

Date: 2 October 2015  
Contact:  
Location:  
Telephone:  
Your reference:  
Our reference:

Research Director  
Infrastructure, Planning and Natural Resources Committee  
Parliament House  
George Street  
Brisbane Qld 4000

[ipnrc@parliament.qld.gov.au](mailto:ipnrc@parliament.qld.gov.au)

Dear Sir/Madam

## Local Government and Other Legislation Amendment Bill (No.2) 2015

Thank you for the opportunity to make a submission responding to the *Local Government and Other Legislation Amendment Bill (No.2) 2015* (the Bill). The City of Gold Coast Council (Council) would like to make the following Officer Submission to the Infrastructure, Planning and Natural Resources Committee for its consideration. This submission relates only to Part 6 of the Bill which addresses amendments to the *Sustainable Planning Act 2009 (SPA)*.

### 1. Extension of time for the inclusion of an LGIP in the planning scheme (Clause 18 of the Bill)

Council officers support the ability for a local government to apply for an extension of time to adopt a complying LGIP in its planning scheme. The current requirement, introduced by the former State Government in 2014 for all local governments to have an approved LGIP by 1 July 2016, is considered unreasonable and unlikely to be achieved by most local governments. The amendment allows for an extension of time up to 30 June 2018.

Section 997 (3)(b) requires an application for extension to be accompanied by a project plan with details of how the LGIP will be finalised within the extended timeframe. While such information, at a broad level is reasonable, it will be important for the level of detail required to not be onerous or unreasonable. It is understood the Department of Infrastructure, Local Government and Planning has been instructed to prepare a guideline detailing the level of information local government is required to submit in support of their application. Council officers would like to see the guideline as soon possible to understand the requirements for preparation of an application.

Proposed Section 997(5) requires the Minister to make a decision on an extension within 20 business days or the extension until 30 June 2018 is deemed to be granted. This is considered an important and appropriate inclusion, providing greater certainty to local government; given an extension remains at the discretion of the Minister.

### 2. Requirements for infrastructure charges notices

Clause 11 of the Bill allows an applicant to waive the requirement for Council to include information about offsets and refunds on an Infrastructure Charges Notice (ICN).

The legislation requires 'information' and 'details' about offsets and refunds. While it is not clear what this must entail, it is generally interpreted by local governments as requiring a value.

Council officers submit the legislation should be clearer regarding a value for an offset/refund not being required on an ICN for the following reasons:

- an LGIP will not include an establishment cost for non-trunk infrastructure that is converted to

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trunk infrastructure so it may not always be possible to use the establishment cost stated in the LGIP, which places an unfair impost on Council;

- the establishment cost stated in the LGIP may be out-dated;
- the establishment cost stated in an LGIP may overestimate the value; and
- stating the establishment cost may encourage inefficient design outcomes.

Accordingly, the value for an offset/refund should be determined through the method contained in a Council's charges resolution required to be included by Section 633 of SPA. This process would provide the best possible current value that is fair and equitable to both local government and an applicant. If an applicant requires an early estimate of the value it can use the LGIP establishment cost (if available), or use a consultant engineer to provide an estimate.

Notwithstanding further clarity and detail is requested, council officers acknowledge the proposed amendment as being a step in the right direction.

Thank you for considering this submission on the Bill. If you have any questions please contact [REDACTED] (Infrastructure Planning Coordinator) on (07) [REDACTED]

Yours Sincerely



Kim Mahoney  
Manager City Planning  
Planning and Environment Directorate