure as trunk infrastructure for its local government area;	22 23
(b) for the identified trunk infrastructure, state the required standard of service and establishment costs.	24 25 26
(6) Despite sections 630 and 631, the local government may, under the amended Act, make a charges resolution that includes a saved provision.	27 28 29 30
(7) For applying chapter 8 under the amended Act for subsections (5) and (6), saved provisions are taken to have been done under the LGIP.	31 32 33

(8)	On and after 1 July 2016, each saved provision ceases to have effect.	1 2
980	Existing land transfer requirements in lieu of charge	3 4
(1)	An agreement mentioned under the unamended Act, section 637(1)(d), or a requirement under the unamended Act, section 637(2), not complied with immediately before the commencement continues in force for the amended Act.	5 6 7 8 9
(2)	A requirement under the unamended Act, section 648K(3) not complied with immediately before the commencement continues in force for the amended Act.	10 11 12 13
(3)	Despite the repeal of the unamended Act, sections 637 and 648K, the sections continue to apply for the agreement or the requirement, as is applicable.	14 15 16 17
981	Undecided appeals	18
(1)	This section applies if, before the commencement, a person—	19 20
(a)	had started an appeal and it had not been finally decided before the commencement; or	21 22 23
(b)	had a right to appeal under the unamended Act but had not started an appeal.	24 25
(2)	The unamended Act continues to apply to—	26
(a)	the appeal and the right of appeal as mentioned in subsection (1)(a) and (b); and	27 28
(b)	any subsequent appeal that would have been available if the amending Act had not commenced.	29 30 31

Division 3	Transitional provisions	1
982 PIP to LGIP		2
(1)	A local government's PIP becomes its LGIP.	3
(2)	The day the PIP was included in the local government's planning scheme is to be used for working out when the LGIP is to be reviewed under section 94A(1)(a).	4 5 6 7
(3)	Before 1 July 2016—	8
(a)	an amendment to the PIP must be prepared in accordance with the guideline mentioned in section 117(2); and	9 10 11
(b)	the amendment must be made.	12
983 Existing SPRP for adopted charges		13
(1)	On the commencement, the State Planning Regulatory Provision (adopted charges) dated July 2012 becomes the SPRP (adopted charges) under the amended Act.	14 15 16 17
(2)	However, the SPRP (adopted charges) mentioned in subsection (1)—	18 19
(a)	continues subject to section 988 and a regulation under the amended Act; and	20 21
(b)	until 1 July 2016—may identify PIAs for local governments.	22 23
(3)	On 1 July 2016, any identified PIAs under the SPRP (adopted charges) cease to have effect.	24 25
984 Existing application for development approval		26
(1)	This section applies to an application for a development approval that was not decided under the unamended Act.	27 28 29

-
- (2) The amended Act applies to the application, including, for example, the conditions that may be imposed on the development approval and the charges that may be levied. 1
2
3
4
- (3) For subsection (2), section 988 applies as if the application had become an application for development approval under the amended Act. 5
6
7

985 Existing agreements under s 648G 8

- (1) An agreement under the unamended Act, section 648G, as the agreement is in existence immediately before the commencement, becomes a breakup agreement under the amended Act. 9
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11
12
- (2) Subsection (1) applies even if the agreement includes a provision contrary to, or does not otherwise comply with, the amended Act. 13
14
15

986 Infrastructure charges register 16

- (1) This section applies to the following registers of a local government under the unamended Act, section 724 as those registers were in existence immediately before the commencement— 17
18
19
20
- (a) its infrastructure charges register; 21
- (b) its regulated infrastructure charges register; 22
- (c) its adopted infrastructure charges register. 23
- (2) On the commencement, the registers become part of the local government’s infrastructure charges register under the amended Act, section 724. 24
25
26

987 Infrastructure agreements 27

- (1) An infrastructure agreement in force immediately before the commencement becomes an infrastructure agreement under the amended Act. 28
29
30

[s 19]

- (2) Subsection (1) applies even if the infrastructure agreement includes a provision contrary to, or does not otherwise comply with, the amended Act. 1
2
3
4
- (3) Also, section 676(2) does not apply to the infrastructure agreement. 5
6

988 Consequential provisions 7

The following apply to a document that, under this division, becomes something under the amended Act— 8
9
10

- (a) it must be read with the changes necessary to make it consistent with, and adapt its operation to, the amended Act; 11
12
13

Example— 14

In line with section 983, a reference in the existing SPRP to a maximum adopted charge for trunk infrastructure must be read as a reference to a maximum adopted charge under the amended Act. 15
16
17
18

- (b) a reference to the document in another Act or document is taken to be a reference to what it has become. 19
20
21

Division 4 Other provisions 22

989 Regulated infrastructure charges schedule 23

On the commencement, a regulated infrastructure charges schedule in existence before the commencement ceases to exist. 24
25
26

990 Transitional regulation-making power 27

- (1) A regulation (a *transitional regulation*) may make provision of a saving or transitional nature for which it is necessary to make provision to 28
29
30

	allow or facilitate the change from the operation of the unamended Act to the operation of the amended Act.	1 2 3
(2)	A transitional regulation may have retrospective operation to a day not earlier than the day of the commencement.	4 5 6
(3)	A transitional regulation must declare it is a transitional regulation.	7 8
(4)	This section and any transitional regulation expire 1 year after the day of the commencement.	9 10
Clause 20	Amendment of sch 3 (Dictionary)	11
(1)	Schedule 3, definitions <i>adopted infrastructure charge, adopted infrastructure charges notice, adopted infrastructure charges resolution, adopted infrastructure charges schedule, building and development committee, development infrastructure, establishment cost, imposing entity, information notice, infrastructure agreement, infrastructure charge, infrastructure charges notice, infrastructure charges schedule, maximum adopted charge, negotiated adopted infrastructure charges notice, negotiated infrastructure charges notice, negotiated regulated infrastructure charges notice, network, non-trunk infrastructure, notice, party, plans for trunk infrastructure, priority infrastructure area, priority infrastructure plan, rates, regulated infrastructure charge, regulated infrastructure charges notice, regulated infrastructure charges register, regulated infrastructure charges schedule, relevant appeal period, relevant proportion, SEQ infrastructure charges schedule, State infrastructure provider, State planning regulatory provision (adopted charges) and trunk infrastructure—</i>	12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30
	<i>omit.</i>	31
(2)	Schedule 3—	32
	<i>insert—</i>	33
	<i>additional payment condition</i> see section 650(1).	34

[s 20]

<i>adopted charge</i> see section 630(1).	1
<i>agreement</i> , for chapter 8, see section 627.	2
<i>amended Act</i> , for part 11, see section 975.	3
<i>amending Act</i> , for part 11, see section 975.	4
<i>automatic increase provision</i> , for chapter 8, see section 631(3)(b).	5 6
<i>building and development committee</i> means a building and development dispute resolution committee that is established under section 554(2)(a), 554B(1)(b) or 554C(1)(a) or, if the case requires, that may be so established.	7 8 9 10 11
<i>charges breakup</i> , for chapter 8, see section 627.	12
<i>charges resolution</i> see section 630(1).	13
<i>commencement</i> , for part 11, see section 975.	14
<i>committee proceeding</i> means a proceeding for which a building and development committee must be established.	15 16 17
<i>conversion application</i> see section 659(1).	18
<i>court appeal period</i> means the period under this Act for bringing an appeal to the court.	19 20
<i>development infrastructure</i> see section 627.	21
<i>establishment cost</i> , for a provision about trunk infrastructure, see section 627.	22 23
<i>impose</i> , for a provision about a condition of a development approval, see section 627.	24 25
<i>information notice</i> —	26
(a) for chapter 8, see section 627; or	27
(b) for chapter 8A, see section 680A.	28
<i>infrastructure agreement</i> see section 670.	29
<i>infrastructure charges notice</i> see section 627.	30
<i>levied charge</i> see section 635(6).	31

<i>LGIP</i> see section 627.	1
<i>maximum adopted charge</i> see section 629(5).	2
<i>necessary infrastructure condition</i> see section 645(2).	3 4
<i>non-rural purposes</i> see section 627.	5
<i>non-trunk infrastructure</i> see section 627.	6
<i>notice</i> —	7
(a) for chapter 8—see section 627; or	8
(b) for chapter 8A—see section 680A.	9
<i>original notice</i> , for chapter 8, see section 640.	10
<i>party</i> , for a provision about proceeding before the court or a building and development committee, or proposed proceeding, means any or all of the following for the proceeding or proposed proceeding—	11 12 13 14 15
(a) the applicant or appellant;	16
(b) the respondent;	17
(c) any co-respondent;	18
(d) if the Minister is represented—the Minister.	19
<i>payer</i> , for a provision about a levied charge, see section 627.	20 21
<i>payment</i> , for chapter 8, see section 627.	22
<i>PIA</i> see section 627.	23
<i>PIP</i> , for part 11, see section 975.	24
<i>PPI index</i> see section 627.	25
<i>public sector entity</i> , for chapter 8, see section 627.	26 27
<i>recipient</i> , for a provision about a direction, notice or order, means any person to whom it is given.	28 29
<i>relevant appeal period</i> see section 627.	30

[s 20]

<i>relevant or reasonable requirements</i> see section 627.	1 2
<i>SPRP (adopted charges)</i> see section 629(5).	3
<i>State infrastructure provider</i> see section 627.	4
<i>State-related condition</i> see section 666(1).	5
<i>subject premises</i> see section 645(1).	6
<i>submission</i> , for chapter 8, see section 627.	7
<i>transitional regulation</i> , for part 11, see section 990(1).	8 9
<i>trunk infrastructure</i> see section 627.	10
<i>unamended Act</i> , for part 11, see section 975.	11
(3) Schedule 3, definition <i>deemed refusal</i> , paragraphs (b) to (d)— <i>omit, insert</i> —	12 13
(b) for a matter as follows—within the period allowed under this Act for the matter to be decided—	14 15 16
(i) a request under section 98(2);	17
(ii) a request made by a person under section 222(3);	18 19
(iii) a request to make a change to a development approval;	20 21
(iv) a request to extend a period mentioned in section 341;	22 23
(v) a conversion application;	24
(vi) a claim for compensation under chapter 9, part 3.	25 26
(4) Schedule 3, definition <i>public sector entity</i> , paragraph 2(b)— <i>omit, insert</i> —	27 28
(b) other than for chapter 8, a distributor-retailer; and	29 30

Part 3	Amendment of other Acts	1
Division 1	South-East Queensland Water (Distribution and Retail Restructuring) Act 2009	2 3 4
Clause 21	Act amended	5
	This division amends the <i>South-East Queensland Water (Distribution and Retail Restructuring) Act 2009</i> .	6 7
	<i>Note—</i>	8
	See also the amendments in schedule 2.	9
Clause 22	Amendment of s 99BOB (Charges schedules for distributor-retailers)	10 11
	Section 99BOB(c) and (d)—	12
	<i>omit, insert—</i>	13
	(c) adopted charges;	14
	<i>Note—</i>	15
	See chapter 4C, part 7, division 3.	16
	(d) the way a connection charge, charge for property service infrastructure and adopted charge is calculated;	17 18 19
	(e) the fees for an application or request under chapter 4C;	20 21
	(f) the charges breakup for all adopted charges.	22
Clause 23	Amendment of s 99BRAG (Decision generally)	23
	Section 99BRAG(2), after ‘division 2’—	24
	<i>insert—</i>	25
	and part 7	26

[s 24]

Clause 24	Amendment of s 99BRAI (Decision notice)	1
	Section 99BRAI(2)(e)—	2
	<i>omit, insert—</i>	3
	(e) for each water approval condition about trunk or non-trunk infrastructure imposed under this chapter—the provision under which the condition was imposed; and	4 5 6 7
	(f) the applicant’s rights of internal review and appeal.	8 9
Clause 25	Amendment of s 99BRAJ (Water approval conditions must be relevant and reasonable)	10 11
	(1) Section 99BRAJ(2)—	12
	<i>insert—</i>	13
	(h) trunk infrastructure or non-trunk infrastructure.	14 15
	(2) Section 99BRAJ(3)—	16
	<i>renumber</i> as section 99BRAJ(4).	17
	(3) Section 99BRAJ—	18
	<i>insert—</i>	19
	(3) However, a water approval condition must not—	20
	(a) impose a condition about trunk infrastructure or non-trunk infrastructure unless the condition is permitted to be imposed under part 7, divisions 4 to 6; or	21 22 23 24
	(b) require the applicant to enter into a water infrastructure agreement.	25 26
Clause 26	Amendment of s 99BRAK (Power to amend)	27
	(1) Section 99BRAK(2)—	28
	<i>omit, insert—</i>	29

-
- (2) The distributor-retailer must decide to— 1
- (a) approve the request, with or without 2
conditions; or 3
- (b) refuse the request. 4
- (2) Section 99BRAK(5)— 5
omit, insert— 6
- (5) If the condition is amended under this section— 7
- (a) the condition as amended, and any 8
conditions imposed under subsection (2)(a), 9
take effect when the amendment notice is 10
given to the applicant; and 11
- (b) any conditions imposed under subsection 12
(2)(a) are taken to be water approval 13
conditions of the water approval; and 14
- (c) the distributor-retailer may give the 15
applicant a new infrastructure charges notice 16
under part 7, division 3, subdivision 3 to 17
replace the original notice. 18

- Clause 27 Insertion of new s 99BRAM** 19
- Chapter 4C, part 2, division 2, subdivision 1— 20
- insert—* 21
- 99BRAM Water infrastructure agreement terms 22
become water approval conditions** 23
- If there is a water infrastructure agreement and a water 24
approval for the same connection, all terms of the 25
agreement are taken to be water approval conditions of 26
the approval. 27
- Note—* 28
- For provisions about water infrastructure agreements, see part 29
7, division 7. 30

[s 28]

Clause 28	Amendment of s 99BRAT (Assessment of connections, water approvals and works)	1 2
	Section 99BRAT—	3
	<i>insert</i> —	4
	(2) Subsection (1) does not apply to a connection, including works for the connection, in a priority development area under the <i>Economic Development Act 2012</i> .	5 6 7 8
Clause 29	Amendment of s 99BRAU (Requests for standard connections)	9 10
	Section 99BRAU(6), note, ‘applies’—	11
	<i>omit, insert</i> —	12
	and part 7, divisions 3 to 7 apply	13
Clause 30	Amendment of s 99BRAW (Meaning of <i>interested person</i> and <i>original decision</i>)	14 15
	(1) Section 99BRAW(1)(c)—	16
	<i>omit, insert</i> —	17
	(c) has had 1 or more of the following charges levied for a connection, other than for a standard connection—	18 19 20
	(i) a connection charge;	21
	(ii) a property service works charge;	22
	(iii) a charge under an infrastructure charges notice; or	23 24
	(d) has been given a notice under section 99BRDG about a conversion application, or there is a deemed refusal for the application.	25 26 27
	(2) Section 99BRAW(2)(c)—	28
	<i>omit, insert</i> —	29

-
- (c) the decision to levy a charge for a connection mentioned in subsection (1)(c)(i) or (ii) (a *charge decision*);
- (d) the decision to give an infrastructure charges notice;
- (e) the refusal or deemed refusal of a conversion application (a *conversion decision*).
- (3) Section 99BRAW—
insert—
- (3) However, for an original decision under subsection (2)(a), an interested person can not appeal a water approval condition that became a condition under section 99BRAM.

Clause 31 Replacement of s 99BRAX (Meaning of *standard appeal period*)

Section 99BRAX—

omit, insert—

99BRAX Other definitions for pt 4

In this part—

charge decision see section 99BRAW(2)(c).

conversion decision see section 99BRAW(2)(e).

deemed refusal, for a conversion application, means a refusal of the application that is taken to have happened if a decision is not made within the required period for the application.

required period, for a conversion application, see section 99BRDF(6).

standard appeal period, for an appeal under division 3 or 4, means—

[s 32]

	(a) if the notice for the review decision is given to the interested person—within 20 business days after the notice was given; and	1 2 3
	(b) otherwise—within 20 business days after the review decision is taken to have been made under section 99BRBC(4).	4 5 6
Clause 32	Amendment of s 99BRBA (Requirements for making internal review application)	7 8
	Section 99BRBA(c)—	9
	<i>omit, insert—</i>	10
	(c) made within 30 business days after the day—	11 12
	(i) for a failure to decide or a deemed refusal of a conversion application—the relevant decision was required to be made; or	13 14 15 16
	(ii) otherwise—the original decision is made.	17 18
Clause 33	Amendment of s 99BRBC (Notice of review decision)	19
	Section 99BRBC(3)(a), from ‘building’ to ‘Act’—	20
	<i>omit, insert—</i>	21
	building and development committee	22
Clause 34	Amendment of s 99BRBD (Internal review stops particular actions)	23 24
	Section 99BRBD(1), from ‘for’ to ‘charge decision’—	25
	<i>omit.</i>	26

Clause 35	Amendment of ch 4C, pt 4, div 3, hdg and s 99BRBE	1
	Chapter 4C, part 4, division 3, heading and section 99BRBE(2), 'dispute resolution'—	2 3
	<i>omit.</i>	4
Clause 36	Amendment of s 99BRBF (Appeals about applications for connections—particular charges)	5 6
	(1) Section 99BRBF(1)(a), after 'decision'—	7
	<i>insert</i> —	8
	or a decision to give an infrastructure charges notice	9
	(2) Section 99BRBF(2) to (4)—	10
	<i>omit, insert</i> —	11
	(2) The applicant may appeal to a building and development committee about the review decision.	12 13 14
	(3) The appeal may be made only on 1 or more of the following grounds—	15 16
	(a) the decision involved an error relating to the application of the relevant charge;	17 18
	(b) if the decision is the giving of an infrastructure charges notice—	19 20
	(i) the decision involved an error relating to—	21 22
	(A) the working out, for section 99BRBF, of additional demand; or	23 24
	(B) an offset or refund; or	25
	(ii) there was no decision about an offset or refund.	26 27
	(4) To remove any doubt, it is declared that the appeal must not be about—	28 29

[s 37]

	(a) for the application of the relevant charge—the charge itself; or	1 2
	(b) for a decision about an offset or refund for an infrastructure charges notice—	3 4
	(i) the establishment cost of infrastructure identified in the distributor-retailer’s water netserv plan; or	5 6 7
	(ii) the cost of infrastructure decided using the method included in the distributor-retailer’s infrastructure charges schedule.	8 9 10 11
	(5) The appeal must be started within the standard appeal period.	12 13
Clause 37	Insertion of new s 99BRBFA	14
	After section 99BRBF—	15
	<i>insert—</i>	16
	99BRBFA Appeals against refusal of conversion application	17 18
	(1) This section applies to an applicant for a conversion application if—	19 20
	(a) the applicant applied for internal review of the conversion decision; and	21 22
	(b) the review decision is not the decision sought by the applicant.	23 24
	(2) The applicant may appeal to a building and development committee against the review decision.	25 26 27
	(3) The appeal must be started within the standard appeal period.	28 29

Clause 38	Amendment of s 99BRBG (Application of relevant committee appeal provisions)	1 2
	(1) Section 99BRBG(1)—	3
	<i>insert—</i>	4
	(e) an infrastructure charges notice under the Planning Act were an infrastructure charges notice under this Act; and	5 6 7
	(f) the period required under the Planning Act for lodging a document to start proceedings were a reference to the period required under this Act for lodging a document to start proceedings.	8 9 10 11 12
	(2) Section 99BRBG(2), definition <i>relevant committee appeal provisions</i> , paragraph (a), from ‘564(2)(e)’ to ‘569’—	13 14
	<i>omit, insert—</i>	15
	564(2)(d) and (e), 567, 569 and 569A	16
Clause 39	Amendment of s 99BRBK (Registrar must ask distributor-retailer for material in particular proceedings)	17 18
	Section 99BRBK(1) and (2)—	19
	<i>omit, insert—</i>	20
	(1) This section applies to an appeal under—	21
	(a) section 99BRBE if the applicant applied for internal review of a failure to decide; or	22 23
	(b) section 99BRBFA if the applicant applied for internal review of a deemed refusal of a conversion application.	24 25 26
	(2) The registrar of building and development committees must ask the distributor-retailer to give the registrar—	27 28 29
	(a) all material, including plans and specifications, relevant to the application; and	30 31 32

[s 40]

	(b) a statement of the reasons the distributor-retailer had not decided the application during the period for deciding the application; and	1 2 3 4
	(c) any other information the registrar requires.	5
Clause 40	Amendment of s 99BRBL (Lodging appeal stops particular actions)	6 7
	(1) Section 99BRBL(1), from ‘for’ to ‘charge decision’— <i>omit.</i>	8 9
	(2) Section 99BRBL(2), ‘dispute resolution’— <i>omit.</i>	10 11
Clause 41	Amendment of s 99BRBO (Appeals about applications for connections—particular charges)	12 13
	(1) Section 99BRBO(1)(a), after ‘decision’— <i>insert—</i> or a decision to give an infrastructure charges notice	14 15 16
	(2) Section 99BRBO(3) to (5)— <i>omit, insert—</i>	17 18
	(3) An appeal under this section may be made only on 1 or more of the following grounds—	19 20
	(a) the charge imposed by the distributor-retailer is so unreasonable that no reasonable distributor-retailer could have imposed it;	21 22 23 24
	(b) the decision involved an error relating to the application of the relevant charge;	25 26
	(c) if the decision is the giving of an infrastructure charges notice—	27 28
	(i) the decision involved an error relating to—	29 30

-
- (A) the working out, for section 99BRCJ, of additional demand; or
 - (B) an offset or refund; or
 - (ii) there was no decision about an offset or refund.
- (4) To remove any doubt, it is declared that the appeal must not be about—
- (a) for the application of the relevant charge—the charge itself; or
 - (b) for a decision about an offset or refund for an infrastructure charges notice—
 - (i) the establishment cost of infrastructure identified in the distributor-retailer’s water netserv plan; or
 - (ii) the cost of infrastructure decided using the method included in the distributor-retailer’s infrastructure charges schedule.
- (5) The appeal must be started within the standard appeal period.

Clause 42 Insertion of new s 99BRBOA 21

After section 99BRBO— 22

insert— 23

99BRBOA Appeals against refusal of conversion application 24
25

- (1) This section applies to an applicant for a conversion application if—
 - (a) the applicant applied for internal review of the conversion decision; and
 - (b) the review decision is not the decision sought by the applicant.

[s 43]

	(2)	The applicant may appeal to the Planning and Environment Court against the review decision.	1 2	
	(3)	The appeal must be started within the standard appeal period.	3 4	
Clause 43		Amendment of s 99BRBV (Lodging appeal stops particular actions)	5 6	
		Section 99BRBV(1), from ‘an appeal’ to ‘charge decision’—	7	
		<i>omit, insert—</i>	8	
		an appeal, other than an appeal under section 99BRBP, is started under this division	9 10	
Clause 44		Renumbering of ss 99BRDD and 99BRDE	11	
		Sections 99BRDD and 99BRDE—	12	
		<i>renumber</i> as sections 99BRDQ and 99BRDR.	13	
Clause 45		Insertion of new ch 4C, pt 7	14	
		After section 99BRCB—	15	
		<i>insert—</i>	16	
		Part 7	Water infrastructure	17
		Division 1	Preliminary	18
		99BRCC Definitions for pt 7		19
		In this part—		20
		<i>additional payment condition</i> see section 99BRCU(1).		21 22
		<i>agreement</i> means an agreement in writing.		23
		<i>automatic increase provision</i> see section 99BRCG(3)(b).		24 25

-
- board decision** see section 99BRCF(1). 1
- breakup agreement** means an agreement entered 2
into by a distributor-retailer and its participating 3
local government under the Planning Act, section 4
632(2). 5
- establishment cost**, for a provision about trunk 6
infrastructure, means the following— 7
- (a) for existing infrastructure— 8
- (i) the value of the infrastructure as 9
reflected in the relevant 10
distributor-retailer’s asset register; and 11
- (ii) the current value of the land acquired 12
for the infrastructure; 13
- (b) for future infrastructure—all costs of land 14
acquisition, and design and construction, for 15
the infrastructure. 16
- infrastructure charges schedule** see section 17
99BRCD. 18
- levied charge** see section 99BRCI(6). 19
- necessary infrastructure condition** see section 20
99BRCP(2). 21
- payer**, for a provision about a levied charge or for 22
a payment, means anyone who pays part or all of 23
the charge or payment. 24
- payment** includes a contribution by way of a 25
payment. 26
- PPI index** means the following— 27
- (a) generally—the producer price index for 28
construction 6427.0 (ABS PPI) index 29
number 3101—Road and Bridge 30
construction index for Queensland 31
published by the Australian Bureau of 32
Statistics; 33

-
- (a) if the infrastructure charges schedule is uploaded to the distributor-retailer’s website before the beginning of the day stated in the board decision as the day the charge takes effect—on the day stated in the board decision; or
 - (b) otherwise—the day the infrastructure charges schedule is uploaded to the distributor-retailer’s website.

Division 3 Charges for trunk infrastructure

Subdivision 1 Power to adopt charges

99BRCF Power to adopt charges by board decision

- (1) A distributor-retailer’s board may decide (a *board decision*) to adopt charges (each an *adopted charge*) for providing trunk infrastructure in relation to its water service or wastewater service.
- (2) However—
 - (a) a board decision does not, of itself, levy an infrastructure charge; and
 - (b) the making of a board decision is subject to subdivision 2; and
 - (c) an adopted charge must not be for—
 - (i) trunk infrastructure related to work or use of land authorised under the *Greenhouse Gas Storage Act 2009*, the *Mineral Resources Act 1989*, the *Petroleum Act 1923* or the *Petroleum and Gas (Production and Safety) Act 2004*; or

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- (ii) trunk infrastructure related to development in a priority development area under the *Economic Development Act 2012*. 1
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4
 - (3) A board decision must state the day when an adopted charge in the board decision is to take effect. 5
6
7
- Note—* 8
- See section 99BRCE(3). 9

Subdivision 2 Board decision 10

99BRCG Matters for board decision 11

- (1) An adopted charge may be made only if it is— 12
 - (a) permitted under the SPRP (adopted charges); and 13
14
 - (b) no more than the proportion of the maximum adopted charge for trunk infrastructure the distributor-retailer may have under— 15
16
17
18
 - (i) a breakup agreement to which it is a party; or 19
20
 - (ii) if it is not a party to a breakup agreement—the SPRP (adopted charges). 21
22
23
- (2) There may be different adopted charges for providing trunk infrastructure in different parts of the distributor-retailer’s geographic area. 24
25
26
- (3) Also, a board decision may do the following— 27
 - (a) declare there is no adopted charge for part or all of the distributor-retailer’s geographic area; 28
29
30

-
- (b) provide for automatic increases in levied charges from when they are levied to when they are paid (an *automatic increase provision*). 1
2
3
4
- (4) However, an automatic increase provision must state how increases under it are to be worked out. 5
6
- (5) Also, the automatic increase must not be more than the lesser of the following— 7
8
- (a) the difference between the levied charge and the amount mentioned in subsection (1)(b) the distributor-retailer could have levied for the trunk infrastructure when the charge is paid; 9
10
11
12
13
- (b) the increase for the PPI index for the period starting on the day the levied charge was levied and ending on the day it is paid, adjusted by reference to the 3-yearly PPI index average. 14
15
16
17
18
- (6) In this section— 19
- 3-yearly PPI index average* means the PPI index smoothed in accordance with the 3-year moving average quarterly percentage change between quarters. 20
21
22
23
- maximum adopted charge*, for trunk infrastructure, means the maximum for an adopted charge for the infrastructure imposed under an SPRP (adopted charges), as mentioned in the Planning Act, section 629(1) as the amount of that maximum is changed, from time to time, under the Planning Act, section 629(2). 24
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99BRCH Working out cost of infrastructure for offset or refund 31
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- (1) For the purpose of working out an offset or refund under this part, a board decision must 33
34

[s 45]

- include a method for working out the cost of the 1
infrastructure the subject of the offset or refund. 2
- (2) The method must be consistent with the 3
parameters for the purpose provided for under— 4
- (a) the SPRP (adopted charges); or 5
- (b) if the parameters are not provided for under 6
the SPRP (adopted charges)—a guideline 7
mentioned in the Planning Act, section 8
633(2)(b). 9

Subdivision 3 Levying charges 10

99BRCI When charge may be levied and recovered 11

- (1) This section applies if— 12
- (a) a distributor-retailer has given a water 13
approval; and 14
- (b) an adopted charge applies for providing the 15
trunk infrastructure; and 16
- (c) the connection the subject of the water 17
approval is not being carried out by a public 18
sector entity on designated land under the 19
Planning Act. 20
- (2) The distributor-retailer must give the applicant 21
for the water approval an infrastructure charges 22
notice. 23
- (3) The distributor-retailer may give the 24
infrastructure charges notice only within 10 25
business days after the distributor-retailer gives 26
the applicant a decision notice under section 27
99BRAI or a notice under section 99BRAU(5). 28
- (4) Subsection (3) is subject to any provision under 29
which an infrastructure charges notice may be 30
amended or replaced. 31

Note—

- See sections 99BRAK(5)(c), 99BRDC(3) and 99BRDH(4). 1
2
3
- (5) The infrastructure charges notice lapses if the water approval stops having effect. 4
5
- (6) If the infrastructure charges notice levies on the applicant an amount for a charge worked out by applying the adopted charge (a *levied charge*), the following apply for the levied charge— 6
7
8
9
- (a) its amount is subject to sections 99BRCJ and 99BRCT; 10
11
- (b) it is payable by the applicant; 12
- (c) it attaches to the land; 13
- (d) it only becomes payable as provided for under subdivision 4; 14
15
- (e) it is subject to any agreement under section 99BRCM(1); 16
17
- (f) the distributor-retailer may recover from the applicant the amount, or part of the amount, of the charge as a debt. 18
19
20
- (7) In this section— 21
- public sector entity* see the Planning Act, schedule 3. 22
23

99BRCJ Limitation of levied charge 24

- (1) A levied charge may be only for additional demand placed upon trunk infrastructure that will be generated by the connection the subject of the water approval. 25
26
27
28
- (2) In working out additional demand, the following relating to the premises must not be included— 29
30

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- | | | |
|-----|--|------------------|
| (a) | existing demand for a water service or waste water service that is the subject of an existing water approval; | 1
2
3 |
| (b) | existing uses that are lawful and already taking place on the premises; | 4
5 |
| (c) | other development that may be lawfully carried out on the premises without the need for a further development permit under the Planning Act. | 6
7
8
9 |

99BRCK Requirements for infrastructure charges notice 10
11

- | | | |
|------|---|----------------|
| (1) | An infrastructure charges notice must state all of the following for the levied charge— | 12
13 |
| (a) | its current amount; | 14 |
| (b) | how it has been worked out; | 15 |
| (c) | the land; | 16 |
| (d) | when it will be payable under section 99BRCL (without considering any possible water infrastructure agreement); | 17
18
19 |
| (e) | if an automatic increase provision applies— | 20 |
| (i) | that it is subject to automatic increases; and | 21
22 |
| (ii) | how the increases are worked out under the provision; | 23
24 |
| (f) | whether an offset or refund under this part applies and, if so, details of the offset or refund. | 25
26
27 |
| (2) | The infrastructure charges notice must also include, or be accompanied by, an information notice about the decision to give the notice. | 28
29
30 |

Subdivision 4 Payment	1
99BRCL Payment triggers generally	2
(1) A levied charge for trunk infrastructure becomes payable—	3 4
(a) if the charge applies for a water approval and there is a related reconfiguring of a lot that is assessable development or development requiring compliance assessment—when the network connection is made; or	5 6 7 8 9 10
(b) otherwise—when the property service connection is made.	11 12
(2) This section is subject to any relevant water infrastructure agreement.	13 14
(3) In this section—	15
<i>assessable development</i> see the Planning Act, schedule 3.	16 17
99BRCM Agreements about payment or provision instead of payment	18 19
(1) The recipient of an infrastructure charges notice and the distributor-retailer that gave it may agree about either or both of the following—	20 21 22
(a) whether the levied charge may be paid other than as required under section 99BRCL, including whether it may be paid by instalments;	23 24 25 26
(b) whether infrastructure may be provided instead of paying part or all of the levied charge.	27 28 29
(2) If the levied charge is subject to an automatic increase provision, the agreement must state how	30 31

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increases in the charges are payable under the 1
agreement. 2

Subdivision 5 Changing charges 3

99BRCN Application of Planning Act, ch 8, pt 2, div 4 1, sdiv 5 5

The Planning Act, chapter 8, part 2, division 1, 6
subdivision 5 applies to an infrastructure charges 7
notice given by a distributor-retailer with any 8
necessary changes, as if a reference in the subdivision 9
to— 10

- (a) an infrastructure charges notice were a 11
reference to an infrastructure charges notice 12
under this Act; and 13
- (b) the local government that gave the 14
infrastructure charges notice were the 15
distributor-retailer that gave the 16
infrastructure charges notice under this Act; 17
and 18
- (c) the relevant appeal period were a reference 19
to the period within which the recipient of 20
the infrastructure charges notice may make 21
an internal review application under part 4, 22
division 2 of this Act about the decision to 23
give an infrastructure charges notice. 24

Subdivision 6 Miscellaneous 25

99BRCO Distributor-retailer may supply different 26 trunk infrastructure from that identified in a 27 water netserv plan 28

A distributor-retailer may supply different trunk 29
infrastructure from the infrastructure identified in its 30

water netserv plan if the infrastructure supplied	1	
delivers the same desired standard of service identified	2	
in the plan.	3	
Division 4	Water approval conditions	4
	about trunk infrastructure	5
Subdivision 1	Conditions for necessary	6
	trunk infrastructure	7
99BRCP Application and operation of sdiv 1		8
(1) This subdivision applies if trunk infrastructure	9	
necessary to service the premises the subject of a	10	
water approval (the <i>subject premises</i>)—	11	
(a) has not been provided; or	12	
(b) has been provided but is inadequate.	13	
(2) Sections 99BRCQ and 99BRCR provide for a	14	
distributor-retailer to be able to impose particular	15	
water approval conditions (each condition is a	16	
<i>necessary infrastructure condition</i>) on any	17	
water approval given.	18	
99BRCQ Necessary infrastructure condition for	19	
infrastructure identified in water netserv plan	20	
(1) This section applies if the distributor-retailer's	21	
water netserv plan identifies adequate trunk	22	
infrastructure to service the subject premises.	23	
(2) The distributor-retailer may impose a water	24	
approval condition requiring either or both of the	25	
following to be provided at a stated time—	26	
(a) the identified infrastructure;	27	

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- (b) different trunk infrastructure delivering the same desired standard of service. 1
2

99BRCR Necessary infrastructure condition for other infrastructure 3
4

- (1) This section applies if the distributor-retailer's water netserv plan does not identify adequate trunk infrastructure to service the subject premises. 5
6
7
8
- (2) The distributor-retailer may impose a water approval condition that requires trunk infrastructure necessary to service the premises to be provided at a stated time. 9
10
11
12
- (3) However, the distributor-retailer may impose a condition under subsection (2) only if the infrastructure is trunk infrastructure that services a connection— 13
14
15
16
 - (a) consistent with the assumptions about the type, scale, location, timing or intensity of future development stated in the water netserv plan; and 17
18
19
20
 - (b) for premises completely inside the connection area and future connection area. 21
22

99BRCS Deemed compliance with reasonable or relevant requirement 23
24

- (1) A necessary infrastructure condition is taken to comply with section 99BRAJ(1) if— 25
26
 - (a) generally, the infrastructure required is— 27
 - (i) necessary to service the subject premises; and 28
29
 - (ii) the most efficient and cost-effective solution for servicing other premises in 30
31

-
- the general area of the subject premises; and
- (b) for a necessary infrastructure condition that requires the provision of the infrastructure on the subject premises, its provision—
- (i) is not an unreasonable imposition on the connection; and
- (ii) is reasonably required for the connection.
- (2) To remove any doubt, it is declared that a necessary infrastructure condition may be imposed for infrastructure even if it will service premises other than the subject premises.

99BRCT Offset or refund requirements

- (1) This section applies if—
- (a) trunk infrastructure the subject of a necessary infrastructure condition services, or is planned to service, premises other than the subject premises; and
- (b) an adopted charge applies for the trunk infrastructure.
- (2) If the cost of the infrastructure required to be provided under the condition is equal to or less than the amount worked out by applying the adopted charge, the cost must be offset against that amount.
- Note—*
- For how the cost is worked out, see sections 99BRCH and 99BRDC.
- (3) If the cost of the infrastructure required to be provided under the condition is more than the amount worked out by applying the adopted charge—

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- (a) there is no amount payable by the applicant for the relevant water approval; and
- (b) the distributor-retailer must refund the applicant the proportion of the establishment cost of the trunk infrastructure that—
 - (i) may be apportioned reasonably to users of premises other than the subject premises; and
 - (ii) has been, is or is to be the subject of a levied charge.
- (4) Timing of the refund is subject to terms agreed between the payer and the distributor-retailer.

Subdivision 2 Conditions for additional trunk infrastructure costs

99BRCU Power to impose

- (1) A distributor-retailer may impose a condition (an *additional payment condition*) on a water approval requiring the payment of additional trunk infrastructure costs if—
 - (a) the connection—
 - (i) will generate infrastructure demand of more than that required to service the type, scale or intensity of future development assumed in the water netserv plan; or
 - (ii) will require new trunk infrastructure earlier than when identified in the distributor-retailer’s water netserv plan; or

-
- (iii) is for premises completely or partly outside the connection area and future connection area; and
- (b) the connection would impose additional trunk infrastructure costs on the distributor-retailer after taking into account either or both of the following—
- (i) levied charges for the trunk infrastructure;
- (ii) trunk infrastructure provided, or to be provided, by the applicant under this part.
- (2) An additional payment condition is taken to comply with section 99BRAJ(1) to the extent the infrastructure is necessary, but not yet available, to service the connection.
- (3) Subsection (2) applies even if the infrastructure is also intended to service other premises.
- (4) The power to impose an additional payment condition is subject to the rest of this subdivision.

99BRCV Content of additional payment condition

- (1) An additional payment condition must state all of the following—
- (a) why it was imposed;
- (b) the amount of the payment to be made under the condition;
- (c) details of the trunk infrastructure for which the payment is required;
- (d) when the amount becomes payable (the *payment time*);

[s 45]

- (e) that the applicant may, instead of making the payment, elect to provide part or all of the trunk infrastructure; 1
2
3
- (f) if the applicant so elects— 4
 - (i) any requirements for providing the trunk infrastructure; and 5
6
 - (ii) when it must be provided. 7
- (2) Unless the applicant and the distributor-retailer otherwise agree, the payment time is— 8
9
 - (a) if the trunk infrastructure is necessary to service the premises—by the day the connection, or work associated with the connection, starts; or 10
11
12
13
 - (b) if the trunk infrastructure is not necessary to service the premises— 14
15
 - (i) for a connection associated with reconfiguring a lot—when the network connection is made; or 16
17
18
 - (ii) for other connections—when the property service connection is made. 19
20

99BRCW Restriction if connection completely in connection area and future connection area 21
22

- (1) This section applies for an additional payment condition imposed by a distributor-retailer for a connection completely inside the connection area and future connection area. 23
24
25
26
- (2) The additional payment condition may require a payment only as follows— 27
28
 - (a) for trunk infrastructure to be provided earlier than planned in the water netserv plan, the difference between— 29
30
31

-
- (i) the establishment cost of the infrastructure made necessary by the connection; and
 - (ii) the amount of any charge paid for the trunk infrastructure;
- (b) for infrastructure associated with a different type, scale or intensity of future development from that assumed in the water netserv plan—the establishment cost of any additional trunk infrastructure made necessary by the connection.

99BRCX Other area restrictions

- (1) This section applies for an additional payment condition imposed by a distributor-retailer for a connection completely or partly outside the connection area and future connection area.
- (2) The additional payment condition may only require the payment of—
 - (a) the establishment cost of trunk infrastructure that is—
 - (i) made necessary by the connection; and
 - (ii) needed to service the rest of the connection area and future connection area; and
 - (b) either or both of the following establishment costs of any temporary infrastructure—
 - (i) costs required to ensure the safe or efficient operation of infrastructure needed to service the connection;
 - (ii) costs made necessary by the connection; and

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- (c) any decommissioning, removal and rehabilitation costs of the temporary infrastructure; and 1
2
3
- (d) the maintenance and operating costs for up to 5 years of the infrastructure and temporary infrastructure as mentioned in paragraphs (a) and (b). 4
5
6
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99BRCY Refund if connection in connection area and future connection area 8
9

- (1) This section applies for an additional payment condition imposed by a distributor-retailer for a connection completely inside the connection area and future connection area. 10
11
12
13
- (2) The distributor-retailer must refund the payer the proportion of the establishment cost of the infrastructure that— 14
15
16
 - (a) may be apportioned reasonably to other users of the infrastructure; and 17
18
 - (b) has been, is or is to be, the subject of a levied charge by the distributor-retailer. 19
20
- (3) Timing of the refund is subject to terms agreed between the payer and distributor-retailer. 21
22

99BRCZ Refund if water approval ceases 23

- (1) This section applies if— 24
 - (a) a water approval subject to an additional payment condition no longer has effect; and 25
26
 - (b) a payment has been made under the condition; and 27
28
 - (c) construction of the infrastructure the subject of the condition has not substantially started before the water approval no longer has effect. 29
30
31
32

-
- (2) The distributor-retailer must refund the payer any part of the payment the distributor-retailer has not spent, or contracted to spend, on designing and constructing the infrastructure. 1
2
3
4
- (3) Timing of the refund is subject to terms agreed between the payer and distributor-retailer. 5
6

99BRDA Additional payment condition does not affect other powers 7
8

To remove any doubt, it is declared that the imposition of an additional payment condition does not prevent a distributor-retailer from doing the following— 9
10
11

- (a) adopting charges for trunk infrastructure or levying charges; 12
13
- (b) imposing a condition for non-trunk infrastructure; 14
15
- (c) imposing a necessary infrastructure condition. 16
17

Subdivision 3 Miscellaneous provisions 18

99BRDB No conditions on State infrastructure suppliers 19
20

- (1) A distributor-retailer can not impose a condition under this division on a supplier of State infrastructure. 21
22
23
- (2) In this section— 24
State infrastructure see the Planning Act, 25
schedule 3. 26

99BRDC Working out cost for required offset or refund 27
28

- (1) This section applies if— 29

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(a)	a distributor-retailer has given an applicant for a water approval—	1 2
(i)	a water approval under which the applicant is required to provide trunk infrastructure; and	3 4 5
(ii)	an infrastructure charges notice that includes details of an offset or refund under this part relating to the establishment cost of the trunk infrastructure; and	6 7 8 9 10
(b)	the applicant does not agree with the value of the establishment cost.	11 12
(2)	The applicant may, by notice to the distributor-retailer, require it to use the method under the relevant infrastructure charges schedule to recalculate the establishment cost.	13 14 15 16
(3)	By notice to the applicant, the distributor-retailer must amend the existing infrastructure charges notice.	17 18 19
(4)	The amended infrastructure charges notice must adopt the method to work out the establishment cost.	20 21 22
Division 5	Miscellaneous provisions about trunk infrastructure	23 24
Subdivision 1	Conversion of particular non-trunk infrastructure before construction starts	25 26 27
99BRDD Application of sdiv 1		28
	This subdivision applies if—	29

-
- (a) a particular water approval condition under section 99BRDJ requires non-trunk infrastructure to be provided; and
 - (b) the construction of the non-trunk infrastructure has not started.

99BRDE Application to convert infrastructure to trunk infrastructure

- (1) The applicant for the water approval may apply (a *conversion application*) to convert the non-trunk infrastructure to trunk infrastructure.
- (2) The application must be made to the distributor-retailer in writing.

99BRDF Deciding conversion application

- (1) The distributor-retailer must consider and decide the conversion application within the required period.
- (2) A regulation may prescribe criteria relevant to a decision about a conversion application.
- (3) However, at any time before making the decision, the distributor-retailer may give a notice (an *information requirement*) to the applicant requiring the applicant to give information the distributor-retailer reasonably needs to make the decision.
- (4) The notice must state—
 - (a) what information it requires; and
 - (b) a period of at least 10 business days for giving the information; and
 - (c) the effect of subsection (5).

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- (5) The application lapses if the applicant does not comply with the notice within the later of the following—
- (a) the period stated in the notice for giving the information;
 - (b) any later period, as agreed within the period stated in the notice, between the distributor-retailer and the applicant.
- (6) In this section—
- required period*** means 30 business days after—
- (a) generally—the making of the application; or
 - (b) if an information requirement is made—the requirement is complied with.
- 99BRDG Notice of decision**
- (1) As soon as practicable after deciding the conversion application, the distributor-retailer must give the applicant notice of the decision.
 - (2) If the decision is to convert the non-trunk infrastructure to trunk infrastructure, the notice must state whether an offset or refund under this part applies and, if it does, details of the offset or refund.
 - (3) If the decision is not to convert the non-trunk infrastructure to trunk infrastructure, the notice must be an information notice about the decision.
- 99BRDH Effect of and action after conversion**
- (1) This section applies if the decision on a conversion application is to convert the non-trunk infrastructure to trunk infrastructure.
- Note—*
- See schedule, definition *trunk infrastructure*.

-
- (2) The relevant water approval condition requiring the non-trunk infrastructure to be provided no longer has effect. 1
2
3
- (3) Within 20 business days after making the decision, the distributor-retailer may amend the water approval by imposing a necessary infrastructure condition for the trunk infrastructure. 4
5
6
7
8
- (4) If a necessary infrastructure condition is imposed, the distributor-retailer must also do either of the following within 10 business days after the imposition for the purposes of section 99BRCT(2) or (3)(b)— 9
10
11
12
13
- (a) give an infrastructure charges notice; 14
- (b) amend, by notice to the applicant, any existing infrastructure charges notice for the water approval. 15
16
17
- (5) For taking action under subsections (3) and (4), divisions 3 and 4 and part 4 apply as if— 18
19
- (a) a water approval were a reference to the conversion; and 20
21
- (b) a levied charge were a reference to the amendment of the levied charge. 22
23

Subdivision 2 Other provisions 24

99BRDI Application of levied charge 25

- (1) A levied charge paid to a distributor-retailer must be used to provide trunk infrastructure. 26
27
- (2) To remove any doubt, it is declared that the amount paid need not be held in trust by the distributor-retailer. 28
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Division 6	Non-trunk infrastructure	1
99BRDJ Conditions distributor-retailers may impose		2 3
(1)	This section applies for the imposition by a distributor-retailer of a water approval condition about non-trunk infrastructure.	4 5 6
(2)	The condition may be only about providing development infrastructure for 1 or more of the following—	7 8 9
(a)	a network, or part of a network, internal to the premises;	10 11
(b)	connecting the premises to external infrastructure networks;	12 13
(c)	protecting or maintaining the safety or efficiency of the water infrastructure network of which the non-trunk infrastructure is a component.	14 15 16 17
(3)	The condition must state the infrastructure to be provided and when it must be provided.	18 19
Division 7	Water infrastructure agreements	20 21
99BRDK Water infrastructure agreement		22
	<i>A water infrastructure agreement</i> is an agreement, as amended from time to time, mentioned in any of the following—	23 24 25
	• section 99BRCM(1)	26
	• section 99BRCT(4)	27
	• section 99BRCV(2)	28
	• section 99BRCY(3)	29

• section 99BRCZ(3)	1
• section 99BRDP(1).	2
99BRDL Obligation to negotiate in good faith	3
(1) This section applies if—	4
(a) a distributor-retailer proposes to another entity that they enter into a water infrastructure agreement; or	5 6 7
(b) another entity proposes to a distributor-retailer that they enter into a water infrastructure agreement.	8 9 10
(2) The distributor-retailer or other entity to whom the proposal is made must, in writing, tell the proponent if it agrees to entering into negotiations for an infrastructure agreement.	11 12 13 14
(3) In negotiating an infrastructure agreement, the distributor-retailer and the other entity must act in good faith.	15 16 17
<i>Examples of actions that subsection (3) requires—</i>	18
• disclosing to the other party to the negotiation in a timely way information relevant to entering into the proposed agreement	19 20 21
• considering and responding in a timely way to the other party’s proposals about the proposed agreement	22 23
• giving reasons for each response	24
99BRDM Content of water infrastructure agreement	25 26
A water infrastructure agreement must—	27
(a) if obligations under it would be affected by a change in the ownership of land the subject of the agreement—include a statement about how the obligations must be fulfilled in that event; and	28 29 30 31 32

[s 45]

- (b) include any other matters required by regulation to be included. 1
2

99BRDN When water infrastructure agreement binds successors in title 3
4

- (1) This section applies if the owner of land to which a water infrastructure agreement applies is a party to the agreement or consents to the water connection obligations being attached to the land. 5
6
7
8
- (2) The water connection obligations under the water infrastructure agreement attach to the land and bind the owner and the owner's successors in title of the land. 9
10
11
12
- (3) If the owner's consent under subsection (1) is given but not endorsed on the water infrastructure agreement, the owner must give a copy of the document evidencing the owner's consent to the distributor-retailer for the land to which the consent applies. 13
14
15
16
17
18
- (4) Despite subsection (2), subsections (5) and (6) apply if— 19
20
- (a) the water infrastructure agreement states that if the land is subdivided, part of the land is to be released from the water connection obligations; and 21
22
23
24
- (b) the land is subdivided. 25
- (5) The part is released from the water connection obligations. 26
27
- (6) The water connection obligations are no longer binding on the owner of the part. 28
29
- (7) In this section— 30
public sector entity see the Planning Act, schedule 3. 31
32

water connection obligation means an obligation 1
under the water infrastructure agreement other 2
than an obligation to be fulfilled by a public 3
sector entity. 4

**99BRDO Water infrastructure agreement prevails 5
over water approval and infrastructure 6
charges notice 7**

If a water infrastructure agreement is inconsistent with 8
a water approval or infrastructure charges notice, the 9
agreement prevails to the extent of the inconsistency. 10

99BRDP Agreement for infrastructure partnerships 11

- (1) A person may enter into an agreement with a 12
distributor-retailer about— 13
- (a) providing or funding infrastructure; or 14
- (b) refunding payments made towards the cost 15
of providing or funding infrastructure. 16
- (2) Subsection (1) has effect despite section 99BRAJ 17
and divisions 2 to 6. 18

**Clause 46 Amendment of s 99BT (Keeping particular documents 19
available for inspection and purchase) 20**

- (1) Section 99BT(1)— 21
insert— 22
- (ab) all supporting material used to draft its 23
water netserv plan; 24
- (2) Section 99BT(1)(d)(iii), after ‘agreement’— 25
insert— 26
and water infrastructure agreement 27
- (3) Section 99BT(1)(d)— 28
insert— 29

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	(vi) each document mentioned in the water netserv plan used to prepare the plan.	1 2	
Clause 47	Amendment of s 140 (Schedule of works for distributor-retailers before 1 October 2014)	3 4	
	Section 140(4)—	5	
	<i>omit, insert—</i>	6	
	(4) A reference to a water netserv plan in any of the following provisions is taken to be a reference to the schedule of works adopted by the distributor-retailer’s board under subsection (1)—	7 8 9 10 11	
	(a) section 99BRCO, 99BRCQ, 99BRCR, 99BRCU or 99BRCW;	12 13	
	(b) the schedule, definition <i>trunk infrastructure</i> .	14	
Clause 48	Insertion of new ch 6, pt 10	15	
	After section 140—	16	
	<i>insert—</i>	17	
	Part 10	Transitional provisions for Sustainable Planning (Infrastructure Charges) and Other Legislation Amendment Act 2014	18 19 20 21 22 23 24
	141 Transitional regulation-making power	25	
	(1) A regulation (a <i>transitional regulation</i>) may make provision of a saving or transitional nature for which it is necessary to make provision to	26 27 28	

	allow or facilitate the change from the operation of the unamended Act to the operation of the amended Act.	1 2 3
(2)	A transitional regulation may have retrospective operation to a day that is not earlier than the commencement.	4 5 6
(3)	A transitional regulation must declare it is a transitional regulation.	7 8
(4)	This section and any transitional regulation expire 1 year after the commencement.	9 10
(5)	In this section—	11
	<i>amended Act</i> means this Act as in force after the commencement.	12 13
	<i>commencement</i> means the day this section commences.	14 15
	<i>unamended Act</i> means this Act as in force immediately before the commencement.	16 17
Clause 49	Amendment of schedule (Dictionary)	18
(1)	Schedule, definitions <i>non-trunk infrastructure</i> , <i>premises</i> and <i>priority infrastructure plan</i> —	19 20
	<i>omit</i> .	21
(2)	Schedule—	22
	<i>insert</i> —	23
	<i>additional payment condition</i> , for chapter 4C, part 7, see section 99BRCC.	24 25
	<i>adopted charge</i> , for chapter 4C, see section 99BRCF(1).	26 27
	<i>agreement</i> , for chapter 4C, part 7, see section 99BRCC.	28 29
	<i>automatic increase provision</i> , for chapter 4C, part 7, see section 99BRCG(3)(b).	30 31

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<i>board decision</i> , for chapter 4C, part 7, see section 99BRCF(1).	1 2
<i>building and development committee</i> means a building and development dispute resolution committee established under the Planning Act.	3 4 5
<i>charges breakup</i> see the Planning Act, section 627.	6 7
<i>charge decision</i> , for chapter 4C, part 4, see section 99BRAX.	8 9
<i>conversion application</i> see section 99BRDE(1).	10
<i>conversion decision</i> , for chapter 4C, part 4, see section 99BRAX.	11 12
<i>deemed refusal</i> , for a conversion application, see section 99BRAX.	13 14
<i>establishment cost</i> , for chapter 4C, part 7, see section 99BRCC.	15 16
<i>infrastructure charges notice</i> means—	17
(a) if paragraphs (b) and (c) do not apply—an infrastructure charges notice given under section 99BRCI(2) or 99BRDH(4)(a); or	18 19 20
(b) if, under the Planning Act, section 643(1), as applied under section 99BRCN, a negotiated notice within the meaning of the Planning Act, section 643(1) replaces an existing infrastructure charges notice—the negotiated notice; or	21 22 23 24 25 26
(c) if an existing infrastructure charges notice is amended or replaced under section 99BRAK(5)(c), 99BRDC(3) or 99BRDH(4)(b)—the notice as amended or replaced.	27 28 29 30 31
<i>infrastructure charges schedule</i> , for chapter 4C, part 7, see section 99BRCD.	32 33

<i>levied charge</i> , for chapter 4C, part 7, see section 99BRCI(6).	1 2
<i>LGIP</i> means an LGIP under the Planning Act.	3
<i>necessary infrastructure condition</i> , for chapter 4C, part 7, see section 99BRCP(2).	4 5
<i>non-trunk infrastructure</i> , for a distributor-retailer, means water infrastructure of the distributor-retailer that is development infrastructure, other than trunk infrastructure.	6 7 8 9
<i>payer</i> , for a provision about a levied charge or for a payment, see section 99BRCC.	10 11
<i>payment</i> , for chapter 4C, part 7, see section 99BRCC.	12 13
<i>PPI index</i> , for chapter 4C, part 7, see section 99BRCC.	14 15
<i>premises</i> —	16
(a) for chapter 4C, part 7—see section 99BRCC; or	17 18
(b) otherwise, means—	19
(i) a lot as defined under the Planning Act, section 10(1); or	20 21
(ii) for a lot under the <i>Body Corporate and Community Management Act 1997</i> or the <i>Building Units and Group Titles Act 1980</i> —the common property for the lot.	22 23 24 25 26
<i>reconfiguring a lot</i> see the Planning Act, section 10(1).	27 28
<i>required period</i> , for a conversion application, see section 99BRDF(6).	29 30
<i>SPRP (adopted charges)</i> , for chapter 4C, part 7, see section 99BRCC.	31 32

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	<i>standard appeal period</i> , for chapter 4C, part 4, see section 99BRAX.	1 2
	<i>subject premises</i> , for chapter 4C, part 7, see section 99BRCP(1).	3 4
	<i>water infrastructure agreement</i> see section 99BRDK.	5 6
(3)	Schedule, definition <i>development infrastructure</i> , ‘schedule 3’—	7 8
	<i>omit, insert</i> —	9
	section 627	10
(4)	Schedule, definition <i>distributor-retailer</i> —	11
	<i>insert</i> —	12
	(g) for a provision about an infrastructure charges notice—means the distributor-retailer that gave the notice.	13 14 15
(5)	Schedule, definition <i>information notice</i> , paragraph (b), before ‘the Water’—	16 17
	<i>insert</i> —	18
	this Act or	19
(6)	Schedule, definition <i>planning assumptions</i> , paragraphs (a)(i), (b)(i) and (c)(i), ‘priority infrastructure plans’—	20 21
	<i>omit, insert</i> —	22
	LGIPs	23
(7)	Schedule, definition <i>planning assumptions</i> , paragraphs (a)(ii), (b)(ii) and (c)(ii), ‘priority infrastructure plan’—	24 25
	<i>omit, insert</i> —	26
	LGIP	27
(8)	Schedule, definition <i>trunk infrastructure</i> , paragraphs (a) and (b)—	28 29
	<i>omit, insert</i> —	30

	(a) development infrastructure identified in the distributor-retailer’s water netserv plan as trunk infrastructure; or	1 2 3	
	(b) development infrastructure that, because of a conversion application, becomes trunk infrastructure.	4 5 6	
Division 2	State Development and Public Works Organisation Act 1971	7 8	
Clause 50	Act amended	9	
	This division amends the <i>State Development and Public Works Organisation Act 1971</i> .	10 11	
Clause 51	Amendment of s 24 (Definitions for pt 4)	12	
	Section 24, definitions <i>properly made submission</i> and <i>submission period</i> —	13 14	
	<i>omit</i> .	15	
Clause 52	Insertion of new pt 4A	16	
	After section 54G—	17	
	<i>insert</i> —	18	
	Part 4A	Assessment and approval of particular coordinated projects under bilateral agreement	19 20 21 22 23
	Division 1	Preliminary	24

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54H Application and purpose of pt 4A

- | | |
|--|---|
| | 1 |
| (1) This part applies if— | 2 |
| (a) a bilateral agreement made under the Commonwealth Environment Act— | 3
4 |
| (i) is in force between the State and the Commonwealth; and | 5
6 |
| (ii) declares that actions in a class of actions specified in the agreement do not require approval under the Commonwealth Environment Act, part 9 for specified provisions because the actions have been approved under a bilaterally accredited authorisation process; and | 7
8
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14 |
| (b) this part has been accredited by the Commonwealth Minister under the Commonwealth Environment Act, section 46(2A), as the authorisation process for the purposes of the bilateral agreement. | 15
16
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| (2) The purpose of this part is to provide for a process, to be accredited as mentioned in subsection (1)(b), for coordinated projects that are within the scope of the bilateral agreement to be— | 20
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23
24 |
| (a) assessed in relation to their likely impact on particular environmental matters that are otherwise regulated under the Commonwealth Environment Act; and | 25
26
27
28 |
| (b) approved, either with or without conditions to protect, repair or mitigate damage to the environmental matters, or refused. | 29
30
31 |
| (3) For this part, a coordinated project is <i>within the scope of the bilateral agreement</i> if the project— | 32
33 |
| (a) is an action within the class of actions specified in the agreement that the | 34
35 |

declaration mentioned in subsection (1)(a)(ii) applies to; and	1 2
(b) has had, will have or is likely to have an impact on an environmental matter protected by a specified provision.	3 4 5
54I Definitions for pt 4A	6
In this part—	7
<i>accepted submissions</i> , for a coordinated project or amendment application, means either or both of the following—	8 9 10
(a) all of the properly made submissions received about the project or application;	11 12
(b) any other submissions about the project or the application accepted by the Coordinator-General;	13 14 15
to the extent the submissions relate to an environmental matter protected by a specified provision or another provision of the Commonwealth Act, part 3.	16 17 18 19
<i>action</i> see the Commonwealth Environment Act, sections 523, 524 and 524A.	20 21
<i>assessment report</i> see section 54W(4).	22
<i>bilateral agreement</i> means the bilateral agreement mentioned in section 54H(1)(a) as in force from time to time.	23 24 25
<i>bilaterally accredited authorisation process</i> see the Commonwealth Environment Act, section 46(2A).	26 27 28
<i>bilateral project declaration</i> see section 54J(1).	29
<i>coordinated project declaration</i> means a declaration made by the Coordinator-General as mentioned under section 26(1)(a) or (b).	30 31 32

[s 52]

- environmental approval*** means— 1
- (a) an approval issued under section 54Y that 2
approves the undertaking of a coordinated 3
project for each environmental matter 4
protected by a specified provision stated in 5
the approval; or 6
 - (b) if that approval is amended as mentioned in 7
section 54ZE—the amended approval issued 8
under that section. 9
- environmental law*** means a law of the 10
Commonwealth or a State about the protection of 11
the environment or the conservation and 12
sustainable use of natural resources. 13
- environmental matter protected*** means a matter 14
protected by a provision of the Commonwealth 15
Environment Act, part 3, as mentioned in section 16
34 of that Act. 17
- environmental record***, of a proponent or 18
proposed new proponent of a coordinated project, 19
means— 20
- (a) any proceedings under an environmental 21
law to which the proponent has been a party; 22
and 23
 - (b) if the proponent is a corporation—the 24
proponent’s environmental policies and 25
planning framework. 26
- impact*** see the Commonwealth Environment Act, 27
section 527E. 28
- information requirement notice*** see section 29
54S(2). 30
- protected matters report*** means a report about the 31
likely impacts of a coordinated project on each 32
environmental matter protected by a specified 33
provision. 34

specified provision means a provision of the Commonwealth Environment Act specified in the bilateral agreement as a provision for which the agreement declares an action does not require approval under the Commonwealth Environment Act, part 9.

within the scope of the bilateral agreement, for a coordinated project, see section 54H(3).

Division 2 Coordinated projects to be assessed under this part

54J Declaration for coordinated project for this part

- (1) The Coordinator-General may declare (a *bilateral project declaration*) a coordinated project to be also a project to be assessed under this part for the purposes of the bilateral agreement.
- (2) The Coordinator-General may make a bilateral project declaration only if satisfied the coordinated project—
 - (a) is within the scope of the bilateral agreement; and
 - (b) is not likely to have a significant impact on an environmental matter protected by a provision of the Commonwealth Environment Act, part 3, that is not a specified provision.
- (3) However, the Coordinator-General must not make a declaration under subsection (1) about a coordinated project that is any of the following—
 - (a) an action that the Commonwealth Minister has decided, under the Commonwealth

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- Environment Act, section 75, is not a controlled action; 1
2
- (b) an action about which the Commonwealth Minister has made a decision, under the Commonwealth Environment Act, section 133, approving or refusing to approve the taking of the action; 3
4
5
6
7
- (c) an action the Commonwealth Minister has decided the Commonwealth Environment Act, part 7, division 1A applies to because the action would have unacceptable impacts on an environmental matter protected. 8
9
10
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- (4) A bilateral project declaration must be made by gazette notice. 13
14

54K Application for declaration 15

- (1) A person may apply to the Coordinator-General for a bilateral project declaration if the person is— 16
17
18
- (a) the applicant for a coordinated project declaration for a project; or 19
20
- (b) the proponent of a coordinated project. 21
- (2) The application must— 22
- (a) be in writing; and 23
- (b) briefly describe the impacts the project is likely to have on any environmental matter protected by a specified provision or another provision of the Commonwealth Environment Act, part 3; and 24
25
26
27
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- (c) include enough information about the project to allow the Coordinator-General to consider whether the project is a project mentioned in section 54J(2) or (3). 29
30
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-
- (3) The application may be made at the same time an application for a coordinated project declaration for the project is made.

54L Deciding application

- (1) The Coordinator-General must consider and decide each application received under section 54K.
- (2) Section 54J(2) and (3) applies for making the decision.
- (3) Also, in making the decision, the Coordinator-General must consider the bilateral agreement.
- (4) If the Coordinator-General decides to refuse the application, the Coordinator-General must give the applicant written notice of the decision and the reasons for it.

54M Cancellation of declaration

- (1) The Coordinator-General may cancel a bilateral project declaration for a coordinated project before making a decision under section 54T if—
- (a) the proponent of the project makes a written request to the Coordinator-General to cancel the declaration; or
- (b) the coordinated project declaration for the project is cancelled under section 27AF; or
- (c) the Coordinator-General is no longer satisfied about either or both of the matters mentioned in section 54J(2); or
- (d) the Coordinator-General considers the project is a project mentioned in section 54J(3)(a) to (c).

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- (2) If the Coordinator-General decides under subsection (1)(b) to (d) to cancel the declaration, the Coordinator-General must, within 14 days after the decision, give the proponent written notice of the decision and the reasons for it.
- (3) A decision to cancel the declaration takes effect on the later of—
- (a) the day the written notice is given to the proponent; or
- (b) the day of effect stated in the written notice.

54N Lapsing of declaration

The bilateral project declaration for a coordinated project lapses if the coordinated project declaration for the project lapses.

Note—

See section 27A.

Division 3 Assessment and approval process

54O Application of div 3

This division applies to a coordinated project if a bilateral project declaration has been made for the project.

54P Preparation of draft protected matters report

- (1) The proponent for the coordinated project must prepare a draft protected matters report and give it to the Coordinator-General.
- (2) The Coordinator-General may, by written notice, require the proponent to include information

-
- about a stated matter in the draft protected matters report. 1
2
- (3) The draft protected matters report must include the information required by— 3
4
- (a) a regulation; and 5
- (b) if the Coordinator-General gave the proponent a notice under subsection (2)—the notice. 6
7
8
- (4) The Coordinator-General may ask any person for information, advice or comment about the draft protected matters report. 9
10
11
- 54Q Public notification of draft protected matters report** 12
13
- (1) This section applies after the proponent has prepared a draft protected matters report for the coordinated project to the satisfaction of the Coordinator-General. 14
15
16
17
- (2) The proponent must publicly notify the draft protected matters report. 18
19
- (3) However, the proponent must publicly notify the draft protected matters report under subsection (2) when complying with section 33 in relation to the coordinated project only if— 20
21
22
23
- (a) the proponent is required to comply with section 33 in relation to the project; and 24
25
- (b) the bilateral project declaration for the project was made before the proponent complied with section 33. 26
27
28
- (4) For publicly notifying the draft protected matters report as required by subsection (2)— 29
30
- (a) section 33 applies as if a reference in that section to an EIS were to the report; and 31
32

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- (b) the proponent must comply with the requirements prescribed by regulation for the notification in a regulation; and
- (c) submissions about the report may be made under section 34 as if the report were an EIS; and
- (d) the submission period for the coordinated project set under section 33(1)(d) must be at least the minimum period prescribed by regulation.

54R Proponent must finalise protected matters report after public notification

- (1) After the end of the submission period for the coordinated project, the proponent must prepare a final protected matters report and give it to the Coordinator-General.
- (2) The final protected matters report must—
 - (a) summarise the accepted submissions; and
 - (b) state how the submissions have been addressed.

54S Coordinator-General may seek further information or comments

- (1) This section applies if, after receiving the final protected matters report under section 54R, the Coordinator-General considers further information is reasonably necessary for the Coordinator-General to consider the matters mentioned in section 54W.
- (2) The Coordinator-General may, by written notice (a *information requirement notice*), require the proponent to give the Coordinator-General the stated further information within the stated period.

-
- (3) The proponent must comply with the information requirement notice. 1
2
 - (4) The Coordinator-General may— 3
 - (a) extend the stated period for an information requirement notice; or 4
5
 - (b) give the proponent more than 1 information requirement notice. 6
7
 - (5) If the proponent does not comply with an information requirement notice within the stated period, the Coordinator-General may— 8
9
10
 - (a) make a decision under section 54T without the further information; or 11
12
 - (b) refuse to make a decision until the notice is complied with to the Coordinator-General’s satisfaction. 13
14
15
 - (6) The Coordinator-General may ask any person for information, advice or comment about the final protected matters report or the coordinated project. 16
17
18
19

54T Decision about approving undertaking of coordinated project 20
21

- (1) This section applies after— 22
 - (a) the Coordinator-General has received the final protected matters report under section 54R; and 23
24
25
 - (b) the earlier of the following happens— 26
 - (i) the proponent complies with all information requirement notices relating to the final report; 27
28
29
 - (ii) each period stated in an information requirement notice relating to the final report has ended. 30
31
32

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- (2) The Coordinator-General must decide— 1
 - (a) to approve the undertaking of all or part of 2
the coordinated project in relation to each of 3
the specified provisions; or 4
 - (b) to refuse to approve the project. 5
- (3) However, the Coordinator-General must not 6
approve the undertaking of the coordinated 7
project to the extent the project will impact an 8
environmental matter protected by a specified 9
provision in a way that, in the 10
Coordinator-General’s opinion, is unacceptable 11
or unsustainable. 12
- (4) To remove any doubt, it is declared that if the 13
Coordinator-General approves the undertaking of 14
only part of a project, the balance of the project is 15
refused. 16

54U Conditions 17

- (1) This section applies if the Coordinator-General 18
decides to approve the undertaking of the 19
coordinated project in relation to a specified 20
provision. 21
- (2) The Coordinator-General may decide to impose a 22
condition in relation to the specified provision if 23
satisfied the condition is necessary or convenient 24
to— 25
 - (a) protect an environmental matter protected 26
by the provision (whether or not the 27
protection is from the impact of the 28
coordinated project); or 29
 - (b) repair or mitigate damage to an 30
environmental matter protected by the 31
provision (whether or not the damage has 32
been, will be or is likely to be caused by the 33
coordinated project). 34

-
- (3) A condition may, for example, require 1 or more of the following—
- (a) an environmental offset as mentioned in the bilateral agreement;
 - (b) a stated amount to be paid to a stated person for the purpose of activities related to protecting, or repairing or mitigating damage to, an environmental matter protected by the specified provision;
 - (c) an environmental audit of the coordinated project to be carried out periodically by a person who is independent of the project;
 - (d) the preparation and implementation of a plan to manage the impacts of the coordinated project on the environmental matters protected by the specified provision;
 - (e) stated environmental monitoring or testing to be carried out;
 - (f) compliance with a stated industry standard or code of practice.
- (4) However, the Coordinator-General may only impose a condition on an environmental approval for a coordinated project that is not reasonably related to the project if the proponent consents to the condition being imposed.
- (5) The proponent may not withdraw consent to the imposition of a condition under subsection (4) after the condition has been imposed on the environmental approval.

54V Jurisdiction for conditions

- (1) If the Coordinator-General imposes 1 or more conditions on an environmental approval for a coordinated project, the Coordinator-General

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may nominate an entity that is to have 1
jurisdiction for the condition. 2

- (2) An entity may be nominated for 1 or more of the 3
conditions. 4

54W Criteria for decision 5

- (1) This section applies to the Coordinator-General 6
in deciding whether to issue an environmental 7
approval for the coordinated project or impose 8
conditions on the approval. 9
- (2) The Coordinator-General must— 10
- (a) consider all of the following— 11
- (i) the impacts the project has had, will 12
have or is likely to have, on each 13
environmental matter protected by a 14
specified provision; 15
- (ii) any criteria for the decision prescribed 16
by regulation; 17
- (iii) the protected matters report; 18
- (iv) any further information provided under 19
a notice under section 54S(2); 20
- (v) all accepted submissions for the 21
project; and 22
- (b) ensure the approval and conditions are not 23
inconsistent with the bilateral agreement. 24
- (3) Also, the Coordinator-General may consider— 25
- (a) the proponent’s environmental record; and 26
- (b) any other matter the Coordinator-General 27
considers relevant. 28
- (4) The Coordinator-General must prepare a report 29
(an *assessment report*) that— 30

-
- (a) demonstrates the Coordinator-General's consideration of the matters mentioned in subsections (2) and (3); and
 - (b) identifies the information and opinions, and the source of the information and opinions, on which the consideration is based.

54X Notice of decision

The Coordinator-General must give the proponent written notice of the Coordinator-General's decisions under sections 54T and 54U and a copy of the assessment report.

54Y Issuing environmental approval

- (1) If the Coordinator-General's decision under section 54T is to approve the undertaking of all or part of the coordinated project, the Coordinator-General must issue an environmental approval to the proponent.
- (2) The environmental approval must state each of the following—
 - (a) the proponent's name;
 - (b) the project, or part of the project, for which the approval is given;
 - (c) each specified provision for which the approval is given;
 - (d) the period for which the approval has effect;
 - (e) the conditions of the approval;
 - (f) for each condition—the nominated entity with jurisdiction for the condition.

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Division 4	Amendment of	1
	environmental approval	2
54Z Application for amendment		3
(1)	A proponent may apply to the Coordinator-General to amend an environmental approval (an <i>amendment application</i>) to—	4 5 6
(a)	change the coordinated project for which the approval is given; or	7 8
(b)	change a condition of the approval; or	9
(c)	extend the period for which the approval has effect; or	10 11
(d)	change the proponent of the coordinated project.	12 13
(2)	The amendment application must—	14
(a)	be in writing; and	15
(b)	describe the proposed amendment and the reasons for it; and	16 17
(c)	briefly describe the impacts the proposed amendment is likely to have on any environmental matter protected by a specified provision or another provision of the Commonwealth Environment Act, part 3; and	18 19 20 21 22 23
(d)	include enough information about the proposed amendment to allow the Coordinator-General to consider the matters mentioned in section 54ZC(2); and	24 25 26 27
(e)	if the application is to change the proponent of the coordinated project—	28 29
(i)	be accompanied by the written consent of the proposed new proponent; and	30 31

-
- (ii) include information about the environmental record of the proposed new proponent.

54ZA Coordinator-General may seek further information or comments

- (1) After receiving an amendment application, the Coordinator-General may—
 - (a) by notice ask the proponent for further information about the proposed amendment, its effects on the coordinated project or another related matter; and
 - (b) ask any person for information, advice or comment about the application.
- (2) If the proponent does not comply with a notice under subsection (1)(a) within a reasonable period, the Coordinator-General may—
 - (a) decide the amendment application without the further information; or
 - (b) refuse to decide the application until the notice is complied with to the Coordinator-General's satisfaction.

54ZB Public notification of amendment application

- (1) The proponent must publicly notify the amendment application.
- (2) For publicly notifying the amendment application as required by subsection (1)—
 - (a) section 33 applies as if a reference in that section to an EIS were to the application; and
 - (b) the public notification must comply with the requirements prescribed by regulation for the notification; and

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- (c) submissions about the application may be made under section 34 as if the application were an EIS; and
 - (d) the submission period for the project set under section 33(1)(d) must be at least the minimum period prescribed by regulation.
- (3) This section does not apply to an amendment application to the extent the application is to—
 - (a) extend the period for which an environmental approval has effect; or
 - (b) change the proponent of the coordinated project.

54ZC Deciding amendment application

- (1) The Coordinator-General must decide whether to approve or refuse each amendment application.
- (2) If an amendment application is required to be notified under section 54ZB(1), the Coordinator-General must not decide the application until the submission period has ended.
- (3) In deciding an amendment application, the Coordinator-General must—
 - (a) consider all of the following—
 - (i) any impacts the proposed amendment is likely to have on each environmental matter protected by a specified provision;
 - (ii) any further information about the proposed amendment received under section 54ZA;
 - (iii) any criteria for the decision prescribed by regulation;

-
- (iv) all accepted submissions for the application; 1
2
 - (v) the matters mentioned in section 54J(2); and 3
4
 - (b) ensure the amended environmental approval and conditions are not inconsistent with the bilateral agreement. 5
6
7
 - (4) Also, the Coordinator-General may consider— 8
 - (a) the proponent’s environmental record or, for an amendment application for a change of proponent, the proposed new proponent’s environmental record; and 9
10
11
12
 - (b) any other matter the Coordinator-General considers relevant. 13
14
 - (5) If the Coordinator-General decides to approve an amendment application, the Coordinator-General may also decide to— 15
16
17
 - (a) amend or remove a condition of the environmental approval; or 18
19
 - (b) impose a further condition. 20
 - (6) Section 54U applies for a decision under subsection (5). 21
22

54ZD Notice of decision 23

The Coordinator-General must give the proponent written notice of the Coordinator-General’s decision under section 54ZC and the reasons for it. 24
25
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54ZE Issuing amended environmental approval 28

If the Coordinator-General’s decision under section 54ZC is to approve the amendment application, the Coordinator-General must— 29
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31

[s 52]

(a)	amend the environmental approval to give effect to the amendment; and	1 2
(b)	issue the amended approval to the proponent or, if applicable, the new proponent.	3 4
Division 5	Cancelling environmental approval	5 6
54ZF	Cancellation at proponent's request	7
(1)	This section applies if the proponent of a coordinated project makes a written request to the Coordinator-General to cancel the approval in relation to a specified provision.	8 9 10 11
(2)	The Coordinator-General may cancel the environmental approval in relation to the specified provision.	12 13 14
54ZG	Cancellation for grounds including contravention or unforeseen significant impact	15 16 17
(1)	The Coordinator-General may cancel an environmental approval in relation to a specified provision if satisfied a ground for cancellation mentioned in subsection (2), (3) or (4) exists.	18 19 20 21
(2)	An environmental approval may be cancelled in relation to a specified provision if—	22 23
(a)	the approval or a condition of the approval has been contravened; and	24 25
(b)	either—	26
(i)	the contravention has caused a significant impact on the environmental matter protected by the specified provision; or	27 28 29 30

-
- (ii) because of the contravention, cancelling the approval is reasonably necessary to protect the environmental matter protected by the specified provision. 1
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- (3) An environmental approval may be cancelled in relation to a specified provision if— 6
7
- (a) the coordinated project has had, will have or is likely to have a significant impact on the environmental matter protected by the specified provision; and 8
9
10
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- (b) the impact was not identified during the assessment of the project; and 12
13
- (c) the approval would not have been issued, or would have been issued with particular conditions, if information about the impact were available to the Coordinator-General during the assessment of the project. 14
15
16
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- (4) An environmental approval may be cancelled in relation to a specified provision if— 19
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- (a) information provided to the Coordinator-General during the assessment of the project did not accurately identify the likely impacts of the coordinated project on the environmental matter protected by the specified provision; and 21
22
23
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- (b) the information was inaccurate because of the proponent's negligence or deliberate act or omission. 27
28
29
- (5) In this section— 30
- assessment**, of a coordinated project, means either or both of the following— 31
32
- (a) the Coordinator-General's assessment of the project under division 3 for the purpose of deciding whether to issue an environmental 33
34
35

[s 52]

approval or impose a condition on the approval; 1
2

- (b) if the environmental approval for the project was amended under division 4—the Coordinator-General’s consideration of an amendment application for the project under division 4 for the purpose of deciding whether to amend the approval or a condition of the approval. 3
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54ZH Notice of proposed cancellation 10

- (1) Before cancelling an environmental approval in relation to a specified provision under section 54ZG(1), the Coordinator-General must give the proponent for the coordinated project a notice stating— 11
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- (a) that the Coordinator-General proposes to cancel the approval; and 16
17
- (b) the ground for the proposed cancellation; and 18
19
- (c) that the proponent may, within a stated time of at least 14 days, give the Coordinator-General a written response to the proposed cancellation. 20
21
22
23
- (2) The Coordinator-General must consider any response given by the proponent within the stated time. 24
25
26

54ZI Notice of cancellation decision 27

- (1) If the Coordinator-General decides to cancel an environmental approval in relation to a specified provision under section 54ZG(1), the Coordinator-General must, within 14 days after the decision, give the proponent written notice of the decision and the reasons for it. 28
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(2)	A decision to cancel the environmental approval takes effect on the later of—	1 2
(a)	the day the written notice is given to the proponent; or	3 4
(b)	the day of effect stated in the written notice.	5
54ZJ Issuing amended environmental approval		6
(1)	This section applies if an environmental approval remains in force for 1 or more specified provisions after a decision of the Coordinator-General under section 54ZG(1) to cancel the approval in relation to a specified provision takes effect.	7 8 9 10 11 12
(2)	The Coordinator-General must—	13
(a)	amend the environmental approval to give effect to the partial cancellation of the approval; and	14 15 16
(b)	issue the amended approval to the proponent.	17 18
Division 6 Offences and compliance		19
54ZK Failure to comply with environmental approval or conditions		20 21
(1)	This section applies to a person who is the holder of, or is acting under, an environmental approval.	22 23
(2)	The person must not, without reasonable excuse, contravene the environmental approval.	24 25
	Maximum penalty—	26
(a)	for an individual—1665 penalty units; or	27
(b)	for corporation—16650 penalty units.	28

[s 52]

- (3) The person must not, without reasonable excuse, contravene a condition of the environmental approval. 1
2
3
Maximum penalty— 4
 - (a) for an individual—1665 penalty units; and 5
 - (b) for corporation—16650 penalty units. 6

54ZL Compliance under Environmental Protection Act 7
8

- (1) The Environmental Protection Act, section 493A applies to the undertaking of a coordinated project as if an environmental approval for the project were an environmental authority under that Act. 9
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- (2) Also, the Environmental Protection Act, section 493 applies in relation to an offence against that Act, chapter 8, part 3 in relation to a coordinated project. 14
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17
- (3) Subsection (4) applies if— 18
 - (a) a proceeding is proposed to be started in the Planning and Environment Court under the Environmental Protection Act, section 505; and 19
20
21
22
 - (b) the relief or remedy proposed to be sought in the proceeding relates to an offence, or threatened or anticipated offence, against a provision of the Environmental Protection Act because of section 493A of that Act as applied under subsection (1); and 23
24
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 - (c) the offence or threatened or anticipated offence relates to the coordinated project. 29
30
- (4) Despite the Environmental Protection Act, section 505, only the following persons may bring the proceeding— 31
32
33

-
- (a) the Coordinator-General; 1
 - (b) an entity nominated under section 54V as 2
having jurisdiction for a condition of the 3
environmental approval for the coordinated 4
project; 5
 - (c) the local government for the local 6
government area in which the coordinated 7
project is, or is to be, undertaken; 8
 - (d) the proponent; 9
 - (e) another person whose interests are 10
significantly adversely affected by the 11
subject matter of the proceeding. 12

54ZM Declarations 13

- (1) A person mentioned in section 54ZL(4) may start 14
a proceeding in the Planning and Environmental 15
Court for a declaration about the lawfulness, 16
under this part, of undertaking a coordinated 17
project. 18
- (2) The Sustainable Planning Act, section 456 19
applies to a proceeding started under this section. 20

Division 7 Miscellaneous 21

54ZN Fees for pt 4A 22

- (1) An application under this part must be 23
accompanied by the fee prescribed by regulation 24
for the application. 25
- (2) The Coordinator-General must refuse to receive 26
the application unless the fee has been paid. 27
- (3) However, if a fee is prescribed for an application 28
under section 54Z, the Coordinator-General may 29
waive or reduce the fee. 30

[s 53]

- (4) In deciding to waive or reduce a fee under subsection (3), the Coordinator-General may have regard to the complexity of the proposed amendment and the extent of public consultation required in relation to the proposed change. 1
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- (5) The proponent of a coordinated project must pay the Coordinator-General the fees prescribed by regulation at the times provided for under the regulation. 6
7
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9
- (6) If a fee becomes payable under subsection (5), the Coordinator-General's obligations under this part for the coordinated project are suspended until the fee has been paid. 10
11
12
13
- (7) Subsection (6) applies despite any other provision of this part. 14
15

54ZO Recovering the cost of advice or services for assessment 16
17

- (1) This section applies if the Coordinator-General obtains from another entity advice or services the Coordinator-General considers necessary to decide an application, or take action, under this part in relation to a coordinated project. 18
19
20
21
22
- (2) The Coordinator-General may recover from the proponent as a debt the reasonable cost of obtaining the advice or services. 23
24
25

Clause 53 Amendment of s 173 (Regulation-making power) 26

Section 173(1)(g), 'studies or the process under part 4, division 3,'— 27
28

omit, insert— 29

protected matters reports, studies or the process under part 4, division 3, or part 4A 30
31

Clause 54	Insertion of new pt 9, div 6	1
	Part 9—	2
	<i>insert—</i>	3
	Division 6	4
	Transitional provision for Sustainable Planning (Infrastructure Charges) and Other Legislation Amendment Act 2014	5 6 7 8
	195 Particular coordinated projects publicly notified under pt 4	9 10
	(1) This section applies to a coordinated project for which a bilateral project declaration is made under section 54J(1) if, before a bilateral agreement mentioned in section 54H(1)(a) was in force—	11 12 13 14 15
	(a) an EIS was prepared for the project under part 4; and	16 17
	(b) the EIS included the matters required by regulation for a project to which the <i>State Development and Public Works Organisation Regulation 2010</i> , part 13 applies; and	18 19 20 21 22
	(c) the EIS was publicly notified under section 33.	23 24
	(2) The EIS, to the extent it includes the matters mentioned in subsection (1)(b), is taken to be a draft protected matters report for the coordinated project.	25 26 27 28
	(3) The proponent is taken to have complied with sections 54P and 54Q in relation to the coordinated project.	29 30 31

[s 55]

Clause 55	Amendment of sch 2 (Dictionary)	1
(1)	Schedule 2, definitions <i>properly made submission</i> and <i>submission period</i> —	2
	<i>omit.</i>	3
(2)	Schedule 2—	4
	<i>insert</i> —	5
	<i>accepted submissions</i> , for a coordinated project or amendment application, for part 4A, see section 54I.	6
	<i>action</i> , for part 4A, see the Commonwealth Environment Act, sections 523, 524 and 524A.	7
	<i>assessment report</i> , for part 4A, see section 54W(4).	8
	<i>bilateral agreement</i> , for part 4A, see section 54I.	9
	<i>bilaterally accredited authorisation process</i> , for part 4A, see the Commonwealth Environment Act, section 46(2A).	10
	<i>bilateral project declaration</i> , for part 4A, see section 54J(1).	11
	<i>Commonwealth Environment Act</i> means the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cwlth).	12
	<i>Commonwealth Minister</i> means the Minister of the Commonwealth responsible for administering the Commonwealth Environment Act.	13
	<i>coordinated project declaration</i> for part 4A, see section 54I.	14
	<i>environmental approval</i> , for part 4A, see section 54I.	15
	<i>environmental law</i> , for part 4A, see section 54I.	16
	<i>environmental matter protected</i> , for part 4A, see section 54I.	17

<i>environmental record</i> , of a proponent or proposed new proponent of a coordinated project, for part 4A, see section 54I.	1 2 3
<i>impact</i> , for part 4A, see the Commonwealth Environment Act, section 527E.	4 5
<i>information requirement notice</i> , for part 4A, see section 54S(2).	6 7
<i>properly made submission</i> , for an EIS, a proposed change to a project, a protected matters report or an amendment application, means a submission that—	8 9 10 11
(a) is made to the Coordinator-General in writing; and	12 13
(b) is received on or before the last day of the relevant submission period; and	14 15
(c) is signed by each person who made the submission; and	16 17
(d) states the name and address of each person who made the submission; and	18 19
(e) states the grounds of the submission and the facts and circumstances relied on in support of the grounds.	20 21 22
<i>protected matters report</i> , for part 4A, see section 54I.	23 24
<i>specified provision</i> , for part 4A, see section 54I.	25
<i>submission period</i> , for part 4 or part 4A, see section 33(1)(d).	26 27
<i>within the scope of the bilateral agreement</i> , for a coordinated project, for part 4A, see section 54H(3).	28 29 30

[s 56]

Part 4	Minor and consequential amendments	1
		2

Clause 56	Acts amended	3
	Schedule 1 amends the Acts it mentions.	4

Schedule 1	Minor and consequential amendments	1 2
	section 56	3
	South-East Queensland Water (Distribution and Retail Restructuring) Act 2009	4 5
1	Section 49A(2)(a), after ‘section 99BOB(b)’— <i>insert—</i>	6 7
	and (c)	8
2	Section 53AS(1)(c)— <i>omit, insert—</i>	9 10
	(c) a charge under section 99BRAN, 99BRAV or 99BRCI;	11 12
	(d) a charge under a water infrastructure agreement under section 99BRCM;	13 14
3	Section 53AS(3), after ‘(1)(c)’— <i>insert—</i>	15 16
	or (d)	17
	Sustainable Planning Act 2009	18
1	Section 20(1)(c)— <i>omit, insert—</i>	19 20

Schedule 1

	(c) to provide for the matters mentioned in section 629.	1 2
2	Section 38(b)(ii)(A), ‘priority infrastructure plans’— <i>omit, insert—</i> LGIPs	3 4 5
3	Sections 78(2), 88(1)(e) and 212(3), ‘a priority infrastructure plan’— <i>omit, insert—</i> an LGIP	6 7 8 9
4	Section 85(1)(b) and (c)— <i>omit, insert—</i> (b) an LGIP.	10 11 12
5	Section 205, from ‘any charge’ to ‘part 1’— <i>omit, insert—</i> any adopted charge	13 14 15
6	Section 282(2)(f), from ‘section 655’— <i>omit, insert—</i> chapter 8, part 2, division 2, subdivision 2 or part 3—any relevant charges resolution.	16 17 18 19
7	Sections 313(2)(f) and 314(2)(i), ‘an adopted infrastructure charges resolution or the priority infrastructure plan’— <i>omit, insert—</i> the provider’s LGIP	20 21 22 23 24

8	Sections 315(1)(c), 346(2), note, 388(1)(a), 404(1)(c) and 720, ‘chapter 8, part 1’—	1 2
	<i>omit, insert—</i>	3
	chapter 8, parts 2 and 3	4
9	Section 364(1), from ‘an infrastructure’ to ‘charge.’—	5
	<i>omit, insert—</i>	6
	a levied charge.	7
10	Section 364(2), from ‘under’, first mention, to ‘section 648F’—	8 9
	<i>omit.</i>	10
11	Chapter 7, part 2, division 1, heading, ‘Establishment, constitution’—	11 12
	<i>omit, insert—</i>	13
	Constitution	14
12	Section 724(1)(a), ‘its priority infrastructure plan’—	15
	<i>omit, insert—</i>	16
	its LGIP	17
13	Section 724(1)—	18
	<i>insert—</i>	19
	(ab) all supporting material used to draft its LGIP;	20 21
14	Section 724(1)(g)(ii) and (iii)—	22
	<i>omit, insert—</i>	23
	(ii) an LGIP;	24

Schedule 1

15	Section 724(1)(p) to (t)—	1
	<i>omit, insert—</i>	2
	(p) each document mentioned in the LGIP used to prepare it;	3 4
	(q) each charges resolution of the local government;	5 6
	(r) a register (the <i>infrastructure charges register</i>) of all infrastructure charges the local government levies;	7 8 9
 16	 Section 724(1)(u), ‘chapter 8, part 2’—	 10
	<i>omit, insert—</i>	11
	section 673	12
 17	 Sections 724(3) and 739(f), from ‘, regulated’ to ‘adopted infrastructure charges register’—	 13 14
	<i>omit.</i>	15
 18	 Section 724(3)(b), ‘schedule’—	 16
	<i>omit, insert—</i>	17
	resolution	18
 19	 Section 724(4)—	 19
	<i>omit.</i>	20
 20	 Section 738(a), from ‘, including’ to ‘schedule,’—	 21
	<i>omit, insert—</i>	22
	or charges resolution	23
 21	 Section 739(k), ‘section 662’—	 24
	<i>omit, insert—</i>	25

	section 673	1
22	Section 834—	2
	<i>omit.</i>	3

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