

Gympie Regional Council Infrastructure Charges Resolution – August 2022

1. Preliminary

1.1. Title

- (1) This infrastructure charges resolution may be cited as the Gympie Regional Council Infrastructure Charges Resolution (2022).

1.2. Purpose

- (1) The purpose of this resolution is to:
 - (a) adopt charges for providing trunk infrastructure for the following trunk infrastructure networks:
 - (i) Transport network;
 - (ii) Parks and land for community facilities;
 - (iii) Stormwater network;
 - (iv) Water supply network;
 - (v) Sewerage network;
 - (b) provide a method to calculate the levied charge (including credits) on development subject to this resolution and to provide an automatic increase provision;
 - (c) provide Council's criteria for determining an application to convert non-trunk infrastructure to trunk infrastructure;
 - (d) provide a method for working out the cost of infrastructure the subject of an offset or refund.

1.3. Effect

- (1) This resolution is made under s113 of the Act and has effect on and from 1 August 2022.
- (2) This resolution is attached to but does not form part of the Planning Scheme.

1.4. Interpretation

- (1) A term used in this resolution has the meaning assigned to that term in one of the following:
 - (a) the Act and the *Planning Regulation 2017*;
 - (b) the dictionary in Schedule 1;
 - (c) the Planning Scheme;
 - (d) the Macquarie Dictionary.
- (2) In the event a term has been assigned a meaning in more than one of the instruments listed, the meaning contained in the instrument highest on the list will prevail.

2. Application of the adopted charge

2.1. Application to local government area

- (1) This resolution applies to the entire Gympie Regional Council local government area.

2.2. Application to development

- (1) Infrastructure charges are levied by Council in accordance with sections 119 and 120 of the Act.
- (2) The adopted charge applies to development for:
 - (a) Reconfiguring a lot; and/or
 - (b) Material change of use of premises.¹

2.3. When an adopted charge does not apply

- (1) Pursuant to section 113 of the Act, an adopted charge does not apply to:
 - (a) works or use of premises authorised under the *Greenhouse Gas Storage Act 2009*, the *Mineral Resources Act 1989*, the *Petroleum Act 1923* or the *Petroleum and Gas (Production and Safety) Act 2004*; or
 - (b) development in a priority development area under the *Economic Development Act 2012*; or
 - (c) development by a State Government department, or part of a State Government department, under a designation; or
 - (d) development for a non-State school (as defined in the Act) under a designation.

3. Calculation of a levied charge

3.1. Steps to calculate a levied charge

- (1) The following steps apply to calculate the levied charge for development undertaken pursuant to a development approval the subject of this resolution:

Step 1 – Adopted charge

Calculate the total adopted charge(s) pursuant to sections 4.1, 4.2, and 4.3 of this resolution for each adopted charge category for the approved development.

Step 2 – Extra demand

If there is demand which is not to be included as extra demand, reduce the total adopted charge by the amount of the credit calculated in accordance with section 5.3 of this resolution.

Step 3 – Adopted charge to be levied

The amount arrived at after completing Steps 1 to 3 is the adopted charge to be levied.²

¹ In certain circumstances prescribed in ss. 119(5) to (8) of the Act, Council may give an infrastructure charges notice or an amended infrastructure charges notice for a change application or an extension application. In those circumstances, this resolution will apply to the change application or the extension application.

² The above steps exclude any offset or refund that may be required for a necessary infrastructure condition under s. 129 of the Act. See section 5.4 of this resolution for the method to be applied to work out an offset or refund.

4. Adopted charges

4.1. Adopted charge for reconfiguring a lot

- (1) The adopted charge for reconfiguring a lot is the same amount as the amount for Residential (3 or more bedroom dwelling) in Column 3 or Column 4 of Table 1 for each lot approved by the development approval, multiplied by the sum of the percentage increases for each financial quarter since 1 July 2021 to the date the charge is levied.
- (2) In the event development for reconfiguring a lot is not serviced by the water supply network and/or the sewerage network:
 - (a) where the development is serviced by the water supply network, but not the sewerage network – the adopted charge will be reduced by 25%; or
 - (b) where the development is serviced by neither the water supply network or the sewerage network - the adopted charge will be reduced by 45%.

4.2. Adopted charge for material change of use – residential development

- (1) The adopted charge for material change of use for residential development is the amount stated in Table 1 for the relevant residential development type, multiplied by the sum of the percentage increases for each financial quarter since 1 July 2021 to the date the charge is levied.
- (2) Column 3 of Table 1 applies to land other than land that is:
 - a) within the localities of Kilkivan and Goomeri, and,
 - b) within the following zones:-
Residential Living,
District Centre,
Community Purposes,
Limited Development (Constrained Land),
Sport and Recreation,
Low Impact Industry,
Medium Impact Industry, and,
Industry Investigation Area.
- (3) Column 4 of Table 1 applies to land that is:
 - a) within the localities of Kilkivan and Goomeri, and,
 - b) within the following zones:-
Residential Living,
District Centre,
Community Purposes,
Limited Development (Constrained Land),
Sport and Recreation,

Low Impact Industry,
Medium Impact Industry, and,
Industry Investigation Area.

- (4) In the event development for material change of use for residential development is not serviced by the water supply network and/or the sewerage network:
- (a) where the development is serviced by the water supply network, but not the sewerage network – the adopted charge will be reduced by 25%; or
 - (b) where the development is serviced by neither the water supply network or the sewerage network - the adopted charge will be reduced by 45%.

Table 1 Adopted Charge – Material Change of Use – Residential

Column 1	Column 2	Column 3	Column 4	
Adopted charge category	Planning scheme use definition	Adopted charge ³	Adopted charge ³	
Residential	Caretaker's accommodation	\$21,912.60 for each dwelling with 2 or less bedrooms	\$17,269.67 for each dwelling with 2 or less bedrooms	
	Dual occupancy Dwelling house Multiple dwelling	\$30,677.65 for each dwelling with 3 or more bedrooms	\$20,507.73 for each dwelling with 3 or more bedrooms	
Accommodation (short-term)	Hotel	\$10,956.25 for each suite with 2 or less bedrooms	\$7,555.48 for each suite with 2 or less bedrooms	
	Short-term accommodation	\$15,338.75 for each suite with 3 or more bedrooms	\$11,333.22 for each suite with 3 or more bedrooms	
	Resort Complex	\$10,956.25 for each bedroom that is not part of a suite	\$7,555.48 for each bedroom that is not part of a suite	
	Tourist park		\$10,956.25 for each group of 2 or less camp sites	\$2,698.39 for each group of 2 or less camp sites
			\$15,338.75 for each group of 3 or more camp sites	\$4,317.42 for each group of 3 or more camp sites
			\$10,956.25 for each cabin with 2 or less bedrooms	\$7,015.80 for each cabin with 2 or less bedrooms
			\$15,338.75 for each cabin with 3 or more bedrooms	\$7,015.80 for each cabin with 3 or more bedrooms
	Accommodation (long-term)	Community residence	\$21,912.60 for each suite with 2 or less bedrooms	\$17,269.67 for each dwelling with 2 or less bedrooms
Retirement facility		\$30,677.65 for each suite with 3 or more bedrooms	\$20,507.73 for each dwelling with 3 or more bedrooms	
Rooming accommodation		\$21,912.60 for each bedroom that is not part of a suite	\$17,269.67 for each dwelling with 2 or less bedrooms	
Relocatable home park			\$21,912.60 for each relocatable dwelling site with 2 or less bedrooms	\$17,269.67 for each dwelling with 2 or less bedrooms
			\$30,677.65 for each relocatable dwelling site with 3 or more bedrooms	\$20,507.73 for each dwelling with 3 or more bedrooms

Other residential uses	Non-resident workforce accommodation	The prescribed adopted charge for another similar use listed in column 2 (other than in this "Other uses" row) that the Council decides to apply to the use.	The prescribed adopted charge for another similar use listed in column 2 (other than in this "Other uses" row) that the Council decides to apply to the use.
	Any other use not listed in column 2, including a use that is unknown		

³ Note that each amount shown in this column is to be increased by multiplying the specified amount by the sum of the percentage increases for each financial quarter since 1 July 2021 to the date the charge is levied (see sections 4.1 and 4.2 of this resolution).

4.3. Adopted charge for material change of use – non-residential development

- (1) The adopted charge for material change of use for non-residential development is the amount(s) stated in Table 2 for the relevant non-residential development type, multiplied by the sum of the percentage increases for each financial quarter since 1 July 2021 to the date the charge is levied.
- (2) Column 3 of Table 2 applies to land other than land that is:
 - a) within the localities of Kilkivan and Goomeri, and,
 - b) within the following zones:-
 - Residential Living,
 - District Centre,
 - Community Purposes,
 - Limited Development (Constrained Land),
 - Sport and Recreation,
 - Low Impact Industry,
 - Medium Impact Industry, and,
 - Industry Investigation Area.
- (3) Column 4 of Table 2 applies to land that is:
 - a) within the localities of Kilkivan and Goomeri, and,
 - b) within the following zones:-
 - Residential Living,
 - District Centre,
 - Community Purposes,
 - Limited Development (Constrained Land),

Sport and Recreation,
Low Impact Industry,
Medium Impact Industry, and,
Industry Investigation Area.

- (4) In the event development for material change of use for non-residential development is not serviced by the water supply network and/or the sewerage network:
 - (a) where the development is serviced by the water supply network, but not the sewerage network – the adopted charge will be reduced by an amount which is 25% of the part of the adopted charge that is calculated on a per m² GFA basis;
or
 - (b) where the development is serviced by neither the water supply network or the sewerage network - the adopted charge will be reduced by an amount which is 45% of the part of the adopted charge that is calculated on a per m² GFA basis.
- (5) Where a development approval approves more than one non-residential use and those uses have different adopted charge amounts under Table 2, the following will apply to the calculation of the adopted charge:
 - (a) if more than one use is approved to occur in an area the subject of the development approval – for calculating the adopted charge, the use in that area is taken to be the use approved for that area with the highest adopted charge amount in Table 2, subject to sub-paragraphs (2) and (3) above;
 - (b) if the development includes an area which is common to two or more approved uses – for calculating the adopted charge, the use for the common area is taken to be the approved use to which the area is common with the highest adopted charge amount in Table 2, subject to sub-paragraphs (2) and (3) above.

Table 2 Adopted Charge – Material Change of Use – Non-residential

Column 1	Column 2	Column 3	Column 4
Adopted charge category	Planning scheme use definition	Adopted charge ⁴	Adopted Charge ⁴
Places of Assembly	Club	1. \$76.75 for each m ² GFA; plus	1. \$49.64 for each m ² GFA; plus
	Community use		
	Function facility	2. \$10.95 for each m ² impervious to stormwater	2. \$6.48 for each m ² impervious to stormwater
	Funeral parlour		
	Place of worship		
Commercial (bulk goods)	Agricultural supplies store	1. \$153.40 for each m ² GFA; plus	1. \$98.22 for each m ² GFA; plus
	Bulk landscape supplies		
	Garden centre	2. \$10.95 for each m ² impervious to stormwater	2. \$6.48 for each m ² impervious to stormwater
	Hardware and trade supplies		
	Outdoor sales		
	Showroom		
Commercial (retail)	Adult store	1. \$197.20 for each m ² GFA; plus	1. \$125.20 for each m ² GFA; plus
	Food and drink outlet		
	Service industry	2. \$10.95 for each m ² impervious to stormwater	2. \$6.48 for each m ² impervious to stormwater
	Service station		
	Shop		
	Shopping centre		
Commercial (office)	Office	1. \$153.40 for each m ² GFA; plus	1. \$97.14 for each m ² GFA; plus
	Sales office		

⁴ Note that each amount shown in this column is to be increased by multiplying the specified amount by the sum of the percentage increases for each financial quarter since 1 July 2021 to the date the charge is levied (see section 4.3(1) of this resolution).

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Column 1	Column 2	Column 3	Column 4
Adopted charge category	Planning scheme use definition	Adopted charge ⁴	Adopted Charge ⁴
		2 \$10.95 for each m ² impervious to stormwater	2 \$6.48 for each m ² impervious to stormwater
Educational facility	Childcare centre	1 \$153.40 for each m ² GFA; plus	1 \$93.91 for each m ² GFA; plus
	Community care centre	2 \$10.95 for each m ² impervious to stormwater	2 \$6.48 for each m ² impervious to stormwater
	Educational establishment		
Entertainment	Hotel	1 \$219.10 for each m ² GFA; plus	1 \$98.22 for each m ² GFA; plus
	Bar	2 \$10.95 for each m ² impervious to stormwater	2 \$6.48 for each m ² impervious to stormwater
	Nightclub entertainment facility		
	Theatre		
	Resort complex		
Indoor sport and recreation	Indoor sport and recreation	1 The following: a. \$219.10 for each m ² GFA, other than court areas; plus b. \$21.85 for each m ² GFA that is a court area; plus 2 \$10.95 for each m ² impervious to stormwater	1 The following: a. \$142.47 for each m ² GFA, other than court areas; plus b. \$12.96 for each m ² GFA that is a court area; plus 2 \$1.08 for each m ² impervious to stormwater
High impact industry or special industry	High impact industry	1 \$76.75 for each m ² GFA; plus	1 \$49.64 for each m ² GFA; plus
	Special industry	2 \$10.95 for each m ² impervious to stormwater	2 \$6.48 for each m ² impervious to stormwater
Other industry	Low impact industry		

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Column 1	Column 2	Column 3	Column 4
Adopted charge category	Planning scheme use definition	Adopted charge ⁴	Adopted Charge ⁴
	Medium impact industry	1 \$54.80 for each m ² GFA; plus	1 \$34.54 for each m ² GFA; plus
	Research and technology industry	2 \$10.95 for each m ² impervious to stormwater	2 \$6.48 for each m ² impervious to stormwater
	Rural industry		
	Warehouse		
	Transport depot		
	Marine industry		
High impact rural	Aquaculture	1 \$21.85 for each m ² GFA; plus	1 \$12.96 for each m ² GFA; plus
	Intensive animal industry	2 \$10.95 for each m ² impervious to stormwater	2 \$1.08 for each m ² impervious to stormwater
	Intensive horticulture		
	Wholesale nursery		
	Winery		
Low impact rural	Animal husbandry	Nil	Nil
	Cropping		
	Permanent plantation		
	Renewable energy facility (wind farm)		
Essential services	Emergency services	1 \$153.40 for each m ² GFA; plus	1 \$98.22 for each m ² GFA; plus
	Health care services	2 \$10.95 for each m ² impervious to stormwater	2 \$6.48 for each m ² impervious to stormwater
	Hospital		
	Residential care facility		
	Veterinary service		

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Column 1	Column 2	Column 3	Column 4
Adopted charge category	Planning scheme use definition	Adopted charge ⁴	Adopted Charge ⁴
Minor uses	Cemetery	Nil	Nil
	Home based business		
	Landing		
	Market		
	Park		
	Roadside stall		
	Telecommunications facility		
Other uses	Air services	The prescribed adopted charge for another similar use listed in column 2 (other than in this "Other uses" row) that the Council decides to apply to the use.	The prescribed adopted charge for another similar use listed in column 2 (other than in this "Other uses" row) that the Council decides to apply to the use.
	Animal keeping		
	Crematorium		
	Extractive industry		
	Major sport, recreation and entertainment facility		
	Motor sport facility		
	Non-resident workforce accommodation		
	Outdoor sport and recreation		
	Port services		
	Renewable energy facility (other than wind farm)		
	Tourist attraction		
Utility installation			

Column 1	Column 2	Column 3	Column 4
Adopted charge category	Planning scheme use definition	Adopted charge⁴	Adopted Charge⁴
	Any other use not listed in column 1, including a use that is unknown		

⁴ Note that each amount shown in this column is to be increased by multiplying the specified amount by the sum of the percentage increases for each financial quarter since 1 July 2021 to the date the charge is levied (see section 4.3(1) of this resolution).

5. Administrative matters

5.1. Automatic increase provision

- (1) The levied charge for all development will be increased from the date of the Infrastructure Charges Notice to the date of payment and in line with the PPI Average.
- (2) However, the automatic increase must not be more than the lesser of the following:
 - (a) the difference between the levied charge and the maximum adopted charge Council could have levied for the development when the charge is paid; and
 - (b) the increase worked out using the PPI Average, for the period starting on the day the levied charge is levied and ending on the day the charge is paid.

5.2. Time of payment

- (1) A levied charge is payable at the following time:
 - (a) if the charge applies to reconfiguring of a lot - when Council approves a plan for the reconfiguration that, under the *Land Title Act 1994*, is required to be given to Council for approval;
 - (b) if the charge applies for a material change of use - when the change happens.

5.3. Credits

Determining credit

- (1) In working out extra demand for a levied charge, a credit applies for development demand placed on trunk infrastructure by the following:
 - (a) an existing use on the premises if the use is lawful and already taking place on the premises;
 - (b) a previous use that is no longer taking place on the premises if the use was lawful at the time it was carried out;
 - (c) other development on the premises if the development may be lawfully carried out without the need for a further development permit (including a development permit for building works);
 - (d) each existing lot of the premises to be used for a residential use;
 - (e) each existing lot of the premises to be used for a non-residential use, for which an adopted charge has been paid to Council.
- (2) Council may, in its absolute discretion, apply a credit (in addition to a credit under section 5.5.3(1) of this resolution) for the portion of a financial contribution paid to Council for the premises that exceeds the amount of a credit under section 5.5.3(1) of this resolution.
- (3) A credit under sections 5.5.3(1) or 5.5.3(2) of this resolution may only be applied once.
- (4) A credit may not apply:

- (a) under section 5.5.3(1) of this resolution, if an infrastructure requirement that applies, or applied to the use or development, has not been complied with;
 - (b) under section 5.5.3(1)(c) of this resolution, if an infrastructure requirement applies to the premises on which the development will be carried out and the infrastructure requirement was imposed on the basis of development of a lower scale or intensity being carried out on the premises.
- (5) Where a credit under this section 5.3 is being sought, the applicant is to provide evidence to the satisfaction of Council to demonstrate that the applicant is entitled to the credit.

Amount of the Credit

- (6) The amount of a credit under section 5.5.3(1) of this resolution is calculated as follows:
- (a) a credit amount for the demand in each of sections 5.5.3(1)(a), 5.5.3(1)(b), 5.5.3(1)(c), 5.5.3(1)(d) and 5.5.3(1)(e) of this resolution is calculated in the same way as an adopted charge under section 4 of this resolution;
 - (b) for the purpose of section 5.5.3(6)(a) of this resolution, an existing lot in sections 5.5.3(1)(d) or 5.5.3(1)(e) of this resolution is taken to be an approved lot from reconfiguring a lot under section 4.1 of this resolution;
 - (c) the amount of a credit under section 5.5.3(1) of this resolution is the greatest of the credit amounts calculated under 5.5.3(6)(a) of this resolution.
- (7) The amount of a credit under section 5.5.3(2) of this resolution is the amount determined by Council, in its absolute discretion.
- (8) Despite sections 5.5.3(6) and 5.5.3(7) of this resolution, a credit under this section 5.3 is not to exceed the amount of an adopted charge for the development to which the credit will be applied.

5.4. Offsets and refunds

- (1) This section states Council's methodology for determining the value of offsets or refunds for s 116 of the Act.
- (2) This section will apply where the Council has imposed a necessary infrastructure condition under s128 of the Act.
- (3) One of the following apply where trunk infrastructure that is subject of a necessary infrastructure condition services, or is planned to service, premises other than premises the subject of the development approval and an adopted charge applies to the development:
 - (a) An offset – where the cost of the infrastructure required to be provided under the condition is equal to or less than the levied charge⁵; or

⁵ The offset to the value of the cost of providing the infrastructure under the condition will be offset against the levied charge – see section 129(2) of the Act.

- (b) A refund – where the establishment cost of the infrastructure required to be provided under the condition is more than the levied charge⁶.
- (4) Where an applicant has given notice to the Council pursuant to s 137 of the Act, to require Council to use the method under this resolution to recalculate the establishment cost, the method contained in:
 - (a) Schedule 2: Method for re-calculating establishment cost (Land Contribution) must be used to re-calculate the establishment cost for trunk infrastructure that is land; and
 - (b) Schedule 3: Method for re-calculating establishment cost (Work Contribution) must be used to re-calculate the establishment cost for trunk infrastructure that is works.

5.5. Conversion criteria

- (1) This section states Council’s conversion criteria for the purposes of s 117 of the Act.
- (2) This section applies where:
 - (a) Council has imposed a condition of a development approval for non-trunk infrastructure under s 145 of the Act; and
 - (b) The construction of the non-trunk infrastructure has not started; and
 - (c) The applicant has applied to convert the non-trunk infrastructure to trunk infrastructure under s 139 of the Act (“conversion application”).
- (3) The Council will consider the conversion application, and may request further information.
- (4) The non-trunk infrastructure the subject of the conversion application must comply with all of the following criteria:
 - (a) the proposed development is consistent with the type, scale, location and timing of future development identified in the Local Government Infrastructure Plan in the Planning Scheme; and
 - (b) the non-trunk infrastructure has capacity to service multiple other developments in the area to the desired standards of service identified in the LGIP Local Government Infrastructure Plan in the Planning Scheme; and
 - (c) the non-trunk infrastructure services development completely inside the Priority Infrastructure Area; and
 - (d) the non-trunk infrastructure is owned or is to be owned by the Council; and
 - (e) the non-trunk infrastructure is not temporary infrastructure or sacrificial works to be superseded by an ultimate solution; and

⁶ The levied charge for the development is not payable and the refund will be equal to the difference between the establishment cost of the infrastructure required to be provided under the condition and the amount of the levied charge – see section 129(3) of the Act.

- (f) the function and purpose of the non-trunk infrastructure is consistent with other trunk infrastructure identified in the Local Government Infrastructure Plan and the plans for trunk infrastructure in the Planning Scheme; and
- (g) the non-trunk infrastructure must meet the desired standards of service for the equivalent infrastructure identified in the Local Government Infrastructure Plan in the Planning Scheme; and
- (h) the type and size of the non-trunk infrastructure is consistent with the trunk infrastructure identified in the Local Government Infrastructure Plan in the Planning Scheme; and
- (i) the non-trunk infrastructure is not consistent with non-trunk infrastructure for which conditions may be imposed in accordance with section 145 of the Act; and
- (j) the type, size and location of the non-trunk infrastructure is the most cost-effective option (based on the life cycle cost of the infrastructure to service future urban development in the area at the desired standard of service) for servicing multiple users in the area; and
- (k) the non-trunk infrastructure must not have been proposed by the applicant on the basis that it would remain non-trunk infrastructure for which an offset or refund would not be payable; and
- (l) construction of the non-trunk infrastructure must not have started.

Schedule 1: Dictionary

"Act" means the *Planning Act 2016*.

"Bedroom" means a habitable room that:

- (a) is of sufficient floor area to accommodate the placement and use of a standard single bed; and
- (b) incorporates the level of privacy normally associated with private sleeping accommodation.
- (c) However, the term does not include multipurpose spaces such as family rooms, living rooms or similar, or any other room that is only likely to be used on an infrequent basis or by a short-term visitor to the premises.

"Camp Site" means a space for a single Recreational Vehicle or Caravan or Camper Trailer, or an area of no more than 60m² for a group of people camping together with no more than 3 tents. Where a camping group comprises of more than 1 Recreational Vehicle or Caravan or Camper Trailer, or more than 3 tents, this will constitute multiple 'camping sites'.

"Gross Floor Area (GFA)" means the total floor area of all storeys of a building (measured from the outside of the external walls or the centre of a common wall²), other than areas used for the following:

- (a) building services, plant and equipment;
- (b) access between levels;
- (c) ground floor public lobby;
- (d) a mall;
- (e) the parking, loading and manoeuvring of motor vehicles;
- (f) unenclosed private balconies whether roofed or not.

Notes:

1. GFA includes the area of shipping containers or similar structures used as permanent structures and approved for permanent use e.g. mini storage facilities.
2. where there are no external walls, the measurement is taken to the outside of the supporting columns, or for a cantilevered roof, the edge of the roofline. Should the roofline extend beyond the floor, then the floor extent will be the basis for measurement.

"impervious to stormwater" means the majority of rainfall or stormwater does not pass through. This includes an area that is roof, deck, pavement, concrete, asphalt or bitumen, or similar.

"percentage increase" means the 3-yearly moving average quarterly percentage in the PPI.

"Planning Scheme" means the *Gympie Regional Council Planning Scheme 2013*.

"PPI" means:-

- (a) the producer price index for construction 6427.0 (ABS PPI) index number 3101—Road and Bridge construction index for Queensland published by the Australian Bureau of Statistics; or
- (b) if that index stops being published—another similar index prescribed by the *Planning Regulation 2017*.

"PPI Average" means the PPI adjusted to the 3-year moving average quarterly percentage change between financial quarters.

Schedule 2: Method for re-calculating establishment cost (Land Contribution)

- (1) The following methodology will be followed when recalculating the value of land infrastructure:
- (a) The establishment cost of trunk infrastructure that is land must be determined using the before and after method of valuation by:-
 - (i) Determining the value of the original land before any land is transferred to Council;
 - (ii) Determining the value of any remaining land that will not be transferred to Council; and
 - (iii) Subtracting the value determined for the remaining land that will not be transferred to Council from the value determined for the original land.
("before and after valuation").
 - (b) If the land infrastructure has been identified in the Local Government Infrastructure Plan in Council's Planning Scheme - the before and after 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 necessary infrastructure condition, first became properly made.
 - (c) If the land infrastructure has not been identified in the Local Government Infrastructure Plan in Council's Planning Scheme - the before and after 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 necessary infrastructure condition, was approved.
 - (d) A before and after valuation must be given in a report that:-
 - (i) Includes supporting information regarding the highest and best use of the land which the valuer has relied on to form an opinion about the value of the land infrastructure;
 - (ii) Identifies the area of land infrastructure that is above the Q100 flood level⁷ and the area that is below the Q100 flood level;
 - (iii) Identifies and considers all other real and relevant constraints apply to the land infrastructure including:-
 - (A) Vegetation protection;
 - (B) Ecological values including riparian buffers and corridors;
 - (C) Stormwater drainage corridors;
 - (D) Slope
 - (E) Bushfire and landslide hazards;
 - (F) Heritage;
 - (G) Airport environs;
 - (H) Coastal erosion;
 - (I) Extractive resources;

⁷ The Q100 flood level will be the level most recently adopted by Council for flood planning purposes and as may be referenced in Planning and Development Certificates issued by Council under the *Planning Act 2016*.

- (J) Flooding;
 - (K) Land use buffer requirements;
 - (L) Tenure related constraints; and
 - (M) Restrictions such as easements, leases, licences and other dealings whether or not registered on the title; and
- (iv) Contains relevant sales evidence and clear analysis of how those sales and any other information was relied upon in forming the valuation assessment.
- (2) The before and after valuation will be obtained pursuant to the following procedure:
- (a) The applicant, at their own cost, must provide to the Council a before and after valuation undertaken by a certified practicing valuer (the valuation).
 - (b) The Council may accept the valuation.
 - (c) If the Council accepts the valuation, the valuation is the establishment cost of the infrastructure.
 - (d) If the Council does not accept the valuation provided by the applicant, it must, at its own cost, have a before and after valuation undertaken by a certified practicing valuer.
 - (e) If the Council rejected the valuation provided by the applicant, it must, after obtaining it's before and after valuation, provide written notice to the applicant and propose a new valuation and its reasons for doing so.
 - (f) Where a written notice of the Council's proposed valuation has been given, the applicant may agree with that valuation or negotiate and agree with the Council regarding an alternate valuation. The valuation agreed between Council and the applicant is the establishment cost of the infrastructure.
 - (g) If agreement cannot be reached, the Council must have a final before and after valuation undertaken by an independent, certified practicing valuer to assess the value of the land infrastructure.

The independent, certified practicing valuer is to be appointed by the Council, in its discretion, in consultation with the applicant. The Council will request the applicant provide two valuers for the Council's consideration. The cost of this independent assessment is to be equally shared between the Council and the applicant. The final before and after valuation determined by the independent certified practicing valuer is the establishment cost of the infrastructure.
 - (h) The Council must give an amended Infrastructure Charge Notice (ICN) to the applicant stating:
 - (i) the value of the establishment cost of the infrastructure which has been indexed to the date it is stated in the amended ICN using the PPI Average.
 - (ii) that the establishment cost of the infrastructure stated in the amended ICN is indexed from the date that it is stated in the amended ICN to the date it is to be offset against the levied charge in accordance with the PPI Average.
- (3) The specific inclusions for determining the establishment cost of the land component of an infrastructure contribution are limited to the value of the land.
- (4) The specific exclusions for determining the establishment cost of the land component of an infrastructure item are:

- (a) Registration fees;
- (b) Stamp Duty;
- (c) Goods and Services Tax;
- (d) Costs associated with the preparation of a survey plan; and
- (e) Legal fees associated with preparing a registration documents.

Schedule 3: Method for re-calculating establishment cost (Work Contribution)

- (1) The following methodology will be followed when recalculating the value of a work contribution that is trunk infrastructure:
- (a) The Council must provide to the applicant the scope of works including the standard to which the trunk infrastructure is to be provided and the location of the trunk infrastructure (the scope of works).
 - (b) The applicant must, at their cost, provide to the Council:
 - (i) 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).
 - (ii) a first principles estimate prepared by a qualified and registered Quantity Surveyor or RPEQ for the cost of designing, constructing and commissioning the trunk infrastructure specified in the bill of quantities (the cost estimate).
 - (c) The Council may accept the bill of quantities and cost estimate provided by the applicant.
 - (d) The Council may negotiate with the applicant prior to accepting the bill of quantities and cost estimate provided by the applicant.
 - (e) If the Council accepts the bill of quantities and the cost estimate, the cost estimate is the establishment cost of the infrastructure.
 - (f) If the Council does not accept the bill of quantities and cost estimate provided by the applicant it must, at its cost, have 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.
 - (g) If the Council rejected the bill of quantities and the cost estimate provided by the applicant, it must provide written notice to the applicant and propose the new bill of quantities and cost estimate and its reasons for doing so.
 - (h) Where a written notice of the Council's proposed bill of quantities and cost estimate has been given, the applicant may agree with that cost estimate or negotiate and agree with the Council regarding a cost estimate. The cost estimate agreed between Council and the applicant is the establishment cost of the infrastructure.
 - (i) If agreement cannot be reached, the Council must refer the Council's bill of quantities and the cost estimate to an independent, suitably qualified person (the independent assessor) to:
 - (i) assess whether the bill of quantities is in accordance with the scope of works;
 - (ii) 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
 - (iii) provide an amended cost estimate using a first principles estimating approach.

The independent assessor is to be appointed by the Council, at its discretion, in consultation with the applicant. The cost of this independent assessment is to be equally shared between the Council

and the applicant. The amended cost estimate determined by the independent assessor is the establishment cost of the infrastructure.

- (j) The Council must give an amended ICN to the applicant stating:
- (i) the value of the establishment cost of the trunk infrastructure which has been indexed to the date it is stated in the amended ICN using the PPI.
 - (ii) that the establishment cost of the trunk infrastructure stated in the amended ICN is indexed from the date that it is stated in the amended ICN to the date it is to be offset against the levied charge in accordance with the PPI.
- (2) The specific inclusions for determining the value of the work component (work contribution) of a trunk infrastructure contribution are:
- (a) Limited to the construction of the trunk infrastructure to the standard of the network provider, without any associated works;
 - (b) the cost of pre-construction and construction period professional services including planning, survey, geotechnical investigations, design, project management, contract administration and environmental. The maximum percentage allowed for the value of the work component for professional services shall be:
 - Planning 2%
 - Survey 2%
 - Geotechnical Investigation 2%
 - Design 8%
 - Project management and contract administration 6%
 - Environmental 1%.
 - (c) any cost under a construction contract (excluding for latent conditions, provisional items and sums) for the work contribution not covered by any of the other inclusions listed herein;
 - (d) contingency of no more than 10% of the value of the supply and installation/construction components of the work contribution;
 - (e) a portable long service leave payment for a construction contract for the work contribution;
 - (f) any insurance premium for the work contribution; and
 - (g) the cost of the development or compliance approvals for the work contribution.
- (3) The specific exclusions for determining the value of the work component of an infrastructure item are:
- (a) Professional fees not associated with planning, survey, geotechnical investigations, design, project management, contract administration and environmental studies;
 - (b) the cost of carrying out any necessary temporary infrastructure;
 - (c) the cost of carrying out any other infrastructure which is not part of the required trunk infrastructure item;
 - (d) the cost of the decommissioning, removal and rehabilitation of infrastructure identified in (b) and (c);

- (e) any part of the required work contribution provided at no cost to the claimant;
- (f) the GST component of the costs for the required work contribution if an input tax credit can be claimed for the work.