

Infrastructure, Planning and Natural Resources Committee

From: Shane Neville
Sent: Monday, 18 January 2016 4:53 PM
To: Infrastructure, Planning and Natural Resources Committee
Cc:
Subject: Planning Bill 2015 Submission - Whitsunday Regional Council.
Attachments: PA Review Attachment.docx

To whom it may concern

Thank you for the opportunity to make submission regarding the Planning Bill 2015.

Attached is a table outlining a number of concerns and comments from Whitsunday Regional Council, specifically regarding the LGIP process.

My apologies for the slightly belated submission, I trust that you will take due consideration nonetheless.

Please contact me if you require any further information regarding this matter.

Kind regards

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**ATTACHMENT
TO
SUBMISSION NO. 113**

Attachment 1

Organisation	Whitsunday Regional Council ("Council")	Telephone:	(07)4945 0200
Reviewer/s	Dan Staley – Director – Planning & Community Kellianne Wynne – Manager – Development Assessment Shane Neville – Senior Strategic Planning Officer (Author)	Email:	shane.neville@whitsundayrc.qld.gov.au
Date	18 January 2016	Address:	PO Box 104, Proserpine Qld 4800
Project	DGILP – New Planning Legislation – Public Consultation of Plan Making Rules – Review of Draft Statutory Instrument		
Document	Draft Statutory Instrument – Plan Making Rules, Consultation Draft, November 2015.		

Reference to Clause	Page Number	Clause Detail	Submission Detail
130(1)(e)	132	(1) An extra payment condition must state— (e) the applicant may, instead of making the payment, elect to provide all or part of the trunk infrastructure; and	Clause 122 (1)(b) seems to contradict 130(1)(e). Council should be able to maintain discretion as to which party is to provide the infrastructure, this should be subject to Clause 122 (agreement between Council and the applicant) not at the discretion of the applicant, as Clause 130 suggests. Council requests that Clause 130(1)(e) be removed or replaced with "the applicant may, instead of making the payment, enter into an agreement about the provision of infrastructure subject to Clause 122", or a similar clause with the same intent.
131(2)(a)	133	(2) The extra payment condition may require a payment only as follows— (a) for trunk infrastructure to be provided earlier than planned in the LGIP—the extra establishment cost that the local government incurs to provide the infrastructure earlier than planned;	No clear method for calculating the 'extra establishment cost' of providing infrastructure early has been established. Council requests that when the Statutory Guideline made by the Minister and prescribed by regulation is prepared for working out the 'cost of infrastructure for offset or refund' and 'criteria for deciding conversion application' (see Clause 115 & 116), that the method for calculating the extra establishment cost is included in this guideline to assist Council and be clear and transparent to developers.
118(2);	Various	N/A	Each of the clauses noted have reference to a change to an Infrastructure Charges

118(6); 118(9); 124(3); 136(4); & 141(4)(b).			Notice (ICN), either a Replacement ICN, Negotiated ICN or Amended ICN. The changing of an ICN process should be clearer and better defined. The amendment process should have clear terminology and its own Subdivision within the Act. Council requests that the change to an ICN process and the terminology be clearly defined and a section or subdivision of the Act dedicated to this process.
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