



# Adopted Infrastructure Charges Resolution (version no. 11)

20 March 2020

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This resolution is made under s. 113 of the *Planning Act 2016*. This resolution replaces Adopted Infrastructure Charges Resolution (version no. 10).

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

This resolution applies to the local government area of Scenic Rim Regional Council<sup>1</sup>. Priority infrastructure areas have been identified in the Local Government Infrastructure Plans (LGIP) in the *Scenic Rim Planning Scheme 2020 for Council's adoption*, which identifies the areas Council intends to accommodate future urban growth.

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 20 March 2020.

## **3. Priority infrastructure area**

The priority infrastructure areas for the Scenic Rim Regional Council are identified in the Local Government Infrastructure Plan in the *Scenic Rim Planning Scheme 2020*.

## **4. Comparison of planning scheme uses and Planning Regulation uses**

To assist in applying Schedule 16 of the Planning Regulation 2017 (Regulation), Table 1 provides a guide to the planning scheme uses under the planning scheme that come within the uses mentioned in column 1 of schedule 16, including the three superseded planning schemes that apply, being the:

- *Beaudesert Shire Planning Scheme, 2007;*
- *Boonah Shire Planning Scheme, 2006; and*
- *Ipswich Planning Scheme, 2006.*

Infrastructure charges will be applied according to the planning scheme use under which the development approval is given.

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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**

Planning scheme uses			Scenic Rim Planning Scheme 2020 uses
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
			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
			Resort Complex
			Short-term accommodation
			Tourist park – caravan or tent
			Tourist Park - cabins
<b>Accommodation (long term)</b>			
Caravan; Relocatable Home Park; Aged Persons Accommodation	Multiple Dwelling		Community residence
			Rooming accommodation
			Relocatable home park
			Retirement facility
<b>Places of assembly</b>			
Funeral Premises; Public Worship	Funeral Establishment; Community Facilities	Business Use (Funeral Premises); Community Use (Cemetery, Community Hall, Crematorium, Cultural Centre, Gallery, Library, Meeting Rooms, Museum, Place of Worship)	Club
			Community use
			Function facility
			Funeral parlour
			Place of worship
<b>Commercial (bulk goods)</b>			
Retail Plant Nursery; Retail Showroom; Produce Store	Plant Nursery; Bulk Supplies; Showroom; Commercial Premises (Retail Plant Nursery)	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

Planning scheme uses			Scenic Rim Planning Scheme 2020 uses
Beaudesert Shire Planning Scheme 2007	Boonah Shire Planning Scheme 2006	Ipswich Council Planning Scheme 2006	
<b>Commercial (retail)</b>			
General Store; Shop; Shopping Centre; 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
			Service industry
			Service station
			Shop
			Shopping centre
<b>Commercial (office)</b>			
Commercial Activity	Commercial Premises	Business Use (Medical Centre, Office, Professional Office)	Office
			Sales office
<b>Educational 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
<b>Entertainment</b>			
Hotel / Club	Hotel	Business Use (Hotel)	Resort Complex
			Hotel (non-residential component)
			Nightclub entertainment facility
			Theatre
<b>Indoor sport and recreation</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>Other 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
			Warehouse

Planning scheme uses			Scenic Rim Planning Scheme 2020 uses
Beaudesert Shire Planning Scheme 2007	Boonah Shire Planning Scheme 2006	Ipswich Council Planning Scheme 2006	
<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	Cultivating, in a confined area, aquatic animals or plants for sale
			Intensive animal industry
			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)	Correctional facility
			Emergency services
			Healthcare service
			Hospital
			Residential care facility
			Veterinary service
<b>Minor uses</b>			
Home Based Business (Category 1); Home Based Business (Category 2); Home Based Business (Category 3); Roadside Stall; Private Airstrip; 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); 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
			Outdoor lighting
			Park
			Roadside stall
			Telecommunication facility
			Temporary use

Planning scheme uses			Scenic Rim Planning Scheme 2020 uses
Beaudesert Shire Planning Scheme 2007	Boonah Shire Planning Scheme 2006	Ipswich Council Planning Scheme 2006	
<b>Other uses</b>			
Cattery; Kennel; Market; Extractive Industry; Outdoor Sports, Recreation and Entertainment; Cemetery; Landfill Activities; Utility – Local; Utility – Major; Commercial Ground Water Extraction	Kennels & Catteries; Extractive Industries; Outdoor Recreation	Intensive Animal Husbandry (Cattery & Kennels); Recreation Use; Extractive Industry; Aviation Use; Minor Utility; Major Utility	Air services
			Animal keeping
			Car park
			Crematorium
			Extractive industry
			Major sport recreation and entertainment facility
			Motor sport facility
			Non-residential workforce accommodation
			Outdoor sport and recreation
			Port services
			Tourist attraction
			Utility installation
			Any other use not listed including a use that is unknown



## 5. Adopted charges

The Scenic Rim Regional Council resolves to adopt the base 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 adopted charges for development are equal to the maximum adopted charge for the development under the Planning Act. The adopted charge for development is:

- a. The base charge amount for the development set out in Table 2; or
- b. Otherwise the sum of
  - i. the base charge in Table 2; and
  - ii. the base charge in Table 2 multiplied by the sum of the percentage increases for each financial quarter since the base charge was last amended.

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.

The base 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 Caretaker's accommodation	\$ per 1 or 2 bedrooms dwelling	\$10,472	N/A	Across LGA	50.00%
	Multiple dwelling Dual occupancy	\$ per 3 or more bedrooms dwelling	\$14,661	N/A	Across LGA	50.00%
<b>Accommodat ion (short term)</b>	Hotel	\$ per bedroom that is not within a suite	\$5,236	N/A	Across LGA	50.00%
	Resort Complex Short-term accommodation	\$ per 1 or 2 bedrooms in a suite	\$5,236	N/A	Across LGA	50.00%
		\$ per 3 or more bedrooms in a suite	\$7,330	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)	\$5,236	N/A	Across LGA	50.00%
		\$ per group of 3 tent or caravan sites (max 8 persons per site)	\$7,330	N/A	Across LGA	50.00%
	Tourist park - cabins	\$ per 1 or 2 bedrooms cabin	\$5,236	N/A	Across LGA	50.00%
		\$ per 3 or more bedrooms cabin	\$7,330	N/A	Across LGA	50.00%

<b>Accommodation (long term)</b>	Community residence	\$ per bedroom that is not within a suite	\$10,472	N/A	Across LGA	50.00%
	Rooming accommodation	\$ per 1 or 2 bedrooms per suite	\$10,472	N/A	Across LGA	50.00%
	Retirement facility	\$ per 3 or more bedrooms per suite	\$14,661	N/A	Across LGA	50.00%
	Relocatable home park	\$ per 1 or 2 bedrooms relocatable dwelling site	\$10,472	N/A	Across LGA	50.00%
		\$ per 3 or more bedrooms relocatable dwelling site	\$14,661	N/A	Across LGA	50.00%
<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	\$57.61	\$10.47 per m <sup>2</sup> impervious area	Inside Urban Footprint	78.57%
				\$0 per m <sup>2</sup> impervious area	Outside Urban Footprint	
<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	\$115.18	\$10.47 per m <sup>2</sup> impervious area	Inside Urban Footprint	78.57%
				\$0 per m <sup>2</sup> impervious area	Outside Urban Footprint	

<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	\$157.07	\$10.47 per m <sup>2</sup> impervious area	Inside Urban Footprint	83.33%
<b>Commercial (retail)</b>	Food and drink outlet Shop	\$ per m <sup>2</sup> GFA plus \$ per m <sup>2</sup> impervious area	\$157.07	\$0 per m <sup>2</sup> impervious area	Outside Urban Footprint	83.33%
<b>Commercial (office)</b>	Office Sales office	\$ per m <sup>2</sup> GFA plus \$ per m <sup>2</sup> impervious area	\$115.18	\$10.47 per m <sup>2</sup> impervious area	Across LGA	78.57%
<b>Education facility</b>	Child care centre Community care centre Educational establishment	\$ per m <sup>2</sup> GFA plus \$ per m <sup>2</sup> impervious area	\$115.18	\$10.47 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>	Resort Complex Hotel Nightclub entertainment facility Theatre	\$ per m <sup>2</sup> GFA plus \$ per m <sup>2</sup> impervious area	\$178.03	\$10.47 per m <sup>2</sup> impervious area	Across LGA	85%

<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	\$15.66	\$10.47 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	\$157.07	\$10.47 per m <sup>2</sup> impervious area	Across LGA	75%
<b>Industry</b>	Low impact industry Marine industry Medium impact industry Research and technology industry Rural industry Warehouse	\$ per m <sup>2</sup> GFA plus \$ per m <sup>2</sup> impervious area	\$20.94	\$10.47 per m <sup>2</sup> impervious area	Inside Urban Footprint	40%
<b>Industry</b>	Rural industry	\$ per m <sup>2</sup> GFA plus \$ per m <sup>2</sup> impervious area	\$20.94	\$0 per m <sup>2</sup> impervious area	Outside Urban Footprint	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	\$31.41	\$10.47 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>	Cultivating, in a confined area, aquatic animals or plants for sale Intensive animal industry Intensive horticulture Wholesale nursery Winery	\$ per m <sup>2</sup> GFA for the high impact rural use	\$20.89	N/A	Across LGA	100%
<b>Essential services</b>	Correctional facility Emergency services Health care service Hospital Residential care facility Veterinary service	\$ per m <sup>2</sup> GFA plus \$ per m <sup>2</sup> impervious area	\$115.18	\$10.47 per m <sup>2</sup> impervious area	Across LGA	78.57%
<b>Minor uses</b>	Advertising device Cemetery Home based business Landing Market Outdoor lighting Park Roadside stall Telecommunications	Nil charge	Nil	N/A	N/A	N/A



	facility Temporary use					
<b>Other uses</b>	Air services Animal keeping Crematorium Extractive industry Major sport, recreation and entertainment facility Motor sport facility Non-resident workforce accommodation Outdoor sport and recreation Port service Tourist attraction Utility installation Any other use not listed in column 2, including a use that is unknown	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 and the local government decides to apply to the use.				
	Car park	\$0 per m <sup>2</sup> GFA	Nil	\$10.47 per m <sup>2</sup> impervious area	N/A	100%

## 6. Additional 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 that the development will generate. In working out extra demand, the demand 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 it 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

- The trunk infrastructure shown in Plans for Trunk Infrastructure of the Local Government Infrastructure Plan in the *Scenic Rim Planning Scheme 2020 for Council's adoption* 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 (DSS) of the Local Government Infrastructure Plan in the *Scenic Rim Planning Scheme 2020 for Council's adoption*.
- The establishment cost of trunk infrastructure items is the cost shown in the Schedule of Works of the Local Government Infrastructure Plan in the *Scenic Rim Planning Scheme 2020 for Council's adoption*.

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

The levied 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 Produce Price Index (PPI) for the period starting on the day the levied charge was levied and ending on the day it is paid, adjusted according to the three-yearly PPI average.

The three-yearly PPI average means the PPI adjusted according to the three-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 three-yearly PPI average.

## 10. Payment of levied charge

To give effect to the payment triggers in the Planning Act, the time for payment of levied charges will be in accordance with Table 3.

**Table 3 - Trigger for Payment**

Type of Development Approval	Payment time
Reconfiguring a Lot	Prior to Council approving a plan for the reconfiguration that, under the Land Title Act, is required to be given to Council for approval.
Material Change Of Use	Prior to the first of the following occurring: a) The issue of a Compliance Certificate under the <i>Plumbing and Drainage Act 2002</i> ; b) When the final inspection certificate or Certificate of Classification is given under the <i>Building Act 1975</i> ; c) When the change of use happens;  <b>OR</b> On the day stated in the ICN*.
Carrying out Building Work	Prior to the first of the following occurring: a) When the final inspection certificate or Certificate of Classification is given under the <i>Building Act 1975</i> ; b) When the change of use happens;  <b>OR</b> On the day stated in the ICN*.

*\*Editor's note: If a Compliance Certificate under the Plumbing and Drainage Act 2002 or a Certificate of Classification or final inspection certificate under the Building Act 1975 is not required for the material change of use or the building work, then the Infrastructure Charges Notice (ICN) issued in response to a Related Approval will state that an invoice will be issued within either 30, 60 or 90 days of the giving of the Related Approval. The invoice will require the levied charge referred to in the ICN to be payable within 30 days from the date of the invoice.*

## 11. Discount on infrastructure charges

Infrastructure charges are 100% waived for the development on Council owned or controlled land where involving development established and operated by a non-profit entity. A non-profit entity must not hold liquor or gaming machine licences.

A non-profit entity must provide evidence of its non-profit and incorporated/ registered status. This evidence shall include providing Council with a copy of its relevant constitution or governing documents and registration number under the Associations Incorporation Act 1981 or Collections Act 1966 as appropriate.

## 12. Offset and refund for trunk infrastructure

### 12.1. 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 Local Government 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 Local Government 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.

## 12.2. 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 Local Government Infrastructure Plan; and
  - ii. for premises completely inside the priority infrastructure area in the Local Government Infrastructure Plan;
- (b) that the development infrastructure complies with the criteria in the Desired Standards of Service in the Local Government Infrastructure Plan of the planning scheme.

## 12.3. 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 12.4 (Calculation of the establishment cost);
- (b) for the recalculation of the establishment cost for work calculated under paragraph (a)—the method in section 12.5 (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 12.6 (Recalculation of the establishment cost for land).

## 12.4. 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 Local Government Infrastructure Plan of the planning scheme;
  - (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 Local Government 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 Local Government Infrastructure Plan.

## 12.5. 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 Local Government 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.

## 12.6. 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 Local Government 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 Local Government 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 practicing 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).



## 12.7. 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 Local Government 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.

## 12.8. 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 12.3 (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 Local Government Infrastructure Plan in type, scale, timing or location, the relevant sections of the Planning Act 2016 is to be referred for guidance on the refund process.

## 12.9. 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 Local Government 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 4:

**Table 4 - 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

Type of trunk infrastructure	Time of Provision	Refund amount	Time of refund	No. of instalments
	After the planned period	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
		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 LGIP	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 LGIP	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.

## 13. Conversion to trunk infrastructure

### 13.1. Conversion Criteria

This section states Council's conversion criteria for the purposes of section 117 of the Planning Act. An application to convert particular non-trunk infrastructure to trunk infrastructure may be made to the local government only where the following applies;

- (1) 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
- (2) the construction of the non-trunk infrastructure has not yet started; and
- (3) 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.

Note - The commencement of construction of the non-trunk infrastructure the subject of the conversion application after the application is made but before it is decided (including any appeal in respect of the decision) may affect the determination of the application.

The local government will decide the application in accordance with the decision criteria outlined in section 13.2 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 12 above.

### **13.2. Requirements of development infrastructure for all infrastructure networks**

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

- (1) the development infrastructure must be located completely inside the Priority Infrastructure Area;
- (2) the development infrastructure must have capacity to service other developments in the area to the DSS;
- (3) the development infrastructure must be located such that it is available to service other developments in the area based on the DSS;

*Example – a local recreation park within a large residential development that is not within a 500m catchment of other development will not be available to service the other development in the area in accordance with the DSS.*

- (4) the development infrastructure must be the same size (or equivalent capacity) and type and perform the same function and purpose as trunk infrastructure included in the LGIP;

*Example 1 – public open space that has an ecological and conservation function is not the same as the function provided by parks and land for community facilities infrastructure and therefore will not have the same function and purpose as a trunk infrastructure network included in the LGIP.*

*Example 2 – a road that is required to be constructed as an access road will not provide the same function and purpose as a trunk road which must be a collector or arterial road constructed to the profile identified in Planning Scheme Policy on Infrastructure.*

- (5) the development infrastructure must comply with the DSS for the equivalent trunk infrastructure identified in the LGIP;

- (6) the development infrastructure must not be consistent with non-trunk infrastructure for which conditions may be imposed under section 145 of the *Planning Act 2016*;
- (7) the development infrastructure must be of a type, size and location that is 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 DSS (**Most Cost Effective Option**);
- (8) the development infrastructure must service development that is consistent with the planning assumptions for the premises identified in the LGIP in terms of scale, type, timing and location;
- (9) the development infrastructure must not have been proposed by the applicant on the basis that it would remain non-trunk infrastructure for which an offset or refund would not be payable;
 

*Example – if the applicant proposes a local park that is non-trunk infrastructure and through an exchange of correspondence Council and the developer agree that the local park will be provided on the basis that it will remain non-trunk infrastructure and will not be eligible for an offset or refund the local park will not be converted to trunk infrastructure.*
- (10) the development infrastructure must not be temporary infrastructure unless identified by Council as the Most Cost Effective Option; and
- (11) the development infrastructure must be owned by Council.

### **13.3 Additional network specific requirements – transport development infrastructure**

- (1) the development infrastructure must:
  - (a) be for a proposed collector road or arterial road as shown in standard drawings of Planning Scheme Policy on Infrastructure;
  - (b) not be for works that provide direct frontage access to a development or works required to facilitate development access traffic; and
  - (c) be constructed to a collector road or arterial road standard in accordance with Council’s Planning Scheme Policy on Infrastructure.

### **13.4 Additional network specific requirements – stormwater development infrastructure**

- (1) the development infrastructure must:
  - (a) be for improving the existing flood immunity within a catchment in addition to the premises to achieve the DSS; and
  - (b) be designed and constructed in accordance with Council’s Planning Scheme Policy on Infrastructure and the Queensland Urban Drainage Manual.

### 13.5 Additional network specific requirements – parks development infrastructure

- (1) the development infrastructure for embellishments must be located within land identified as trunk park.

## 14. 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.

**Council controlled land** means land under Council freehold ownership or Crown Land managed by Council under trust, but does not include:

- (a) State and Federal controlled reserves (e.g. National Parks, State Forests); and
- (b) Land identified as being at risk of bushfire, flood or landslide, or an area of conservation significance pursuant to any applicable Overlay Map.

**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.

**Non-profit entity** means an entity is taken to be non-profit only if:

- (a) it is not carried on for the profit or gain or particular persons; and
- (b) it is prevented, either by its constituent documents or by operation of law, from distributing its assets for the benefit of particular persons either while it is operating or upon winding up.

**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.

**Urban Footprint** includes the land identified for urban purpose under the South East Queensland Regional Plan 2017.

## 15. 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)
Transport trunk infrastructure network	

<b>Column 1 Trunk infrastructure network</b>	<b>Column 2 Maximum construction on costs for work (Percentage of the construction cost for the work)</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%