

Planning (Infrastructure Charges Register and Other Matters) Amendment Regulation 2019

Explanatory notes for SL 2019 No.196

made under the

Planning Act 2016

General Outline

Short title

Planning (Infrastructure Charges Register and Other Matters) Amendment Regulation 2019

Authorising law

Sections 112, 264 and 284 of the *Planning Act 2016*.

Policy objectives and the reasons for them

The objectives of the *Planning (Infrastructure Charges Register and Other Matters) Amendment Regulation 2019* (the Amendment Regulation) are to:

- improve the transparency of the infrastructure charging and planning framework in response to community and stakeholder feedback on the current framework; and
- remove expired provisions which are no longer required.

Achievement of policy objectives

Local government infrastructure charging and planning framework

The Amendment Regulation will provide improved transparency in the infrastructure charging and planning framework by requiring local governments to:

- include additional information in their infrastructure charges register and to make the register and individual infrastructure charges notices available for inspection, purchase, and online;
- provide specific supporting material for local government infrastructure plans (LGIPs) to be made available for inspection, purchase, and online;

- amend the definition of ‘infrastructure charges register’ to include more detail about the locality where an infrastructure charge is levied and where infrastructure is provided, actual and forecast infrastructure charges revenue, and expenditure and the details of delivered trunk infrastructure;
- require the forecast infrastructure charges revenue, and trunk infrastructure expenditure, for the current financial year and the next three financial years, to be reported on annually (at the same time as the release of the annual budget) in the infrastructure charges register;
- require the actual infrastructure charges revenue, and expenditure, for the previous financial year, to be reported on annually (at the same time as the release of the annual report) in the infrastructure charges register;
- require a list of delivered trunk infrastructure to be updated in the infrastructure charges register. For:
 - local governments with an estimated infrastructure charges revenue and/or contributed trunk infrastructure of more than \$20 million, the list is to be updated quarterly (as soon as possible after the close of the quarter);
 - local governments with an estimated infrastructure charges revenue and/or contributed trunk infrastructure of less than \$20 million, the list is to be updated annually (at the same time as the release of the annual report);
- note the date, the prescribed amount for infrastructure charges was last updated and how the charge increases are calculated by referring to s112(2) of the *Planning Act 2016*; and
- make infrastructure charges notices and amended infrastructure charges notices available for inspection, purchase and online.

The commencement of the provisions in the Amendment Regulation are proposed to be staged, to give local governments sufficient time to prepare for the additional reporting requirements.

Guragunbah Development Area

The Amendment Regulation removes expired provisions in the Planning Regulation relating to the Guragunbah Development Area.

Consistency with policy objectives of authorising law

The Amendment Regulation is consistent with the main objectives of the *Planning Act 2016* that is to establish an efficient, effective, transparent, integrated, coordinated, and accountable land use planning, development assessment and related matters that facilitates the achievement of ecological sustainability.

Inconsistency with policy objectives of other legislation

The Amendment Regulation is consistent with the policy objectives of other legislation.

Alternative ways of achieving policy objectives

The amendments were proposed following a comprehensive review of the local government infrastructure charges and planning framework and detailed consultation with local governments, peak industry bodies, distributor-retailers and state agencies by the Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP). The amendments are the most appropriate way of achieving the policy objectives for these matters.

Benefits and costs of implementation

Implementation of the Amendment Regulation will provide greater transparency for the infrastructure charges and planning framework, online availability of the infrastructure charges register and supplementary information that relates to a LGIP and provide a greater level of accessibility. This information, in addition to the inclusion of new information in the infrastructure charges register would also work towards providing stakeholders a greater understanding of the infrastructure framework in a localised context.

It is anticipated that the inclusion of the date that Schedule 16 (prescribed amount) was last updated would assist with calculations of the maximum adopted charge that can be levied for trunk infrastructure.

The removal of expired provisions relating to the Guragunbah Development Area would work towards ensuring that the *Planning Regulation 2017* is relevant and current.

The costs of implementing the Amendment Regulation are likely to be associated with new information included in the infrastructure charges register and the availability of maintaining and uploading online information. The anticipated costs for councils would vary depending upon the sophistication of existing systems and the frequency of reporting required by the Amendment Regulation.

Consistency with fundamental legislative principles

The subordinate legislation is consistent with the fundamental legislative principles.

Consultation

Targeted consultation sessions occurred from 21 January 2019 to 6 March 2019 across Queensland where officers from DSDMIP outlined the proposed amendments regarding the infrastructure charges and planning framework. Local governments that have or are in the process of preparing a Local Government Infrastructure Plan, peak industry bodies and distributor-retailers were invited to lodge a written submission on the changes proposed to the framework. A total of 23 submissions were received from stakeholders. The submitters expressed in-principle support for the proposed amendments but raised concerns regarding the following:

- the lack of nexus between a levied charge and the provision of trunk infrastructure where not conditioned through a development approval;
- reporting on the collection and expenditure of infrastructure charges revenue at a suburb or locality level; and

- the short timeframes that local governments will be given to adjust their business systems to accommodate the changes.

DSDMIP has addressed these concerns in the Amendment Regulation. Changes include:

- removal of the nexus between a levied charge and the provision of trunk infrastructure where not conditioned through a development approval;
- reporting on the collection and expenditure of infrastructure charges revenue and expenditure at a local government area level only; and instead require reporting on infrastructure delivered at the suburb level;
- giving local governments a generous timeframe that provides them with the opportunity to adjust their business systems to accommodate the new requirements, including making infrastructure charges registers and infrastructure notices available online.

The Queensland Productivity Commission (the Commission) Office of Best Practice Regulation notes DSDMIP's advice that all 77 local governments in Queensland have been consulted on the proposed regulatory changes. The Commission considers further regulatory impact assessment under the *Queensland Government Guide to Better Regulation* would not be beneficial.