



# Adopted Infrastructure Charges Resolution (version no. 6)

August 2017

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## Contents

<b>1. APPLICATION TO LOCAL GOVERNMENT AREA .....</b>	<b>4</b>
<b>2. WHEN RESOLUTION HAS EFFECT .....</b>	<b>4</b>
<b>3. PRIORITY INFRASTRUCTURE AREA.....</b>	<b>4</b>
<b>4. COMPARISON OF PLANNING SCHEME USE CATEGORIES AND ADOPTED CHARGES SCHEDULE USE CATEGORIES.....</b>	<b>4</b>
TABLE 1 - PLANNING SCHEME USE CATEGORIES AND (ADOPTED CHARGES SCHEDULE USE CATEGORIES) .....	5
<b>5. ADOPTED CHARGES.....</b>	<b>9</b>
TABLE 2 – ADOPTED CHARGES SCHEDULE .....	9
<b>6. EXTRA DEMAND .....</b>	<b>16</b>
<b>7. TRUNK INFRASTRUCTURE .....</b>	<b>16</b>
<b>8. AUTOMATIC INCREASE (INDEXING) OF ADOPTED CHARGES .....</b>	<b>17</b>
<b>9. INDEXING THE ADOPTED CHARGES SCHEDULE .....</b>	<b>17</b>
<b>10. OFFSET AND REFUND FOR TRUNK INFRASTRUCTURE .....</b>	<b>17</b>
10.1. PURPOSE .....	17
10.2. IDENTIFIED TRUNK INFRASTRUCTURE CRITERIA .....	18
10.3. WORKING OUT THE ESTABLISHMENT COST .....	18
10.4. CALCULATION OF THE ESTABLISHMENT COST .....	19
10.5. RECALCULATION OF THE ESTABLISHMENT COST FOR WORK .....	19
10.6. RECALCULATION OF THE ESTABLISHMENT COST FOR LAND .....	24
10.7. APPLICATION OF AN OFFSET AND REFUND.....	26
10.8. DETAILS OF AN OFFSET AND REFUND.....	26
10.9. TIMING OF AN OFFSET AND REFUND .....	26
TABLE 3 - TIMING OF REFUND FOR TRUNK INFRASTRUCTURE.....	28
<b>11. CONVERSION TO TRUNK INFRASTRUCTURE.....</b>	<b>29</b>
11.1. APPLYING TO CONVERT PARTICULAR NON-TRUNK INFRASTRUCTURE TO TRUNK INFRASTRUCTURE .....	29
11.2. CONVERSION CRITERIA.....	29
<b>12. DICTIONARY .....</b>	<b>29</b>
<b>13. RESOLUTION ATTACHMENTS.....</b>	<b>31</b>
SCHEDULE 1    MAXIMUM CONSTRUCTION ON COSTS FOR WORK.....	31

This resolution is made under s. 113 of the *Planning Act 2016*. This resolution replaces Fair Value Charges Resolution (version no. 5).

## **1. Application to local government area**

This resolution applies to the entire local government area of Scenic Rim Regional Council<sup>1</sup>. Priority infrastructure areas have been identified in the Priority Infrastructure Plans (PIP) in the *Beaudesert Shire Planning Scheme 2007*, the *Boonah Shire Planning Scheme 2006*, and the *Ipswich Planning Scheme 2006*, which identifies the areas Council intends to accommodate future urban growth.

A Priority Infrastructure Plan is known as a transitional Local Government Infrastructure Plan, following amendments to the *Sustainable Planning Act 2009* in July 2014. All references in the planning schemes are made to the priority infrastructure plan which has effect under the Planning Act 2016 as a local government infrastructure plan.

Areas subject to the *State Development and Public Works Organisations Act 1971* (State Development Act) are included in this resolution. To the extent the State Development Act or any infrastructure agreement facilitates the charging for infrastructure contributions under a different regime, this resolution will not have effect. Otherwise, the adopted infrastructure charge will apply.

## **2. When resolution has effect**

This resolution has effect on and from 1 August 2017.

## **3. Priority infrastructure area**

The priority infrastructure areas for the Scenic Rim Regional Council are identified in the priority infrastructure plans in the *Beaudesert Shire Planning Scheme 2007*, the *Boonah Shire Planning Scheme 2006*, and the *Ipswich Planning Scheme 2006*.

## **4. Comparison of planning scheme use categories and adopted charges schedule use categories**

Table 1 provides a guide to the uses under the planning schemes that correlate to the uses mentioned in column 2 of the adopted charges schedule in section 5 of this resolution.

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<sup>1</sup> Scenic Rim Regional Council was formed due to Local Government Boundary Reform in 2008 by amalgamation of the Boonah Shire, parts of the Beaudesert Shire and parts of the Ipswich City.



**Table 1 - Planning scheme use categories and (adopted charges schedule use categories)**

Current planning scheme use categories			Adopted charges schedule use categories
Beaudesert Shire Planning Scheme 2007	Boonah Shire Planning Scheme 2006	Ipswich Council Planning Scheme 2006	
<b>Residential</b>			
House; Dual Occupancy; Caretakers Residence; Managers/Workers House; Medium Density Residential	House; Relatives' Accommodation; Caretakers Residence; Multiple Dwelling	Single Residential; Display Housing; Dual Occupancy; Caretaker Residential; Multiple Residential	Dwelling house
			Dwelling unit
			Dual occupancy
			Caretaker's accommodation
			Multiple dwelling
<b>Accommodation (short term)</b>			
Motel; Bed and Breakfast; Tourist Cabins; Camping Ground	Motel; Host Home Accommodation; Caravan Park; Tourist Cabins; Camping Ground	Temporary Accommodation	Hotel
			Short-term accommodation
			Tourist park – caravan or tent
			Tourist Park - cabins
<b>Accommodation (long term)</b>			
Caravan; Relocatable Home Park; Aged Persons Accommodation			Community residence
			Rooming accommodation
			Relocatable home park
			Retirement facility
<b>Places of assembly</b>			
Funeral Premises; Public Worship	Funeral Establishment	Business Use (Funeral Premises); Community Use (Cemetery, Community Hall, Crematorium, Cultural Centre, Gallery, Library, Meeting Rooms, Museum, Place of Worship)	Club
			Community use (library)
			Community use (museum)
			Community use (other)
			Function facility
			Funeral parlour
			Place of worship
<b>Commercial (bulk goods)</b>			
Retail Plant Nursery; Retail Showroom	Plant Nursery; Bulk Supplies; Showroom	Business Use (Bulky Goods Sales, Vehicle Sales Premises, Garden Centre, Farm Supply Outlet)	Agricultural supplies store
			Bulk landscape supplies
			Garden centre
			Hardware and trade supplies
			Outdoor sales
			Showroom

Current planning scheme use categories			Adopted charges schedule use categories
Beaudesert Shire Planning Scheme 2007	Boonah Shire Planning Scheme 2006	Ipswich Council Planning Scheme 2006	
<b>Commercial (retail)</b>			
General Store; Shop; Shopping Centre; Produce Store; Convenience Restaurant; Food Establishment / Reception Centre; Cottage Tourist Facility; Service Station Tourist Business; Tourist Facility	Shop; Food Premises; Service Station Tourist Facility	General Store; Shopping Centre; Business Use (Café, Fast Food Premises, Laundromat, Restaurant, Service Station, Shop, Snack Bar, Takeaway Food Premises); Tourist Facility	Adult store
			Food and drink outlet (fast food restaurant)
			Food and drink outlet (fast food restaurant with drive through)
			Food and drink outlet (other)
			Service industry (laundromat)
			Service industry (other)
			Service station (fuel pumps)
			Service station (shop component)
			Service station (vehicle repair shop)
			Service station (food and drink outlet)
			Shop
			Shopping centre
Shopping centre (small = 0 - 30,000m <sup>2</sup> GFA)			
Shopping centre (medium= 30,001 - 60,000m <sup>2</sup> GFA)			
Shopping centre (large = 60,001 + m <sup>2</sup> GFA)			
<b>Commercial (office)</b>			
Commercial Activity	Commercial Premises	Business Use (Medical Centre, Office, Professional Office);	Office
			Sales office
<b>Education facility</b>			
Child Care Facility; Educational Establishment	Community Facilities (Educational Establishment)	Community Use (Child Care Centre, School)	Child care centre
			Community care centre
			Educational establishment (primary school)
			Educational establishment (secondary school)
			Educational establishment (tertiary)
<b>Entertainment</b>			
Hotel / Club	Hotel	Business Use (Hotel)	Bar
			Hotel (non-residential component)
			Nightclub
			Theatre

Current planning scheme use categories			Adopted charges schedule use categories
Beaudesert Shire Planning Scheme 2007	Boonah Shire Planning Scheme 2006	Ipswich Council Planning Scheme 2006	
<b>Indoor sport and recreational facility</b>			
Indoor Sports, Recreation and Entertainment	Indoor Recreation	Entertainment Use	Indoor sport and recreation (squash or other court areas)
			Indoor sport and recreation (other)
<b>Industry</b>			
Industry – General; Industry – Low Impact / Service; Warehouse / Storage Facility; Passenger Terminal; Transport Terminal; Truck Depot	Industry - Medium Impact; Industry - Low Impact; Bulk Store; Warehouse; Transport Depot	General Industry; Service / Trades use;	Low impact industry
			Marine industry
			Medium impact industry
			Research and technology industry
			Rural industry
			Transport Depot
			Warehouse (self-storage facility)
			Warehouse (other)
<b>High impact industry</b>			
Industry – High	Industry - High Impact	Nuclear Industry; Special industry	High impact industry
			Special Industry
<b>Low impact rural</b>			
Agriculture; Animal Husbandry; Coursing or Trialling Track; Equestrian Activities; Forestry.	Aqua Culture – Minor; Agriculture; Animal Husbandry; Stables; Stock Sale Yard.	Agriculture; Animal Husbandry; Forestry.	Animal husbandry
			Cropping
			Permanent plantations
			Wind farm
<b>High impact rural</b>			
Aquaculture; Feedlot Farming; Intensive Agriculture; Piggery; Poultry Farm; Intensive Animal Husbandry; Winery / Distillery	Aqua Culture – Significant; Intensive Animal Industry, Wholesale Nursery;	Intensive Animal Husbandry; Plant Nursery (Wholesale); Wine Making	Aquaculture
			Intensive animal industries
			Intensive horticulture
			Wholesale nursery
			Winery
<b>Essential services</b>			
Veterinary Surgery / Hospital; Corrective Institution; Community Care Centre; Hospital	Community Facilities	Community Use; Correctional Centre; Institutional Residential; Business Use (Veterinary Clinic); Community Use (Community Centre, Emergency Service Depot, Hospital, Senior Citizens Centre, Youth Centre)	Detention facility
			Emergency services
			Health care services
			Hospital
			Residential care facility
			Veterinary services

Current planning scheme use categories			Adopted charges schedule use categories
Beaudesert Shire Planning Scheme 2007	Boonah Shire Planning Scheme 2006	Ipswich Council Planning Scheme 2006	
<b>Specialised uses</b>			
Market; Extractive Industry; Outdoor Sports, Recreation and Entertainment; Cemetery; Landfill Activities; Utility – Local; Utility – Major; Commercial Ground Water Extraction	Extractive Industries; Outdoor Recreation	Recreation Use; Extractive Industry; Aviation Use; Minor Utility; Major Utility	Air services
			Animal keeping
			Brothel
			Parking Station
			Crematorium
			Extractive industry
			Major sport recreation and entertainment facility
			Motor sport
			Non-residential workforce accommodation
			Outdoor sport and recreation
			Port services
			Tourist attraction
Utility installation			
<b>Minor uses</b>			
Home Based Business (Category 1); Home Based Business (Category 2); Home Based Business (Category 3); Roadside Stall; Private Airstrip; Cattery; Kennel; Temporary Estate Sales Office; Public Park; Telecommunications Facility; Temporary Activity	Domestic Animal Husbandry; Roadside Stall; Home Based Business (commercial based activity - 45m <sup>2</sup> in area); Kennels & Catteries; Park; Telecommunications Facility; Utilities – Local; Utilities – Public	Home Based Activity; Home Industry; Temporary Sales Office; Park; Night Court; Temporary Use; Car Park	Advertising device
			Cemetery
			Home based business
			Landing
			Market
			Park
			Roadside stalls
			Substation
			Temporary use



## 5. Adopted charges

The Scenic Rim Regional Council resolves to adopt the charges mentioned in Table 2, Column 3, for development for a use mentioned in Table 2, Column 2. The total adopted charges for the Scenic Rim Regional Council area (which includes the charges levied by Council and the distributor-retailer i.e. Queensland Urban Utilities) do not exceed the maximum adopted charges. Refer to Queensland Urban Utilities' Water NetServ Plan for details on adopted charges for water and sewer infrastructure.

The local government declares that an adopted charge in Table 2, Column 3, applies to that part of the local government area mentioned for that charge in Table 2, Column 4.

Column 5 is the proportion of the maximum charge which the Council is entitled to levy as shown in Column 3.

An adopted infrastructure charge applicable for a Reconfiguration of a Lot for residential or non-residential development is the 'Residential Category - 3 or more bedroom dwelling house' charge per allotment, in accordance with table 2 of this resolution.

**Table 2 – Adopted charges schedule**

Column 1 Use category	Column 2 Use	Column 3 (A) Charge category	Column 3 (B) Charge	Column 3 (C) Stormwater charge	Column 4 Part of local government area (LGA) to which charge applies	Column 5 Charges Breakup
<b>Residential</b>	Dwelling house Dwelling unit	\$ per 1 or 2 bedroom dwelling	\$10,111	N/A	Across LGA	50.00%
	Caretaker's accommodation Multiple dwelling Dual occupancy	\$ per 3 or more bedroom dwelling	\$14,155	N/A	Across LGA	50.00%

Column 1 Use category	Column 2 Use	Column 3 (A) Charge category	Column 3 (B) Charge	Column 3 (C) Stormwater charge	Column 4 Part of local government area (LGA) to which charge applies	Column 5 Charges Breakup
<b>Accommodation (short term)</b>	Hotel Short-term accommodation	\$ per bedroom that is not within a suite	\$5,055	N/A	Across LGA	50.00%
		\$ per 1 or 2 bedrooms in a suite	\$5,055	N/A	Across LGA	50.00%
		\$ per 3 or more bedrooms in a suite	\$7,077	N/A	Across LGA	50.00%
	Tourist park - tent or caravan sites	\$ per 1 or 2 tent or caravan sites (max 8 persons per site)	\$5,055	N/A	Across LGA	50.00%
		\$ per 3 tent or caravan sites (max 8 persons per site)	\$7,077	N/A	Across LGA	50.00%
	Tourist park - cabins	\$ per 1 or 2 bedroom cabin	\$5,055	N/A	Across LGA	50.00%
		\$ per 3 or more bedroom cabin	\$7,077	N/A	Across LGA	50.00%
	<b>Accommodation (long term)</b>	Community residence Rooming accommodation Retirement facility	\$ per bedroom that is not within a suite	\$10,111	N/A	Across LGA
\$ per 1 or 2 bedrooms per suite			\$10,111	N/A	Across LGA	50.00%
\$ per 3 or more bedrooms per suite			\$14,155	N/A	Across LGA	50.00%
Relocatable home park		\$ per 1 or 2 bedroom relocatable dwelling site	\$10,111	N/A	Across LGA	50.00%
		\$ per 3 bedroom relocatable dwelling site	\$14,155	N/A	Across LGA	50.00%

Column 1 Use category	Column 2 Use	Column 3 (A) Charge category	Column 3 (B) Charge	Column 3 (C) Stormwater charge	Column 4 Part of local government area (LGA) to which charge applies	Column 5 Charges Breakup
<b>Places of assembly</b>	Club Community use Function facility Funeral parlour Place of worship	\$ per m <sup>2</sup> GFA plus \$ per m <sup>2</sup> impervious area	\$55.62	\$10.10 per m <sup>2</sup> impervious area	Across LGA	78.57%
<b>Commercial (bulk goods)</b>	Agricultural supplies store Bulk landscape supplies Garden centre Hardware and trade supplies Outdoor sales Showroom	\$ per m <sup>2</sup> GFA plus \$ per m <sup>2</sup> impervious area	\$111.21	\$10.10 per m <sup>2</sup> impervious area	Across LGA	78.57%
<b>Commercial (retail)</b>	Adult store Food and drink outlet Service industry Service station Shop Shopping centre	\$ per m <sup>2</sup> GFA plus \$ per m <sup>2</sup> impervious area	\$151.66	\$10.10 per m <sup>2</sup> impervious area	Across LGA	83.33%
<b>Commercial (office)</b>	Office Sales office	\$ per m <sup>2</sup> GFA plus \$ per m <sup>2</sup> impervious area	\$111.21	\$10.10 per m <sup>2</sup> impervious area	Across LGA	78.57%

Column 1 Use category	Column 2 Use	Column 3 (A) Charge category	Column 3 (B) Charge	Column 3 (C) Stormwater charge	Column 4 Part of local government area (LGA) to which charge applies	Column 5 Charges Breakup
<b>Education facility</b>	Child care centre Community care centre Educational establishment (primary school) Educational establishment (secondary school) Educational establishment (tertiary)	\$ per m <sup>2</sup> GFA plus \$ per m <sup>2</sup> impervious area	\$111.21	\$10.10 per m <sup>2</sup> impervious area	Across LGA	78.57%
	Educational establishment for the Flying Start for Qld Children Program or under designation	Nil charge	Nil	N/A	N/A	N/A
<b>Entertainment</b>	Bar	\$ per m <sup>2</sup> GFA plus \$ per m <sup>2</sup> impervious area	\$187	\$10.10 per m <sup>2</sup> impervious area	Across LGA	85%
	Hotel (non-residential component)					
	Nightclub Theatre					
<b>Indoor sport and recreation</b>	Indoor sport and recreation (squash or other court areas)	\$ per m <sup>2</sup> GFA of court area plus \$ per m <sup>2</sup> impervious area	\$15.15	\$10.10 per m <sup>2</sup> impervious area	Across LGA	75%
	Indoor sport and recreation (other)	\$ per m <sup>2</sup> GFA plus \$ per m <sup>2</sup> impervious area	\$151.65	\$10.10 per m <sup>2</sup> impervious area	Across LGA	75%

Column 1 Use category	Column 2 Use	Column 3 (A) Charge category	Column 3 (B) Charge	Column 3 (C) Stormwater charge	Column 4 Part of local government area (LGA) to which charge applies	Column 5 Charges Breakup
<b>Industry</b>	Low impact industry Marine industry Medium impact industry Research and technology industry Rural industry Transport Depot Warehouse (self-storage facility)	\$ per m <sup>2</sup> GFA plus \$ per m <sup>2</sup> impervious area	\$20.22	\$10.10 per m <sup>2</sup> impervious area	Across LGA	40%
<b>High impact industry</b>	High impact industry Special Industry	\$ per m <sup>2</sup> GFA plus \$ per m <sup>2</sup> impervious area	\$30.33	\$10.10 per m <sup>2</sup> impervious area	Across LGA	42.85%
<b>Low impact rural</b>	Animal husbandry Cropping Permanent plantations Wind farm	Nil charge	Nil	N/A	N/A	N/A
<b>High impact rural</b>	Aquaculture Intensive animal industries Intensive horticulture Wholesale nursery Winery	\$ per m <sup>2</sup> GFA for the high impact rural use	\$20.20	N/A	Across LGA	100%



Column 1 Use category	Column 2 Use	Column 3 (A) Charge category	Column 3 (B) Charge	Column 3 (C) Stormwater charge	Column 4 Part of local government area (LGA) to which charge applies	Column 5 Charges Breakup
<b>Essential services</b>	Detention facility Emergency services Health care services Hospital Residential care facility Veterinary services	\$ per m <sup>2</sup> GFA plus \$ per m <sup>2</sup> impervious area	\$111.21	\$10.10 per m <sup>2</sup> impervious area	Across LGA	78.57%
<b>Specialised uses</b>	Air services Animal keeping Brothel Crematorium Extractive industry Major sport, recreation and entertainment facility Motor sport Non-resident workforce accommodation Outdoor sport and recreation Port services Tourist attraction	As for Other uses, Column 1				

Column 1 Use category	Column 2 Use	Column 3 (A) Charge category	Column 3 (B) Charge	Column 3 (C) Stormwater charge	Column 4 Part of local government area (LGA) to which charge applies	Column 5 Charges Breakup
	Utility installation					
	Parking Station	\$0 per m <sup>2</sup> GFA	Nil	\$10.10 per m <sup>2</sup> impervious area	N/A	100%
<b>Minor uses</b>	Advertising device Cemetery Home based business Landing Market Park Roadside stalls Substation Telecommunications facility Temporary uses	Nil charge	Nil	N/A	N/A	N/A
<b>Other uses *</b>	A use not otherwise listed in column 2	The maximum adopted charge is the charge (in column 3(A) and 3(B)) for a use category (in column 2) that appropriately reflects the use at the time of assessment				

## 6. Extra Demand

Section 120 (Limitation of levied charge) of the Planning Act provides that a levied charge may be only for extra demand placed on trunk infrastructure. When working out extra demand, the demand on trunk infrastructure generated by the following must not be included:

- a. an existing use on the premises if the use is lawful and already taking place on the premises;
- b. a previous use that is no longer taking place on the premises if the use was lawful at the time the use was carried out;
- c. other development on the premises if the development may be lawfully carried out without the need for a further development permit.

However, the demand generated by a use or development stated above may be included if an infrastructure requirement that applies or applied to the use or development has not been complied with.

Also, the demand generated by development stated in above subsection (c) may be included if—

1. an infrastructure requirement applies to the premises on which the development will be carried out; and
2. the infrastructure requirement was imposed on the basis of development of a lower scale or intensity being carried out on the premises.

## 7. Trunk infrastructure

Until a new Local Government Infrastructure Plan is made:

- the trunk infrastructure shown in Plans for Trunk Infrastructure of Priority Infrastructure Plans in the *Beaudesert Shire Planning Scheme 2007*, the *Boonah Shire Planning Scheme 2006*, and the *Ipswich Planning Scheme 2006* is identified as the trunk infrastructure for the local government area.
- the trunk infrastructure networks to which the adopted charge applies are:
  1. transport network
  2. urban open space network
  3. stormwater network
- the standard of service for each network or network mentioned above is stated to be the standard set out in the Desired Standards of Service of Priority Infrastructure Plans in the *Beaudesert Shire Planning Scheme 2007*, the *Boonah Shire Planning Scheme 2006*, and the *Ipswich Planning Scheme 2006*.
- the establishment cost of trunk infrastructure items is the cost shown in the Schedule of Works of Priority Infrastructure Plans in the *Beaudesert Shire Planning Scheme 2007*, the *Boonah Shire Planning Scheme 2006*, and the *Ipswich Planning Scheme 2006*.

## 8. Automatic increase (Indexing) of adopted charges

The adopted charge for development will be increased after the charge is levied and before it is paid to the local government.

The automatic increase must not be more than the lesser of the following—

- a. the difference between the levied charge and the maximum adopted charge the local government could have levied for the development when the charge is paid;
- b. the increase worked out using the PPI index for the period starting on the day the levied charge was levied and ending on the day it is paid, adjusted according to the 3-yearly PPI index average.

The 3-yearly PPI index average means the PPI index adjusted according to the 3-year moving average quarterly percentage change between financial quarters.

## 9. Indexing the adopted charges schedule

The adopted charges schedule in section 5 of this charges resolution will be adjusted annually by no more than the 3-yearly PPI index average.

## 10. Offset and refund for trunk infrastructure

### 10.1. Purpose

Part 10 states the following matters relevant to the working out of an offset or refund for the provision of trunk infrastructure for the local government trunk infrastructure networks for development:

- (a) the criteria for trunk infrastructure to be applied by the local government in deciding if development infrastructure is trunk infrastructure (***identified trunk infrastructure criteria***);
- (b) the method to be applied by the local government for working out the establishment cost of trunk infrastructure for an offset or refund where an applicant is required under a condition of a relevant approval to provide land or work for the following trunk infrastructure for local government trunk infrastructure networks (***trunk infrastructure contribution***):

*Editor's note—A relevant approval is a development approval under the Planning Act 2016.*

- i. ***identified trunk infrastructure***—development infrastructure which is identified in the priority infrastructure plan;

*Editor's note—See section 128(1)(a) (Necessary infrastructure conditions) of the Planning Act 2016.*

- ii. ***different trunk infrastructure***—development infrastructure which:

- A. is an alternative to the identified trunk infrastructure; and

- B. delivers the same desired standards of service for the network of development infrastructure stated in the priority infrastructure plan;

*Editor's note—See section 128(1)(b) (Necessary infrastructure conditions) of the Planning Act 2016.*

- iii. **necessary trunk infrastructure**—development infrastructure which is not identified trunk infrastructure or different trunk infrastructure that satisfies the identified trunk infrastructure criteria and is necessary to service development;

*Editor's note—See sections 128(2 & 3) (Necessary infrastructure conditions) of the Planning Act 2016.*

- iv. **prescribed trunk infrastructure**—development infrastructure which is not identified trunk infrastructure, different trunk infrastructure or necessary trunk infrastructure that becomes trunk infrastructure under the Planning Act;

*Editor's note—See sections 142(3) (Effect of and action after conversion) of the Planning Act 2016.*

- (c) whether an offset or refund applies and if so the details of the offset and refund and the timing of the offset and refund.

## 10.2. Identified trunk infrastructure criteria

The identified trunk infrastructure criteria for deciding that development infrastructure is trunk infrastructure are the following:

- (a) that the development infrastructure is necessary to service development:
  - i. consistent with the assumptions about the type, scale, location or timing of future development stated in the priority infrastructure plan; and
  - ii. for premises completely inside the priority infrastructure area in the priority infrastructure plan;
- (b) that the development infrastructure complies with the criteria in the Desired Standards of Service in the Priority Infrastructure Plans of the planning schemes.

## 10.3. Working out the establishment cost

The establishment cost for a trunk infrastructure contribution is to be worked out by the local government using the following:

- (a) for the calculation of the establishment cost—the method in section 10.4 (Calculation of the establishment cost);
- (b) for the recalculation of the establishment cost for work calculated under paragraph (a)—the method in section 10.5 (Recalculation of the establishment cost for work);
- (c) for the recalculation of the establishment cost for land calculated under paragraph (a)—the method in section 10.6 (Recalculation of the establishment cost for land).



#### 10.4. Calculation of the establishment cost

- (1) The establishment cost for a trunk infrastructure contribution is to be worked out by the local government using any of the following:
  - (a) the planned estimate of the trunk infrastructure contribution;
  - (b) a cost-based estimate of the establishment cost for the trunk infrastructure contribution determined by the local government using first principles estimating;
  - (c) an estimate of the establishment cost for the trunk infrastructure contribution reasonably determined by the local government.
- (2) The **planned estimate** of the trunk infrastructure contribution if:
  - (a) the whole of an item of identified trunk infrastructure—is the **planned cost** being the amount of the value of the item stated in Schedule of Works in the Priority Infrastructure Plans of the planning schemes;
  - (b) part of an item of identified trunk infrastructure—is the estimate of the proportion of the planned cost of the item of identified trunk infrastructure applicable to the trunk infrastructure contribution having regard to the method used by the local government to work out the planned cost of the item of identified trunk infrastructure stated in the extrinsic material to the priority infrastructure plan; and
  - (c) different trunk infrastructure, necessary trunk infrastructure or prescribed trunk infrastructure—is the estimate of the planned cost of the infrastructure having regard to the method used by the local government to work out the planned cost of the identified trunk infrastructure for the network of development infrastructure stated in the extrinsic material to the priority infrastructure plan.

#### 10.5. Recalculation of the establishment cost for work

##### **Market cost**

- (1) The establishment cost for a trunk infrastructure contribution for work may be recalculated by the local government at the request of the applicant by using the market cost for the work.
- (2) The **market cost** for the work is the estimate of the cost of the design and construction of the work:
  - (a) including the following:
    - (i) the construction cost for the work;
    - (ii) construction on costs for the work which do not exceed the maximum construction on costs stated in schedule 1 for the following:
      - (A) the cost of survey for the work;

- (B) the cost of geotechnical investigations for the work;
  - (C) the cost of only detailed design for the work;
  - (D) the cost of project management and contract administration;
  - (E) the cost of environmental investigations for the work;
  - (F) a portable long service leave payment for a construction contract for the work;
- (iii) risk and contingencies which do not exceed 10% for the cost of that part of the work in a construction contract which is subject to a contingency.

*Example—*

*A construction contract for a trunk road infrastructure network item may state a contingency for pavement design and service relocation.*

- (b) excluding the following:
- (i) the planning of the work;
  - (ii) a cost of carrying out temporary infrastructure;
  - (iii) a cost of carrying out other infrastructure which is not part of the trunk infrastructure contribution;
  - (iv) a cost of the decommissioning, removal and rehabilitation of infrastructure identified in paragraphs (ii) and (iii);
  - (v) a part of the trunk infrastructure contribution provided by:
    - (A) the local government; or
    - (B) a person, other than the applicant or a person engaged by the applicant;
  - (vi) a cost to the extent that GST is payable and an input tax credit can be claimed for the work;
  - (vii) a cost attributable directly or indirectly to the failure of an applicant or a person engaged by the applicant to perform and fulfil a relevant approval for the work;
- Editor's note—A relevant approval is a development approval under the Planning Act 2016.*
- (viii) a cost caused or contributed to by a negligent or wilful act or omission by the applicant or a person engaged by the applicant
  - (ix) a cost of carrying out development infrastructure which is only made necessary by the development and does not contribute to the function of the trunk infrastructure item;

- (x) a cost of carrying out trunk infrastructure which relates to another development infrastructure network;
- (xi) a cost of carrying out development infrastructure which is replacing existing infrastructure with different infrastructure in another development infrastructure network;
- (xii) a cost of carrying out development infrastructure in excess of the desired standard of service for the network of development infrastructure stated in the priority infrastructure plan;
- (xiii) a cost of existing development infrastructure which services or is planned to service existing or future demand that is replaced by the trunk infrastructure contribution.

### ***Determining the market cost***

(3) The local government is to, prior to the applicant starting the construction of the work, determine the market cost for the work as follows:

- (a) the applicant is to undertake an open tender process for the work;
- (b) the applicant is to:
  - (i) give to the local government a notice in the prescribed form which states the following:
    - (A) an open tender process has been conducted;
    - (B) the tenders received;
    - (C) the applicant's preferred tenderer;
    - (D) the applicant's reason for the preferred tenderer;
    - (E) the terms of the construction contract for the work;
    - (F) a plan for each development infrastructure network clearly showing the extent of the work for which an offset is sought;
    - (G) the applicant's calculation of the market cost for the work; and
  - (ii) pay the prescribed fee;

*Editor's note—The prescribed fee may include the local government's costs for determining the market cost.*

- (c) the local government may, within 20 business days of the date the notice under paragraph (b) is received by the local government, give a notice to the applicant which states that the applicant is to provide to the local government a document to enable the local government to determine the market cost including without limitation the following:
  - (i) details in respect of a construction contract for the work;

- (ii) a plan for each development infrastructure network clearly showing the scope of the work for which an offset is sought;
- (d) the applicant is to comply with a notice given by the local government to the applicant under paragraph (c);
- (e) the local government is to as soon as reasonably practicable determine the market cost acting reasonably having regard to the matters in paragraphs (a) to (d);
- (f) the local government after determining the market cost is to as soon as reasonably practicable:
  - (i) give to the applicant a notice which states the following:
    - (A) the local government's calculation of the market cost for the work and the reason for any difference from the applicant's calculation;
    - (B) the establishment cost for the work; and
  - (ii) issue an amended infrastructure charges notice.

***Adjustment of the establishment cost***

- (4) The local government is to, after the completion of the construction of the work and prior to the date for the payment of a levied charge, determine an adjustment to the establishment cost as follows:
  - (a) this subsection only applies to a cost of work (***prescribed cost***) if the cost:
    - (i) would have formed part of the market cost used to work out the establishment cost for the work; and
    - (ii) was not included in the market cost used to work out the establishment cost or was included in the market cost used to work out the establishment cost but was for an amount less than the prescribed cost; and
    - (iii) was included in the market cost used to work out the establishment cost but was subject to a contingency stated in subsection (2)(a)(iii);
  - (b) the applicant may, prior to 15 business days after the applicant has completed the work:
    - (i) give to the local government a single notice which is to state the following:
      - a. that the applicant requests that the local government adjust the establishment cost to take account of the prescribed cost;
      - b. all information reasonably necessary to establish the calculation of the prescribed cost and that the cost is a prescribed cost;

- c. the applicant's calculation of the prescribed cost; and
- (ii) pay the prescribed fee if paragraph (i) applies;

*Editor's note—The prescribed fee may include the local government's costs for determining whether the establishment cost is to be adjusted.*

- (c) the local government may, within 20 business days of the date the notice under paragraph (b) is received by the local government, give a notice to the applicant which states that the applicant is to provide to the local government a document to enable the local government to determine the value of an adjusted establishment cost;
- (d) the applicant is to comply with a notice given by the local government to the applicant under paragraph (c);
- (e) the local government is to as soon as reasonably practicable determine whether the establishment cost is to be adjusted acting reasonably having regard to the matters in paragraphs (a) to (d);
- (f) the local government after determining whether the establishment cost is to be adjusted, is to as soon as reasonably practicable:
  - (i) give to the applicant a notice which states the following:
    - a. the local government's calculation of the adjusted establishment cost for the work and the reason for any difference from the applicant's calculation;
    - b. the establishment cost for the work; and
  - (ii) issue an amended infrastructure charges notice.

### ***Dispute process***

- (5) An applicant may, within 10 business days of the date of a notice under subsections (3)(f) or 4(f):
  - (a) give to the local government a notice in the prescribed form stating that it disputes the local government's recalculation of the establishment cost for the work; and
  - (b) pay the prescribed fee.

*Editor's note—The prescribed fee may include the local government's costs for the dispute process including the cost of the independent registered quantity surveyor.*
- (6) The local government and the applicant are to take the following action to resolve the dispute:
  - (a) the local government is to appoint an independent registered quantity surveyor to determine the establishment cost for the work in accordance with this section;



- (b) the local government and the applicant are to cooperate in good faith with the independent registered quantity surveyor;
- (c) the local government and the applicant are to accept the independent registered quantity surveyor's determination of the establishment cost for the work;
- (d) the local government is to, as soon as reasonably practicable:
  - (i) give to the applicant a notice which states the establishment cost for the work determined by the independent registered quantity surveyor; and
  - (ii) issue an amended infrastructure charges notice.

### 10.6. Recalculation of the establishment cost for land

- (1) The establishment cost for a trunk infrastructure contribution for land may be recalculated by the local government at the request of the applicant using the market value of the land.
- (2) The **market value** of the land is the difference, determined by using the before and after method of valuation of the whole of the subject premises, between the value of the subject premises including the land and the value of the subject premises excluding the land.
- (3) Where the land infrastructure has been identified in the priority infrastructure plan, the valuation must be undertaken to determine the market value that would have applied on the day the development application, which is the subject of a condition to provide trunk infrastructure, first became properly made.
- (4) Where the land infrastructure has not been identified in the priority infrastructure plan, the valuation must be undertaken to determine the market value that would have applied on the day the development application, which is the subject of a condition to provide trunk infrastructure, was approved.
- (5) The valuation report must—
  - (a) include supporting information regarding the highest and best use of the land which the valuer has relied on to form an opinion about the value;
  - (b) identify the area of land that is above the 1% AEP flood level and the area that is below the 1% AEP flood level;
  - (c) take into account and identify all other real and relevant constraints including but not limited to vegetation protection, ecological values including riparian buffers and corridors, stormwater or drainage corridors, slope, bushfire hazards, heritage, airport environs, coastal erosion, extractive resources, flooding, land use buffer requirements and landslide hazards. This must also include tenure related constraints and restrictions such as easements, leases, licences and other dealings whether or not registered on title; and
  - (d) contain relevant sales evidence and clear analysis of how those sales and any other information was relied upon in forming the valuation assessment.

- (6) The local government is to, prior to the date of payment of the levied charge, determine the market value of the land as follows:
- (a) the applicant is to provide to the local government the following:
    - (i) a notice in the prescribed form requesting the recalculation of the establishment cost for the land;
    - (ii) a valuation of the land undertaken by a certified practicing valuer;
    - (iii) the prescribed fee;

*Editor's note—The prescribed fee may include the local government's costs of the recalculation process including the cost of the registered valuer and independent certified practicing valuer.*
  - (b) the local government may, if the matters in paragraph (a) are satisfied, refer the valuation to a registered valuer to assess whether the valuation is consistent with the market value;
  - (c) the local government is to decide whether to:
    - (i) accept the valuation; or
    - (ii) reject the valuation;
  - (d) the local government is to, if it accepts the valuation:
    - (i) give to the applicant a notice stating the establishment cost for the land; and
    - (ii) index the establishment cost for the land using the 3 yearly PPI index average from the date of the accepted valuation to the date stated in the amended infrastructure charges notice;
  - (e) the local government is to, if it rejects the valuation, refer the valuation to an independent certified practicing valuer to:
    - (i) assess whether the valuation is consistent with the market value; and
    - (ii) undertake a valuation of the land if the valuation is assessed as not consistent with the market value;
  - (f) the local government is to, upon the determination of the independent certified practicing valuer's valuation:
    - (i) give to the applicant a notice stating the establishment cost for the land;
    - (ii) index the establishment cost for the land using the 3 yearly PPI index average from the date of the independent certified practicing valuer's valuation to the date stated in the amended infrastructure charges notice; and

- (iii) issue an amended infrastructure charges notice;
- (g) the local government however is not required to refer the valuation to the registered valuer or the independent certified practising valuer if the applicant has not paid to the local government the prescribed fee including the costs of the registered valuer under paragraph (b) and the independent certified practicing valuer under paragraph (e).

### 10.7. Application of an offset and refund

The following apply if a trunk infrastructure contribution services or is planned to service premises other than premises the subject of the relevant approval and an adopted charge applies to the development, which is consistent with Priority Infrastructure Plans in type, scale, timing and location, the subject of the relevant approval:

*Editor's note—A relevant approval is a development approval under the Planning Act 2016.*

- (a) an **offset**—where the establishment cost for the trunk infrastructure contribution is equal to or less than the levied charge;
- (b) a **refund**—where the establishment cost for the trunk infrastructure contribution is more than the levied charge.

### 10.8. Details of an offset and refund

- (1) If an offset applies, the establishment cost for the trunk infrastructure contribution is to be worked out by the local government in accordance with section 10.3 (Working out the establishment cost).
- (2) If a refund applies, the cost of the infrastructure required to be provided under the condition is more than the amount worked out by applying the adopted charge to the development -
  - (a) there is no amount payable for the development approval; and
  - (b) the local government must refund the applicant an amount equal to the difference between the establishment cost of the trunk infrastructure and the amount worked out by applying the adopted charge to the development.
- (3) Where development is inconsistent with the Priority Infrastructure Plans in type, scale, timing or location, the relevant sections of the Planning Act 2016 is to be referred for guidance on the refund process.

### 10.9. Timing of an offset and refund

- (1) An applicant entitled to an offset or refund for the trunk infrastructure contribution is to:
  - (a) give to the local government a notice in the prescribed form which states the following:
    - (i) the date the trunk infrastructure contribution the subject of an offset or refund was lawfully completed;

- (ii) that the trunk infrastructure contribution has been provided in accordance with the relevant approval for the trunk infrastructure contribution; and

*Editor's note—A relevant approval is a development approval under the Planning Act 2016.*

- (b) pay the prescribed fee.

*Editor's note—The prescribed fee may include the local government's costs for determining the matters in subsection (1)(a).*

- (2) The local government is to as soon as is reasonably practicable after receiving a notice under subsection (1):
  - (a) determine whether the trunk infrastructure contribution has satisfied the matters in subsection (1)(a); and
  - (b) give to the applicant a notice stating the outcome of the local government's determination.
- (3) The local government, if satisfied of the matters in subsection (1)(a), is to unless otherwise provided for in an infrastructure agreement:
  - (a) for an offset—set off the establishment cost for the trunk infrastructure contribution against the levied charge when the levied charge stated in the infrastructure charges notice is payable under the Planning Act;
  - (b) for a refund— give the refund when stated in the infrastructure charges notice.
- (4) The local government has adopted a policy position in relation to the determination in an infrastructure charges notice of when a refund is to be given by the local government to achieve the following policy objectives:
  - (a) to seek to integrate the local government's land use and infrastructure plans;
  - (b) to implement the priority infrastructure plan as the basis for the local government's trunk infrastructure funding;
  - (c) to implement infrastructure funding which is equitable, accountable and financially sustainable for the local government.
- (5) The local government's policy position in relation to the determination in an infrastructure charges notice of when a refund is to be given by the local government and related matters is as per table 3:

**Table 3 - Timing of refund for trunk infrastructure**

Type of trunk infrastructure	Time of Provision	Refund amount	Time of refund	No. of instalments
Identified / Different trunk infrastructure	Before / in planned period	1 million or less	within 12 months following the end of relevant planned period	1
		1 to 10 million	over 3 financial years in equal payments by 31 December each year starting in financial year following the end of planned period	3
		more than 10 million	over 5 financial years in equal payments by 31 December each year starting in financial year following the end of planned period	5
	After the planned period	1 million or less	within 12 months following the completion of trunk contribution	1
		1 to 10 million	over 3 financial years in equal payments by 31 December each year starting in financial year following the completion of trunk contribution	3
		more than 10 million	over 5 financial years in equal payments by 31 December each year starting in financial year following the completion of trunk contribution	5
Necessary trunk infrastructure	Council to decide planned period for infrastructure provision	1 million or less	within 12 months following the end of specified planned period	1
		1 to 10 million	over 3 financial years in equal payments by 31 December each year starting in financial year following the end of specified planned period	3
		more than 10 million	over 5 financial years in equal payments by 31 December each year starting in financial year following the end of specified planned period	5
Prescribed trunk infrastructure	Council to include as existing trunk infrastructure in PIP	Any value	the payment trigger for a refund by 31 December of the financial year following the end of the planning horizon of the respective trunk infrastructure network in the PIP	1

- (6) Each refund amount to be paid is to be increased by the 3 yearly PPI index average from the date of the infrastructure charges notice for the refund to the date that the amount is paid.

## 11. Conversion to trunk infrastructure

### 11.1. Applying to convert particular non-trunk infrastructure to trunk infrastructure

An application to convert particular non-trunk infrastructure to trunk infrastructure may be made to the local government only where the following applies;

- i. the local government has required non-trunk infrastructure to be provided in a particular condition of a development approval under section 145 of the *Planning Act 2016*; and
- ii. the construction of the non-trunk infrastructure has not started; and
- iii. the conversion application is made in accordance with section 139 of the *Planning Act 2016* and must be made to the local government, in writing, within 1 year after the development approval starts to have effect.

The local government will decide the application in accordance with the decision criteria outlined in section 11.2 below, and section 140 and 141 of the *Planning Act 2016*.

Where the local government agrees to the conversion application, any offset or refund is determined in accordance with section 10 above.

### 11.2. Conversion criteria

Conversion criteria used for making a decision on a conversion application made under section 139 of the *Planning Act 2016* is outlined below.

For infrastructure to be considered trunk infrastructure, each of the following criteria must be met.

- (1) the infrastructure has capacity to service other developments in the area; and
- (2) the function and purpose of the infrastructure is consistent with other trunk infrastructure identified in the priority infrastructure plan for the area; and
- (3) the infrastructure is not consistent with non-trunk infrastructure for which conditions may be imposed in accordance with section 145 of the *Planning Act 2016*; and
- (4) the type, size and location of the infrastructure are the most cost effective option for servicing multiple users in the area. The most cost effective option is the least cost option based upon the life cycle cost of the infrastructure required to service future urban development in the area at the desired standard of service.

## 12. Dictionary

Words and terms used in this resolution have the meaning given in *Planning Act 2016* or the *Planning Regulation 2017*.

If a word or term used in this resolution is not defined in *Planning Act 2016* or the *Planning Regulation 2017*, it has the meaning given in this section.

**bedroom** means an area of a building or structure which:

- (a) is used, designed or intended for use for sleeping but excludes a lounge room, dining room, living room, kitchen, water closet, bathroom, laundry, garage or plant room; or
- (b) can be used for sleeping such as a den, study, loft, media or home entertainment room, library, family or rumpus room or other similar space.

**completion** means the stage in the provision of a trunk infrastructure contribution by an applicant when the local government is satisfied that the trunk infrastructure contribution is complete other than for a minor omission and a minor defect which:

- (a) is not essential;
- (b) does not prevent the matter from being reasonably capable of being used for its intended purpose;
- (c) the local government determines the applicant has a reasonable basis for not promptly rectifying; and
- (d) the rectification of which will not prejudice the convenient use of the matter.

**impervious area** means the area of the premises that is impervious to rainfall or overland flow that results in the discharge of stormwater from the premises.

**PPI** (an acronym for producer price index) means the following:

- (a) the producer price index for construction 6427.0 (ABS PPI) index number 3101—Road and Bridge construction index for Queensland published by the Australian Bureau of Statistics;
- (b) if an index described in paragraph (a) ceases to be published—another similar index prescribed by the local government.

*Editor's note—Where the PPI has not been published for a calculation date the change in the PPI is to be determined by having regard to the index prior to the base date and the index prior to the calculation date.*

**prescribed fee** means a cost recovery fee prescribed by the local government.

**suite** means a number of connected rooms one of which is a bedroom in which an individual or a group of two or more related or unrelated people reside with the common intention to live together on a long term basis and who make common provision for food or other essentials for living.

### 13. Resolution attachments

#### Schedule 1 Maximum construction on costs for work

Column 1 Trunk infrastructure network	Column 2 Maximum construction on costs for work (Percentage of the construction cost for the work)
<b>Transport trunk infrastructure network</b>	
Road network	20%
Footpath network	20%
Public transport (bus stops) network	20%
<b>Community purposes trunk infrastructure network</b>	
Public parks network	20%
Land for community facilities network	20%
<b>Stormwater trunk infrastructure network</b>	
Stormwater network	20%