

Local Government Infrastructure Framework

Infrastructure charges resolutions

FACT SHEET
FEBRUARY 2016

Purpose

This fact sheet provides advice on the content that may be included in an infrastructure charges resolution (resolution) and the likely effect of a resolution.

Background

The Queensland Government is implementing reforms to improve Queensland's local infrastructure framework. These changes commenced on 4 July 2014 with amendments to the *Sustainable Planning Act 2009* (SPA).

Resolutions made from 4 July 2014

A resolution can be made through a formal decision process at a local government meeting to:

- adopt a charge for providing trunk infrastructure for development
- adopt different charges for development in different parts of the local government area
- declare there is no adopted charge for part or all of the relevant local government area
- provide for the indexation of a levied charge.

Before 1 July 2015, a resolution must be updated to include:

- a method for working out the cost of the infrastructure that is the subject of an offset or refund (recalculation method)



- criteria for deciding a conversion application (conversion criteria).

Until 30 June 2016 (or an extension to a date before 1 July 2018, approved by the Planning Minister in accordance with section 997 of SPA) a resolution may also:

- identify development infrastructure as trunk infrastructure for its local government area
- state the required standard of service and establishment costs for identified trunk infrastructure.

Sections 630 to 634 and 979 of the SPA outline what can and must be included in a resolution.

Existing resolutions made before 4 July 2014

The SPA provides for resolutions which were made before 4 July 2014 to remain valid until 30 June 2015. Therefore local governments can continue to levy charges in accordance with an existing resolution provided it is consistent with the State Planning Regulatory Provision (adopted charges) in place.

Local governments that have not adopted a resolution that includes a method for calculating the cost of infrastructure, or criteria for deciding a conversion application, will be required to use the default method and criteria included in the Statutory guideline – Local government infrastructure plans.

If a local government wants to levy charges after 30 June 2015, it must have a new resolution in place which includes conversion criteria and a recalculation method.

Identifying trunk infrastructure

Until 1 July 2016 (or an extension to a date before 1 July 2018, approved by the Planning Minister in accordance with section 997 of SPA), a resolution can also provide a basis for local governments to place conditions on development approvals or compliance permits. Those conditions address issues regarding the availability, capacity or protection of the infrastructure identified in the resolution.

To support its power to condition, a local government may also include standards of service and establishment costs for the trunk infrastructure identified in the resolution.

Notifying a resolution

Local governments are no longer required to notify the making of a resolution in a local newspaper. A resolution must now be uploaded to a local government's webpage and the local government must ensure that the resolution continues to be available on the website.

The resolution has effect from the day it is uploaded to the website or a later day as stated in the resolution. Resolutions must also be attached to a local government's planning scheme however, it does not form part of the planning scheme.

Local governments and distributor-retailers

Distributor-retailers set their infrastructure charges independently of their local government through a board decision and publish charges in a Netserv Plan.

Distributor-retailers, and local governments with a distributor-retailer arrangement, must include the proportion of the maximum charge that each party is entitled to levy (the charges breakup) in their resolutions and Netserv Plans. This makes it easy for applicants to determine how charges are broken down and ensure the total levied charge for a development is equal to or less than the maximum charge.

Where a local government and distributor-retailer set a new charges breakup, each must have adopted new charges in line with the charges breakup before it can take effect.

Resolution template

A generic template that may assist local governments in drafting an infrastructure charges resolution is available on the Department of Infrastructure, Local Government and Planning [website](#).

Distributor-retailers

The requirements for distributor-retailers in relation to adopting charges are set out in the *South East Queensland Water (Distribution and Retail Restructuring) Act 2009*. For further information on infrastructure charges or planning for distributor-retailers please visit the Department of Energy and Water Supply [website](#).

Further information

For further information on local government infrastructure charges and planning matters please visit the Department of Infrastructure, Local Government and Planning [website](#) or email infrastructure.planning@dilgp.qld.gov.au.