

Fact sheet: Local government infrastructure framework

Trunk infrastructure considerations: development applications and approvals

This fact sheet provides advice on the use of local government infrastructure plans (LGIPs) and local government charges resolutions when preparing, assessing and dealing with development applications and approvals.

Background

The *Planning Act 2016* establishes the framework for infrastructure planning and charges and is supported by the Planning Regulation 2017 and the Minister's Guidelines and Rules (MGR). The framework provides for the preparation and adoption of an LGIP as part of a planning scheme, the adoption by council resolution (charges resolution) of adopted charges for trunk infrastructure, and the imposition of conditions for trunk infrastructure on development approvals.

Infrastructure considerations

Prior to lodgement

Applicants

When preparing an application for reconfiguration of a lot, or material change of use for either a development permit or preliminary approval, refer to the relevant charges resolution and the LGIP component of the planning scheme.

Key aspects to determine for a development application include:

- the extent to which adopted charges apply
- whether trunk infrastructure is required on the development site, or is triggered by the proposed development.

Table 1 provides the key areas to be reviewed and actioned as part of preparing a development application, based on the typical structure and content of an LGIP and charges resolution.



Table 1: Key infrastructure considerations

Instrument	Action	Implication
Part 4 – Local government infrastructure plan (Note: Some of this information may be contained in the charges resolution prior to 30 June 2018.)		
4.2 Planning assumptions	Understand the growth context of the development site. Find the applicable use or zone relating to development and its assumed demand.	These are the assumptions upon which infrastructure is planned and sized and the use relates to the amount of the charge applied in the charges resolution. The amount of demand drives the need for infrastructure.
4.3 Priority infrastructure area – (PIA) map	Determine if the development site is inside or outside the PIA.	Charges can apply in both circumstances; however, for development outside the PIA extra trunk infrastructure cost conditions may be imposed. Refer to the fact sheet PIA: Role, determination and application.
4.4 Desired standards of service (DSS) and supporting design standards	Should the development require or trigger trunk infrastructure, the DSS set out the high level service standards that apply. The DSS are supported by the design standards in the planning scheme policies or other controlled documents e.g. AS/NZS standards.	The DSS and supporting design standards articulate local government standards and requirements for the provision of trunk and non-trunk infrastructure.
4.5 Plans for trunk infrastructure (PFTI)	Determine if any identified trunk infrastructure is located on or adjacent to the development site.	Trunk infrastructure (works or land) located on a development site may be required as part of the development. Some trunk infrastructure external to the site may also be triggered and required. The development should integrate the trunk infrastructure into the design. Trunk infrastructure required by a local government determines the extent of costs that can be offset against the adopted charge.
4.5 Schedule of works (SOW)	Where infrastructure is shown on a PFTI map, refer to the SOW for more detail.	The SOW includes relevant details of the identified trunk infrastructure such as its estimated establishment cost and assumed date of construction for future infrastructure.
Charges resolution		
1. Introduction	Determine the relevant use components of the proposed development.	Charges resolutions provide background and legal authorisation, and can include definitions of relevant terms. They identify the applicable charge areas, types of development and adopted charges that may be levied for development.
2. Adopted charges	Determine if charges are applicable.	Sets out the types of development and identifies the adopted charges.

3. Additional demand and credits	Determine the additional demand generated by the development in the context of existing use rights and any outstanding conditions or payments.	Charges can only be imposed for demand generated by the application in addition to demand generated by existing use rights. Refer to the fact sheet: Calculating additional demand and existing use credits.
4. Calculation of the levied charge	Use the method set down to determine the charges for the development.	Identifies the method by which the levied charge will be calculated.
5. Payment triggers	Establish when the levied charges have to be paid for each type of application.	Identifies when a levied charge is to be paid.
6. Automatic increase provision for levied charges	The levied charge may be increased up to the time of payment.	Identifies how a levied charge is to be increased to the date it is paid.
7. Offsets and refunds for trunk infrastructure	Reconcile the adopted charges against the cost of any trunk infrastructure expected to be provided.	Where trunk infrastructure is required to be provided, the cost must be offset against the amount of adopted charges. Where the cost is greater than the charge, a refund must be provided for the difference. Refer to the fact sheet: Offsets and refunds: Determining the cost of infrastructure.

Local government

LGIPs and charges resolutions include up-front information about trunk infrastructure requirements and charges for a local government area and can be used to inform the preparation of development applications. They provide certainty, consistency and transparency for the planning and provision of trunk infrastructure.

Clear and concise advice during any pre-lodgement process is paramount, including identifying and clarifying trunk infrastructure requirements. Clarity should also be provided around necessary process, where certainty of an outcome cannot be given before an application is made.

During assessment

Applicants

To expedite and facilitate an informed development assessment process, applicants should highlight infrastructure that is considered to be trunk infrastructure within the planning reports and associated drawings. This may include:

- reference to the LGIP (i.e. PFTI, SOW) noting the IDs relevant to the network
- highlighting any trunk infrastructure not identified in the LGIP that meets the conversion criteria contained in the relevant charges resolution with supporting justification and information
- an engineering or land valuation estimate to support any alternative value where the establishment cost of the trunk infrastructure identified in the SOW is considered to be inconsistent with the expected cost of providing the infrastructure
- provision of additional design, modelling or costing information to clarify the scope, staging and timing of the infrastructure.

Applicants should also note if the development is outside the PIA and the infrastructure implications of the development. Refer to the fact sheet: PIA: role, determination and application.

Infrastructure agreements

Sometimes the complex nature of issues associated with a development application may be difficult to resolve through the normal processes. Infrastructure agreements between the applicant and a local government about resolving such issues may be entered into on a voluntary basis.

An infrastructure agreement should not be used to oblige an applicant to accept an outcome that dissolves their rights or, for example, lowers the responsibility of the local government to acknowledge trunk infrastructure or to provide an offset or refund.

Refer to the fact sheet: Infrastructure agreement principles.

Local government

Local governments must work within the provisions of the Act when imposing conditions about trunk and non-trunk infrastructure for development. Local governments should clearly identify the provision of the Act used for the infrastructure condition, including:

- Section 128 – Necessary infrastructure
- Section 130 – Extra payment conditions – inconsistent with timing or scale, outside PIA
- Section 145 – Non-trunk infrastructure.

Local government assessment should ensure infrastructure items intended to be conditioned as non-trunk infrastructure, do not meet the trunk infrastructure conversion criteria included in its charges resolution.

For applications outside the PIA, refer to the fact sheet: PIA: role, determination and application.

Post decision

Applicant

Applicants should check the conditions of approval with respect to infrastructure to understand how they relate to the relevant provisions under the Act, e.g. is the condition about unidentified trunk infrastructure or trunk infrastructure identified in the LGIP, conditions about extra costs or conditions about non-trunk infrastructure?

Where issues are identified with conditions relating to infrastructure matters, representations can be made to the local government within the applicant's relevant appeal period, i.e. the negotiated decision process.

Applicants should check the content of the infrastructure charges notice (ICN) issued to ensure all of the figures used are correct and correctly reference the relevant components of the development approval conditions. The ICN must clearly state the amount of the levied charge, how it was worked out, whether an offset or refund applies, and information about the offset or refund. Where issues are identified with the ICN, submissions can be made to the local government about the ICN during the applicant's relevant appeal period.

For the purpose of offsets or refunds, where the value of a trunk infrastructure item conditioned to be provided is not found to align with the anticipated cost of providing the trunk infrastructure, an applicant may give notice to the local government to recalculate the establishment cost of the trunk

infrastructure item. Refer to the fact sheet: Offsets and refunds: determining the cost of infrastructure.

Where infrastructure is conditioned as non-trunk infrastructure and is subsequently considered to meet all of the conversion criteria in a charges resolution, a conversion application may be lodged. Refer to the fact sheet: Conversion applications: non-trunk to trunk infrastructure.

For other issues identified during the post-appeal period, a change request may be required.

Infrastructure agreements

An applicant who has received an ICN and a local government may enter into agreement about how levied charges will be paid or whether trunk infrastructure may be provided instead of paying part or all of the levied charge.

For complex situations an infrastructure agreement between the applicant and local government may provide more specific detail – for example, about how infrastructure will be provided and how offsets or refunds will be dealt with.

Refer to the fact sheet: Infrastructure agreement principles.

Local government

A local government may be requested to assess various applications or requests post approval, including:

- conversion application
- submissions about the ICN
- negotiated decision requests
- notice to recalculate the actual cost of trunk infrastructure
- permissible change requests
- request to enter into an infrastructure agreement.

In dealing with these requests, local governments should have clear and established internal processes, consistent with legislative requirements, to assess these requests in a timely and equitable manner.

For infrastructure agreements, refer to the fact sheet: Infrastructure agreement principles.

Distributor–retailers

Infrastructure conditioning and charges for water infrastructure within a water distributor–retailer area is regulated by the *South East Queensland Water (Distribution and Retail Restructuring) Act 2009*. For further information on infrastructure conditions, adopted charges or planning for distributor-retailers, please visit the [Department of Energy and Water Supply website](#).

More information

For more information on local government infrastructure conditions, adopted charges and planning matters, please visit the [Department of Infrastructure, Local Government and Planning website](#).