

Extrinsic Material

External assessment of legislative application

1. The Appellant notes that concerns regarding the implementation of Queensland's infrastructure charging framework have been raised by industry stakeholders.

In its 2022 submission¹ to the *Department of State Development, Infrastructure, Local Government and Planning*, the *Property Council of Australia* (Property Council) observed that cultural and implementation issues have emerged across the sector, including a shift from infrastructure planning toward revenue-focused practices, and instances of conduct exceeding the scope of authority conferred by the framework.
2. The Property Council further noted common practices such as the denial of offsets, the application of charges in a manner that results in "double dipping", and the abandonment of planning principles in the negotiation of conditions and infrastructure agreements.

These observations reflect the experience of industry participants navigating the current framework and perhaps why Parliament imposed stricter statutory preconditions in PA16 and PR17 and why those preconditions must be applied as enacted.
3. These matters are not relied upon as evidence of any particular conduct by the *assessment manager* in this proceeding. Rather, they provide context for understanding why PA16 places emphasis on *transparency*, *accountability* and strict statutory preconditions, and why careful attention to those preconditions is essential to maintaining the integrity of the charging framework.

Interpretive Framework: Transition from SPA09 to PA16 and Legislative Intent

4. The introductory section² of *Explanatory Notes* to the Bill that introduced PA16 confirms that PA16 is not intended to be interpreted through the reflected light of the *Sustainable Planning Act 2009* (SPA09).

SPA09 had been the subject of extensive review due to concerns about complexity, lack of transparency, and poor planning outcomes.
5. PA16 was designed to remedy those deficiencies by establishing a new legislative structure that improves accountability, transparency, predictability and planning outcomes, and provided a clearer, more responsive framework for both community and industry.

¹ See <https://tuanqld.com/dt/docs/propconc.pdf>

² *Explanatory Notes - Planning Bill 2015 - Pages 1 to 4*

*The Bill aims to significantly improve the **accountability** and **transparency** of the system, and enable better planning and development outcomes with effective engagement in a framework that **instils investor and community confidence**.³*

6. PA16 was designed to remedy those deficiencies by providing a clearer, more responsive and accountable framework than SPA09 for both community and industry.
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³ Explanatory Notes - Planning Bill 2015 - Pages 2 para 3