

Laid before the Legislative Assembly on 25 May 2011

Record of Proceedings (Hansard 25 May 2011)

Sustainable Planning (Housing Affordability and Infrastructure Charges Reform) Amendment Bill 2011

Erratum to Explanatory Notes

Title of the Bill

Sustainable Planning (Housing Affordability and Infrastructure Charges Reform) Amendment Bill 2011

Reason for Erratum

The parts of the Explanatory Notes for Clause 16 ‘Amendment of s 478 (Appeals about particular charges for infrastructure)’, Clause 22 ‘Amendment of s 650 (Conditions local governments may impose for additional trunk infrastructure costs)’ and Clause 41 ‘Amendment of s 7550 (Application of particular provisions-generally)’ have been found to contain some errors.

Notes on Provisions

Clause 16 [page 16 of the Explanatory Notes]. The part of the Explanatory Note for Clause 16 ‘Amendment of s 478 (Appeals about particular charges for infrastructure)’ is omitted and the following Note inserted:

Clause 16 adds a reference to the adopted infrastructure charge to existing appeal provisions for the Planning and Environment Court in relation to charges.

Section 478(5) is amended to refer to the methodology used to establish “an adopted infrastructure charge, or the charge in a relevant infrastructure charges schedule, regulated infrastructure charges schedule or regulated State infrastructure charges schedule”. This provision does not refer to an adopted infrastructure charge being established under a schedule like the other three types of charge referred to, because unlike those charges, which are always established under a relevant schedule, an adopted infrastructure charge will not always be established under an adopted infrastructure charges schedule, which is a schedule of maximum charges contained in the State planning regulatory provision (adopted charges). An adopted infrastructure charge may also be established in other ways under proposed section 648A(1).

Clause 22 [Page 21 of the Explanatory Notes]. The part of the Explanatory Note for Clause 22 ‘Amendment of s 650 (Conditions local governments may impose for additional trunk infrastructure costs)’ is omitted and the following Note inserted:

Clause 22 adds to this section a reference to an adopted infrastructure charge. Section 650 enables local governments to impose a condition on a development approval to mitigate the cost of providing trunk infrastructure to unanticipated or out of sequence development.

Section 648B allows for the SPRP establishing an adopted infrastructure charge to also identify a priority infrastructure area for a local government area, and section 648D allows an adopted infrastructure charges resolution to add information relevant to the calculation of additional costs. Together these arrangements provide a basis for imposing a condition for additional costs under SPA, section 650(1) (a) (U), outside a priority infrastructure area identified in a priority infrastructure plan or the SPRP. Such a condition could also be imposed if there was no adopted infrastructure charges resolution identifying matters related to trunk infrastructure, but the condition would need to be based on other information such as local government asset management plans and may not be as sustainable as a condition based on a resolution.

It is not intended that a condition under section 650(1) (a) (i), in relation to unanticipated development within a priority infrastructure area, be able to be imposed in the absence of a priority infrastructure plan, as detailed

assumptions about the type, location and timing of development required to support such a condition would not be available under an adopted infrastructure charges resolution. Consequently there is no proposed amendment to section 650(1) (a) (i) referencing such a resolution.

Clause 41 [page 26 of the Explanatory Notes]. The part of the Explanatory Note for Clause 41 'Amendment of s 7550 (Application of particular provisions - generally)' is omitted and the following Note inserted:

Clause 41 amends section 7550 which applies certain sections of chapter 8 of the SPA to the Distributor-retailers. It applies the new sections 648H to 648J to the Distributor-retailers.

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