
Toowoomba Regional Council

Charges Resolution No 4

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1 Introduction

1.1 **Planning Act 2016 (PA)**

- (a) This is a charges resolution made pursuant to section 113 of the PA, referred to herein as 'the resolution'.
- (b) The resolution is to be read in conjunction with both the *Planning Regulation 2017* and the Planning Scheme.
- (c) The resolution is attached to, but does not form part of, the Planning Scheme.

1.2 **Purpose**

- (a) The purpose of the resolution is to assist with the implementation of the Planning Scheme in accordance with Chapter 4, Part 2, Division 2 (Charges for trunk infrastructure) of the PA.
- (b) The charges adopted in the resolution when levied, will help fund part of the trunk infrastructure identified in Council's LGIP.

1.3 **Date of Effect**

The resolution has effect on and from 25 August 2020.

1.4 **Definitions**

- (a) Words or terms defined in the PA or the Planning Scheme used in this resolution, have the meaning given in the PA or the Planning Scheme.
- (b) Otherwise, the words used in the resolution are defined as follows:

Bedroom	means an area of a building or structure which: <ul style="list-style-type: none">(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, multi-purpose room or other similar space.
Council	means the Toowoomba Regional Council.
Credit	means the monetary amount used in the calculation of the levied charge, which is determined in accordance with section 5 of the resolution.
Development Category	means the development category stated in column 1 of Table 1 of the resolution.
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, including areas of the premises covered by compacted gravel.
Infrastructure Offset	means an infrastructure offset referred to in section 7 of the resolution.

Local Government Infrastructure Plan or LGIP	means the Toowoomba Local Government Infrastructure Plan which is Part 4 of the Planning Scheme.
Maximum Adopted Charge	has the meaning given to that term in section 112(2) of the PA.
Planned Date	means the date scheduled for the provision of trunk infrastructure stated in the LGIP schedules of works identified in Schedule 3 of the Planning Scheme.
Planning Scheme	means the Toowoomba Regional Council Planning Scheme.
Plot Ratio	means the ratio of the gross floor area (GFA) to the area of the site.
Prescribed Form	means a form prescribed by Council.
Priority Infrastructure Area (PIA)	means the priority infrastructure area identified in the LGIP, and as otherwise defined in the PA.
Producer Price Index or PPI	has the meaning given to that term in Schedule 2 of the PA.
Schedules of Works	means the LGIP schedules of works identified in Schedule 3 of the Planning Scheme.
Serviced Premises	means premises which are serviced or planned to be serviced with trunk infrastructure.
PA	means the <i>Planning Act 2016</i> .
Planning Regulation	means the <i>Planning Regulation 2017</i> .
3-yearly PPI average	has the meaning given to that term in section 114(6) of the PA.

2 Application of the resolution

- (a) The resolution applies to the entire local government area of Council.
- (b) Despite 2(a) above, no adopted charge applies for any land owned by the Toowoomba Regional Council.
- (c) The resolution adopts a charge for development that is no more than the Maximum Adopted Charge.
- (d) Different charges are adopted in the resolution for development in different parts of Council's area, being broken into 'charge areas', per the maps attached to the resolution as **Appendix A**.
- (e) The resolution categorises development defined in the Planning Scheme (as stated in column 2 of Table 1), per the Development Categories provided in column 1 of Table 1.
- (f) Where development is not expressly listed in column 2 of Table 1, the use will fall into the 'Other uses' Development Category.

Table 1 - Development Categories and development

Column 1 Development Category	Column 2 Development under the Planning Scheme
Residential	Caretaker's accommodation, dual occupancy, dwelling house, multiple dwelling, dwelling unit
Accommodation (short term)	Hotel, short-term accommodation, resort complex (accommodation component), tourist park
Accommodation (long term)	Community residence, relocatable home park, retirement facility, rooming accommodation
Places of assembly	Club, community use, function facility, funeral parlour, place of worship
Commercial (bulk goods)	Agricultural supplies store, bulk landscape 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
Educational facility	Childcare centre, community care centre, educational establishment
Entertainment	Hotel (non-residential component), nightclub entertainment facility, resort complex (excluding accommodation component), theatre
Indoor sport and recreation	Indoor sport and recreation
Industry	Low impact industry, marine industry, medium impact industry, research and technology industry, rural industry, warehouse
High impact industry	High impact industry, special industry
Low impact rural	Animal husbandry, cropping, permanent plantation, wind farm
High impact rural	Aquaculture, intensive animal industries, intensive horticulture, wholesale nursery, winery
Essential services	Detention facility, emergency services, health care services, hospital, residential care facility, veterinary service
Other uses	Air services, animal keeping, crematorium, extractive industry, major sport recreation and entertainment facility, motor sport facility, nature-based tourism, non-resident workforce accommodation, outdoor sport and recreation, outstation, parking station, port services, tourist attraction, utility installation, major electricity infrastructure, substation, and any other use not listed in this table including a use that is unknown
Minor uses	Advertising device, cemetery, home based business, landing, market, park, roadside stall, telecommunications facility, temporary use, outdoor lighting

3 Adopted charges

3.1 Development types

(a) The adopted charges for:

(i) Reconfiguring a lot, are discussed in section 3.2;

- (ii) Material change of use of premises, are discussed in section 3.3; and
- (iii) Carrying out of building work, are discussed in section 3.3.

3.2 Adopted charges for reconfiguring a lot

- (a) The adopted charges for reconfiguring a lot for residential purposes are:
 - (i) for each lot created in a residential zone, the adopted charge in Table 2 for a three or more Bedroom dwelling for the Development Category 'Residential' - calculated in accordance with Section 3.3.
 - (ii) for each lot created in a zone other than a residential zone, the adopted charge in Table 2 for a three or more Bedroom dwelling for the Development Category 'Residential' calculated in accordance with Section 3.3.
- (b) The adopted charges for reconfiguring a lot for non-residential purposes are:
 - (i) for each lot created in the Urban charge area or the Township charge area – the adopted charge for GFA in the Development Category 'Industry', in accordance with Section 3.3, calculated at 40% of the lot size to a maximum of 2,000m² per lot.
 - (ii) for each lot created in the Rural charge area – the adopted charges for the Development Category 'Low impact rural' calculated in accordance with Section 3.3.
- (c) For the avoidance of doubt – the adopted charge for the stormwater quantity network will not apply to a non-residential lot reconfiguration.
- (d) Despite the above, an adopted charge does not apply to lots created for a reconfiguring a lot application that is for a boundary realignment.

3.3 Adopted charges for material change of use of premises or building work

- (a) The adopted charges for a material change of use or building work for accommodation and residential development are stated in Table 2.
- (b) The adopted charges for a material change of use or building work for non-residential development are stated in Table 3.
- (c) If accommodation and residential development located in the Urban charge area is not planned to be serviced by any of the following trunk infrastructure networks, the adopted charge for that development stated in Table 2 is to be reduced by twenty percent (20%) for each network that is not planned to service the development:
 - (i) Water supply
 - (ii) Sewerage
 - (iii) Stormwater quantity
 - (iv) Parks and land for community facilities.

For example, the adopted charge for a three Bedroom dwelling house in the Urban charge area that is not planned to be serviced by the sewerage network is calculated as 80% of the adopted charge for that development stated in Table 2.

- (d) If accommodation and residential development located in the Township charge area is not planned to be serviced by any of the following trunk infrastructure networks, the adopted charge for that development stated in Table 2 will be reduced by twenty five percent (25%) for each network that is not planned to service the development:

- (i) Water supply
- (ii) Sewerage
- (iii) Parks and land for community facilities.

For example, the adopted charge for a three Bedroom dwelling house in the Township charge area that will not be serviced by the sewerage network is calculated as 75% of the adopted charge stated for that development in Table 2.

- (e) If accommodation and residential development located in the Rural charge area:

- (i) is to be serviced only by the transport network, the adopted charge for that development stated in Table 2; or
- (ii) is to be serviced by the transport network plus any other networks, the adopted charge in Table 2 for the relevant development category in the Urban charge area reduced by twenty percent (20%) for each network that is not planned to service the development.

For example, the adopted charge for a dwelling house in the Rural charge area that is to be serviced by the transport and sewerage network is calculated as 40% of the adopted charge for urban development stated in Table 2 for a 3 bedroom dwelling.

- (f) If non-residential development located in the Urban charge area or the Township charge area is not planned to be serviced by any of the following trunk infrastructure networks, the adopted charge for GFA for that development stated in Table 3 is to be reduced by thirty three percent (33%) for each network that is not planned to service the development:

- (i) Water supply
- (ii) Sewerage

For example, the adopted charge for a Commercial (retail) development in the Urban charge area that is not planned to be serviced by the sewerage network is calculated as 67% of the adopted charge stated in Table 3.

- (g) If non-residential development located in the Rural charge area that is not planned to be serviced by any of the following trunk infrastructure networks, the adopted charge for that development stated in Table 3 is to be reduced by thirty-three percent (33%) for each network that is not planned to service the development:

- (i) Water supply
- (ii) Sewerage

For example, the adopted charge for a Commercial (retail) development in the Rural charge area that is not planned to be serviced by the sewerage network is calculated as 67% of the adopted charge stated in Table 3.

Table 2 - Adopted charges for accommodation and residential development

Development category	Charge area	Adopted charge for accommodation and residential development
Residential	Urban	\$20,956.80 for each dwelling with 2 or less bedrooms \$29,339.55 for each dwelling with 3 or more bedrooms
	Township	\$16,765.44 for each dwelling with 2 or less bedrooms \$23,471.64 for each dwelling with 3 or more bedrooms
	Rural	\$7,850.14. for each dwelling with 2 or less bedrooms \$7,850.14 for each dwelling with 3 or more bedrooms
Accommodation (short-term)	Urban	If the tourist park has tent or caravan sites- - \$10,478.40 for each group of 2 sites or less - \$14,669.75 for each group of 3 sites
		If the tourist park has cabins- - \$10,478.40 for each cabin with 2 or less bedrooms - \$14,669.75 for each cabin with 3 or more bedrooms
		For a hotel, resort complex (accommodation component), or short-term accommodation- - \$10,478.40 for each suite with 2 or less bedrooms - \$14,669.75 for each suite with 3 or more bedrooms - \$10,478.40 for each bedroom that is not part of a suite
	Township	If the tourist park has tent or caravan sites- - \$8,382.72 for each group of 2 sites or less - \$11,735.80 for each group of 3 sites
		If the tourist park has cabins- - \$8,382.72 for each cabin with 2 or less bedrooms - \$11,735.80 for each cabin with 3 or more bedrooms
		For a hotel, resort complex (accommodation component), or short-term accommodation- - \$8,382.72 for each suite with 2 or less bedrooms - \$11,735.80 for each suite with 3 or more bedrooms - \$8,382.72 for each bedroom that is not part of a suite
	Rural	If the tourist park has tent or caravan sites- - \$2,095.68 for each group of 2 sites or less - \$2,933.95 for each group of 3 sites
		If the tourist park has cabins- - \$2,095.68 for each cabin with 2 or less bedrooms - \$2,933.95 for each cabin with 3 or more bedrooms

Development category	Charge area	Adopted charge for accommodation and residential development
		For a hotel, resort complex (accommodation component), or short-term accommodation- - \$2,095.68 for each suite with 2 or less bedrooms - \$2,933.95 for each suite with 3 or more bedrooms - \$2,095.68 for each bedroom that is not part of a suite
Accommodation (long-term)	Urban	For a relocatable home park- - \$20,956.80 for each relocatable dwelling site for 2 or less bedrooms - \$29,339.55 for each relocatable dwelling site for 3 or more bedrooms For a community residence, rooming accommodation, or retirement facility- - \$20,956.80 for each suite with 2 or less bedrooms - \$20,956.80 for each bedroom that is not part of a suite - \$29,339.55 for each suite with 3 or more bedrooms
	Township	For a relocatable home park- - \$16,765.44 for each relocatable dwelling site for 2 or less bedrooms - \$23,471.64 for each relocatable dwelling site for 3 or more bedrooms. For a community residence, rooming accommodation, or retirement facility- - \$16,765.44 for each suite with 2 or less bedrooms - \$16,765.44 for each bedroom that is not part of a suite - \$23,471.64 for each suite with 3 or more bedrooms
	Rural	For a relocatable home park- - \$4,710.06 for each relocatable dwelling site for 2 or less bedrooms - \$7,850.14 for each relocatable dwelling site for 3 or more bedrooms. For a community residence, rooming accommodation, or retirement facility- - \$4,710.06 for each suite with 2 or less bedrooms - \$4,710.06 for each bedroom that is not part of a suite - \$7,850.14 for each suite with 3 or more bedrooms

Table 3 - Adopted charges for non-residential development

Development category	Charge area	Adopted charge for the water supply, sewerage and transport networks (\$/m² of GFA)	Adopted charge for the stormwater quantity network (\$/m² of impervious area)
Places of assembly	Urban charge areas excluding the Charlton Wellcamp Enterprise Area	73.35	10.50
	Urban charge area - Charlton Wellcamp Enterprise Area	73.35	5.25
	Township and Rural charge areas	73.35	0
Commercial (bulk goods)	Urban charge areas excluding the Charlton Wellcamp Enterprise Area	146.70	10.50
	Urban charge area - Charlton Wellcamp Enterprise Area	146.70	5.25
	Township and Rural charge areas	146.70	0
Commercial (office)	Urban charge areas excluding the Charlton Wellcamp Enterprise Area	146.70	10.50
	Urban charge area - Charlton Wellcamp Enterprise Area	146.70	5.25
	Township and Rural charge areas	146.70	0
Commercial (retail)	Urban charge areas excluding the Charlton Wellcamp Enterprise Area	188.60	10.50
	Urban charge area - Charlton Wellcamp Enterprise Area	188.60	5.25
	Township and Rural charge areas	188.60	0
Educational facility ¹	Urban charge areas excluding the Charlton Wellcamp Enterprise Area	146.70	10.50

¹ Except for an education facility for the Flying Start for Queensland children program.

Development category	Charge area	Adopted charge for the water supply, sewerage and transport networks (\$/m² of GFA)	Adopted charge for the stormwater quantity network (\$/m² of impervious area)
	Urban charge area - Charlton Wellcamp Enterprise Area	146.70	5.25
	Township and Rural charge areas	146.70	0
Entertainment	Urban charge areas excluding the Charlton Wellcamp Enterprise Area	209.55	10.50
	Urban charge area - Charlton Wellcamp Enterprise Area	209.55	5.25
	Township and Rural charge areas	209.55	0
Essential services	Urban charge areas excluding the Charlton Wellcamp Enterprise Area	146.70	10.50
	Urban charge area - Charlton Wellcamp Enterprise Area	146.70	5.25
	Township and Rural charge areas	146.70	0
High impact industry or special industry	Urban charge areas excluding the Charlton Wellcamp Enterprise Area	73.35	10.50
	Urban charge area - Charlton Wellcamp Enterprise Area	73.35	5.25
	Township and Rural charge areas	73.35	0
High impact rural	Urban and Township charge areas	20.90	N/A
	Rural charge areas	20.90	N/A
Indoor sport and recreation (court areas)	Urban charge areas excluding the Charlton Wellcamp Enterprise Area	20.90	10.50
	Urban charge area - Charlton Wellcamp Enterprise Area	20.90	5.25
	Township and Rural charge areas	20.90	0

Development category	Charge area	Adopted charge for the water supply, sewerage and transport networks (\$/m² of GFA)	Adopted charge for the stormwater quantity network (\$/m² of impervious area)
Indoor sport and recreation (other than court areas)	Urban charge areas excluding the Charlton Wellcamp Enterprise Area	209.55	10.50
	Urban charge area - Charlton Wellcamp Enterprise Area	209.55	5.25
	Township and Rural charge areas	209.55	0
Other Industry	Urban charge areas excluding the Charlton Wellcamp Enterprise Area	52.40	10.50
	Urban charge area - Charlton Wellcamp Enterprise Area	52.40	5.25
	Township and Rural charge areas	52.40	0
Low impact rural	Nil charge		
Minor uses	Nil charge		
Other uses	The adopted charge will be the adopted charge for another similar development category in this Table that the Council decides to apply to the use.		

4 Extra Demand

Section 120 of the PA provides that a levied charge may be only for extra demand placed on trunk infrastructure that the development will generate.

For accommodation and residential uses addressed in Table 2, the unit of measure for extra demand is as stated in column 3 of Table 2.

For non-residential uses and generally the Development Categories addressed in Table 3, the unit of measure for extra demand is:

- (a) for the transport, water supply and sewerage networks – metres squared of GFA; and
- (b) for the stormwater network – metres squared of impervious area.

5 Credit

- (a) A Credit is an amount which is the greatest allowable under the following instances:
 - (i) if the premises is subject to an existing lawful use and is serviced by trunk infrastructure networks:
 - (A) the adopted charge for the existing lawful use, calculated in accordance with section 3.3.
 - (B) but if the development includes a reconfiguration, the credit calculated in accordance with section 3.3, will be contained only to that part of the premises which contains the existing lawful use.
 - (ii) if the premises is subject to a previous payment of a charge for trunk infrastructure, an adopted infrastructure charge or a trunk infrastructure contribution - the amount of the previous payment or trunk infrastructure contribution indexed in accordance with the 3-yearly PPI average from the date the payment was made or the trunk infrastructure contribution was provided to the date the Credit is applied.
 - (iii) if the premises is located in a residential zone, is not subject to a continuing existing lawful use and is serviced by trunk infrastructure networks - the adopted infrastructure charge for Residential (3 or more Bedroom dwelling) calculated in accordance with section 3.3.
 - (iv) if the premises is subject to a previous use that is no longer taking place but which was lawful at the time it was carried out and the premises is serviced by trunk infrastructure networks - an adopted charge for the previous lawful use calculated in accordance with section 3.3.
 - (v) if the premises is subject to other development that may be lawfully carried out without the need for a further development permit and is serviced by trunk infrastructure networks - the adopted charge for the development not requiring a further development permit calculated in accordance with section 3.3.
- (b) Despite the above, a Credit for a use or development mentioned in subsection (a) will not apply to the premises if an infrastructure requirement that applies or applied to the use or development has not been complied with.
- (c) An applicant seeking a Credit for a use or development mentioned in subsection (a) must provide evidence of the continuing existing lawful use, previous lawful use or previous payment.
- (d) For avoidance of doubt:
 - (i) the calculation of a Credit for the premises is subject to section 3.3(c), section 3.3(d), section 3.3(e), section 3.3(f) and section 3.3(g).
 - (ii) a Credit does not apply to development which is not the subject of an adopted charge.
 - (iii) a Credit for the premises cannot exceed the adopted charge for the development.
 - (iv) a Credit does not apply to premises in a non-residential zone if the premises is not subject to an existing lawful use, a previous lawful use or a previous trunk infrastructure contribution mentioned in subsection (a).

- (v) a credit does not apply for a non-residential lot that was created from a reconfiguring a lot application for a boundary realignment, unless section 5(a) above applies to the lot.

6 Calculating the charge to be levied

6.1 Methodology

- (a) The charge to be levied will be calculated by determining the adopted charges for the development, and then subtracting from it, the greatest applicable Credit.

6.2 Automatic Increase Provision

- (a) The levied charge is to be increased from the date the charge is levied to the date the charge is paid using the 3-yearly PPI average.
- (b) However, any increase to the levied charge must not be more than the lesser of the following:
 - (i) The amount that is the difference between the levied charge for the development, and the maximum adopted charge that Council could have levied for the development when the charge is paid; and
 - (ii) An amount being the percentage increase (worked out using the PPI), adjusted according to the 3-yearly PPI average, for the period starting on the day the charge is levied and ending on the day the charge is paid.

7 Working out the cost of infrastructure for offset or refund

7.1 Purpose

The obligation to provide a method for working out the cost of the infrastructure that is the subject of an offset or refund under Chapter 4, Part 2 of the PA arises in section 116 of the PA.

7.2 Obligations to offset

- (a) The obligation to offset the cost of infrastructure required to be provided under a necessary infrastructure condition is contained in section 129(2) of the PA.
- (b) That obligation applies where the elements of section 129(1) of the PA are satisfied.

7.3 Obligations to refund

- (a) There are three instances under Chapter 4, Part 2 of the PA where there is an obligation falling to Council, to provide a refund, namely:
 - (i) in section 129(3) of the PA, where the elements of section 129(1) of the PA are satisfied;
 - (ii) in section 134(2) of the PA, where the elements of section 134(1) of the PA are satisfied; and
 - (iii) in section 135(2) of the PA – which arises where a development approval lapses or otherwise no longer has effect, and where the elements of section 135(1) of the PA are satisfied.

- (b) The resolution does not specify a method in terms of the obligation to refund under section 135 of the PA.

7.4 Methodology for working out the cost of the infrastructure the subject of an offset or refund

- (a) The amount of an Infrastructure Offset is the establishment cost of the trunk infrastructure contribution that is the subject of the offset.
- (b) The establishment cost of the trunk infrastructure contribution is:
 - (i) if the trunk infrastructure contribution is the whole of an item identified in the LGIP schedules of works—the establishment cost stated for that item in the LGIP schedules of works, escalated from the base date to the date of the infrastructure charge notice using the Producer Price Index.
 - (ii) if the trunk infrastructure contribution is part of an item identified in the LGIP schedules of works—the proportion of the establishment cost of that item stated in the LGIP schedules of works having regard to the methodology specified by Council for the calculation of the establishment cost and escalated from the base date to the date of the infrastructure charges notice using the Producer Price Index.
 - (iii) if the trunk infrastructure contribution is different to the trunk infrastructure identified in the LGIP schedules of works— the establishment cost of the trunk infrastructure calculated in accordance with section 7.5.
- (c) If the applicant has given notice to Council that it requires it to use the methodology under this charges resolution to recalculate the establishment cost of a trunk infrastructure contribution stated in an infrastructure charges notice, the establishment cost of the trunk infrastructure contribution is the establishment cost calculated using the method stated in section 7.5.

7.5 Methodology for calculating the establishment cost of a trunk infrastructure contribution

- (a) The establishment cost of a trunk infrastructure contribution that is works (trunk infrastructure other than land) is to be calculated using a first principles estimating approach as outlined in section 7.6 below.
- (b) The establishment cost of a trunk infrastructure contribution that is land is to be determined using the before and after method for estimating the current market value of land (the before and after method of valuation) as outlined in section 7.7 below.

7.6 First principles estimating approach for trunk infrastructure: works

- (a) The first principles estimating approach is to be implemented through the following procedure:
 - (i) Council is to provide to the applicant the scope of works including the standard to which the trunk infrastructure contribution is to be provided and the location of the trunk infrastructure contribution.
 - (ii) the applicant, at their own cost, is to provide to Council:
 - (A) a bill of quantities for the design and construction of the specified trunk infrastructure contribution (the bill of quantities); and

- (B) a first principles estimate for the cost of designing, constructing and commissioning the trunk infrastructure contribution specified in the bill of quantities (the cost estimate).
- (iii) Council must decide to:
 - (A) accept the bill of quantities and the cost estimate provided by the applicant; or
 - (B) not accept the bill of quantities and the cost estimate provided by the applicant; or
 - (C) reject the bill of quantities and the cost estimate provided by the applicant.
- (iv) if Council accepts the bill of quantities and the cost estimate it must:
 - (A) provide written notice to the applicant that it has agreed to its bill of quantities and the cost estimate; and
 - (B) calculate the establishment cost of the trunk infrastructure contribution by indexing the cost estimate to the date it is stated in the infrastructure charges notice or amended infrastructure charges notice using the 3-yearly PPI average; and
 - (C) provide an infrastructure charges notice or amended infrastructure charges notice to the applicant stating the establishment cost of the trunk infrastructure contribution.
- (v) if Council does not accept the bill of quantities and the cost estimate provided by the applicant it must, at its own cost, have an assessment undertaken by an appropriately qualified person to:
 - (A) determine whether the bill of quantities is in accordance with the scope of works;
 - (B) determine whether the cost estimate is consistent with current market costs by applying a first principles estimating approach to the bill of quantities;
 - (C) provide new cost estimate using a first principles estimating approach.
- (vi) if Council rejects the bill of quantities and cost estimate provided by the applicant, it must provide written notice to the applicant that:
 - (A) it rejects the bill of quantities and the cost estimate; and
 - (B) it proposes a new amended bill of quantities and cost estimate; and
 - (C) its reasons for doing so.
- (vii) following receipt of Council's written notice proposing a new bill of quantities and cost estimate, the applicant must provide written notice to Council that it:
 - (A) accepts the amended bill of quantities and amended cost estimate; or
 - (B) rejects the amended bill of quantities and amended cost estimate.
- (viii) if the applicant accepts the amended bill of quantities and amended cost estimate, Council must:
 - (A) calculate the establishment cost of the trunk infrastructure contribution by indexing the cost estimate to the date it is stated in the infrastructure

- charges notice or amended infrastructure charges notice using the 3-yearly PPI average; and
- (B) provide an infrastructure charges notice or amended infrastructure charges notice to the applicant stating the establishment cost of the trunk infrastructure contribution.
- (ix) if the applicant rejects the amended bill of quantities and amended cost estimate, Council must refer the applicant's bill of quantities and cost estimate to an independent, suitably qualified person (the independent assessor) to:
 - (A) determine whether the bill of quantities reflects an appropriate scope of works; and
 - (B) determine whether the cost estimate is consistent with current market costs by applying a first principles approach to the bill of quantities; and
 - (C) provide a new cost estimate using a first principles estimating approach.
 - (x) the independent assessor is to be appointed by Council in consultation with the applicant. The cost of this independent assessment is to be equally shared between Council and the applicant.
 - (xi) the new cost estimate determined by the independent assessor is the establishment cost of the trunk infrastructure contribution.
 - (xii) following receipt of the independent assessor's new bill of quantities and cost estimate, Council must:
 - (A) provide written notice to the applicant about the independent assessor's first principles cost estimate;
 - (B) calculate the establishment cost of the trunk infrastructure contribution by indexing the independent assessor's first principles cost estimate to the date it is stated in the infrastructure charges notice or amended infrastructure charges notice using the 3-yearly PPI average; and
 - (C) provide an infrastructure charges notice or amended infrastructure charges notice to the applicant stating the establishment cost of the trunk infrastructure contribution.

7.7 The before and after method of valuation for trunk infrastructure: land

- (a) The before and after method of valuation is to be given effect through the following procedure:
 - (i) the applicant is to provide to Council, at their own cost, a valuation of the specified land undertaken by a certified practicing valuer using the before and after method of valuation (**the valuation**) in accordance with section 7.7(b).
 - (ii) Council must decide to:
 - (A) accept the valuation provided by the applicant; or
 - (B) not accept the valuation provided by the applicant; or
 - (C) reject the valuation provided by the applicant.
 - (iii) if Council accepts the valuation it is to:

- (A) provide written notice to the applicant that it has agreed to the valuation; and
 - (B) calculate the establishment cost of the trunk infrastructure contribution by indexing the valuation to the date it is stated in the infrastructure charges notice or amended infrastructure charges notice using the 3-yearly PPI average; and
 - (C) provide an infrastructure charges notice or amended infrastructure charges notice to the applicant stating the establishment cost of the trunk infrastructure contribution.
- (iv) if Council does not accept the valuation, it must, at its own cost, have a valuation undertaken.
 - (v) if Council rejects the valuation it must provide written notice to the applicant that:
 - (A) it rejects the valuation; and
 - (B) it proposes a new valuation; and
 - (C) its reasons for doing so.
 - (vi) following receipt of Council's written notice proposing a new valuation, the applicant must provide written notice to Council that it:
 - (A) accepts the new valuation; or
 - (B) rejects the new valuation.
 - (vii) if the applicant accepts the amended valuation, Council must:
 - (A) calculate the establishment cost of the trunk infrastructure contribution by indexing the amended valuation to the date it is stated in the infrastructure charge notice or amended infrastructure charge notice using the 3-yearly PPI; and
 - (B) provide an infrastructure charges notice or amended infrastructure charges notice to the applicant stating the establishment cost of the trunk infrastructure contribution.
 - (viii) if the applicant rejects the amended valuation, Council must refer the applicant's valuation to an independent certified practicing valuer to:
 - (A) assess whether the valuation is consistent with current market value; and
 - (B) provide a new valuation using the before and after method of valuation.
 - (ix) the independent valuer is to be appointed by Council in consultation with the applicant. The cost of this independent assessment is to be equally shared between Council and the applicant.
 - (x) the valuation determined by the independent certified practicing valuer is the establishment cost of the trunk infrastructure contribution.
 - (xi) following receipt of the independent certified practicing valuer's valuation, Council is to:
 - (A) provide written notice to the applicant about the independent certified practicing valuer's valuation; and
 - (B) calculate the establishment cost of the trunk infrastructure contribution by indexing the independent valuer's valuation to the date it is stated in the

infrastructure charges notice or amended infrastructure charges notice using the 3-yearly PPI; and

- (C) provide an infrastructure charges notice or amended infrastructure charges notice to the applicant stating the establishment cost of the trunk infrastructure contribution.

(b) The following requirements apply to all valuation undertaken for the preceding steps:

- (i) if the land infrastructure has been identified in the LGIP—a 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.
- (ii) if the land infrastructure has not been identified in the LGIP—the valuation must be undertaken to determine the market value that would have applied on the day the development application that resulted in a condition to provide trunk infrastructure was approved.
- (iii) the valuation of land infrastructure must be undertaken using the before and after method of valuation by:
 - (A) determining the value of the original land before any land is transferred to Council.
 - (B) determining the value of the remaining land that will not be transferred to Council.
 - (C) subtracting the value determined for the remaining land that will not be transferred to Council from the value determined for the original land.
- (iv) the valuation calculated using the methodology at section 7.7(b)(iii) will be used as the value of the land to be transferred to Council.
- (v) 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 Q100 flood level and the area that is below the Q100 flood level;
 - (C) identify and take into account all other real and relevant constraints including:
 - (1) vegetation protection;
 - (2) ecological values including riparian buffers and corridors;
 - (3) stormwater or drainage corridors;
 - (4) slope;
 - (5) bushfire and landslide hazards;
 - (6) heritage;
 - (7) airport environs;
 - (8) coastal erosion;
 - (9) extractive resources;

- (10) flooding;
 - (11) land use buffer requirements;
 - (12) tenure related constraints; and
 - (13) 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.
- (vi) the valuation of land must be undertaken by a certified practicing valuer who must act professionally as a neutral and independent expert.

8 Criteria for deciding conversion applications

- (a) Each of the following criteria must be met for non-trunk infrastructure to be converted to trunk infrastructure:
- (i) the infrastructure services development that is-
 - (A) consistent with the assumptions about the type, scale, location and timing of future development stated in the LGIP; and
 - (B) for premises completely inside the PIA; and
 - (ii) construction of the infrastructure has not yet started; and
 - (iii) the infrastructure is inconsistent with the requirements for non-trunk infrastructure stated in section 145 of the PA; and
 - (iv) the infrastructure is owned or will be owned by Council; and
 - (v) the infrastructure is not temporary infrastructure; and
 - (vi) the infrastructure will be used by other development; and
 - (vii) the type, size, function and purpose of the infrastructure is:
 - (A) consistent with the trunk infrastructure identified in Council's LGIP; or
 - (B) consistent with the examples of trunk infrastructure stated for a network in Table 4: and
 - (viii) the type, size and location of the infrastructure is the most cost effective option² for servicing multiple developments in the area; and
 - (ix) the infrastructure could have been planned by Council without knowing the detailed layout of lot reconfigurations or the design details for material change of use applications in the area. That is, the infrastructure could have been planned during preparation of the LGIP using only the planned density assumptions stated in the LGIP.

² 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 non-rural development in the area at the desired standard of service.

Table 4 - Examples of trunk infrastructure for a network

Infrastructure network	Examples of trunk infrastructure
Water supply	<p>Land and/or works for:</p> <ul style="list-style-type: none"> • water treatment facilities located on the trunk network and owned by Council • water storage facilities (reservoirs having at least 250kL capacity and treatment) owned by Council • the following water mains: <ul style="list-style-type: none"> ○ Water mains servicing at least 600 residential lots or equivalent demand in the Urban charge area and having a diameter greater or equal to DN200mm ○ Water mains servicing at least 300 residential lots or equivalent demand in the Township charge area and having a diameter greater or equal to DN150mm • pumping stations and associated fittings located on trunk water mains specified above • chlorination equipment located on trunk water mains specified above • meters, valves, control and monitoring systems located on trunk water mains specified above • firefighting devices located on trunk water mains specified above • standard items associated with the trunk infrastructure items specified above
Sewerage	<p>Land and/or works for:</p> <ul style="list-style-type: none"> • sewage treatment plant systems owned by Council • gravity sewers having a diameter greater or equal to DN225mm and which service a minimum of 400 residential lots or equivalent demand • rising mains having a diameter greater or equal to DN150mm and which service a minimum of 600 residential lots or equivalent demand • pumping stations associated with a rising main having a diameter greater or equal to DN150mm and which services a minimum of 600 residential lots or equivalent demand • items of infrastructure receiving flow directly from an upstream trunk infrastructure item • standard items associated with the trunk infrastructure items specified above

Infrastructure network	Examples of trunk infrastructure
<p>Stormwater quantity and quality</p>	<p>Land or works for:</p> <ul style="list-style-type: none"> • bio-retention swale • channel • culvert (except for where these are already included as part of the Transport network) • pipe • revegetation • stormwater quality devices • retention basin/wetland • detention basin
<p>Transport</p>	<p>Land and/or works for:</p> <ul style="list-style-type: none"> • the following Council roads, including associated intersections, roundabouts, bridges and culverts: <ul style="list-style-type: none"> ○ arterial roads ○ sub-arterial roads ○ major distributor roads having a minimum capacity of 5,000 vehicles per day and servicing a minimum of 500 residential lots or equivalent demand • standard items associated with the road profile of a Council owned trunk road specified above, including kerb and channelling, lighting, signage, traffic lights, pedestrian and cycle paths and basic verge plantings

Infrastructure network	Examples of trunk infrastructure
Public parks and community facilities.	<p>Land and/or works for:</p> <ul style="list-style-type: none"> • the following public parks: <ul style="list-style-type: none"> ○ local recreation parks that service a minimum of 500 residential lots or equivalent demand ○ district recreation and sporting parks that service a minimum of 2,500 residential lots or equivalent demand ○ regional recreation and sporting parks • embellishments necessary to make the above specified trunk public parks safe and useable. <p>Only land (and/or works to ensure that the land is suitable) for local community facilities including community halls or centres, public recreation centres and public libraries</p>

9 Maps

9.1 Charge area maps

The charge area maps are attached to the resolution as Appendix A.

Appendix A: Charge area maps