

Infrastructure charging

Townsville State Development Area

This fact sheet explains how infrastructure charges are applied in the Townsville State Development Area (SDA).

Infrastructure charges in the Townsville SDA

The legislative framework for infrastructure charging in the Townsville SDA under the *State Development and Public Works Organisation Act 1971* (SDPWO Act) varies from the statutory provisions applying outside the Townsville SDA under the *Planning Act 2016* (Planning Act).

Under the Planning Act, a local government:

- may, in respect of development under that Act, adopt and levy charges for providing trunk infrastructure for the development
- will be the entity issuing an infrastructure charges notice if a development approval under that Act has been given and an adopted charge applies to providing trunk infrastructure for the development
- will generally identify trunk infrastructure in a local government infrastructure plan (LGIP).

For development regulated by the Townsville SDA development scheme under the SDPWO Act, the Townsville City Council does not have the above functions.

The Coordinator-General regulates development in the Townsville SDA. The Townsville City Council provides trunk infrastructure to service the Townsville SDA

and has an LGIP that includes part of the Townsville SDA.

The Coordinator-General may levy infrastructure charges on behalf of the Townsville City Council through conditions of an SDA approval.

Despite the different legislative frameworks, the Townsville City Council and the Coordinator-General are working together to coordinate infrastructure planning and charging in the Townsville SDA.

Trunk and non-trunk infrastructure

Infrastructure is classified as either 'trunk infrastructure' or 'non-trunk infrastructure'. Trunk infrastructure is the higher level network infrastructure that is used by multiple developments. Non-trunk infrastructure is either internal to a development (i.e. generally benefits a single development) or connects to trunk infrastructure.

Local government infrastructure plan

An LGIP is a document that outlines a local government's plan for the provision of trunk infrastructure to service the local government area.

The Townsville City Council LGIP contains assumptions about population projections,



housing, and employment growth for a 10 to 15-year period. It also outlines the desired standards of service and demand for infrastructure. Based on these assumptions and standards, the LGIP identifies what trunk infrastructure is required, where it is required, when it is required, and why it is required.

The LGIP assists a developer to understand what trunk infrastructure may be required to service development. An infrastructure charges resolution sets the infrastructure charges levied by Council in accordance with an LGIP.

The Townsville City Council LGIP does not include all the Townsville SDA.

Townsville SDA infrastructure plan

The Townsville SDA infrastructure plan outlines the trunk infrastructure servicing needs and demands of the Townsville SDA and includes costings for sewer, water, electricity, transport and stormwater infrastructure.

The Townsville SDA infrastructure plan may inform amendments to the Townsville City Council LGIP.

How are infrastructure charges worked out?

An infrastructure charge may be levied on the following development:

- (a) material change of use (MCU)
- (b) reconfiguring a lot (RaL).

The charge will be levied in accordance with the Townsville City Council infrastructure charges resolution.

When an SDA application is received by the Coordinator-General for an MCU or RaL the following process is followed.

- (1) The Coordinator-General will refer the SDA application to Townsville City Council as a referral entity, during the referral period.

- (2) Townsville City Council will review the SDA application and may provide a referral entity submission to the Coordinator-General.
- (3) Townsville City Council will assess the application in the timeframe outlined in the Townsville SDA development scheme, unless the Coordinator-General specifies a later timeframe.
- (4) As part of its review, Townsville City Council will consider the application against the LGIP and the infrastructure charges resolution and decide whether any further information is required to prepare an infrastructure charges notice or if a notice is required.
- (5) Townsville City Council may provide an infrastructure charges notice to the Coordinator-General as part of their referral entity submission.
- (6) Once the Coordinator-General has received the infrastructure charges notice from Townsville City Council, the Coordinator-General may include it as a condition of an SDA approval.

An infrastructure charges notice may include:

- (a) details of the premises
- (b) the amount of the charge applicable
- (c) how the charge has been worked out
- (d) when the charge will be payable
- (e) if an automatic increase provision applies—
 - (i) that the charge is subject to automatic increases and
 - (ii) how the increases are worked out under the provision
- (f) whether a credit, offset or refund applies.

A developer may enter into an infrastructure agreement with Townsville City Council.

Credits, offsets and refunds

An infrastructure offset for works or land identified in an LGIP may be provided in lieu of payment of some or all infrastructure charges. An infrastructure refund is where the cost of the infrastructure contribution is more than the levied charge for the development.

In an SDA, an infrastructure refund is not automatically provided by local government and it is more appropriate for local government and a developer to enter in an infrastructure agreement.

Infrastructure agreement

An infrastructure agreement is a contractual agreement between a local government and a developer which outlines obligations and entitlements including a schedule of infrastructure, timing of payment of charges and provision of infrastructure.

An infrastructure agreement under the Planning Act can not prevail over a condition of an SDA approval.

If a developer seeks to enter into an infrastructure agreement with Townsville City Council, this will be negotiated directly between Townsville City Council and the developer.

The Coordinator-General will not be a party to an infrastructure agreement and will not impose conditions on an SDA development approval relating to infrastructure agreements.

However, the Coordinator-General may be included in negotiations between Townsville City Council and a developer to facilitate development in the Townsville SDA.

Payment

If an infrastructure charges notice is included as a condition of an SDA approval, infrastructure charges are payable to Townsville City Council for:

- (a) an MCU approval, when the change of use commences
- (b) RaL, prior to the Coordinator-General sealing the plan of survey.

Building works

Building works are not regulated by the Coordinator-General. All building works enquiries should be referred to Townsville City Council.

Contact us

For further information about the infrastructure charging and development assessment processes in SDAs please contact the Office of the Coordinator-General's SDA Division on 1800 001 048 or via

sdainfo@coordinatorgeneral.qld.gov.au