



Office of the Executive Leader Planning
Level 4, 15 Green Square Close
Fortitude Valley QLD 4006

GPO Box 2765
Brisbane QLD 4001

18 January 2016

Infrastructure, Planning and Natural Resources Committee
c/ Research Director
Parliament House
Email: ipnrc@parliament.qld.gov.au

Dear Sir/Madam,

Submission on the State Government's and Private Member's Planning Bills

Thank you for providing Queensland Urban Utilities with the opportunity to provide input into both the State Government's and the Private Member's versions of the following bills:

- the Planning Bill 2015;
- the Planning and Environment Court Bill 2015; and
- the Planning (Consequential) and Other Legislation Amendment Bill 2015.

It is noted that the planning regulations, plan-making and development assessment rules and infrastructure designation guidelines are currently undergoing consultation by the Department of Infrastructure, Local Government and Planning.

Except where stated, this submission relates to both the State Government's and the Private Member's versions of the Bills.

If you have any questions regarding this submission, please contact me on (07) 3855 6650.

Yours sincerely

A handwritten signature in black ink, appearing to read "Ben McDonnell".

Ben McDonnell
Development Services Manager – Planning Group
Queensland Urban Utilities
Encl.

Queensland Urban Utilities submission to the Infrastructure, Planning and Natural Resources Committee on the State Government's and Private Member's suite of Planning Bills

QUU provides the following comments by reference to the Chapters of the Planning Bills:

Chapter Two – Planning

State and local government infrastructure designations - Consultation

- Distributor-retailers play a critical role in the planning and delivery of water-supply and wastewater infrastructure in Queensland. As with local government, distributor-retailers are precluded from levying infrastructure charges for development that is designated infrastructure. Development that is designated infrastructure places additional demand on infrastructure and may result in the need for the upgrade of major infrastructure earlier than planned and budgeted for. This has significant commercial ramification for distributor-retailers.
- For these reasons, Queensland Urban Utilities is of the view that early and ongoing consultation with the State and local governments with respect to prospective infrastructure designations is essential. Early consultation with distributor-retailers should be a mandatory part of the process for making or amending infrastructure designations and should be protected by an express provision in the Planning Bills.
- In the absence of such an express provision in either Planning Bill, Queensland Urban Utilities supports the approach adopted in the Government's Planning Bill (s36(2)) requiring the Minister to be satisfied that "*adequate consultation*" has taken place before designating a premises for infrastructure.

Chapter Three – Development Assessment

- Both the Government's Planning Bill (s66(1)(f)) and the Private Member's Bill (s64(1)(f)) prohibit development conditions that relate to water infrastructure about a matter for which the *South East Queensland Water (Distribution and Retail Restructuring) Act 2009 (SEQ Water Act)* requires a water approval.
- Queensland Urban Utilities is of the view that this provision should be amended to reinstate local governments' power to impose conditions in respect of matters for which the SEQ Water Act requires a water approval in prescribed circumstances. Such circumstances would include:
 - to remedy a procedural anomaly between the planning legislation and the SEQ Water Act;
 - to avoid small residential (mum and dad) developers and non-residential end-purchasers being exposed to risk of having to fund/deliver trunk and non-trunk infrastructure due to a failure by a developer to apply for and comply with a water approval. (The current provisions as to the plan sealing process merely require local governments to check that any conditions of a water approval have been satisfied and that any outstanding distributor retailer charges have been paid); and
 - to avoid circumstances that may result in a distributor-retailer losing the opportunity to assess a development's demand impact on the water and sewerage networks. One such

example is where a development application for a material change of use does not require a new connection but increases demand on the distributor-retailer's network. Such a scenario is not uncommon given that the separation of distributor-retailers from local government is still relatively new. Such an error could easily be avoided by a local government imposing a development condition requiring a water approval for the additional demand.

Chapter Four – Infrastructure

Local Government Infrastructure Plans

- QUU is not averse to the approach in the Government's Planning Bill to extend the current statutory timeframe for the making of a Local Government Infrastructure Plans, as opposed to the approach adopted in the Private Member's Planning Bill which requires the LGIPs to be completed by 1 July 2016.

Automatic indexing of charges

- Queensland Urban Utilities is of the view that the approach adopted in the Government's Planning Bill to the automatic indexing of infrastructure charges (s111(2)) is to be preferred to the approach adopted in the Private Member's Planning Bill. QUU considers this approach to be a more clear, certain and efficient approach for all stakeholders.

Conversion Applications

- Queensland Urban Utilities' experience of the conversion application process under of the SEQ Water Act, which mirrors the planning legislation, has resulted in considerable uncertainty and increased disputes between developers and Queensland Urban Utilities as to what ought to be 'converted' under these provisions.
- Queensland Urban Utilities considers the introduction of a one year limitation on the timeframe for lodging a conversion application (in s138(2) of the Government's Planning Bill and the consequential amendment to s99BRDE of the SEQ Water Act by s488 of the Consequential Bill) does not go far enough to redress the uncertainty that arises. Queensland Urban Utilities reiterates that this process should be removed from both the planning bill and the SEQ Water Act.