

2 October 2015

Mr Jim Pearce MP  
Chair  
Infrastructure, planning and Natural Resources Committee  
Parliament House  
George Street  
Brisbane QLD 4000

## **Local Government and other Legislation Amendment Bill (NO.2) 2015**

Thank you for the opportunity to provide a submission on the *Local Government and other Legislation Amendment Bill (NO.2) 2015*.

The Property Council has been heavily involved in the reviews associated with infrastructure charges for many years. In May 2014 the Property Council and Shopping Centre Council of Australia (SCCA), provided a submission on the *Sustainable Planning (Infrastructure Charges) and Other Legislation Amendment Bill 2014*.

The following submission focuses on the amendments that relate to the *Local Government Infrastructure Plan (LGIP)* and *Infrastructure Charges Notice*.

### **Local Government Infrastructure Plan (LGIP)**

The Property Council is concerned that once again local government have not been held to account in meeting a statutory deadline associated with infrastructure planning.

The proposed extension of time provision that could allow a local government until 1 July 2018 to adopt their LGIP means that local government will have had close to four years to prepare and adopt a plan. A more reasonable timeframe would be up to a 1 year extension ending 1 July 2017.

We are also concerned that a local government will be granted an extension of two years if the Minister does not inform the local government of the decision within 20 business days after receiving the application. This is a short period of time given that the department will need to review the information provided by the local government prior to the Minister making a decision.

Therefore the Property Council recommends a minimum of 60 business days, and if the decision has not been made the local government is taken to have been granted an extension of time for 1 year ending 1 July 2017.

### **Infrastructure Charge Notice**

The Property Council is aware of instances where councils have delayed the issuing of a decision notices for development applications due to delays in determining an offset or refund for the Infrastructure Charge Notice.

For this reason the Property Council supports in principle the amendment to allow the person receiving the Infrastructure Charge Notice to advise the local government that they are prepared to receive information about an offset or refund at a later time.

We do however have concerns that an applicant will lose their appeal rights if there are any errors with the offset or refund, as an appeal must be started within 20 business days after the day the recipient is provided the Infrastructure Charge Notice.

Therefore the Property Council requests that the draft provision should be amended to ensure the appeal rights in respect of errors in the assessment of refunds and offsets are preserved. We would expect that the recipient would have an appeal period of 20 business days after receipt of a decision on the treatment of refunds and offsets.

The Property Council would like to again thank the Infrastructure, Planning and Natural Resources Committee for the opportunity to provide a submission on the *Local Government and other Legislation Amendment Bill (NO.2) 2015*.

If you have any further questions about the Property Council or the detail included in this submission, please contact [REDACTED] [REDACTED] on 07 [REDACTED] [REDACTED] or [REDACTED]

Yours sincerely



**Chris Mountford**  
Executive Director