

## Planning and Other Legislation (Make Developers Pay) Amendment Bill 2023

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**Submitter Comments:**

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Description of matter	Council's response
Existing mechanisms can achieve the stated objective	

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Impact on delivery of new developments	<p>The proposed changes will allow local governments to increase the charges levied on developers to fund local infrastructure. Whilst this may benefit local governments in the short term, there are concerns that the proposed approach of removing all caps will increase uncertainty for developers (particularly when seeking investors). Developers need to have a high level of certainty, and the combination of Charges Resolutions and Infrastructure Charges capping help provide a higher level of certainty around planning and development costs when undertaking feasibility analysis.</p> <p>It is not clear what checks and balances will be put into place to ensure that the uncapped amount will be a fair and equitable portion of the cost of the trunk infrastructure. There are concerns that removal of the capping could lead to excessive charges being levied without supporting data.</p> <p>Subsequently, a heightened level of investor uncertainty resulting from the proposal to remove infrastructure capping may impact the delivery of needed new development such as housing or supporting commercial or industrial premises. Such an impact, resulting from this Bill, would seem inconsistent with other policies to support economic growth and provision of housing.</p>
Impact on under-resourced regional local governments	<p>Small, regional local governments have limited capacity to undertake the necessary research and development of reports that could support the determination of an appropriate remuneration amount for developer contributions to trunk infrastructure. Currently, the existence of maximum adopted charges provides an option for under-resourced local governments to utilise the capped amount or a lower amount without requiring substantial research.</p> <p>However, without this research to justify the new un-capped charge amount, local governments are more likely to have infrastructure charge notices challenged in a court of law. This would result in even greater demands on resources.</p> <p><i>Has the Committee considered drafting the Bill to allow the local government to "opt-in" to apply a "recommended" maximum adopted charge?</i></p>
Full recovery of trunk infrastructure costs unachievable	<p>The cost of constructing and maintaining local government infrastructure, including trunk and non-trunk infrastructure, will never be fully recovered through infrastructure charging.</p> <p>Local governments must balance the competing interests of ensuring that ratepayers' fees are reasonable vs. ensuring that the levied infrastructure charges are not so great to make all development economically unfeasible. In some instances, it is better for a local government, particularly regional local governments that have experienced limited growth over a long period, to accept a loss on the charges</p>

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	levied for infrastructure charges if the proposed development will result in significant capital investment and new locally based jobs.

The Central Highlands Regional Council appreciates the Queensland Government's commitment to involving local government in a discussion around the proposed Bill and thanks you again for this opportunity. We would welcome the opportunity to continue the discussion.

Should you wish to discuss this with Council's Strategic Planning Team please contact Helen McLaren-Greiss on [REDACTED] or via [REDACTED]

Yours faithfully



**Patrick Ruettjes**  
**Acting Manager Planning and Land Management**