

CONVERSION APPLICATION

In line with Section 139 of the Planning Act 2016 (PA) an applicant of a development approval may request to convert conditioned non-trunk infrastructure to trunk infrastructure if construction of the non-trunk infrastructure has not started. The application must be made to Council within one (1) year after the development approval has effect.

Once a conversion application is submitted, Council has up to 30 business days to decide if the conversion criteria (below) have or have not been met, and if so, determine any applicable offset or refund.

Conversion Criteria

Council must consider the conversion criteria within the Infrastructure Charges Resolution. Council's conversion criteria is listed below:

- Construction of the non-trunk infrastructure has not commenced;
- The Local Government has provided a development approval inclusive of a condition for the provision of non-trunk infrastructure;
- Where the condition is a development approval condition, the conversion application will be made to Livingstone Shire Council;
- The infrastructure has the capacity to serve other developments in the area;
- The function and purpose of the infrastructure is consistent with other trunk infrastructure identified in this charges resolution and is consistent with the desired standards of service outlined in Livingstone Shire Council Adopted Infrastructure Charges Resolution
- The infrastructure is not consistent with non-trunk Infrastructure for which conditions may be imposed in accordance with relevant section of the Planning Act 2016;

- The type, size and location of the infrastructure is the most cost-effective option for servicing multiple users in the area.
- The development infrastructure must not be temporary infrastructure unless identified by Council as the most cost-effective option; and
- The development infrastructure must be owned by Council.

Information Request

Section 140(3) of the Planning Act states that at any time Livingstone Shire Council can give notice to the applicant to provide further information required to make a decision. The applicant has a minimum of 10 business days (or a later date as agreed between Council and the applicant) to give the information that Council needs, otherwise the application lapses.

Notice of Decision

As soon as practical after deciding the conversion application, Council must give the applicant notice of the decision.

If the decision is to convert the non-trunk infrastructure into trunk infrastructure, the notice of decision will outline whether an offset or refund applies and 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.

Related Websites and Information

- [Conversion Application Form](#)
- [Lodging an application](#)
- [Livingstone Shire Councils Infrastructure Charges Resolution](#)
- [Livingstone Shire Councils Planning Scheme](#)
- [Livingstone Shire Councils Interactive Mapping](#)