



**NOOSA COUNCIL**

**Noosa Shire Council  
Charges Resolution (No. 2) 2014**

**Effective Date: 16 February 2015**

# Noosa Shire Council Charges Resolution (No. 2) 2014

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## **Part 1                      Introduction**

### **1.            Preliminary**

#### **1.1        Short title**

The charges resolution may be cited as *Noosa Shire Council Charges Resolution (No. 2) 2014*.

#### **1.2        Sustainable Planning Act 2009**

- (1)        The resolution is made pursuant to section 630 of the *Sustainable Planning Act 2009*.
- (2)        The resolution is to be read in conjunction with the following:
  - (a)        the State planning regulatory provision (adopted charges);
  - (b)        the applicable local planning instrument.
- (3)        The resolution is attached to but does not form part of the applicable local planning instrument.

#### **1.3        Effect**

The resolution has effect from 16 February 2015

#### **1.4        Purpose of the resolution**

The purpose of the resolution is to assist with the implementation of the applicable local planning instrument by stating the following:

- (a)        an adopted infrastructure charge for determining the levied charge for funding part of the establishment cost of the following trunk infrastructure networks:
  - (i)        transport network;
  - (ii)       public parks and land for community facilities network;
  - (iii)       stormwater network;
  - (iv)       water supply network;
  - (v)       sewerage network;
- (b)        stating other matters relevant to the adopted infrastructure charge.

#### **1.5        Interpretation**

- (1)        In this resolution:

**adopted charge rate** means the charge to be applied for the purpose of calculating a levied charge as stated in section 8.3 (Adopted charge rate).

**applicable local planning instrument** means *The Noosa Plan planning scheme*.

**base date** means the date being:

- (a) 1 July 2014 applying to the adopted charge rates.
- (b) The date stated in the LGIP for estimates of the establishment costs for the local government's trunk infrastructure networks;
- (c) The date stated in the Netserve Plan for estimates of the establishment costs for the distributor-retailer's trunk infrastructure networks.

**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) other habitable rooms that can be used for sleeping such as a den, library, study, loft, media or home entertainment room, library, family or rumpus room or other similar space. (Non-habitable rooms will not be considered in the calculation of infrastructure charges)

**breakup agreement** means the agreement between the local government and the distributor-retailer determining the proportion of the maximum adopted charges to apply to each entity.

**charges resolution** see SPA section 630(1).

**consumer price index** means the Consumer Price Index: All Groups Index for Brisbane available from the Australian Bureau of Statistics.

**Council** means Noosa Shire Council.

**credit** means the amount to be applied for the purpose of calculating an adopted infrastructure charge which takes into account the existing usage of the trunk infrastructure networks by the premises on or in relation to which development is carried out as calculated in section 8.4 (Credit).

**distributor-retailer** means the Northern SEQ Distributor-Retailer Authority (trading as Unitywater).

**dwelling unit** means habitable rooms and other spaces used or intended for use as one self-contained residential unit, comprising at least bathroom, toilet and kitchen facilities as well as other living and sleeping space to accommodate one or more persons.

**establishment cost** see schedule 3 (Dictionary) of the *Sustainable Planning Act 2009*.

**gross floor area (GFA)** means the sum of the floor areas (inclusive of all walls, columns and balconies, whether roofed or not) of all stories of every building located on a site, excluding the areas (if any) used for building services, a ground floor public lobby, a public mall in a shopping centre, and areas associated with the parking, loading and manoeuvring of motor vehicles.

**habitable room** (as defined in The Noosa Plan) means any room of a dwelling unit or accommodation unit other than a bathroom, laundry, toilet, pantry, walk-in wardrobe, corridor, stair, lobby, photographic darkroom, clothes drying room and other space of a specialised nature occupied neither frequently nor for extended periods.

**impervious area** means the area of the premises that is impervious to rainfall. This includes all roofed, decked, paved, concreted, bitumen or other type of sealed areas.

**lawful use** see schedule 3 (Dictionary) of the *Sustainable Planning Act 2009*.

**levied charge** means a charge for trunk infrastructure for which the State planning regulatory provision applies, calculated under the resolution and in accordance with the relevant legislation.

**Netserv plan** means the distributor-retailer's plan and its service about its water and wastewater networks as required by the South-East Queensland Water (Distribution and Retail Restructuring) Act 2009.

**Local government infrastructure plan (LGIP)** means the local government infrastructure plan for the specified local government planning scheme as required by Section 627 & 982 of SPA. A PIP is taken to be a LGIP under Section 976A & 982 of SPA.

**Local planning instrument** means the: The Noosa Plan planning scheme.

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

**prescribed form** means a form prescribed by the Council.

**priority infrastructure area** see section 4.2 (Priority infrastructure area).

**priority infrastructure plan (PIP)** means the priority infrastructure plan dated 16 September 2013 and contained in Part 15 of The Noosa Plan, planning scheme as required under the former Section 627 and defined in Schedule 3 of the unamended SPA. A PIP is taken to be an LGIP under Section 976A & 982 of the amended SPA.

**SPA** means the *Sustainable Planning Act 2009*.

**State planning regulatory provision** means the *State planning regulatory provision (adopted charges) 2012* made under SPA.

- (2) A term defined in the *Sustainable Planning Act 2009* which is used in the resolution has the meaning given in the *Sustainable Planning Act 2009*.
- (3) If a term is not defined in the resolution or the *Sustainable Planning Act 2009* the term is to, subject to section 14A (Interpretation best achieving Act's purpose) of the *Acts Interpretation Act 1954*, have the meaning assigned to it by the edition of the Macquarie Dictionary that is current at the commencement date.

## 2. Application of the adopted infrastructure charge

### 2.1 Purpose

Section 2 states the following:

- (a) that the infrastructure State planning regulatory provision has effect in the local government area;
- (b) that the resolution is intended to apply to development in the local government area;
- (c) that the resolution applies to particular development;
- (d) the categorisation of uses under an applicable local planning instrument to development classes under the infrastructure State planning regulatory provision.

### 2.2 Effect of the infrastructure State planning regulatory provision in the local government area

The infrastructure State planning regulatory provision applies to all of the local government area.

### **2.3 Application of the resolution to the local government area**

The resolution applies to all development in the local government area.

### **2.4 Application to particular development**

The Council may levy an infrastructure charge on the following development:

- (a) a reconfiguring a lot;
- (b) a material change of use of premises;
- (c) the carrying out of building work.

### **2.5 Categorisation of uses to development classes**

- (1) A use under an applicable local planning instrument as stated in column 1 of Table 10.3 (Schedule of adopted charges) is included within the infrastructure State planning regulatory provision development class stated in column 2 of Table 10.3 (Schedule of adopted charges).
- (2) The Council and the distributor-retailer are to allocate a use not otherwise stated under subsection (1) to an applicable development class based on an assessment of use and demand.

## **3. Assumptions about future development**

### **3.1 Purpose**

Section 3 states the assumptions about the type, scale, location and timing of future development for the purpose of the following:

- (a) code assessment under section 313(2)(f) (Code assessment—generally) of the *Sustainable Planning Act 2009*;
- (b) impact assessment under section 314(2)(k) (Impact assessment—generally) of the *Sustainable Planning Act 2009*.

### **3.2 Development inconsistent with assumptions about future development**

Development is inconsistent with the assumptions about:

- (a) the type of development, if the type of development of the premises is not consistent with the type of development for the area in which the premises is located as identified in the applicable local planning instrument and the LGIP; or
- (b) the scale of the development, if the demand of the development of the premises exceeds the planned demand for the development of premises as referenced in the LGIP; or
- (c) the location of development, if the development is located outside the priority infrastructure area as referenced in section 4.2 (Priority Infrastructure Area); or



- (d) the timing of development, if the development results in trunk infrastructure being supplied earlier than planned for in the schedule of works for trunk infrastructure in the LGIP.

#### **4. Priority infrastructure area**

##### **4.1 Purpose**

Section 4 states the priority infrastructure area for the Council.

##### **4.2 Priority infrastructure area**

The priority infrastructure area is identified in the LGIP .

## **Part 2 Trunk infrastructure networks**

### **5. Trunk infrastructure plans**

#### **5.1 Purpose**

Section 5 states the trunk infrastructure networks to be funded in part by the levied infrastructure charge.

#### **5.2 Schedule of works for trunk infrastructure**

The trunk infrastructure networks comprise the land and works for trunk infrastructure detailed in the LGIP and Netserv Plan.

#### **5.3 Trunk infrastructure network systems and items**

The trunk infrastructure networks identified in the schedule of works for trunk infrastructure include the systems and items detailed in the LGIP and Netserv Plan.

#### **5.4 Trunk infrastructure plans**

The trunk infrastructure networks identified in the schedule of works for trunk infrastructure are conceptually identified in the trunk infrastructure plans detailed in the LGIP and Netserv Plan.

### **6. Desired standard of service**

#### **6.1 Purpose**

Section 6 states the desired standard of service which is the standard guiding the delivery of a trunk infrastructure network.

#### **6.2 Desired standards of service for trunk infrastructure**

The desired standard of service for each infrastructure network is detailed in the LGIP and Netserv Plan.

### **7. Establishment cost for trunk infrastructure networks**

#### **7.1 Purpose**

Section 7 states the establishment cost for an identified trunk infrastructure network.

#### **7.2 Establishment cost for a trunk infrastructure network**

The establishment cost for the trunk infrastructure networks are detailed in the LGIP and Netserv Plan.

## Part 3 Levied charge

### 8. Levied infrastructure charge

#### 8.1 Purpose

Section 8 states the calculation of the infrastructure charge to be levied by the following:

- (a) the Council under Chapter 8 Subdivision 3 of the *Sustainable Planning Act 2009* for the transport, public parks & land for community purposes and stormwater networks in accordance with the breakup agreement;
- (b) the distributor-retailer under the South-East Queensland Water (Distribution and Retail Restructuring) Act 2009 for the sewerage and water supply networks in accordance with the breakup agreement.

#### 8.2 Calculation of levied charge

Infrastructure charges are calculated and levied separately by the Council and distributor-retailer in accordance with the charges breakup agreement and relevant legislation.

- (1) An infrastructure charge that may be levied for reconfiguring a lot is calculated as follows:

$$LC_{ROL} = (AC_{ROL} \times Q_{ROL}) - C$$

Where:

$LC_{ROL}$  is the infrastructure charge levied for reconfiguring a lot.

$AC_{ROL}$  is the adopted charge rate for reconfiguring a lot stated in section 8.3 (Adopted charge rate).

$Q_{ROL}$  is the total no of lots.

C is the credit stated in section 8.4 (Credit).

Note:

- (a) for residential lot reconfiguration, the adopted infrastructure charge is apportioned across all networks;
  - (b) for non-residential lot reconfiguration, the adopted infrastructure charge apportionment excludes the stormwater charge component. The stormwater charge will be calculated and issued on a subsequent material change of use or building work approval when the impervious area is able to be determined.
- (2) An infrastructure charge that may be levied for a material change of use or building work for residential development is calculated as follows:

$$LC_R = (\text{Sum}(AC_R \times Q_R) \text{ for each defined use}) - C$$

Where:

$LC_R$  is the infrastructure charge that may be levied for a material change of use or building work for residential development.

$AC_R$  is the adopted charge rate for each defined use for a material change of use or building work for residential development stated in section 8.3 (Adopted charge rate).

$Q_R$  is the residential quantity for each defined use.

$C$  is the credit stated in section 8.4 (Credit).

- (3) An infrastructure charge that may be levied for a material change of use or building work for non-residential development is calculated as follows:

$$LC = LC_{NR} + LC_{SW}$$

Where:

$LC$  is the infrastructure charge that may be levied for the total development

$$LC_{NR} = (\text{Sum of } (AC_4 \times Q_4) \text{ for each defined use}) - C_4$$

$$LC_{SW} = (AC_{SW} \times Q_{SW}) - C_{SW}$$

$LC_{NR}$  is the infrastructure charge that may be levied for a material change of use or building work for non-residential development for the transport, public parks and land for community facilities, water supply and sewerage networks.

$LC_{SW}$  is the levied charge for a material change of use or building work for non-residential development for the stormwater network.

$AC_4$  is the adopted charge rate for each defined use for a material change of use or building work for non-residential development stated in section 8.3 (Adopted charge rate) for the transport, public parks and land for community facilities, water supply and sewerage networks.

$AC_{SW}$  is the adopted charge rate for a material change of use or building work for non-residential development stated in section 8.3 (Adopted charge rate) for the stormwater network.

$Q_4$  is the non-residential quantity for each defined use.

$Q_{SW}$  is the impervious area of the development.

$C_4$  is the credit stated in section 8.4 (Credit) for the transport, public parks and land for community facilities, water supply and sewerage networks.

$C_{SW}$  is the credit stated in section 8.4 (Credit) for the stormwater network.

- (4) An infrastructure charge is only levied if the calculation in sub-sections (1), (2) and (3) results in an amount greater than \$zero (i.e. no refund applies should the calculated charge result in a negative amount).

### 8.3 Adopted charge rate

The adopted charge rate for:

- (a) reconfiguring a lot, is the amount stated for Residential (3 or more bedroom dwelling unit) in Table 10.3 (Schedule of adopted charges);
- (b) a material change of use or building work for:
  - (i) residential development, is stated in Table 10.3 (Schedule of adopted charges);
  - (ii) non-residential development other than special uses, is stated in Table 10.3 (Schedule of adopted charges), which comprises the following:
    - (A) the adopted charge rate for the transport, public parks and land for community facilities, water and sewerage networks; and
    - (B) the adopted charge rate for the stormwater network;
  - (iii) non-residential development being special uses or other development not otherwise identified in paragraphs (i) or (ii):
    - (A) the adopted charge rate for the transport, public parks and land for community facilities, water supply and sewerage networks, is the charge for the charge category that the local government determines should apply for the use at the time of assessment; and
    - (B) the adopted charge rate for the stormwater network

#### **8.4 Credit**

The credit for the premises is an amount which is the greater of the following:

- (a) the amount of an adopted infrastructure charge previously paid for the development of the premises;
- (b) where the premises is subject to an existing lawful use or previous lawful use no longer taking place for:
  - (i) residential development, the amount stated for an adopted charge in Table 10.3 (Schedule of adopted charges) for the lawful use;
  - (ii) non-residential development other than special uses, the amount stated for an adopted charge in Table 10.3 (Schedule of adopted charges) for the lawful use;
  - (iii) non-residential development being special uses or other development not otherwise identified in paragraphs (i) or (ii), the amount for the charge category that the local government determines should apply for the use;

The onus remains with the applicant to provide full details and evidence as to the extent and lawfulness of any claim for a credit for a previous use no longer taking place.

- (c) where the premises is not subject to an existing or previous lawful use:

- (i) for residential development, the amount applicable for a residential lot stated for Residential (3 or more bedroom dwelling unit) in Table 10.3 (Schedule of adopted charges) applicable to a single residential lot provided the lot is capable of having a dwelling house built on the lot in compliance the planning scheme requirements;
- (ii) for non-residential development, no credit applies;

## **8.5 Additional credit for past contribution or charge**

For a past contribution and or charge that has been paid for a particular network under a previous charging regime that exceeds the network component of the credit applied under section 8.4 (Credit) an “additional credit” against the adopted charge for the particular network will be recognised. The amount of the credit will be determined by converting the previous payment to an equivalent adopted charge as determined by Council and only relates to the amount over and above the standard credit applied under section 8.4 (credit).

The amount of the credit will not be more than the adopted charge amount apportioned for that network. The onus remains with the applicant to provide full details and evidence of any payments of contributions and or charges under a previous charging regime.

## **9. Administration of levied charge**

### **9.1 Purpose**

Section 9 states how an infrastructure charge levied by the Council is to be administered.

### **9.2 Subsidy for a levied charge**

The Council's policy statement in respect of a subsidy for a levied infrastructure charge is stated in *Council Policy Document - Infrastructure Charges Rebates for Community Organisations* in effect at the time of levying the infrastructure charge.

### **9.3 Time of payment of a levied charge**

A levied infrastructure charge is payable in accordance with the Sustainable Planning Act 2009 at the following time:

- (a) if the charge applies to reconfiguring a lot that is assessable development or development requiring compliance assessment—before the Council approves the plan of subdivision for the reconfiguration;
- (b) if the charge applies to building work that is assessable development or development requiring compliance assessment— before the certificate of classification or final inspection certificate for the building work is given.
- (c) if the charge applies to a material change of use—before the change of use happens;
- (d) if paragraphs (a), (b) and (c) do not apply—on the day stated in the infrastructure charges notice or negotiated infrastructure charges notice.

#### **9.4 Alternatives to paying a levied charge**

The Council may give consideration to entering into an infrastructure agreement involving an alternative to the way a payment is to be made or an infrastructure contribution provided in a form other than paying an infrastructure charge.

#### **9.5 Automatic increase provision of levied charge**

The levied infrastructure charge is subject to an automatic increase provision (indexation) as permitted under the legislation. The automatic increase provision is applied as follows:

- (1) The infrastructure charge is first calculated using the adopted charge rates in section 10 at the base date of 1 July 2014 (applying the Consumer Price Index at March 2014) and indexed to the date of issue of the infrastructure charge notice;
- (2) The issued infrastructure charge is subject to further indexation from the date of issue until the date of payment.
- (3) Indexation is applied using variations in the Consumer Price Index at the times applicable limited to the “maximum amount” possible to be issued under the State Planning Regulatory Provision (adopted charges) as amended by the Minister and in accordance with the legislation at the time of issue and payment.

### **10. Allocation of adopted infrastructure charge (breakup agreement)**

#### **10.1 Purpose**

Section 10 states how the adopted infrastructure charge of the Council and the distributor-retailer is to be allocated in accordance with the breakup agreement.

#### **10.2 Allocation of adopted infrastructure charge to the Council and the distributor-retailer (breakup agreement)**

- (1) The proportion of an adopted infrastructure charge to be allocated to the Council and the distributor-retailer is stated in Table 10.1 (Allocation of adopted infrastructure charge (breakup agreement) to the Council and the distributor-retailer). For non-residential development, this proportion of the adopted charge excludes the stormwater network which is calculated separately and allocated 100% to Council.
- (2) The levied charge is calculated and issued separately by the Council and distributor-retailer as applying to their respective infrastructure networks in accordance with the breakup agreement.
- (3) Where development is not connected to the water and sewerage networks, the levied charge issued by distributor-retailer is reduced as determined by the distributor-retailer.

**Table 10.1 Apportionment of adopted infrastructure charge (breakup agreement) to the Council and the Distributor-Retailer (Unitywater)**

Column 1  Applicable local planning instrument	Column 2  Planning areas	Column 3  *Apportionment of adopted infrastructure charge for Non-Residential Development				Column 4  Apportionment of adopted infrastructure charge for:	
		Retail, Commercial and Entertainment Uses (Retail, Office, Bulk Goods, Showroom, Entertainment)		Industry Uses		a) Residential development; and  b) *Non-Residential development not otherwise specified in Column 3	
		Noosa Shire Council (%)	Distributor-Retailer (Unitywater) (%)	Noosa Shire Council (%)	Distributor-Retailer (Unitywater) (%)	Noosa Shire Council (%)	Distributor-Retailer (Unitywater) (%)
The Noosa Plan	All Areas in Noosa Shire	85	15	64	36	60	40

**Note:**

\* For **Non-Residential** development, the adopted infrastructure charge apportionment excludes stormwater which is calculated and allocated separately 100% to Council.



### 10.3 Allocation of levied charge to trunk infrastructure networks

The proportion of an adopted infrastructure charge to be allocated to a trunk infrastructure network in accordance with the breakup agreement for:

- (a) distributor-retailer trunk infrastructure, is stated in column 3 in Table 10.2 (Allocation of adopted infrastructure charge to trunk infrastructure networks);
- (b) Council trunk infrastructure, is stated in column 4 in Table 10.2 (Allocation of adopted infrastructure charge to trunk infrastructure networks). Sport and recreation uses are exempt from “Public parks and land for community facilities” proportion of the adopted charge.

**Table 10.2 Allocation of levied charge to trunk infrastructure networks**

Column 1 Infrastructure charge	Column 2 Trunk infrastructure networks to which an infrastructure charge applies	Column 3 Allocation of Distributor-Retailer (Unitywater) infrastructure charge to trunk infrastructure networks		Column 4 Allocation of Council infrastructure charge to trunk infrastructure networks		
		Water supply (%)	Sewerage (%)	Transport (%)	Public parks and land for community facilities (%)	Stormwater (%)
Infrastructure charge for <b>Residential</b> development: (a) reconfiguring a lot; or (b) a material change of use; or (c) building work	All Networks	40	60	40	50	10
	No Sewerage	40	Nil	40	50	10
	No Water Supply & No Sewerage	Nil	Nil	40	50	10
Infrastructure charge for <b>Non-Residential</b> development : (a) reconfiguring a lot	All Networks	40	60	85	15	*N/A
	No Sewerage	40	Nil	85	15	*N/A
	No Water Supply & No Sewerage	Nil	Nil	85	15	*N/A
Infrastructure charge for <b>Non-Residential</b> development for: (b) a material change of use; or (c) building work	All Networks	40	60	85	15	Calculated Separately 100% to Council
	No Sewerage	40	Nil	85	15	
	No Water Supply & No Sewerage	Nil	Nil	85	15	

**Note:**

\* The **Non-Residential** Stormwater charge is normally unable to be calculated on a reconfiguration of a lot approval. This charge will therefore be calculated and applied on subsequent development permits for material change of use or building work when the impervious area is able to be determined.

#### 10.4 Schedule of Adopted Infrastructure Charges (breakup agreement)

Table 10.3 (Schedule of adopted charges) states the development class for a use under The Noosa Plan, planning scheme and the adopted charge at the base date of 1 July 2014 applying to:

- (i) Distributor-Retailer (Unitywater) networks in accordance with the “charges breakup” agreement for Water Supply and Sewerage;
- (ii) Council networks in accordance with the “charges breakup” agreement for: Transport, Public parks and land for community facilities, and Stormwater (Residential);
- (iii) Council network: Stormwater (Non-Residential).

**Table 10.3 Schedule of adopted charges**

Column 1 Use under The Noosa Plan		Column 2 Development class	Column 3 Unit of measure	Column 4 SPSP Maximum Adopted Charge	Column 5 <u>UNITYWATER CHARGE</u>	Column 6 Adopted Charge by <u>COUNCIL</u>	Column 7 <u>COUNCIL CHARGE</u>	Column 8 SPSP Maximum Adopted Charge Stormwater (Non-Residential) Adopted by <u>COUNCIL</u>
Use class	Defined use			Adopted by <u>UNITYWATER</u> (\$ per unit of measure)	Per Table 10.1 (Charges breakup) of Maximum Adopted Charge in Column 4 (\$ per unit of measure)	(\$ per unit of measure)	Per Table 10.1 (Charges breakup) of Adopted Charge in Column 6 (\$ per unit of measure)	(Non-Residential) Adopted by <u>COUNCIL</u> (\$ per m <sup>2</sup> impervious area)
<b>Residential</b>	Detached house	Residential	3 or more bedroom dwelling unit	\$28,000	\$11,200	\$28,000	\$16,800	Included in adopted charge in Columns 6 & 7
	Multiple housing • Type 1 Relative or employee	Residential	1 bedroom dwelling unit	\$20,000	\$8,000	Ancillary to & included in Detached House	Ancillary to & included in Detached House	Included in adopted charge in Columns 6 & 7
	Ancillary dwelling unit & Multiple housing • Type 2 Duplex • Type 4 Conventional • Type 5 Relocatable	Residential	3 or more bedroom dwelling unit	\$28,000	\$11,200	\$28,000	\$16,800	Included in adopted charge in Columns 6 & 7
			2 bedroom dwelling unit	\$20,000	\$8,000	\$20,000	\$12,000	Included in adopted charge in Columns 6 & 7
			1 bedroom dwelling unit	\$20,000	\$8,000	\$13,000	\$7,800	Included in adopted charge in Columns 6 & 7
Multiple housing • Type 3 Retirement and special needs (aged care facility) <sup>(3)</sup>	Essential services	m <sup>2</sup> GFA	\$140	\$56	\$140	\$84	\$10	

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Column 1 Use under The Noosa Plan		Column 2 Development class	Column 3 Unit of measure	Column 4 SPSP Maximum Adopted Charge	Column 5 <u>UNITYWATER CHARGE</u> Per Table 10.1 (Charges breakup) of Maximum Adopted Charge in Column 4	Column 6 Adopted Charge by <u>COUNCIL</u>	Column 7 <u>COUNCIL CHARGE</u> Per Table 10.1 (Charges breakup) of Adopted Charge in Column 6	Column 8 SPSP Maximum Adopted Charge <b>Stormwater (Non-Residential) Adopted by <u>COUNCIL</u></b>
Use class	Defined use			(\$ per unit of measure)	(\$ per unit of measure)	(\$ per unit of measure)	(\$ per unit of measure)	(\$ per m <sup>2</sup> impervious area)
<b>Residential</b>	Multiple housing • Type 3 Retirement and special needs (retirement village) <sup>(3)</sup>	Long term accommodation	3 or more bedroom dwelling unit	\$28,000	\$11,200	\$28,000	\$16,800	Included in adopted charge in Columns 6 & 7
			2 bedroom dwelling unit	\$20,000	\$8,000	\$20,000	\$12,000	Included in adopted charge in Columns 6 & 7
			1 bedroom dwelling unit	\$20,000	\$8,000	\$13,000	\$7,800	Included in adopted charge in Columns 6 & 7
	Visitor accommodation • Type 1 Home hosted • Type 3 Rural • Type 4 Conventional	Short term accommodation	per suite (with 1 or 2 bedrooms)	\$10,000	\$4,000	\$10,000	\$6,000	Included in adopted charge in Columns 6 & 7
			per suite (with 3 or more bedrooms)	\$14,000	\$5,600	\$14,000	\$8,400	
			per bedroom (for a bedroom that is not within a suite)	\$10,000	\$4,000	\$10,000	\$6,000	
	Visitor accommodation • Type 2 Caravan park	Short term accommodation	per 1 or 2 tent/caravan sites	\$10,000	\$4,000	\$10 000	\$6,000	Included in adopted charge in Columns 6 & 7
			per 3 tent/caravan sites	\$14,000	\$5,600	\$14 000	\$8,400	
			per 1 or 2 bedroom cabin	\$10,000	\$4,000	\$10 000	\$6,000	
			per 3 or more bedroom cabin	\$14,000	\$5,600	\$14 000	\$8,400	

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Use class	Defined use			Adopted by <u>UNITYWATER</u> (\$ per unit of measure)	(\$ per unit of measure)	(\$ per unit of measure)	(\$ per unit of measure)	(\$ per m <sup>2</sup> impervious area)
Agricultural	Cultivation • Type 1 Traditional • Type 2 Intensive	Low impact rural	N/A	Nil	Nil	Nil	Nil	Nil
	Animal husbandry • Type 1 Traditional	Low impact rural	N/A	Nil	Nil	Nil	Nil	Nil
	Animal husbandry • Type 2 Intensive	High impact rural	m <sup>2</sup> GFA	\$20	\$8	\$20	\$12	Nil
	Forestry • Type 1 Native • Type 2 Plantation	Low impact rural	N/A	Nil	Nil	Nil	Nil	Nil
Business	Commercial business • Type 1 Office	Commercial (office)	m <sup>2</sup> GFA	\$140	\$21	\$140	\$119	\$10
	Commercial business • Type 2 Medical • Type 3 Veterinary	Essential services	m <sup>2</sup> GFA	\$140	\$56	\$140	\$84	\$10
	Entertainment and dining business • Type 1 Food & beverages	Commercial (retail)	m <sup>2</sup> GFA	\$180	\$27	\$180	\$153	\$10
	Entertainment and dining business • Type 2 Recreation, amusement and fitness <sup>(2)</sup>	Indoor sport & recreation facility	m <sup>2</sup> GFA (excluding court areas)	\$200	\$80	\$140	\$84	\$10
			m <sup>2</sup> GFA (court areas)	\$20	\$8	\$20	\$12	
Entertainment and dining business • Type 3 Bar	Entertainment	m <sup>2</sup> GFA	\$200	\$30	\$200	\$170	\$10	

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Use class	Defined use			Adopted by <u>UNITYWATER</u> (\$ per unit of measure)	(\$ per unit of measure)	(\$ per unit of measure)	(\$ per unit of measure)	(\$ per m <sup>2</sup> impervious area)
<b>Business</b>	Home-based business • Type 1 Limited visibility • Type 2 Evident • Type 3 Significant scale	Minor uses	N/A	Nil	Nil	Nil	Nil	Nil
	Industrial business • Type 1 Warehouse • Type 2 Production, alteration, repackaging and repairing	Industry	m <sup>2</sup> GFA	\$50	\$18	\$50	\$32	\$10
	Industrial business • Type 3 Extractive	Special uses	m <sup>2</sup> GFA	The charge (in columns 4 & 6) as apportioned (in columns 5 & 7) for the charge category (in columns 1 & 2) that the local government determines should apply for the use at the time of assessment				\$10
	Retail business • Type 1 Local • Type 2 Shop & salon	Commercial (retail)	m <sup>2</sup> GFA	\$180	\$27	\$180	\$153	\$10
	Retail business • Type 3 Landscape and rural • Type 4 Showroom • Type 6 Hardware Store • Type 7 Garden	Commercial (bulk goods)	m <sup>2</sup> GFA	\$140	\$21	\$140	\$119	\$10
	Retail business • Type 5 Vehicle uses	a) Standard Commercial (bulk goods)	m <sup>2</sup> GFA	\$140	\$21	\$140	\$119	\$10
		b) Service Station Commercial (retail)	m <sup>2</sup> GFA	\$180	\$27	\$180	\$153	\$10

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Use class	Defined use			(\$ per unit of measure)	(\$ per unit of measure)	(\$ per unit of measure)	(\$ per unit of measure)	(\$ per m <sup>2</sup> impervious area)
Community	Education • Type 1 Childcare • Type 2 School • Type 3 Adult • Type 4 Information	Education	m <sup>2</sup> GFA	\$140	\$56	\$140	\$84	\$10
	Emergency service • Type 1 Station • Type 2 Shed	Essential services	m <sup>2</sup> GFA	\$140	\$56	\$140	\$84	\$10
	Open space • Type 1 Sport and recreation <sup>(2)</sup>	Special uses	m <sup>2</sup> GFA	The charge (in columns 4 & 6) as apportioned (in columns 5 & 7) for the charge category (in columns 1 & 2) that the local government determines should apply for the use at the time of assessment				\$10
	Open space • Type 2 Camp ground	Short term accommodation	per 1 or 2 tent/caravan sites	\$10,000	\$4,000	\$10 000	\$6,000	Included in adopted charge in Columns 5 & 7
			per 3 tent/caravan sites	\$14,000	\$5,600	\$14 000	\$8,400	
			per 1 or 2 bedroom cabin	\$10,000	\$4,000	\$10 000	\$6,000	
			per 3 or more bedroom cabin	\$14,000	\$5,600	\$14 000	\$8,400	
	Wellbeing • Type 1 Health (hospital, hospice etc)	Essential services	m <sup>2</sup> GFA	\$140	\$56	\$140	\$84	\$10
Wellbeing • Type 2 Social (arts and crafts, community meeting hall CWA etc) • Type 3 Worship • Type 4 Funeral	Assembly	m <sup>2</sup> GFA	\$70	\$28	\$70	\$42	\$10	

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Use class	Defined use			Adopted by <u>UNITYWATER</u> (\$ per unit of measure)	Per Table 10.1 (Charges breakup) of Maximum Adopted Charge in Column 4 (\$ per unit of measure)	(\$ per unit of measure)	Per Table 10.1 (Charges breakup) of Adopted Charge in Column 6 (\$ per unit of measure)	(\$ per m <sup>2</sup> impervious area)
Infrastructure	Service & utility • Type 1 Depot	Industry	m <sup>2</sup> GFA	\$50	\$18	\$50	\$32	\$10
	Service & utility • Type 2 Installation • Type 4 Treatment, recycling & disposal;	Special uses	m <sup>2</sup> GFA	The charge (in columns 4 & 6) as apportioned (in columns 5 & 7) for the charge category (in columns 1 & 2) that the local government determines should apply for the use at the time of assessment				\$10
	Service & utility • Type 3 Tower	Minor uses	N/A	Nil	Nil	Nil	Nil	Nil
	Transport • Type 1 Passenger terminal • Type 2 Carpark • Type 4 Aeronautical	Special uses	m <sup>2</sup> GFA	The charge (in columns 4 & 6) as apportioned (in columns 5 & 7) for the charge category (in columns 1 & 2) that the local government determines should apply for the use at the time of assessment				\$10
	Transport • Type 3 Depot	Industry	m <sup>2</sup> GFA	\$50	\$18	\$50	\$32	\$10

**Note:**

- (1) Where a Water Supply and/or Sewerage network service is not provided, the Distributor-Retailer apportioned charge is reduced and applied according to Table 10.2 Allocation of Infrastructure charge to trunk infrastructure networks.
- (2) Sport and recreation uses are exempt from “Public Parks and Land for Community Facilities” network allocation of the Council apportioned charge.
- (3) For Retirement and residential care developments, the net charge payable for “Transport” and “Public Parks and Land for Community Facilities” networks is reduced to 70% of the standard Council calculated charge allocated to those networks.
- (4) Development that is for provision of “trunk” infrastructure is exempt from and not subject to payment of infrastructure charges.
- (5) Table 10.3 charges are specified at the base date of 1 July 2014 and are subject to indexation in accordance with clause 9.5 Automatic increase provision of levied charge.

## **Part 4                      Offset and refund for Council trunk infrastructure**

### **11.     Infrastructure offset**

#### **11.1    Purpose**

Section 11 states the Council's policy for calculating the establishment cost for an infrastructure offset for provision of trunk infrastructure.

#### **11.2    Application of section**

Section 11 applies where for a development, the Council has for a trunk infrastructure network:

- (a)     requires trunk infrastructure to be provided under a necessary infrastructure condition of a development approval, that services or is planned to service premises other than the subject premises; and;
- (b)     a levied infrastructure charge applies to the development.

#### **11.3    Establishment cost for an infrastructure offset**

The establishment cost for determining offsets for provision of trunk infrastructure required in a necessary infrastructure condition shall be the establishment cost identified in the LGIP or Netserv Plan and indexed to the reference date of the issued infrastructure charges notice.

#### **11.4    Recalculation of establishment cost for an infrastructure offset**

(1)     Where a notice is given by an applicant under s. 657 of SPA requesting a recalculation of the establishment cost for the trunk infrastructure that is works, the recalculated amount shall be the pre-market estimate of the work as follows: 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:

- (a)     including the following:
  - (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) excluding the following:
  - (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 the 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.
  
- (c) The applicant:
  - (i) must undertake a tender process in accordance with the Council's Procurement Policy for any work contribution which is eligible for an Infrastructure Offset under this document;
  - (ii) must give the Council a Notice which states the claimant's calculation of the pre-market estimate, which will include, as applicable;
    - A. a copy of the tender advertisement;
    - B. a copy of each tender received;
    - C. the claimant's preferred tenderer;
    - D. the claimant's reason for the preferred tenderer;
    - E. a copy of the proposed Work Contract issued by the claimant's preferred tenderer;
    - F. detailed plans and specifications showing the extent of the Work Contribution eligible for an Infrastructure Offset;
    - G. the claimant's calculation of the cost providing a Works Contribution to which an Infrastructure Offset applies;
    - H. the total of the claimant's calculation of the Pre-Market Estimate.
  - (iii) If the Council agrees with the applicant's Pre-Market Estimate, it becomes the establishment cost of the infrastructure.
  
- (d) If the Council does not agree with the applicant's Pre-Market Estimate, the Council will provide its own alternative Pre-Market Estimate to the applicant. If the applicant agrees with the Council's alternative Pre-Market Estimate, it becomes the establishment cost of the infrastructure.
  
- (e) If agreement cannot be reached on the Pre-Market Estimate, an independent assessor is to be appointed by agreement between the

Council and the applicant to determine the estimate. The cost of this independent assessment is to be equally shared between the local authority and the applicant and the amended cost estimate determined by the independent assessor becomes the establishment cost of the infrastructure.

However, if the Council and the applicant cannot reach agreement on the appointment of an independent assessor, the establishment cost of the infrastructure is determined by calculating the average of the previous two cost estimates prepared on behalf of the applicant and the Council respectively.

- (2) Where a notice is given by an applicant under s. 657 of SPA requesting a recalculation of the establishment cost for the trunk infrastructure that is land, the recalculated amount shall be the value estimated for the land based on the pre-approved and pre-developed state of the land as follows:
- a) The applicant, at their own cost, must provide to the Council a valuation of the specified land undertaken by a certified practicing valuer. If the Council accepts the valuation, the valuation is the establishment cost of the infrastructure.
  - (b) If the Council does not agree with the applicant's valuation, the Council will provide its own alternative valuation to the applicant. If the applicant agrees with the Council's alternative Pre-Market Estimate, it becomes the establishment cost of the infrastructure.
  - (c) If agreement cannot be reached on the valuation, an independent assessor is to be appointed by agreement between the Council and the applicant to determine the estimate. The cost of this independent assessment is to be equally shared between the local authority and the applicant and the amended valuation estimate determined by the independent assessor becomes the establishment cost of the infrastructure.

However, if the Council and the applicant cannot reach agreement on the appointment of an independent assessor, the establishment cost of the infrastructure is determined by calculating the average of the previous two valuation estimates prepared on behalf of the applicant and the Council respectively.

## **12. Refund of an unused infrastructure offset**

### **12.1 Purpose**

Section 12 states the Council's policy for a refund of an unused infrastructure offset for provision of trunk infrastructure.

## **12.2 Application of section**

Section 12 applies where:

- (a) the development to which the trunk infrastructure relates has been lawfully completed;
- (b) the trunk infrastructure is planned under this document to service the development of other premises and has been completed and handed over to Council;
- (c) the amount of the value of an infrastructure offset has not been fully offset against a levied infrastructure charge to which the trunk infrastructure relates.

## **12.3 Payment of a refund**

- (1) A refund will be paid by Council (as applicable) to the applicant in accordance with the following:
  - (a) the refund will not exceed the value of the unused infrastructure offset and is not subject to indexation;
  - (b) The amounts and timing of refund payments will be made as follows:
    - (i) for refund amounts up to \$150,000, the payment will occur in the December quarter in the financial year following completion of the works and handover of the trunk infrastructure to Council; and
    - (ii) for remaining refund balance amounts over \$150,000 up to \$500,000 the payment will occur in the December quarter in the second financial year following completion of the works and handover of the trunk infrastructure to Council; and
    - (iii) for any remaining refund balance amounts over \$500,000, the payment will occur in the December quarter in the third financial year following completion of the works and handover of the trunk infrastructure to Council.

## **13. CONVERSION APPLICATIONS**

### **13.1 Purpose**

Section 13 states the Council's criteria for consideration and assessment of applications to convert non-trunk infrastructure to trunk infrastructure.

### **13.2 Application of section**

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

### **13.3 Conversion application process**

- (1) An applicant may apply to the local government to convert non-trunk infrastructure to trunk infrastructure.
- (2) The application must be made in writing using the prescribed form (the conversion application).
- (3) The local government must, within the required period (see section 660 (6) of SPA), decide the conversion application having regard to the criteria for deciding the application stated in section 13.6.
- (4) At any time before deciding the conversion application, the local government may give a notice to the applicant requiring the applicant to give information that the local government reasonably needs to make the decision (see section 660(4) of the SPA for notice requirements).

### **13.4 Notice of decision**

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

### **13.5 Effect of conversion application decision**

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

### **13.6 Criteria for deciding a conversion application**

- (1) Each of the following criteria must be met for non-trunk infrastructure to be converted to trunk infrastructure :
  - (a) the infrastructure services development that is-
    - (i) consistent with the assumptions about the type, scale, location or timing of future development stated in the LGIP; and
    - (ii) for premises completely inside the PIA.

- (b) construction of the infrastructure has not yet started
  - (c) the infrastructure is inconsistent with the requirements for non-trunk infrastructure stated in section 665 of the SPA
  - (d) the infrastructure is owned or will be owned by the local government
  - (e) the infrastructure is not temporary infrastructure
  - (f) the infrastructure will be used by other development
  - (g) the type, capacity and function of the infrastructure is:
    - (i) consistent with the trunk infrastructure identified in the local government's LGIP *and the examples of trunk infrastructure identified for a network in Table 13.1*
    - (ii) *inconsistent with the examples of non-trunk infrastructure identified for a network in Table 13.1*
  - (h) the type, size and location of the infrastructure is the most cost effective option for servicing multiple developments in the area.
  - (i) the infrastructure could have been planned by the local government 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 urban development in the area at the desired standard of service.

**Table 13.1 – Examples of trunk infrastructure and non-trunk infrastructure for Council's networks**

Infrastructure network	Examples of trunk infrastructure	Examples of non-trunk infrastructure
<b>Stormwater</b>	Land and/or works for: <ul style="list-style-type: none"> <li>• the following stormwater infrastructure items which service a minimum of 300 residential lots or equivalent demand:                             <ul style="list-style-type: none"> <li>○ Bio-retention swale</li> <li>○ Channel</li> <li>○ Culvert</li> <li>○ Pipe</li> <li>○ Revegetation</li> <li>○ Stormwater quality devices</li> <li>○ Retention basin / wetland</li> <li>○ Detention basin</li> </ul> </li> </ul>	Land and/or works for: <ul style="list-style-type: none"> <li>• Privately owned stormwater infrastructure (e.g. dams, retention basins on private property)</li> <li>• bulk stormwater infrastructure owned by state or state entity</li> <li>• the following stormwater infrastructure items which service less than 300 residential lots or equivalent demand:                             <ul style="list-style-type: none"> <li>○ Bio-retention swale</li> <li>○ Channel</li> <li>○ Culvert</li> <li>○ Pipe</li> <li>○ Revegetation</li> <li>○ Stormwater quality devices</li> <li>○ Retention basin / wetland</li> <li>○ Detention basin</li> </ul> </li> </ul>

Infrastructure network	Examples of trunk infrastructure	Examples of non-trunk infrastructure
<b>Transport</b>	Land and/or works for: <ul style="list-style-type: none"> <li>• the following local government roads, including associated intersections, roundabouts, bridges and culverts:                             <ul style="list-style-type: none"> <li>○ arterial roads</li> <li>○ sub-arterial roads</li> <li>○ district collector roads in urban areas having a capacity equal to or greater than 16,000 vpd and servicing a minimum of 300 residential lots or equivalent demand</li> <li>○ district collector roads in non-urban areas having a capacity equal to or greater than 1,000 vpd and servicing a minimum of 100 residential lots or equivalent demand</li> </ul> </li> <li>• standard items associated with the road profile of a local government road specified above, including kerb and channelling, lighting, signage, traffic lights, foot and cycle paths and basic verge plantings</li> <li>• pedestrian and cycle paths which perform a shire wide or district function</li> <li>• bus stops constructed as part of a local government road specified above</li> </ul>	Land and/or works for: <ul style="list-style-type: none"> <li>• State controlled roads</li> <li>• the following local government roads, including associated intersections, roundabouts, bridges and culverts:                             <ul style="list-style-type: none"> <li>○ access streets</li> <li>○ access roads</li> <li>○ minor collector roads.</li> </ul> </li> <li>• standard items associated with the road profile of a local government road specified above including kerb and channelling, lighting, signage, traffic lights, foot and cycle paths and basic verge plantings</li> <li>• bus stops constructed as part of a local government road specified above.</li> <li>• streetscaping</li> <li>• local area traffic management</li> <li>• pedestrian and cycle paths which perform a local neighbourhood function</li> </ul>
<b>Public parks and land for community facilities</b>	Land and/or works that ensure the land is suitable for: <ul style="list-style-type: none"> <li>• the following public parks and land for community facilities which service a minimum of 300 residential lots or equivalent demand:                             <ul style="list-style-type: none"> <li>○ local recreation park</li> <li>○ district recreation park</li> <li>○ shire wide recreation park</li> <li>○ district sporting park</li> <li>○ shire wide sporting park</li> <li>○ local land for community facilities for the purpose of community halls or centres, public recreation centres and public libraries</li> </ul> </li> <li>• Embellishments necessary to make the above specified public parks safe and useable including:                             <ul style="list-style-type: none"> <li>○ footpaths and cycle paths</li> <li>○ shade structures</li> <li>○ picnic &amp; play facilities</li> </ul> </li> </ul>	Land and/or works for: <ul style="list-style-type: none"> <li>• Privately owned parks</li> <li>• National parks</li> <li>• State forestry areas</li> <li>• Areas within local government owned parks that allow limited public access or do not perform a primary park function (e.g. bushland, waterways and environmental areas)</li> <li>• Any public park or land for community facility which services less than 300 residential lots or equivalent demand</li> </ul> Any embellishments for a trunk public park which are not specified as examples of trunk infrastructure.

For examples of trunk infrastructure and non-trunk infrastructure for the distributor-retailer's water supply and sewerage networks, refer to the distributor-retailer.

