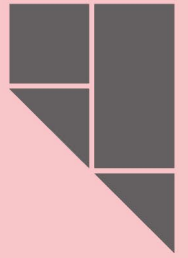


Frequently Asked Questions



PlanSA



Hackham Code Amendment – Infrastructure Agreements

Infrastructure agreements - general

Q – What is an infrastructure agreement?

A – An infrastructure agreement is a legal document between landowner(s), council(s) and developers that determines who is responsible for the sharing of costs and delivery of new infrastructure. An infrastructure agreement:

- establishes the obligations of each party
- provides the timing of the Agreement
- identifies the Schedule of Works.

Q – What is the purpose of an infrastructure agreement?

A – The purpose of an infrastructure agreement is to set out what infrastructure is required and how it will be delivered and paid for. It can provide:

- a level of certainty about the extent of works to be provided and money to be paid in advance of applying for a development approval
- for refunds, crediting or off set where a developer is going to incur the whole cost of constructing a major infrastructure item which benefits a wider area
- for infrastructure charges to be collected for such items which are refunded to the developer over time
- for variations to the timing of the payment of the infrastructure contribution - e.g. deferment or staged development.

Q – Why are infrastructure agreements needed?

A – The investigations for the Hackham Code Amendment identify that new shared stormwater and transport infrastructure is required for the land to be developed as a residential area.

Q – Who has to sign-up to an infrastructure agreement?

A – The landowners, council and/or infrastructure provider in the area affected by the Code Amendment proposed to be rezoned to Master Planned Neighbourhood Zone will be asked to sign-up to infrastructure agreements. The area proposed to be rezoned to Rural Neighbourhood is not affected by the infrastructure deeds.

Q – What infrastructure agreements are proposed for the Hackham Code Amendment?

A – Two infrastructure agreements are proposed for the Hackham Code Amendment:

- an agreement in relation to stormwater infrastructure; and
 - an agreement in relation to transport infrastructure.
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Q – Where can I get more information about the proposed stormwater infrastructure?

A – A stormwater investigation has been completed by engineering consultants Wallbridge, Gilbert, Aztec and is available on the PlanSA portal.

Q – Where can I get more information about the proposed transport infrastructure?

A – A transport investigation has been completed by engineering consultants CIRQA and is available on the PlanSA portal.

Q – How are infrastructure agreements managed in a Code Amendment?

A – Infrastructure Agreements for stormwater infrastructure and transport infrastructure will be required to be in place prior to the Code Amendment being considered by the Minister for Planning. The process for establishing Infrastructure Agreements will therefore be progressed in parallel with the Code Amendment process. Refer to the *Community Flowchart – Infrastructure Agreement* on page 3 which outlines the general timing of the key stages in each process.

Q – What about water, sewerage, gas, electricity and communications infrastructure?

A – An infrastructure agreement is not proposed for water, sewerage, gas, electricity, or communications infrastructure. Provision of this infrastructure is subject to a separate negotiation process with utility providers. A developer may be required to pay some of the costs for delivery of new infrastructure when the land is developed.

Costs associated for the delivery of this additional infrastructure do not need to be linked to the Code Amendment process.

Infrastructure agreements – landowner questions

Q – How can I find out more on infrastructure agreements?

A – Landowners in the affected area of Hackham and Old Noarlunga (the land proposed to be rezoned to Master Planned Neighbourhood Zone) were invited to attend meetings in early 2022 to discuss infrastructure requirements and the process for establishing infrastructure agreements. Further meetings will be held as needed in mid-2022.

Q – What is the cost of infrastructure?

A – The cost of stormwater and transport infrastructure is currently being investigated and will form the basis for negotiating infrastructure agreements.

Q – How much will I have to pay?

A – The cost of new infrastructure is to be equitably distributed across stakeholders that will financially benefit from the land being rezoned. For a landowner, this will generally be an agreed rate per hectare of land within the rezoning area. Council and infrastructure providers may contribute additional funds where the infrastructure benefits the wider population or infrastructure network.

Q – When will I have to pay?

A – A landowner is not required to make a financial contribution under an infrastructure agreement until the land is developed. If land is not developed, a financial contribution does not need to be made.

Q – What if I have entered into a contract to sell my land to a developer?

A – If a landowner has entered into an agreement to sell their land, the infrastructure agreement obligation will pass onto the new landowner.

Q – How does the obligation pass from one landowner to the next?

A – A Land Management Agreement is used to connect the infrastructure obligation to the land (and not the person).

Q – What if I don't sign-up to the infrastructure agreement(s)?

A – A landowner who wishes to rezone their land is required to enter into the relevant infrastructure agreement(s). If an infrastructure agreement is not entered, the land may not be rezoned.

Q – What is the timing of the infrastructure agreement(s)?

A – Infrastructure agreements are proposed to be in place before a decision is made on the Code Amendment.

Community flowchart – Infrastructure agreement

