

INTEGRATED PLANNING AND OTHER LEGISLATION AMENDMENT BILL 2003

EXPLANATORY NOTES

FOR

AMENDMENTS TO BE MOVED IN COMMITTEE BY THE HONOURABLE NITA CUNNINGHAM MP

Title of the Bill

Integrated Planning and Other Legislation Amendment Bill 2003

NOTES ON PROVISIONS

Amendment No.1 amends clause 32 of the Bill (dealing with transitional arrangements for existing infrastructure charges plans), by inserting a new transitional provision enabling the additional infrastructure cost assessment provisions in the Bill to apply in respect of Infrastructure Charges Plans that were already in effect before the commencement of the Act.

The amendment is necessary to carry forward existing arrangements for recouping unforeseen infrastructure costs linked to infrastructure charges plans into the revised infrastructure planning and charging framework created under the Bill.

Amendment No.2 amends clause 32 of the Bill (dealing with transitional arrangements for existing infrastructure charges plans), by inserting a new transitional provision enabling the additional infrastructure cost assessment provisions in the Bill to apply in respect of Infrastructure Charges Plans being prepared prior to, but coming into effect after the commencement of the Act.

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The amendment has the same effect as the amendment in clause 1, but applies for infrastructure charges plans under preparation, but not yet in effect before the commencement of the Act.

Amendment No.3 amends clause 35 of the Bill (dealing with definitions for infrastructure) by amending the definition of “**establishment cost**” for infrastructure to more clearly define the range of infrastructure-related costs that can be recovered through infrastructure charges levied on development.

In particular, the amendment clarifies the costs recoverable for existing and future infrastructure respectively. The amendment is necessary to ensure all local governments apply a consistent infrastructure charging regime.

Amendment No.4 amends clause 35 of the Bill (dealing with definitions for infrastructure) by amending the definition of “**priority infrastructure area**” to more clearly define the areas that must be included in a local government’s Priority Infrastructure Area. The amendment is necessary to ensure all local governments adopt a consistent approach when identifying priority infrastructure areas.

Amendment No.5 amends clause 35 of the Bill (dealing with definitions for infrastructure) to simplify the definition of “**infrastructure charges plan**” by deleting references to other defined terms.

Amendment No.6 amends clause 104 of the Bill (dealing with development control plans under the repealed Act) by inserting a new subsection to clarify that if a development control plan (DCP), prepared under the repealed *Local Government (Planning and Environment) Act 1990*, is to be included without amendment in an IPA planning scheme, the DCP is not required to be publicly notified with the proposed planning scheme. Public notification of such a DCP may create the incorrect impression that that the DCP’s provisions had changed.