

Local Government Infrastructure Framework

Conversion applications – non-trunk to trunk infrastructure

FACT SHEET
DECEMBER 2014

Purpose

This fact sheet provides advice on practical application of the provisions within the *Sustainable Planning Act 2009* (SPA) that allow for the conversion of non-trunk infrastructure to trunk infrastructure.

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 SPA.

Trunk and non-trunk infrastructure

Local infrastructure is categorised as either 'trunk infrastructure' (i.e. higher-level infrastructure that is shared between multiple developments) or 'non-trunk infrastructure' (i.e. infrastructure that is not shared with other developments and is generally internal to a development site). The classification of infrastructure as trunk or non-trunk guides what infrastructure conditions a local government can impose on a development application. Developers are responsible for providing and funding all non-trunk infrastructure while the funding of trunk infrastructure is shared between a number of developers and the local government.

Local governments cannot foresee all development scenarios or trunk infrastructure requirements when preparing their Local Government Infrastructure Plan (LGIP). As a result, at the time of development assessment, it is sometimes necessary for infrastructure that is not identified in an LGIP, but which meets the requirements of trunk infrastructure, to be required through a condition.

Conversion applications

What is a conversion application?

A local government may impose a condition, as part of a development approval, requiring the provision of non-trunk infrastructure. Under section 659 of SPA, if construction of the non-trunk infrastructure has not started, a conversion application can be made to the relevant local government to convert non-trunk infrastructure that is the subject of a development condition, to trunk infrastructure.

A conversion application should only be made where an applicant has a strong case that the infrastructure they have been conditioned to provide serves a trunk function and not a non-trunk function. In making this decision, an applicant can refer to the conversion criteria in the relevant local government's infrastructure charges resolution (resolution) and the parameters for setting conversion criteria in Statutory guideline – Local government infrastructure plans (SG-LGIP).

Deciding a conversion application

Section 660 of SPA provides that when deciding a conversion application, the relevant local government must use the criteria outlined in their resolution as a basis for making a decision about the application.

Section 979(3A) of SPA provides that where a local government does not have conversion criteria in their resolution, they must use the criteria in the SG-LGIP.

Section 660 of SPA provides that a local government must consider and decide a conversion application within **30 business days** of the application being made or from when a further information request is made. When requesting information from the applicant, the local government must allow the applicant a minimum of **10 business days** to give the information.

Developing conversion criteria

The 'parameters' for developing conversion criteria in SG-LGIP must be used by local governments as the basis for developing their conversion criteria which is then included in their resolution. Local governments can develop criteria to suit their relevant area, as long as the criteria is consistent with the parameters.

Notice of Decision

Section 661 of SPA provides that once a conversion application has been decided, the local government must give notice of the decision. If the decision is to convert non-trunk infrastructure to trunk infrastructure, the notice must state whether an offset or refund applies and if so, details of the offset or refund.

If the decision is not to convert non-trunk infrastructure to trunk infrastructure, the notice must be an information notice about the decision. Section 627 of SPA defines an information notice and states that it must include information about the decision and reasons for it, that the decision may be appealed and how.

Appeals and dispute resolution

Section 478A in SPA provides that an applicant for a conversion application can appeal to the Planning and Environment Court against a refusal or deemed refusal to convert non-trunk infrastructure into trunk infrastructure.

Section 535A in SPA provides that an applicant for a conversion application can appeal to the Building and Development Dispute Resolution Committee against a refusal or deemed refusal to convert non-trunk infrastructure to trunk infrastructure.

The appeal must be started within the following period –

- a) if the applicant is given **written notice of the refusal – within 20 business days** after the day the applicant is given the notice;
- b) otherwise – within **20 business days** after the end of the required period for the application. The **required period** means **30 business days** after making the conversion application or complying with an information request.

Distributor-retailers

Water distributor-retailers also have a conversion process under 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.