

Part 1 Introduction

1.1 Sustainable Planning Act 2009

- (i) The resolution is made pursuant to the Sustainable Planning Act 2009.
- (ii) The resolution is to be read in conjunction with the following:
 - (a) State planning regulatory provision (adopted charges);
 - (b) Fraser Coast Planning Scheme 2014 applicable local planning instruments; and
- (iii) The resolution is attached to but does not form part of the applicable local planning instruments.

1.2 Effect

The resolution has effect on and from 15 February 2017. This resolution amends and replaces Council's Adopted Infrastructure Charges Resolution August 2016 which took effect 8 August 2016.

1.3 Purpose of the resolution

The purpose of the resolution is to establish and adopt an infrastructure charge for the following trunk infrastructure networks:

- (i) water supply network;
 - (a) all development within a Water Supply Service Area*
 - (b) all development where reticulated water is available
- (ii) sewerage network;
 - (a) all development within a Sewerage Service Area
 - (b) all development where sewer is available
- (iii) transport network;
 - (a) all development within the Fraser Coast Regional Council Area
- (iv) stormwater network; and
 - (a) all development within the Fraser Coast Regional Council Area
- (v) parks and community land network.
 - (a) all development within the Fraser Coast Regional Council Area

1.4 Interpretation

applicable local planning instruments means the *Fraser Coast Planning Scheme 2014*

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.

dwelling unit means any part of a building used for residential accommodation of one household which is self contained.

consumer price index means the Consumer Price Index: All Groups Index for Brisbane available from the Australian Bureau of Statistics. The base date is September 2011.

Education establishment for the Flying Start for Queensland Children program means any educational establishment or part of an educational establishment that is for, or will facilitate, the Flying Start for Queensland Children program.

Flying Start for Queensland Children program is the Queensland Government program to transition Year 7 from the last year of primary schooling to the first year for secondary schooling.

gross floor area (GFA) means the total floor area of all storeys of the building, including any mezzanines, (measured from the outside of the external walls and the centre of any common walls of the building), other than areas used for:

- building services plant and equipment; or
- areas between levels; or
- a ground floor public lobby; or
- a public mall in a shopping complex; or
- parking, loading or manoeuvring of vehicles; or
- enclosed balconies, whether roofed or not.

impervious area means an area within a site which does not allow natural infiltration of rain to the underlying soil and the majority of rainfall would become runoff e.g. roadways, car parks, footpaths, roofs, hardstand areas (sealed and unsealed), compacted areas etc.

local government means Fraser Coast Regional Council.

maximum adopted charge means the charge limit set out in the maximum charging framework established in the Sustainable Planning Act 2009 and State planning regulatory provision (adopted charges).

most cost effective option means, for non-trunk infrastructure to trunk infrastructure conversion, 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.

prescribed form means a form prescribed by the local government

State planning regulatory provision (adopted charges) means the State planning regulatory provision (adopted charges) made under the Sustainable Planning Act 2009.

Part 2 Application of the Resolution

2.1 Application to the local government area

The infrastructure charge applies to the local government area other than for the following:

- (i) work or use of land authorised under the Mineral Resources Act 1989, the Petroleum Act 1923, the Petroleum and Gas (Production and Safety) Act 2004 or the Greenhouse Gas Storage Act 2009; or
- (ii) development in a Priority Development Area under the Economic Development Act 2012.

2.2 Application to particular development

- (i) This resolution adopts a charge for particular development that is equal to or less than the State Planning regulatory Provisions (SPRP) (adopted charges)
- (ii) To enable the adopted infrastructure charges schedule identified in the State planning regulatory provision (adopted charges) to be applied to existing development use types, **Table 2.2.1** identifies the relationship between existing applicable local planning instrument use types and the classes of development to which the adopted infrastructure schedule apply.

Table 2.2.1 – Planning Scheme use types to which *adopted infrastructure charges schedule* apply.

Use Category	Development Under the <i>Fraser Coast Planning Scheme 2014</i> ¹
Residential	
Residential	Caretaker's accommodation, Dual occupancy, Dwelling house, Dwelling unit, Multiple dwelling, Rural workers accommodation
Accommodation (Short term)	Hostel, Hotel, Tourist park, Short term accommodation
Accommodation (Long term)	Community residence, Hostel, Relocatable home park, Retirement facility, Rural workers accommodation
Non Residential	
Places of Assembly	Community use, Function facility, Funeral parlour, Place of worship
Commercial (Bulk Goods)	Agricultural supplies store, Bulk landscaping supplies, Garden centre, Hardware and trade supplies, Outdoor sales, Showroom
Commercial (Retail)	Adult store, Food and drink outlet, Service industry, Service station, Shop, Shopping centre
Commercial (Office)	Office, Sales office
Education Facility	Child care centre, Community care centre, Educational establishment
Entertainment	Nightclub entertainment facility, Theatre, Club

¹ To remove any doubt, where a planning scheme use type corresponds to more than one use in the *adopted infrastructure charges schedule* or the use is not mentioned or the use is unclear, the applicable infrastructure charge will depend on the nature of the proposed use and will be determined by the Chief Executive Officer or Executive Manager Development and Planning, as Council's delegate.

Use Category	Development Under the <i>Fraser Coast Planning Scheme 2014</i> ¹
Indoor Sport and Recreation Facility	Indoor sport and recreation facility
Industry	Low Impact industry, Marine industry, Medium Impact industry, Research and Technology industry, Rural industry, Transport depot, Warehouse
High Impact Industry	High Impact industry, Special industry
Low Impact Rural	Animal husbandry, Cropping, Permanent plantation
High Impact Rural	Aquaculture, Intensive horticulture, Wholesale nursery, Winery
Essential Services	Detention facility, Emergency Services, Health care services, Hospital, Residential Care facility, Veterinary services
Specialised Uses	Air services, Animal keeping, Crematorium, Car wash, Extractive industry, Major electricity infrastructure, Major sport recreation and entertainment facility, Motor sport facility, Nature-based tourism, Outdoor sport and recreation, Parking station, Port services, Renewable energy facility, Resort complex, Substation, Tourist attraction, Utility installation, Rural Fire Service
Minor Uses	Cemetery, Home based business, Landing, Market, Park, Roadside stall, Telecommunications facility, storage shed or not for profit storage shed where ancillary or subordinate to a sporting or community activity development.
Other Uses	

Part 3 Trunk Infrastructure Networks

3.1 Trunk Infrastructure Identification

Until a local government infrastructure plan is adopted, Trunk Infrastructure is identified in Council's PIP (Priority Infrastructure Plan). See Part 4 PIP, local planning instrument.

Part 4 Adopted Charge

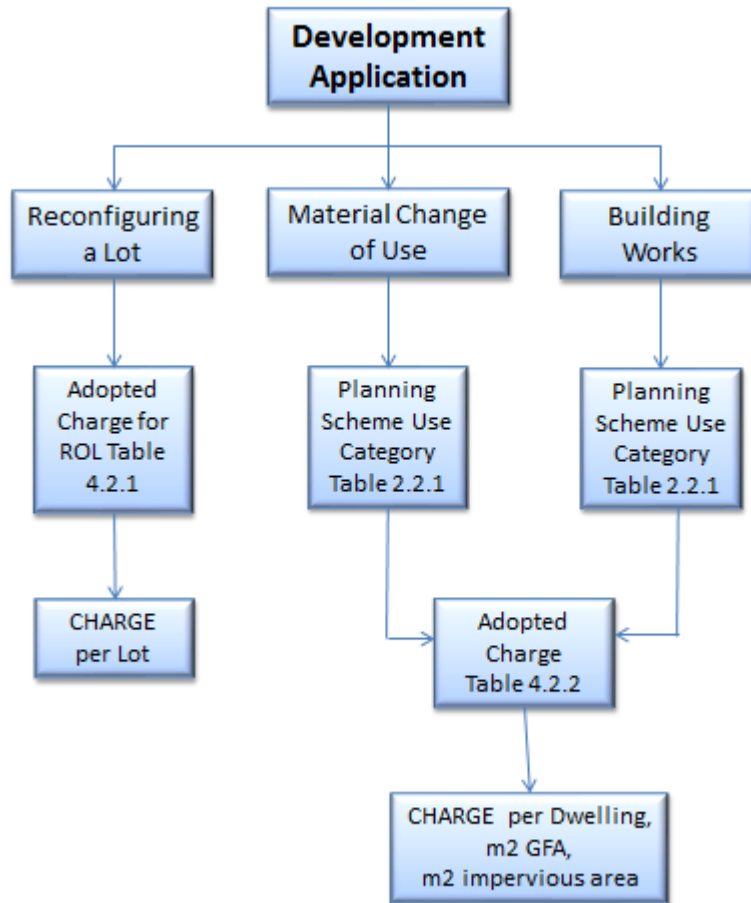
4.1 Purpose

This section states the application of the infrastructure charge to be adopted by the *local government* under *section 630 Sustainable Planning Act 2009* for water supply, sewerage, transport, stormwater and parks and community lands networks.

4.2 Adopted Charge

- (i) The adopted charge for:
 - (a) **reconfiguring a lot** as stated in table 4.2.1;
 - (b) **a material change of use or carrying out building work** as stated in table 4.2.2.

- (ii) infrastructure charge will be calculated on the approved use and at the time the decision is made, and will be recalculated at the time of payment.
- (iii) Section 1 (i) and (ii) is diagrammatically depicted below.



- (iv) *the infrastructure charge will be calculated on the approved use and at the time the decision is made, and will be recalculated at the time of payment.

Table 4.2.1 – Reconfigure a Lot Adopted Infrastructure Charges

Column 1 Use Category	Column 2 Reconfiguring a Lot Use	Column 3 (A) Charge Category	Column 3 (B) Charge
All Zones	New lot with development entitlement	\$ per lot	\$22,800

Table 4.2.2 – Material Change of Use or Building Works Adopted Infrastructure Charges

Column 1 Use Category	Column 2 Use	Column 3 (A) Charge Category	Column 3 (B) Charge
Residential	Dwelling House	\$ per 1 or 2 bedroom dwelling	\$16,300.00
		\$ per 3 or more bedroom dwelling	\$22,800.00
	Dwelling Unit	\$ per 1 or 2 bedroom dwelling	\$16,300.00
		\$ per 3 or more bedroom dwelling	\$22,800.00
	Caretaker's accommodation	\$ per 1 or 2 bedroom dwelling	\$16,300.00
		\$ per 3 or more bedroom dwelling	\$22,800.00
	Multiple Dwelling	\$ per 1 or 2 bedroom dwelling	\$16,300.00
		\$ per 3 or more bedroom dwelling	\$22,800.00
Dual Occupancy	\$ per 1 or 2 bedroom dwelling	\$16,300.00	
	\$ per 3 or more bedroom dwelling	\$22,800.00	
Accommodation (short term)	Hotel	\$ per 1 or 2 bedroom dwelling	\$10,000.00
		\$ per 3 or more bedroom dwelling	\$14,000.00
	Short-term accommodation	\$ per 1 or 2 bedroom dwelling	\$10,000.00
		\$ per 3 or more bedroom dwelling	\$14,000.00
	Tourist park – caravan or tent	\$ per caravan or tent site	\$4,500
	Tourist park – self-contained recreational vehicle grounds	\$ per self-contained recreational vehicle (as defined in the <i>Fraser Coast Planning Scheme 2014</i>)	Nil
	Tourist park - cabins	\$ per cabin site	\$10,000.00
	Nature based tourism	\$ per 1 caravan or tent site	\$4,500
\$ per cabin site		\$10,000	
Nature based tourism- self-contained recreational vehicle grounds	\$ per self-contained recreational vehicle (as defined in the <i>Fraser Coast Planning Scheme 2014</i>)	Nil	
Accommodation (long term)	Community residence	\$ per 1 or 2 bedroom dwelling	\$16,300
		\$ per 3 or more bedroom dwelling	\$22,800
	Rooming accommodation	\$ per 1 bedroom (< 6 beds per room)	\$16,300
		\$ per 1 bedroom (> 6 beds per room)	\$22,800
		\$ per 2 bedrooms in a suite	\$16,300
		\$ per 3 or more bedrooms in a suite	\$22,800
	Relocatable home park	\$ per 1 or 2 bedroom dwelling	\$16,300
		\$ per 3 or more bedroom dwelling	\$22,800
	Retirement facility	\$ per 1 or 2 bedroom dwelling	\$16,300
		\$ per 3 or more bedroom dwelling	\$22,800
	Community use (library)	\$ per m2 GFA plus \$10.00 per m2 impervious area	\$70.00
	Community use (museum)	\$ per m2 GFA plus \$10.00 per m2 impervious area	\$70.00
	Community use (hall)	\$ per m2 GFA plus \$10.00 per m2 impervious area	\$70.00
	Community use (other)	\$ per m2 GFA plus \$10.00 per m2 impervious area	\$70.00
	Function Facility	\$ per m2 GFA plus \$10.00 per m2 impervious area	\$70.00
Funeral parlour	\$ per m2 GFA plus \$10.00 per m2 impervious area	\$70.00	
Place of worship	\$ per m2 GFA plus \$10.00 per m2 impervious area	\$70.00	
Commercial (bulk goods)	Agricultural supplies store	\$ per m2 GFA plus \$10.00 per m2 impervious area	\$140.00
	Bulk landscape supplies	\$ per m2 GFA plus \$10.00 per m2 impervious area	\$140.00
	Garden centre	\$ per m2 GFA plus \$10.00 per m2 impervious area	\$140.00
	Hardware and trade supplies	\$ per m2 GFA plus \$10.00 per m2 impervious area	\$140.00
	Outdoor sales	\$ per m2 GFA plus \$10.00 per m2 impervious area	\$140.00
	Showroom	\$ per m2 GFA plus \$10.00 per m2 impervious area	\$140.00
Commercial	Adult store	\$ per m2 GFA plus \$10.00 per m2 impervious area	\$180.00

Column 1 Use Category	Column 2 Use	Column 3 (A) Charge Category	Column 3 (B) Charge
(retail)	Food and drink outlet (fast food restaurant)	\$ per m2 GFA plus \$10.00 per m2 impervious area	\$180.00
	Food and drink outlet (fast food restaurant with drive through)	\$ per m2 GFA plus \$10.00 per m2 impervious area	\$180.00
	Food and drink outlet (other)	\$ per m2 GFA plus \$10.00 per m2 impervious area	\$180.00
	Service industry (Laundromat)	\$ per m2 GFA plus \$10.00 per m2 impervious area	\$180.00
	Service industry (other)	\$ per m2 GFA plus \$10.00 per m2 impervious area	\$180.00
	Service station (fuel pumps)	Nil charge	Nil
	Service station (shop component)	\$ per m2 GFA plus \$10.00 per m2 impervious area	\$180.00
	Service station (vehicle repair shop)	\$ per m2 GFA plus \$10.00 per m2 impervious area	\$180.00
	Service station (food and drink outlet)	\$ per m2 GFA plus \$10.00 per m2 impervious area	\$180.00
	Shop Shopping Centre	\$ per m2 GFA plus \$10.00 per m2 impervious area	\$180.00
Commercial (office)	Office	\$ per m2 GFA plus \$10.00 per m2 impervious area	\$140.00
	Sales office	\$ per m2 GFA plus \$10.00 per m2 impervious area	\$140.00
Education facility	Child care centre	\$ per m2 GFA plus \$10.00 per m2 impervious area	\$140.00
	Community care centre	\$ per m2 GFA plus \$10.00 per m2 impervious area	\$140.00
	Educational establishment (primary school)	\$ per m2 GFA plus \$10.00 per m2 impervious area	\$140.00
	Educational establishment (secondary school)	\$ per m2 GFA plus \$10.00 per m2 impervious area	\$140.00
	Educational establishment for the Flying Start for QLD Children Program	Nil charge	Nil
	Educational establishment (tertiary)	\$ per m2 GFA plus \$10.00 per m2 impervious area	\$140.00
Entertainment	Bar	\$ per m2 GFA plus \$10.00 per m2 impervious area	\$200.00
	Hotel (non-residential component)	\$ per m2 GFA plus \$10.00 per m2 impervious area	\$200.00
	Nightclub	\$ per m2 GFA plus \$10.00 per m2 impervious area	\$200.00
	Theatre	\$ per m2 GFA plus \$10.00 per m2 impervious area	\$200.00
	Club (Licenced/)	\$ per m2 GFA plus \$10.00 per m2 impervious area	\$200.00
Indoor sport and recreation	Indoor sport and recreation (squash or other court areas)	\$ per m2 GFA of court area plus \$10.00 per m2 impervious area	\$20.00
	Indoor sport and recreation (other)	\$ per m2 GFA plus \$10.00 per m2 impervious area	\$70.00
Industry	Low impact industry	\$ per m2 GFA plus \$10.00 per m2 impervious area	\$50.00
	Marine industry	\$ per m2 GFA plus \$10.00 per m2 impervious area	\$50.00
	Medium impact industry	\$ per m2 GFA plus \$10.00 per m2 impervious area	\$50.00
	Research and technology industry	\$ per m2 GFA plus \$10.00 per m2 impervious area	\$50.00
	Rural industry	\$ per m2 GFA plus \$10.00 per m2 impervious area	\$50.00
	Transport Depot	\$ per m2 GFA plus \$10.00 per m2 impervious area	\$50.00
	Warehouse (self-storage facility)	\$ per m2 GFA plus \$10.00 per m2 impervious area	\$50.00
	Warehouse (other)	\$ per m2 GFA plus \$10.00 per m2 impervious area	\$50.00
High impact industry	High impact industry	\$ per m2 GFA plus \$10.00 per m2 impervious area	\$70.00
	Special industry	\$ per m2 GFA plus \$10.00 per m2 impervious area	\$70.00
Low impact rural	Animal husbandry	Nil charge	Nil
	Cropping	Nil charge	Nil
	Permanent plantations	Nil charge	Nil
	Wind farm	Nil charge	Nil
High impact rural	Aquaculture	\$ per m2 GFA for the high impact rural use	\$20.00
	Intensive animal industries	\$ per m2 GFA for the high impact rural use	\$20.00
	Intensive horticulture	\$ per m2 GFA for the high impact rural use	\$20.00
	Wholesale nursery	\$ per m2 GFA for the high impact rural use	\$20.00

Column 1 Use Category	Column 2 Use	Column 3 (A) Charge Category	Column 3 (B) Charge
	Winery	\$ per m2 GFA for the high impact rural use	\$20.00
Essential services	Detention facility	\$ per m2 GFA plus \$10.00 per m2 impervious area	\$140.00
	Emergency services	\$ per m2 GFA plus \$10.00 per m2 impervious area	\$140.00
	Health care services	\$ per m2 GFA plus \$10.00 per m2 impervious area	\$140.00
	Hospital	\$ per m2 GFA plus \$10.00 per m2 impervious area	\$140.00
	Residential care facility	\$ per m2 GFA plus \$10.00 per m2 impervious area	\$140.00
	Veterinary services	\$ per m2 GFA plus \$10.00 per m2 impervious area	\$140.00
Specialised uses	Air Services	As for Other uses, Column 1	*
	Animal keeping	As for Other uses, Column 1	*
	Brothel	As for Other uses, Column 1	*
	Parking Station	\$0 per m2 GFA plus \$10.00 per m2 impervious area	Nil
	Crematorium	As for Other uses, Column 1	*
	Extractive industry	As for Other uses, Column 1	*
	Major sport, recreation and entertainment facility	As for Other uses, Column 1	*
	Motor sport	As for Other uses, Column 1	*
	Non-resident workforce accommodation	As for Other uses, Column 1	*
	Outdoor sport and recreation	As for Other uses, Column 1	*
	Port services	As for Other uses, Column 1	*
	Tourist attraction	As for Other uses, Column 1	*
	Utility installation	As for Other uses, Column 1	*
Minor uses	Advertising device	Nil charge	Nil
	Cemetery	Nil charge	Nil
	Home based business	Nil charge	Nil
	Landing	Nil charge	Nil
	Market	Nil charge	Nil
	Park	Nil charge	Nil
	Roadside stalls	Nil charge	Nil
	Substation	Nil charge	Nil
	Telecommunications facility	Nil charge	Nil
	Temporary uses	Nil charge	Nil
	Ancillary storage to sporting or community activity land uses.	Nil charge	Nil
Other uses*	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	

4.4 Indexing adopted charges

Indexation of adopted charges, between the levying and payment of the charge, cannot result in a charge which is greater than the maximum adopted charge in the SPRP (adopted charges); or result in a charge that is greater than the increase for the PPI index for the period starting on the day the charge was levied and ending on the day it is paid, adjusted by reference to the 3-yearly PPI index average (SPA section 631)]

Councils adopted infrastructure charge in Tables 4.2.1 and 4.2.2 are to automatically increase from the time the charge is levied to the time the charge is paid. As per section 631 SPA this automatic increase provision is calculated as follows:

- (a) If the duration of time between the date the charge is levied to the date the charge is paid is less than or equal to one calendar year, then there is no automatic increase provision. Therefore the *adopted infrastructure charge* Payable is equal to the charge amount at the time the charge is levied; or
- (b) If the duration of time between the date the charge is levied to the date the Charge is paid is greater than one calendar year, then the automatic Increase provision is an amount representing the increase in the PPI Index¹. The increase in PPI index is calculated for the period starting on the day the charge is levied and ending on the day the charge is paid, adjusted by reference to the 3-yearly PPI index average. Where the 3-yearly PPI index average means the PPI index smoothed in accordance with the 3-year moving average quarterly percentage change between quarters. Therefore the automatic increase provision is calculated as shown in equation 1 below:

$$\text{automatic increase provisions} = \frac{\text{Smoothed PPI (paid date)}}{\text{Smoothed PPI (levied date)}} \dots\dots\dots (1)$$

Where

Smoothed PPI (paid date) = 3 yearly smoothed PPI at time the charge is paid
 = average (12 previously published PPI figures relative to paid date)
 Smoothed PPI (levied date) = 3 yearly smoothed PPI at time the charge is levied
 = average (12 previously published PPI figures relative to levied date)

The *adopted infrastructure charge* payable is equal to the charge amount at the time the charge is levied multiplied by the automatic increase provision amount as shown in equation 2 below:

$$\text{adopted infrastructure charge payable} = \text{levied charge} \times \text{automatic increase provision} \dots\dots (2)$$

inally, if after applying the automatic increase provision the *indexed adopted infrastructure charge* payable is:

- (a) more than the maximum adopted charge that Council could have levied for the development at the time the charge is paid, then the *adopted infrastructure charge* payable is the maximum adopted charge as per the Adopted Infrastructure Charges Resolution in place at the time for the development; or
- (b) less than the charge amount at the time the charge is paid, then the charge payable is the *indexed adopted infrastructure charge*.

Part 5 Administration of infrastructure charge

5.1 Purpose

This section states how an infrastructure charge levied by the local government is to be administered.

5.2 Calculation

An infrastructure charge that is levied by the local government is calculated as follows:

$$TIC = [(IC \times U) - (C)] \times I$$

TIC is the total infrastructure charge that may be levied by the local government

IC is the infrastructure charge as identified in table 4.2.1 or 4.2.2

U is the unit of measure as identified in table 4.2.1 or 4.2.2

C is the agreed credit as set out in Part 6

I is the indexation rate as outlined in section 4.3.

Note: The application of Infrastructure charge discounts or Incentives pursuant to Council policy at the time are to be applied to the net infrastructure amount. (i.e. the infrastructure charge less any applicable credits or offsets).

5.3 Development subject to an infrastructure charge

(i) The local government may levy an infrastructure charge on the following development:

- (a) reconfiguring a lot
- (b) a material change of use of premises
- (c) carrying out building works

(ii) If a development is subject to more than one use, the local government may levy an infrastructure charge for development on the basis of the use with the highest potential demand.

(iii) For an existing lawful use to which a development application is seeking to expand the gross floor area of the facility, the infrastructure charge is only to be applied on the part of the development which is subject to intensification or extension.

5.4 Method of notification of an infrastructure charge

- (i) The local government is required to issue an infrastructure charge notice stating:
 - (a) the amount of the charge;
 - (b) how the charge has been worked out;
 - (c) the land to which the charge applies;
 - (d) when the charge is payable;
 - (e) if an automatic increase provision applies;
 - (f) whether an offset or refund applies and, if so, details of the offset or refund, including when the refund will be given.
- (ii) The infrastructure charges notice must also include, or be accompanied by, an information notice about the decision to give the notice.

5.5 Time of payment of an infrastructure charge

A levied infrastructure charge is payable at the following time:

- (i) if the charge applies for reconfiguring a lot – when the local government approves the plan of subdivision for the reconfiguration; or
- (ii) if the charge applies for building work – when the certificate of classification or final inspection certificate for the building work is given; or
- (iii) if the charge applies for a material change of use – when the change happens; or
- (iv) if the charges applies for other development – on the day stated in the infrastructure charges notice under which the charge was levied.

5.6 Alternatives to paying an infrastructure charge

- (i) The local government may enter into a written agreement about:
 - (a) whether the levied charge under the notice may be paid other than as required in section 5.5, above including whether the charge may be paid by instalments;
 - (b) whether infrastructure may be provided instead of paying part or all of the levied charge.

5.7 Recording infrastructure charges

Local government must record all levied infrastructure charges in a publicly available infrastructure charges register.

5.8 Proportional split of infrastructure charges for trunk infrastructure networks

The infrastructure charge is to be proportionally split to a trunk infrastructure network as stated in Council's Adopted Infrastructure Charge Management Policy.

Part 6 Credits

6.1 Definition of a Credit

- (i) A credit means the amount to be applied for the purpose of calculating an infrastructure charge which takes into account existing land usage of the premises.
- (ii) The maximum value of a credit for each site will not exceed the levied infrastructure charge for the approved land use of the existing site. That means for any use, if a credit is higher than the levied infrastructure charge of the approved use a refund will not occur.

6.2 Application of a Credit

As per section 636 of the Sustainable Planning Act 2009, the credit is to be calculated in accordance with the following methodology:

- (i) The credit for the premises is the greater of the following;
 - (i) The amount stated for an *adopted infrastructure charge* for reconfiguring a lot as per table 4.2.1 for each existing residential lot within the premises. To remove any doubt, Commercial and Industrial lots where the *adopted infrastructure charge* were deferred to Material Change of use and /or building works stage as detailed on the Infrastructure Charge notice at time approval shall not be eligible for this credit criteria.
 - (ii) an existing use on the premises if the use is lawful and already taking place on the premises, the amount stated in table 4.2.2 for the lawful use;
 - (iii) the amount stated in table 4.2.2 for the lawful use;
 - (iv) a previous use that is no longer taking place on the premises if the use was lawful at the time it was carried out the amount stated in table 4.2.2 for the lawful use; other development on the premises if the development may be lawfully carried out without the need for a further development permit the amount stated in table 4.2.2 for the lawful use; and the monetary contributions for trunk infrastructure previously paid for the development of the premises, subject to Council being satisfied of appropriate evidence of payment.
- (ii) The maximum amount of any credit calculated under (a) above is not to exceed the amount of the *adopted infrastructure charge* for the proposed development.

Part 7 Offsets, Refunds and Conversions

7.1 Purpose

- (i) This section outlines;
 - (a) the application of an offset or refund where development has been conditioned to provide necessary trunk infrastructure; and
 - (b) the process for determining the establishment cost of trunk infrastructure for the offset or refund where the applicant does not agree with the establishment cost outlined in the infrastructure charges notice; and
 - (c) the process to apply for a conversion application where non-trunk infrastructure has been conditioned as part of a development application and the applicant considers the non-trunk infrastructure to be trunk infrastructure ; and
 - (d) the criteria for deciding a conversion application.

7.2 Application of an offset or refund

- (i) An offset or refund for trunk infrastructure only applies where, for a development, the local government has:
 - (a) required the following:
 - a necessary infrastructure condition for infrastructure identified in Council's PIP or an LGIP as per section 646 and 979 of the Sustainable Planning Act 2009; or
 - a necessary infrastructure condition for other infrastructure under section 647 and 979 of the Sustainable Planning Act 2009 ; and
 - (b) supplied a scope of works including the standard to which the trunk infrastructure is to be provided and the location of the trunk infrastructure; and
 - (c) levied an infrastructure charge and indicated an offset or refund is applicable on an infrastructure charges notice for the same premises under section 637 (Requirements for infrastructure charges notice) of the Sustainable Planning Act 2009.

Note: The application of Infrastructure charge discounts or Incentives pursuant to Council policy at the time are to be applied to the net infrastructure amount. (i.e. the infrastructure charge less any applicable credits or offsets).

7.3 Determining the establishment cost of trunk infrastructure for an offset or refund

- (i) Where the applicant who is bound to provide trunk infrastructure and has been levied an infrastructure charge for the same development and the applicant does not agree with the establishment cost outlined in the infrastructure charges notice for the trunk infrastructure must, at their own cost, provide to the local government the following:
 - (a) for a trunk infrastructure that is works;

- a bill of quantities for the design, construction and commissioning of the trunk infrastructure in accordance with the scope of works (the bill of quantities); and
 - a first principles estimate for the cost of designing, constructing and commissioning the trunk infrastructure specified in the bill of quantities (the cost estimate); or
- (b) for a trunk infrastructure that is land;
- a valuation of the specified land undertaken by a certified practicing valuer using the before and after method of valuation (the valuation).
- (ii) The local government is to give a notice to the applicant which states whether the bill of quantities and the cost estimate or the valuation are accepted or not;
- (a) if the local government accepts the bill of quantities and the cost estimate of the valuation, the cost estimate or valuation is the establishment cost of the infrastructure;
- (b) if the local government does not accept the bill of quantities and the cost estimate or the valuation, the local government must, at its own cost, have;
- for the bill of quantities and the cost estimate, an assessment undertaken by an appropriately qualified person to;
 - i. determine whether the bill of quantities is in accordance with the scope of works;
 - ii. determine whether the cost estimate is consistent with current market costs calculated by applying a first principles estimating approach to the bill of quantities; and
 - iii. provide a new cost estimate using a first principles estimating approach.
 - for the valuation, a valuation undertaken by a certified practicing valuer.
- (c) if the local government rejected the bill of quantities and the cost estimate or the valuation provided by the applicant, it must provide written notice to the applicant and propose the new bill of quantities and cost estimate or the valuation and its reasons for doing so.
- (iii) Where a written notice of the local governments proposed bill of quantities and cost estimate or valuation has been given, the applicant may negotiate and agree with the local government regarding a cost estimate or valuation.

The agreed cost estimate or valuation is the establishment cost of the infrastructure.

- (iv) If agreement cannot be reached, the local government must;
- (a) for the bill of quantities and the cost estimate, refer the bill of quantities and the cost estimate to an independent, suitably qualified person (the independent assessor) to:
- assess whether the bill of quantities is in accordance with the scope of works;
 - assess whether the cost estimate is consistent with current market costs calculated by applying a first principles estimating approach to the bill of quantities; and
 - provide an amended cost estimate using a first principles estimating approach.

- (b) for the valuation, have a valuation undertaken by an independent, certified practicing valuer to assess the market value of the specified land.

The independent assessor or certified practicing valuer is to be appointed by agreement between the local government and the applicant. The cost of this independent assessment is to be equally shared between the local government and the applicant.

The amended cost estimate or valuation determined by the independent assessor is the establishment cost of the infrastructure.

- (v) If the local government and the applicant cannot reach agreement on the appointment of an independent assessor or independent certified practicing valuer, the establishment cost of the infrastructure is determined by calculating the average of the previous two cost estimates prepared on behalf of the applicant and the local government respectively.
- (vi) The local government must give an amended infrastructure charges notice to the applicant stating:
 - (a) the value of the establishment cost of the infrastructure which has been indexed to the date it is stated in the amended infrastructure charges notice using the Producer Price Index – Road and bridge construction index for Queensland; and
 - (b) that the establishment cost of the infrastructure stated in the amended infrastructure charges notice is indexed from the date that it is stated in the amended infrastructure charges notice to the date it is to be offset against the levied charge in accordance with the Producer Price Index – Road and bridge construction index for Queensland.

7.4 Applying to convert particular non-trunk infrastructure to trunk infrastructure

- (i) An application to convert particular non-trunk infrastructure to trunk infrastructure may be made to the local government only where the following applies;
 - (a) the local government has required non-trunk infrastructure to be provided in a particular condition of a development approval under section 665 of the Sustainable Planning Act 2009; and
 - (b) the construction of the non-trunk infrastructure has not started; and
 - (c) the conversion application is made in accordance with section 659 of the Sustainable Planning Act 2009.
- (ii) The local government will decide the application in accordance with the decision criteria outlined in section 7.5 and 7.6 below, and section 660 and 661 of the Sustainable Planning Act 2009.
- (iii) Where the local government agrees to the conversion application, any offset or refund is determined in accordance with section 7.3 above.

7.5 Legislative Criteria for deciding conversion application

- (i) The following section outlines the criteria for deciding conversion applications as per section 660 of the Sustainable Planning Act 2009.
- (ii) For infrastructure to be considered trunk infrastructure, each of the following criteria must be met;
 - (a) the infrastructure has capacity to service other developments in the area; and
 - (b) the function and purpose of the infrastructure is consistent with other trunk infrastructure identified in the PIP for the area; and
 - (c) the infrastructure is not consistent with non-trunk infrastructure for which conditions may be imposed in accordance with section 665 of the Sustainable Planning Act 2009; and
 - (d) the type, size and location of the infrastructure is the most cost effective option for servicing multiple users in the area. A definition of cost effectiveness as it relates to trunk infrastructure provision is stated in section 1.4 of this resolution; and
 - (e) the infrastructure is consistent with the desired standards of service outlined in the Priority Infrastructure Plan.

7.6 Assessment of Application for Conversion of Non-Trunk Infrastructure to Trunk Infrastructure

7.6.1 Application of this section

- (i) This section applies if:
 - (a) a condition of a development approval requires non-trunk infrastructure to be provided; and
 - (b) the construction of the non-trunk infrastructure has not started.

7.6.2 Conversion application process

- (i) An applicant may apply to the local government to convert non-trunk infrastructure to trunk infrastructure.
- (ii) The application must be made in writing using the prescribed form (the conversion application).
- (iii) The local government must, within the required period², decide the conversion application having regard to the criteria for deciding the application stated in section 7.6.5
- (iv) At any time before deciding the conversion application, the local government may give a notice to the applicant requiring the applicant to give information that the local government reasonably needs to make the decision³.

7.6.3 Notice of decision

² See section 660 (6) of the SPA

³ See section 660(4) of the SPA for notice requirements

- (i) As soon as practicable after deciding the conversion application, the local government must give the applicant notice of the decision.
- (ii) If the decision is not to convert non-trunk infrastructure to trunk infrastructure, the notice must be an information notice about the decision.
- (iii) If the decision is to convert non-trunk infrastructure to trunk infrastructure, the written notice must state:
 - (a) that the infrastructure is trunk infrastructure
 - (b) if the infrastructure will be conditioned as a necessary infrastructure condition
 - (c) if an offset or refund applies
 - (d) if an offset or refund applies, the details of that offset or refund.

7.6.4 Effect of conversion application decision

- (i) If the local government has decided to convert non-trunk infrastructure to trunk infrastructure, it may amend the development approval by imposing a necessary infrastructure condition for the trunk infrastructure.
- (ii) If a necessary infrastructure condition is imposed, the local government must give either an infrastructure charges notice or an amended infrastructure charges notice including details of the offset or refund.

7.6.5 Criteria for deciding a conversion application

- (i) Each of the following criteria must be met for non-trunk infrastructure to be converted to trunk infrastructure :
 - (a) the infrastructure services development that is-
 - i. consistent with the trunk infrastructure identified in the local government's PIP including assumptions about the type, size/capacity/scale, function, location or timing of future development as stated in the local government's PIP and associated Desired levels of Service; and;
 - ii. completely inside the PIA.
 - (b) construction of the infrastructure has not yet commenced
 - (c) the infrastructure is inconsistent with the requirements for non-trunk infrastructure stated in section 665 of the SPA
 - (d) the infrastructure is owned or will be owned by the local government
 - (e) the infrastructure is not temporary infrastructure
 - (f) the infrastructure will have increased capacity to service other development

- (g) the type, size and location of the infrastructure is the most cost effective option for servicing multiple developments in the area.
 - (h) The development scenario including the trunk infrastructure requirements were not foreseen by the Council when developing the PIP. Accordingly, the infrastructure could have been planned during preparation of the PIP using only the planned density assumptions stated in the PIP.
- (ii) The **most cost effective option** for trunk infrastructure provision means 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.

ⁱ The PPI index means the same as in SPA. That is either:

- (a) generally—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 regulation.