

Local Government Infrastructure Framework

Transitional provisions

FACT SHEET
FEBRUARY 2016

Purpose

This fact sheet provides advice on the transitional arrangements for the new infrastructure charges and planning framework.

Background

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

Transitional provisions

Chapter 10, Part 11 of the SPA outlines the savings and transitional arrangements for the change from the maximum charges framework to the local government infrastructure framework. A summary of the arrangements for some of the key areas for transition are outlined below.

Development approvals

All development applications decided from 4 July 2014 will be subject to the new infrastructure framework. This includes development applications lodged prior to the commencement of the new framework, but for which an approval has not been given.

The previous framework will continue to apply to development approvals and any type of infrastructure charges notice issued prior to the commencement of the new framework. However, any type of infrastructure charges notice (adopted infrastructure charges notice, regulated infrastructure charges notice, contributions required under a planning scheme policy condition etc.) issued prior to 4 July 2014 can be amended in response to a change approval or extension of the corresponding development approval.



State Planning Regulatory Provision (adopted charges)

The State Planning Regulatory Provision (adopted charges) 2012 (SPRP) continues to set the maximum charges under the new framework. It will also continue to identify priority infrastructure areas on behalf of local governments that do not have a local government infrastructure plan (LGIP) prior to 1 July 2016. In accordance with section 997 of SPA, local governments may apply to the Planning Minister for an extension of this date to a date not later than 30 June 2018.

Infrastructure charges resolution

Section 979 of SPA provides that an adopted infrastructure charges resolution made prior to 4 July 2014 remains valid, but only to the extent that it is consistent with the SPRP (adopted charges) in place from 4 July 2014.

As such, upon commencement of the legislation, local governments will be able to continue using existing charges resolutions to levy charges, however, will be required to adopt a new resolution before 1 July 2015 if they want to continue to levy infrastructure charges.

Priority infrastructure plans (PIPs) and local government infrastructure plans

Priority infrastructure plans adopted prior to 1 July 2016 will also be called LGIPs under the new framework. Section 982(2) of SPA clarifies however that a complying LGIP must be prepared in accordance with the guideline mentioned in section 117(2) which is Statutory guideline 03/14 – Local government infrastructure plans.

The transitional provisions of SPA allow local governments to continue to levy infrastructure charges and impose conditions about trunk infrastructure until 30 June 2016 without having adopted a complying LGIP. In accordance with section 997 of SPA, local governments may apply to the Planning Minister for an extension of this date to a date not later than 30 June 2018.

Section 976A of SPA provides that if a local government has started making a PIP immediately before the commencement of the new framework, it can continue to make the PIP in accordance with the unamended SPA. This provision ensures that planning work undertaken to date is preserved.

Conversion criteria

Section 979(3A) of SPA provides that where a local government did not have conversion criteria in their resolution, they were to use default criteria set by the state government in the Statutory guideline – Local government infrastructure plans (SG-LGIP). The intent of providing default criteria in the SG-LGIP is to assist local government with transitioning to the new framework while they work to develop their own criteria.

Methodology for determining the cost of infrastructure

Section 979(3) of SPA provides that until a local government develops and adopts their own methodology for recalculating the establishment cost of trunk infrastructure into a resolution, they must use the default methodology provided in SG-LGIP to determine

the cost of offsets and refunds. This is again to assist local governments with the transition to the new framework and allow them time to develop their own method.

Distributor-retailers

The transitional provisions which move the water distributor-retailer's infrastructure framework from the SPA to the utility model are 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.