

TOOWOOMBA REGIONAL COUNCIL

Adopted Infrastructure Charges Resolution – No 2

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Part 1 Introduction

1.1 Sustainable Planning Act 2009

- (a) This is ***Adopted infrastructure charges resolution – No 2*** (resolution) made pursuant to section 648D of the *Sustainable Planning Act 2009*.
- (b) This resolution is to be read in conjunction with the following:
 - (i) the draft State planning regulatory provision (adopted charges) dated July 2011; and
 - (ii) the Toowoomba Regional Planning Scheme.
- (c) The details of this resolution do not form part of the Toowoomba Regional Planning Scheme.

1.2 Purpose

The purpose of the resolution is to assist with the implementation of the Toowoomba Regional Planning Scheme in accordance with Chapter 8 Part 1 Division 5A of the *Sustainable Planning Act 2009*.

1.3 Date of Effect

The resolution has effect on and from 01/07/2012.

1.4 Definitions

Words or terms defined in the *Sustainable Planning Act 2009* or the Queensland Planning Provisions used in the resolution have the meaning given in the *Sustainable Planning Act 2009* or the Queensland Planning Provisions.

In this resolution:

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, library, study, loft, media or home entertainment room, family or rumpus room or other similar space.

claimant means the person bound to provide the adopted infrastructure charge or trunk infrastructure contribution who gives a notice under Part 6.2 of this resolution, to Council to claim for an infrastructure offset.

consumer price index has the meaning given to that term in section 648D of the SPA

Council means the Toowoomba Regional Council.

discount see Part 4 of this resolution.

draft State planning regulatory provision (Draft SPRP) means the draft State planning regulatory provision (adopted charges) made under the Sustainable Planning Act 2009, and dated July 2011.

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.

infrastructure offset see Part 6 of this resolution.

maximum adopted charge has the meaning given to that term in section 648B of the SPA

planned date means the date scheduled for the provision of trunk infrastructure stated in the schedule of works for trunk infrastructure.

prescribed form means a form prescribed by the Council.

SPA means the *Sustainable Planning Act 2009*.

Part 2 Application of the Resolution

This resolution applies to the entire local government area of Council.

1. The Priority Infrastructure Area (PIA) is identified in Part 7.2 Priority Infrastructure Area (PIA) Maps. All of the PIA is included in the Priority Infrastructure Plan.
2. This resolution adopts a charge for particular development that is less than the maximum adopted charge and adopts different charges for particular development in different parts of the Council's area
3. To enable the adopted infrastructure charges schedule identified in Schedule 1 of the Draft SPRP to be applied to existing development use types, Table 1 identifies the relationship between the Toowoomba Regional Planning Scheme use types and the adopted infrastructure charges category to which Table 3 applies.

Table 1

Comparison of planning scheme use categories and Draft SPRP development categories.

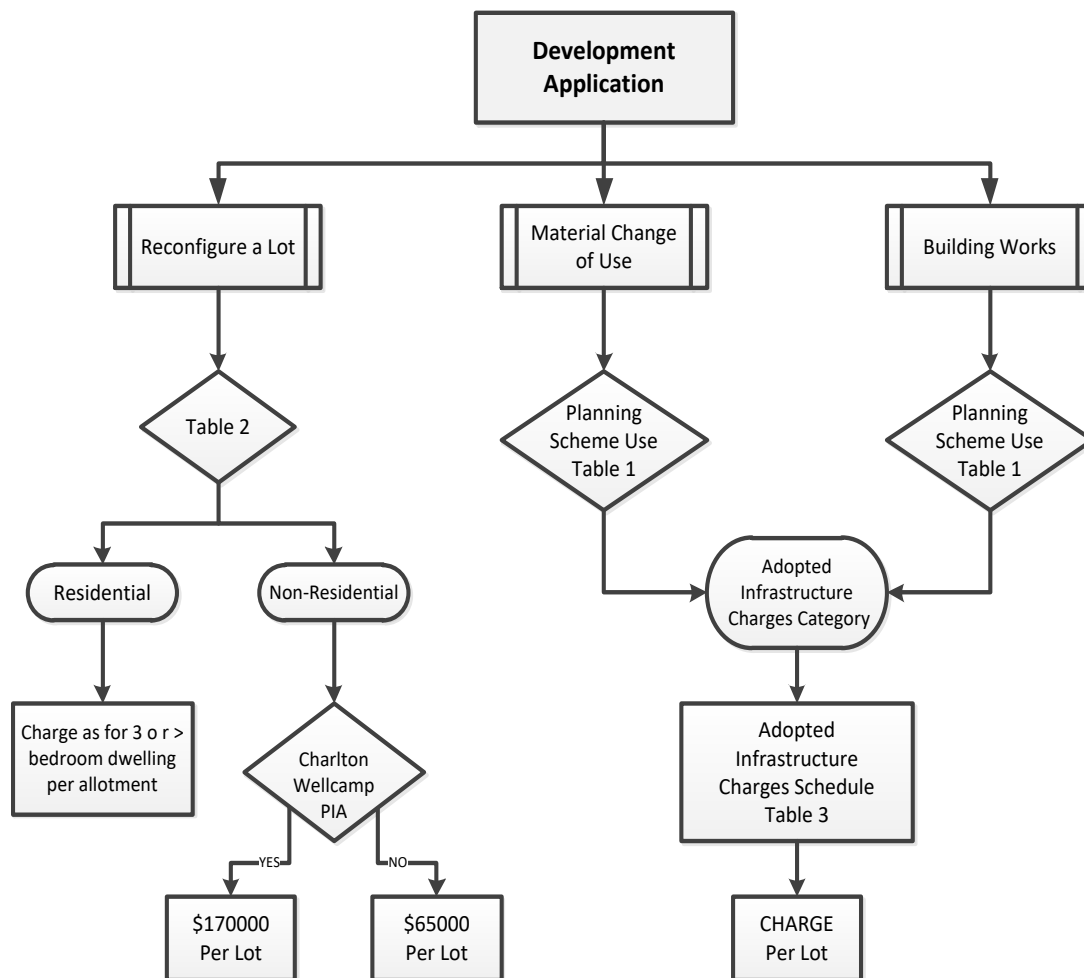
Planning Scheme Use category	Adopted infrastructure charge category
	3 or more bedroom dwelling 1 or 2 bedroom dwelling
Hotel, short term accommodation, tourist park	Accommodation (short term)
Community residence, hostel, relocatable home park, retirement facility	Accommodation (long term)
Club, community use, function facility, funeral parlour, place of worship	Places of assembly
Agricultural supplies store, bulk landscape supplies, garden centre, hardware and trade supplies, outdoor sales, showroom	Commercial (bulk goods)
Adult store, food and drink outlet, service industry, service station, shop, shopping centre	Commercial (retail)
Office, sales office	Commercial (office)
Child care centre, community care centre, educational establishment	Education facility
Hotel (non-residential component) nightclub, theatre	Entertainment
Indoor sport and recreation	Indoor sport and recreational facility
Low impact industry, medium impact industry, research and technology industry, rural industry, warehouse, waterfront and marine industry	Industry
High impact industry, noxious and hazardous industries	High impact industry
Animal husbandry, cropping, permanent plantations, wind farm	Low impact rural
Aquaculture, intensive animal industries, intensive horticulture, wholesale nursery, winery	High impact rural

Correctional facility, emergency services, health care services, hospital, residential care facility, veterinary services	Essential services
Air services, animal keeping, car park, crematorium, major sport recreation and entertainment facility, motor sport, outdoor sport and recreation, port services, tourist attraction, utility installation, extractive industry	Specialised uses
Advertising device, cemetery, home based business, landing, market, non-residential workforce accommodation, roadside stalls, telecommunications facility, temporary use, park, outdoor lighting	Minor uses

Part 3 Adopted Infrastructure Charge

1. The adopted infrastructure charge (AIC) for:
 - (a) reconfiguring a lot is stated in Table 2;
 - (b) a material change of use is stated in Table 3; and
 - (c) carrying out of building work is stated in Table 3.

2. The above, and particularly the interrelationship between Tables 1 and 3 are diagrammatically depicted below.



3. Upon receiving a development application for (or including) a specialised use, Council will determine the most appropriate class of development from Table 1 for the specialised use and, if approved, apply the AIC in accordance with Table 2 or Table 3 as the case may be.

4. Should the use of a newly created allotment be inconsistent with the AIC applied under Table 2 (i.e. in the case of a residential use, only a one or two bedroom dwelling is achievable on the allotment), during the development assessment or compliance assessment process for the reconfiguring a lot, a concession of the AIC will be considered by the Council.

5. In the event that a development application for reconfiguring a lot is a:
 - (a) mixed use non-residential development; or
 - (b) the use is inconsistent with the categories in Table 2; or
 - (c) the use of individual allotments is not identified.

the higher of the AIC provided for in this resolution included in Table 2 will be applied.

Table 2

AIC levied at reconfiguring a lot approval

Residential	AIC applicable to 3 or more bedroom dwelling per allotment
Non - Residential	\$65,000.00 per allotment for all areas except Charlton Wellcamp PIA
	\$170,000.00 per allotment for Charlton Wellcamp PIA

Table 3

Adopted infrastructure charges

Development for which an AIC may apply	Adopted infrastructure charges		Part of Council Charge Area applicable
	Council AIC	Council AIC for stormwater network	
3 or more bedroom dwelling	\$25,500 per dwelling unit	N/A	Urban area
	\$21,500 per dwelling unit	N/A	Township
	\$7,500 per dwelling unit	N/A	Rural
1 or 2 bedroom dwelling	\$20,000 per dwelling unit	N/A	Urban area
	\$20,000 per dwelling unit	N/A	Township
	\$7,500 per dwelling unit	N/A	Rural
Accommodation (short term)	\$10,000 per dwelling unit (1 or 2 bedroom dwelling) or \$14,000 per dwelling unit (3 or more bedroom dwelling)	N/A	Urban area Township Rural
Accommodation (long term) – 3 or more bedroom dwelling	\$25,500 per dwelling unit	N/A	Urban area
	\$21,500 per dwelling unit	N/A	Township
	\$7,500 per dwelling unit	N/A	Rural

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Development for which an AIC may apply	Adopted infrastructure charges		Part of Council Charge Area applicable
	Council AIC	Council AIC for stormwater network	
Accommodation (long term) – 1 or 2 bedroom dwelling	\$17,500 per dwelling unit	N/A	Urban area
	\$15,500 per dwelling unit	N/A	Township
	\$4,500 per dwelling unit	N/A	Rural
Places of assembly	\$70 per m ² of Gross Floor Area (GFA)	\$10 per impervious m ²	Urban area
			Township
			Rural
Commercial (bulk goods)	\$140 per m ² of GFA	\$10 per impervious m ²	Urban area
			Township
			Rural
Commercial (retail)	\$180 per m ² of GFA	\$10 per impervious m ²	Urban area
			Township
			Rural
Commercial (office)	\$140 per m ² of GFA	\$10 per impervious m ²	Urban area
			Township
			Rural
Education facility	\$140 per m ² of GFA	\$10 per impervious m ²	Urban area
			Township
			Rural
Entertainment	\$200 per m ² of GFA	\$10 per impervious m ²	Urban area,
			Township
			Rural

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Development for which an AIC may apply	Adopted infrastructure charges		Part of Council Charge Area applicable
	Council AIC	Council AIC for stormwater network	
Indoor sport and recreational facility	\$200 per m ² of GFA, court areas at \$20 per m ² of GFA	\$10 per impervious m ²	Urban area Township Rural
Industry	\$50 per m ² of GFA	\$10 per impervious m ²	Urban area Township Rural
High impact industry	\$70 per m ² of GFA	\$10 per impervious m ²	Urban area Township Rural
Low impact rural	Nil charge		
High impact rural	\$20 per m ² of GFA for the high impact rural facility (e.g. washing, packaging, processing, refrigeration)	N/A	Urban area Township Rural
Essential services	\$140 per m ² of GFA	\$10 per impervious m ²	Urban area Township Rural
Specialised uses	Use and demand determined at time of assessment		
Minor uses	Nil charge		

Notes in relation to Table 3

- (a) The trunk infrastructure charging areas are delineated on the maps included in Part 7.1 of this resolution.

These trunk infrastructure charging areas will be reviewed and amended on a regular basis.

- (b) The relevant trunk infrastructure charging area is determined by utilising the real property description.

- (c) Areas identified on the maps as the **Urban area** will generally be serviced by all five PIP trunk infrastructure networks (i.e. Water Supply, Wastewater, Stormwater, Transport and Public Parks and Land for Community Facilities).

Where a residential development occurs within the **Urban charge area** not serviced by all five of these networks, a 10% concession for each non-accessible network is applicable to the total AIC. e.g. a development serviced by four PIP trunk infrastructure networks would be levied 90% of the AIC detailed within Table 3.

- (d) Areas identified on the maps as constituting a **Township area**, will generally be serviced by four PIP trunk infrastructure networks (i.e. Water Supply, Wastewater, Transport and Public Parks and Land for Community Facilities).

Where a residential development occurs within a **Township charge area** not serviced by all four of these networks, a 10% concession for each non-accessible network is applicable to the total AIC. e.g. a development serviced by three PIP trunk infrastructure networks would be levied 90% of the AIC detailed within Table 3.

- (e) Development within those areas identified as a **Rural charge area** on the maps, is levied at 100% of the AIC detailed within Table 3 in all instances.

- (f) The AIC for the Stormwater Network will only be charged at 50% for development in the Charlton Wellcamp PIA within **Urban Charge Area** where the development comprises one of the following:

- Commercial (retail)
- Commercial (office)
- Industry
- High impact industry

Part 4 Discount

1. A discount to an AIC may at the Council's discretion be allowed for development applications for residential uses for:
 - (i) an existing lawful use on the premises; or
 - (ii) existing vacant residential allotments for which all infrastructure contributions/charges have been paid
2. A discount to an AIC may at the Council's discretion be allowed for development applications for non-residential uses for an existing lawful use on the premises
3. If a discount is approved by the Council, the discount will be calculated as follows:
 - (i) for an existing lawful use, the discount will be the AIC which is applicable to the existing lawful use on the premises on the date the development application is approved;
 - (ii) for an existing vacant residential allotment, the discount for each allotment will be the AIC which is applicable to a three or more bedroom dwelling on the date the development application is approved
 - (iii) a discount cannot exceed the AIC to which the discount is being applied

Part 5 Calculate Adopted Infrastructure Charges

1. The AIC is calculated by applying the adopted infrastructure charge rates in:
 - (i) Table 2 to the proposed reconfiguration of land the subject of the development proposal; and/or
 - (ii) Table 3 to the proposed use of the land which is the subject of the development proposal
2. Any discount (if applicable) is calculated as detailed in **Part 4 Discount**.
3. The AIC is the total of the amount calculated at Part 5.1 less any applicable discount.
4. The AIC calculated at part 5.3 is to be increased from the date notified in an adopted infrastructure charges notice to the date of payment of the charge ("the **Period**") in accordance with the lesser of the following:
 - (i) by an amount representing the increase in the consumer price index over the Period
 - (ii) by an amount which is the difference between the maximum adopted charge that could have been levied for the development at the time of payment and the AIC

5. It should be noted that in accordance with section 2.3(4) of the Draft SPRP, if a development may in a local government's opinion, be the subject of more than one use, the local government may levy an AIC for the development on the basis of the use, with the highest potential demand.

Part 6 Infrastructure Offset

6.1 Application

An 'infrastructure offset' can be requested by a claimant in the following instances:

- (a) where an adopted infrastructure charges notice has been issued by Council, and Council has provided a written agreement to the claimant that infrastructure may be supplied instead of paying all or part of the AIC; or
- (b) where a notice under sections 648K (2) (a) or (2) (b) of the SPA has been issued by Council (a 'land dedication notice'), together with an adopted infrastructure charges notice; or
- (c) where a condition of development approval has been imposed by Council in reliance on section 649 of the SPA for necessary trunk infrastructure.

An 'infrastructure offset' cannot exceed the AIC applicable to the development.

In the event that an 'infrastructure offset' is requested, the claimant will need to provide Council with the following material, to be produced in the prescribed form.

The material must include:

- (a) an identification as to what should constitute the 'infrastructure offset'.
- (b) an identification as to what that 'infrastructure offset' should be applied against;
- (c) an estimate of the following:
 - (i) planned estimate of the trunk infrastructure contribution;
 - (ii) pre-market estimate of the trunk infrastructure contribution;
 - (iii) Value of the infrastructure offset for the trunk infrastructure contribution.

Upon receipt of a request for an 'infrastructure offset', attended to in the prescribed form, Council will determine whether an 'infrastructure offset' will be provided and will respond to the claimant, advising:

- (a) whether an infrastructure offset is applicable or not;
- (b) if an infrastructure offset is not applicable, the reason;

- (c) if an infrastructure offset is applicable, the value of the infrastructure offset;
- (d) whether an infrastructure agreement must be entered into for the 'infrastructure offset' to have effect, with the offset calculated following the process in this Part.

6.2 Calculation of an Infrastructure Offset

1. The value of an infrastructure offset for a trunk infrastructure contribution which is land, is the planned estimate of the land.
2. The **value of an infrastructure offset** for the trunk infrastructure contribution for work is the lesser of the following:
 - (a) the planned estimate of the work;
 - (b) the pre-market estimate of the work.
3. The **planned estimate** of land or work for the trunk infrastructure contribution is the net present value of the establishment cost of the trunk infrastructure contribution which is calculated having regard to the following:
 - (a) if the trunk infrastructure contribution is for the whole of an item of trunk infrastructure—the establishment cost of the trunk infrastructure in the schedule of works for trunk infrastructure;
 - (b) if the trunk infrastructure contribution is for part of an item of trunk infrastructure in the schedule of works for trunk infrastructure—the proportion of the establishment cost of the trunk infrastructure in the schedule of works for trunk infrastructure applicable to the trunk infrastructure contribution having regard to the methodology used by Council for the calculation of the establishment cost in the schedule of works for trunk infrastructure;
 - (c) if the trunk infrastructure is not in the schedule of works (Schedule 5 – Toowoomba Regional Planning Scheme) for trunk infrastructure but Council has determined that the land or work delivers the same desired standard of service to the trunk infrastructure in the schedule of works for trunk infrastructure—the methodology specified by Council for the calculation of the establishment cost in the schedule of works for trunk infrastructure.
4. The **pre-market estimate** of work for the trunk infrastructure contribution is the estimate expressed in dollars of the design and construction of the work and:
 - (a) **includes:**
 - (i) the cost of planning and designing the work;

- (ii) the cost of survey and site investigation for the work;
- (iii) a cost under a construction contract for the work;
- (iv) a portable long service leave payment for a construction contract;
- (v) an insurance premium for the work;
- (vi) a Council inspection fee for the commencement and end of the maintenance period for the work;
- (vii) the cost of an approval for the work;

(b) excludes:

- (i) a cost of carrying out temporary infrastructure;
- (ii) a cost of carrying out other infrastructure which is not part of the trunk infrastructure contribution;
- (iii) a cost of the decommissioning, removal and rehabilitation of infrastructure identified in paragraphs (i) and (ii);
- (iv) a part of the trunk infrastructure contribution provided by Council or a person other than the person seeking the infrastructure offset;
- (v) a cost to the extent that GST is payable and an input tax credit can be claimed for the work.

Part 7 Maps

7.1 Charge Area Classification

The Charge Area Classification maps are attached to this resolution and marked "Appendix A".

7.2 Priority Infrastructure Area (PIA)

The Priority Infrastructure Area (PIA) maps are located in Schedule 2 Mapping of the Toowoomba Regional Planning Scheme.

Appendix A: Charge Area Classification