

Housing and Land Development Incentives - Council Policy

Effective Date	1 July 2022
Policy Owner	Planning and Environment Manager
Link to Corporate Plan	Strong Diverse Economy
Review Date	30 June 2025
Related Legislation	<i>Planning Act 2016</i> <i>Local Government Act 2009</i> <i>Local Government Regulation 2012</i>
Related Documents	<i>Infrastructure Charges Resolution (No 7.1) 2017</i>

Policy Version	Approval Date	Adopted/Approved
1	22/06/2022	Adopted Ordinary Meeting of Council
2	15/02/2023	Approved Ordinary Meeting of Council
3	07/03/2024	Approved Ordinary Meeting of Council
3a	10/04/2024	Correction to 'Flood Impact Assessment' terminology as per Council resolution.

This policy may not be current as Council regularly reviews and updates its policies. The latest controlled version can be found in the policies section of Council's intranet or Website. **A hard copy of this electronic document is uncontrolled.**

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1. PURPOSE

The purpose of this policy is to provide a series of incentives to the community to address current and forecast housing and associated land development shortages within select areas of the Western Downs Regional Council.

2. SCOPE

This policy applies to certain developments for Multiple Dwelling type Material Change of Use (MCU) and for the Reconfiguring of a Lot that have commenced use from **1 July 2022** and is subject to eligibility criteria contained within this policy.

This policy does not replace the function or application of Infrastructure Charges Resolution (No. 7.1) 2017, any subsequent resolution or the issue of an Infrastructure Charges Notice.

3. POLICY

3.1 Policy Focus

The focus of the incentive policy is to support development within the Western Downs that will also result in an increase in housing options for existing and new residents. Additional housing is necessary to support growth in industry and workforce attraction in the Western Downs Region, and to provide a high level of choice for our communities.

It is not the purpose of this policy to enhance the viability of marginal and/or speculative developments.

Form of Incentive

The incentive will provide a discount towards both Application fees and Infrastructure Charges that are payable upon commencement of use following a development approval.

3.2 Application Fee Incentives

The incentive will provide a discount towards Application fees for certain applications made for Material Change of Use (MCU), Reconfiguring of a Lot (ROL) and Building Approvals (BA). In this regard:

- 100% discount for MCU - Multiple Dwelling or Dual Occupancy Developments in Medium Density Residential Zone, Major Centre Zone, Low Density Residential Zone or Township Zone and where land is not within any medium, high or extreme flood category;
- 100% discount for ROL - Subdivision of land within Medium Density Residential Zone or Low Density Residential Zone and where land is not within any medium, high or extreme flood category; and
- Building Approvals - a 50% discount for Class 1 buildings only (this excludes extensions and alterations to existing Class 1 buildings) where Council is the building certifier.
- Costs of undertaking a Flood Impact Assessment - a 100% discount (up to \$10,000 per application) for the costs of undertaking a Flood Impact Assessment under the Western Downs 2014 Flood Study for residential developments in Low Density Residential, Medium Density Residential, Township or Major Centre zones

3.3 Infrastructure Charges Incentives

Upon the issue of a Decision Notice by Western Downs Regional Council to approve a Development Permit under the *Planning Act 2016*, an Infrastructure Charges Notice (ICN) is issued.



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Under the provisions of this policy, the ICN will continue to be issued with the Decision Notice in accordance with the applicable resolution. This policy will offer discount for eligible developments that are completed and undertaken in compliance with this policy under an Infrastructure Agreement.

Eligible Development Types:

The developments that are eligible for this discount are limited to:

- Multiple Dwelling, Dual Occupancy or Retirement Facility Developments in Medium Density Residential Zone or Major Centre Zone -

100% discount of infrastructure charges associated with the development of a Dual Occupancy (ie Duplex) and/or Multiple Dwelling (ie a residential premise containing three or more Dwellings) or Retirement facility as they are defined in the Western Downs Planning Scheme. To be eligible, the development must be located within a *Medium Density Residential Zone* or *Major Centre Zone* and within the Priority Infrastructure Area, are not pre-fabricated buildings (unless they are new pre-fabricated buildings), and are certified by a professional building designer or architect as being of a high aesthetic value.

This category discount is capped at a maximum total combined value of \$2,500,000.

- Multiple Dwelling, Dual Occupancy or Retirement Facility Developments in Low Density Residential Zone -

100% discount of infrastructure charges associated with the development of a Dual Occupancy (ie Duplex) and/or Multiple Dwelling (ie a residential premise containing three or more Dwellings) or Retirement Facility as they are defined in the Western Downs Planning Scheme. To be eligible, the development must be located within the *Low Density Residential Zone* and within the Priority Infrastructure Area (except for Meandarra), are not pre-fabricated buildings (unless they are new pre-fabricated buildings) and are certified by a professional building designer or architect as being of a high aesthetic value.

This category discount is capped at a maximum total combined value of \$1,000,000.

- Multiple Dwelling, Dual Occupancy or Retirement Facility Developments in Township Zone -

100% discount of infrastructure charges associated with the development of a Dual Occupancy (ie Duplex) and/or Multiple Dwelling (ie a residential premise containing three or more Dwellings) or Retirement Facility as they are defined in the Western Downs Planning Scheme. To be eligible, the development must be located within the *Township Zone*, are not pre-fabricated buildings (unless they are new pre-fabricated buildings) and are certified by a professional building designer or architect as being of a high aesthetic value.

This category discount is capped at a maximum total combined value of \$50,000.

- *Subdivision Developments* - A Development Application for the Reconfiguring of a Lot, or lots, within a Medium Density Residential Zone or Low Density Residential Zone and the development must be within the Priority Infrastructure area -

This category discount is capped at a maximum total combined value of \$1,250,000.

Limit of Incentive

The incentive will be reserved to a total of 50% of the infrastructure charge on a first in, first served basis, and will no longer be available once the maximum total combined value for that category discount of development has been approved by Council. The incentive-"reservation" can only be held for a maximum of twelve months from the date that the request has been made, and is applied only upon completion of an Infrastructure Agreement, as provided in the *Planning Act 2016*. The balance 50% is available upon completion of the development.



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A person or entity is only eligible for one approved discount of infrastructure charges under this policy.

Eligibility Criteria:

To be eligible for a discount in accordance with this Policy, a development must comply with all the following criteria:

1. the MCU or ROL development approval must be current;
2. prior to commencement of the use and prior to the expiration of this policy, the applicant must provide Council with a Commencement of Use Notification (as defined in this policy); and
3. the development is determined by Council to be compliant with conditions of approval;
4. for any MCU, Council is provided a certificate by a professional building designer or architect that confirms that the buildings are of a high aesthetic value, and comply with Performance Outcome 1 (PO 1) within the Western Downs Planning Scheme Low Density Residential, Medium Density Residential, Major Centre Zone or Accommodation Codes; and
5. commencement of use within two (2) years of the commencement of this policy.

Where a development is assessed to be eligible for this IC discount, the parties will need to enter into an Infrastructure Agreement to this effect, under the provisions of the *Planning Act 2016*. Unless an Infrastructure Agreement is entered into, the ICN issued as part of the Decision Notice will remain applicable.

Ineligible Developments:

A development is not eligible for a discount of IC's under this policy where it does not meet all of the Eligibility Criteria, and/or:

1. where a development has commenced use prior to the adoption of this policy;
2. where a development has effectively commenced prior to obtaining an effective development approval under the *Planning Act 2016*, or for a use that could have been subject to compliance action for operating without a development approval (even where a Development Permit has later been issued); and
3. where a development has previously paid IC or has outstanding IC's for that development.

3.4 Timing and Duration of Policy

This policy commences on **1 July 2022** and shall remain in force until **31 December 2025**. Any development that is subject to a discount under this policy must be completed and the use commence within this period.

3.5 Definitions

Commencement of Use notification

Commencement of Use notification means the lodgement of advice, received by Council, that complies with the requirements of any Note included in a Decision Notice. The following note is the current version used in Decision Notices:

NOTE 8 - Commencement of Use

- (i) *Prior to commencement of this use, the applicant is to request a Compliance Inspection be undertaken by Council to confirm that all conditions of this Development Permit are considered compliant.*



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- (ii) *Upon receipt of confirmation from Council that all conditions of this Development Permit are considered compliant, the applicant is to notify Council within 20 business days, that this approved use has lawfully commenced.*

Where this note has not been included with the Decision Notice, the applicant will need to complete a "Notice of Intention to Commence Use" that was included with the Decision Notice (approximately prior to 2016). Where neither of these items were included with a Decision Notice, the applicant will need to provide written confirmation of the date that the use commenced.

Planning Scheme

Means the Western Downs Planning Scheme 2017 incorporating Amendment 1, or any Planning Scheme that supersedes that Scheme.

Priority Infrastructure Area

The Priority Infrastructure Area maps can be found in the Local Government Infrastructure Plan (LGIP) within the Western Downs Planning Scheme 2017 incorporating Amendment 1. For reference, the Priority Infrastructure Area contains parts of the following towns: Dalby, Chinchilla, Miles, Jandowae, Tara and Wandoan.

