

Question on Notice
No. 420
Asked on Tuesday, 13 March 2007

MISS SIMPSON asked the Minister for Local Government, Planning and Sport (MR FRASER) –

QUESTION:

With reference to the use of voluntary infrastructure agreements (VIAs) which councils negotiate with developers as part of development approvals—

Will he advise what investigations have taken place as to (a) how VIAs influence councils to approve applications which are contrary to local planning instruments, (b) whether those VIAs have to be published in the public domain at the time of being agreed upon and contracted between the parties, (c) what conditions govern how contributions for VIAs are spent by the councillor or council and (d) how the public or community benefit of the VIA should be assessed when decision makers are using it to justify relaxations of local planning instruments?

ANSWER:

The *Integrated Planning Act 1997* prescribes a system of mechanisms, generally known as the Priority Infrastructure Plan and Infrastructure Charges Schedules, to plan and charge for local government infrastructure.

Subject to certain conditions, local governments may use the *Integrated Planning Act 1997* mechanisms to levy infrastructure charges on development to recover the costs associated with the provision of local government trunk infrastructure.

The *Integrated Planning Act 1997* allows flexibility and includes provisions that allow councils to enter into (voluntary) infrastructure agreements with developers where infrastructure proposals are not consistent with the Priority Infrastructure Plan arrangements regarding the provision of infrastructure. An example is where council intends to provide infrastructure at an earlier or later date than applied for by the developer.

When it comes to determining a development application, the *Integrated Planning Act 1997* requires that council assess the application against its planning scheme. Where a development application conflicts with its planning scheme it should be refused, unless there are good planning grounds to approve it.

Further, councils are required by the *Integrated Planning Act 1997* to have infrastructure agreements available for inspection by the public.

The *Integrated Planning Act 1997* is very specific on how the actual costs and charges for infrastructure should be calculated. It is a user pays system.

Charges are used by council on the infrastructure for which it was recovered within the context of the council's Priority Infrastructure Plan and associated Infrastructure Charges Schedules. Before approving a development application, there should be good planning grounds that justify the development in its own right. Once this has

been established, an infrastructure agreement should be regarded as a supporting mechanism to formally put arrangements into place regarding the provision of necessary infrastructure and the payment of associated costs.