

**Somerset Regional Council**  
**Charges Resolution (No.1) 2022**

**1.0 Introduction**

- 1.1 This is a charges resolution (“resolution”) made pursuant to section 113 of the *Planning Act 2016* (“PA”).
- 1.2 This resolution is attached to, but does not form part of, Somerset Regional Council’s planning schemes (the “planning schemes”) for the Somerset Region and the former Esk and Kilcoy Shires.
- 1.3 This resolution is structured as follows:

Section/ Attachment #	Name	Function
1.0	Introduction	Background, legal authorisation and timing, applicable areas and types of development that trigger charges calculation, definitions of relevant terms.
2.0	Adopted Charge	Details types of development that attract adopted charges, identifies adopted charges, and network apportionments.
3.0	Discounts	Identifies the discounts that will be taken into account in the calculation of a levied charge.
4.0	Calculation of the Levied Charge	Identifies method by which the levied charge will be calculated.
5.0	Payment Triggers	Identifies when a levied charge needs to be paid.
6.0	Automatic Increase Provision for Levied Charges	Identifies how a Levied Charge is to be increased to the date it is paid.
7.0	Conversion Applications	Identifies Council’s requirements for making a conversion application and the process of assessing and deciding the conversion application.
8.0	Offsets and Refunds for Trunk Infrastructure	Identifies method for determining the establishment cost of trunk infrastructure, the process for reconciling an offset or refund, and the timing of refunds.
9.0	Adopted Charges Reductions for Eligible Community Organisations	Identifies eligible community organisations that may be eligible for a reduction in levied charges and the process for calculating the reduction.
<b>Attachment 1</b>	Definitions of Trunk Infrastructure	Identifies definitions for trunk infrastructure networks used to assess conversion applications.
<b>Attachment 2</b>	Methodology for determining the Final Contract Value for Trunk Infrastructure Works	Outlines the default methodology for determining the establishment cost of trunk infrastructure works.
<b>Attachment 3</b>	Breakup Agreement	Outlines the charges breakup between Council and the Distributor-Retailer (Urban Utilities).

- 1.4 This resolution seeks to implement the requirements of the *Planning Act 2016*. The resolution has effect on and from **2 May 2022**.

- 1.5 This resolution adopts a charge (each an “adopted charge”) for particular development that is equal to or less than the maximum adopted charge prescribed within the *Planning Regulation 2017*. **Table 1(A), 1(B) and 1(C)** identify the relationship between the planning scheme use types and classes of development to which the adopted charges apply.
- 1.6 This resolution covers all of the local government area.
- 1.7 The Priority infrastructure area (“PIA”) identifies the areas which are prioritised to accommodate urban growth up to 2026 to ensure the efficient delivery of infrastructure, and is identified in the Local government infrastructure plan.
- 1.8 Trunk infrastructure items for the transport, public parks and community lands, and stormwater networks are identified in the Local government infrastructure plan and are described in Attachment 1.

The desired standards of service, plans for trunk infrastructure, and establishment costs of trunk infrastructure for the transport, public parks and community lands, and stormwater networks are identified within the Local government infrastructure plan.

- 1.9 Under the *Planning Act 2016*, an adopted charge may be levied for the trunk infrastructure that is planned to serve the premises on which development is undertaken.

The types of development that may trigger the levying of an adopted charge under this charges resolution are –

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

- 1.10 Interpretation

In this resolution:

**adopted charge** means the charge to be applied for the purpose of calculating the levied charge as stated in section 2.0. (Adopted charge).

**bedroom** for purposes of determining the charge for Accommodation (short term) and Accommodation (long term) is that part of a room containing a bed (regardless of its size), e.g. a room containing only one bed is a “bedroom” while a dormitory containing 4 separate beds is regarded as 4 “bedrooms”.

In making a determination that an Accommodation (short term) or Accommodation (long term) building falls within the category of a “1 or 2 bedroom dwelling”, the building must contain no more than 2 beds (regardless of their size) and each such building is taken to constitute a “dwelling” (Somerset Region Planning Scheme) or “dwelling unit” (Esk Shire Planning Scheme 2005 and Kilcoy Shire Council Planning Scheme 2006) for purposes of determining the applicable charge for the facility.

**court area** means the area of premises where the leisure, sport or recreation activity is conducted and excludes the area of the premises not used for conducting the leisure, sport or recreation activity, such as areas for spectators, office or administration, amenities or food and beverages.

**discount** means the assessed demand for an existing use right prior to the development application to be applied within the calculation an adopted infrastructure charge which acknowledges the existing usage of the trunk infrastructure networks by the premises and reduces the charges accordingly as stated in section 3.0 (Discounts).

**distributor-retailer** means the Central SEQ Distributor-retailer Authority, trading as Urban Utilities.

**dwelling** for purposes of determining the adopted charge for residential development has the meaning given to that term in the Somerset Region Planning Scheme.

**dwelling unit** for purposes of determining the adopted charge for residential development has the meaning given to that term in the respective Planning Schemes for the former Esk and Kilcoy Shires.

**gross floor area** (GFA) for purposes of determining Council's adopted charge has the meaning given to that term in the *Planning Regulation 2017*.

**impervious area** for the purposes of determining Council's adopted charge has the meaning given to that term in the *Queensland Urban Drainage Manual* (QUDM).

**infrastructure charges notice** see schedule 2 (Dictionary) of the *Planning Act 2016*.

**lawful use** see schedule 2 (Dictionary) of the *Planning Act 2016*.

**levied charge** means the charge levied on an applicant through an infrastructure charges notice in accordance with section 119 of the *Planning Act 2016*, worked out by applying the provisions of this Charges Resolution.

**Local government infrastructure plan (LGIP)** means Part 4 and Schedule 3 of the Somerset Region Planning Scheme.

**maximum adopted charge** see schedule 2 (Dictionary) of the *Planning Act 2016*.

**offsets** relate to works and land contributions concerning trunk infrastructure that is deemed to be eligible for off-set against adopted charges.

**planning scheme** means the Somerset Region Planning Scheme and the former Esk and Kilcoy Shire Council Planning Schemes.

**producer price index (PPI)** means 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.

**3-yearly PPI index average** is defined in section 114 of the *Planning Act 2016* and means the PPI adjusted according to the 3-year moving average quarterly percentage change between financial quarters.

**schedule of works** means the schedule of works for existing and future trunk infrastructure as identified in Local government infrastructure plan.

**suite** means a single room or a set of connecting rooms that can operate as a single occupancy or single tenancy.

**urban footprint** has the meaning given to SEQ Urban Footprint as defined in the *Planning Regulation 2017*.

<b>Table 1(A) Former Esk Shire Planning scheme use types to which adopted charges apply</b>	
<b>Planning scheme use types</b>	<b>Classes of development to which adopted charges apply</b>
House, Multiple Dwelling, (unit, duplex, apartment), Caretaker's Residence	Residential
Hotel (residential components), Motel, Caravan Park, Host Home Accommodation	Accommodation (Short term)
Caravan Park, Multiple Dwelling (retirement village, nursing home, aged care accommodation, hostel)	Accommodation (Long term)
Community Facilities (Church)	Places of Assembly
Commercial Premises (showrooms, produce stores, retail warehouses), Plant Nursery, Warehouse	Commercial (Bulk goods)
Commercial Premises (shops, restaurants, take away food premises, kiosk), Service Station	Commercial (Retail)
Commercial Premises (offices)	Commercial (Office)
Community Facilities (education uses)	Educational Facility
Hotel (non residential component), Indoor Entertainment (entertainment facilities)	Entertainment
Indoor Entertainment (sporting facilities)	Indoor Sport and Recreation
Low & Medium Impact Industries, Transport Depot	Other Industry
High Impact Industry	High Impact Industry
Agriculture, Animal Husbandry, Forestry, Stable	Low Impact Rural
Aquaculture, Intensive Animal Husbandry, Cattery, Kennel	High Impact Rural
Commercial Premises (veterinary establishments), Community Facilities (hospital, ambulance, fire brigade, police stations & emergency services)	Essential Services
Extractive Industry, Outdoor Entertainment, Rural Industry, Utilities-local, Utilities- public	Specialised uses
Home Based Business, Advertising Sign, Relatives Apartment	Minor uses

<b>Table 1(B) Former Kilcoy Shire</b>	
<b>Planning scheme use types to which adopted charges apply</b>	
<b>Planning scheme use types</b>	<b>Classes of development to which adopted charges apply</b>
Caretaker's Residence, Dwelling House, Residential Premises (accommodation unit, apartment, duplex, dwelling house, multiple dwelling house, townhouse)	Residential
Residential Premises (Motel, Commercial Facilities (hotel residential component), Holiday Cabin Development, Host Premises	Accommodation (Short term)
Caravan Park, Residential Premises (hostel, boarding house)	Accommodation (Long term)
Commercial Facilities (Licensed Club, Reception Rooms), Community Activities (social, cultural, religious and community services)	Places of Assembly
Commercial Facilities (bulk store, warehouse, car hire premises, showroom), Plant Nursery	Commercial (Bulk goods)
Commercial Facilities (laundry, markets, shop, shopping centre, supermarket) Local Store, Refreshment Premises, Service Station	Commercial (Retail)
Commercial Facilities (office)	Commercial (Office)
Community Activities (educational services), Child Care Centre	Educational Facility
Commercial Facilities (hotel), Indoor Entertainment	Entertainment
Recreational Use (indoor)	Indoor Sport and Recreation
Low Impact Industry, Medium Impact Industry, Service Industry	Other Industry
High Impact Industry	High Impact Industry
Agriculture, Animal Husbandry, Stable	Low Impact Rural
Intensive Rural Use, Cattery, Kennel	High Impact Rural
Commercial Facilities (medical centre), Community Activities (hospital, ambulance, fire brigade, police stations and emergency services and the like), Public Utility, Veterinary Premises	Essential Services
Extractive Industry, Tourist Attraction, Recreational Use (outdoor), Rural Industry	Specialised uses
Home Business, Relatives Apartment	Minor uses

<b>Table 1(C) Somerset Region</b>	
<b>Planning scheme use types to which adopted charges apply</b>	
<b>Planning scheme use types</b>	<b>Classes of development to which adopted charges apply</b>
Caretaker's accommodation, Dual occupancy, Dwelling house, Dwelling unit, Multiple dwelling	Residential
Hotel (accommodation components), Nature based tourism (accommodation components), Party house, Resort complex (accommodation components), Short-term accommodation, Tourist park	Accommodation (Short term)
Community residence, Relocatable home park, Retirement facility, Rooming accommodation	Accommodation (Long term)
Club, Community use, Function facility, Funeral parlour, Place of worship	Places of Assembly
Agricultural supplies store, Bulk landscape supplies, Garden centre, Hardware and trade supplies, Outdoor sales, Showroom	Commercial (Bulk goods)
Adult store, Car wash, Food and drink outlet, Service industry, Service station, Shop, Shopping centre	Commercial (Retail)
Office, Sales office	Commercial (Office)
Childcare centre, Community care centre, Educational establishment	Educational Facility
Bar, Brothel, Hotel (other than accommodation component), Nightclub entertainment facility, Resort complex (other than accommodation component), Theatre	Entertainment
Indoor sport and recreation	Indoor Sport and Recreation
Low impact industry, Marine industry, Medium impact industry, Research and technology industry, Rural industry, Transport depot, Warehouse	Other Industry
High impact industry, Special industry	High Impact Industry
Animal husbandry, Cropping, Permanent plantation, Wind farm	Low Impact Rural
Animal keeping (for a cattery or kennel), Aquaculture, Intensive animal industry, Intensive horticulture, Wholesale nursery, Winery	High Impact Rural
Detention facility, Emergency services, Health care services, Hospital, Residential care facility, Substation, Veterinary services	Essential Services

<p>Air services, Animal keeping (other than for cattery or kennel), Crematorium, Environment facility, Extractive industry, Major electricity infrastructure, Major sport, recreation and entertainment facility, Motorsport facility, Nature based tourism (other than accommodation component), Non-resident workers accommodation, Outdoor sport and recreation, Outstation, Parking station, Port service, Renewable energy facility, Rural workers accommodation, Tourist attraction, Utility installation</p>	<p>Specialised uses</p>
<p>Cemetery, Home based business, Landing, Market, Park, Roadside stall, Telecommunications facility, Temporary use</p>	<p>Minor uses</p>

## 2.0 Adopted Charge

- 2.1 **Table 2** identifies Council's adopted charges for stormwater, public parks and community land, and transport networks for each of the types of development that may trigger the levying of an adopted charge under this charges resolution.
- 2.2 The distributor-retailer may levy adopted charges for the water supply and sewerage networks under the distributor-retailer's Netserv Plan. The proportional allocation of the maximum adopted charges under the *Planning Regulation 2017* between Council and the distributor-retailer (the charges break-up) is specified in Attachment 3.
- 2.3 Reconfiguring a lot
- 2.3.1 For the purpose of determining a charge for Reconfiguring a Lot, each lot within a Town Zone (Residential Precinct), Town Zone (Park Residential Precinct), Village Zone, Park Residential Zone, Residential Zone, General Residential Zone, General Residential Zone (Park Residential Precinct), Township Zone, Rural Residential Zone, and each lot approved for residential purposes in an Emerging Community Zone or Rural Zone (other than a lot which is intended to be transferred to Council, the distributor-retailer, or the Crown for community purposes), is taken to be equivalent to residential development for a 3 or more bedroom dwelling.
- 2.4 Secondary dwelling
- 2.4.1 Development that is for a secondary dwelling will not be levied an adopted charge.
- 2.5 Specialised and undefined uses
- 2.5.1 Upon receiving a development application for a specialised use or an undefined use, Council will determine the most appropriate equivalent use charging category from **Table 1(A), 1(B), and 1(C)** to apply to the development to calculate the adopted charge in accordance with **Table 2**.
- 2.6 Stormwater network
- 2.6.1 An adopted charge for the stormwater network will only apply to land within the Urban Footprint.
- 2.7 Public parks and community land network
- 2.7.1 An adopted charge for the public parks and community land network will not apply to land within the Remainder of shire public parks and community land catchment (PPCL6) as shown on the Local government infrastructure plan maps.



**Table 2: Adopted Charge**

<b>Development for which an adopted infrastructure charge may apply</b>	<b>Maximum adopted charges as identified in the <i>Planning Regulation 2017</i> (Schedule 16)</b>	<b>Local government adopted infrastructure charges for stormwater network</b>	<b>Local government adopted infrastructure charges for public parks and community land</b>	<b>Local government adopted infrastructure charges for transport network</b>	<b>Part of Local Government Area applicable</b>
<b>Residential uses 3 or more bedroom dwelling</b>	\$30,677.65 for each dwelling with 3 or more bedrooms	\$4,205.00 per dwelling or dwelling unit	\$6,348.00 per dwelling or dwelling unit	\$4,445.00 per dwelling or dwelling unit	Where within the urban footprint of Fernvale, Kilcoy, and Lowood
		\$2,227.00 per dwelling or dwelling unit	\$3,362.00 per dwelling or dwelling unit	\$2,354.00 per dwelling or dwelling unit	Where not within the urban footprint of Fernvale, Kilcoy, and Lowood
<b>Residential uses 2 or less bedroom dwelling</b>	\$21,912.60 for each dwelling with 2 or less bedrooms	\$3,364.00 per dwelling or dwelling unit	\$5,079.00 per dwelling or dwelling unit	\$3,556.00 per dwelling or dwelling unit	Where within the urban footprint of Fernvale, Kilcoy, and Lowood
		\$2,227.00 per dwelling or dwelling unit	\$3,362.00 per dwelling or dwelling unit	\$2,354.00 per dwelling or dwelling unit	Where not within the urban footprint of Fernvale, Kilcoy, and Lowood
<b>Accommodation (short term) Tourist park</b>	If the tourist park has tent or caravan sites – (a) \$10,956.25 for each group of 2 sites or less (b) \$15,338.75 for each group of 3 sites	\$221.00 per site	N/A	\$777.00 per site	Across entire Somerset Region

Development for which an adopted infrastructure charge may apply	Maximum adopted charges as identified in the <i>Planning Regulation 2017</i> (Schedule 16)	Local government adopted infrastructure charges for stormwater network	Local government adopted infrastructure charges for public parks and community land	Local government adopted infrastructure charges for transport network	Part of Local Government Area applicable
	If the tourist park has cabins – (a) \$10,956.25 for each cabin with 2 or less bedrooms (b) \$15,338.75 for each cabin with 3 or more bedrooms	\$221.00 per cabin	N/A	\$777.00 per site	Across entire Somerset Region
<b>Accommodation (short term) bedroom that is not part of a suite.</b>	\$10,956.25 for each bedroom that is not part of a suite	\$221.00 per bedroom	N/A	\$777.00 per bedroom	Across entire Somerset Region
<b>Accommodation (short term) suite with 2 or less bedrooms</b>	\$10,956.25 for each suite with 2 or less bedrooms	\$221.00 per dwelling or dwelling unit, hotel suite/motel suite, tent/caravan site /cabin in a caravan park	N/A	\$777.00 per dwelling or dwelling unit, hotel suite/motel suite, tent/caravan site /cabin in a caravan park	Across entire Somerset Region
<b>Accommodation (short-term) suite with 3 or more bedrooms</b>	\$15,338.75 for each suite with 3 or more bedrooms	\$221.00 per dwelling or dwelling unit, hotel suite/motel suite, tent/caravan site/cabin in a caravan park	N/A	\$777.00 per dwelling or dwelling unit, hotel suite/motel suite, tent/caravan site/cabin in a caravan park	Across entire Somerset Region

Development for which an adopted infrastructure charge may apply	Maximum adopted charges as identified in the <i>Planning Regulation 2017</i> (Schedule 16)	Local government adopted infrastructure charges for stormwater network	Local government adopted infrastructure charges for public parks and community land	Local government adopted infrastructure charges for transport network	Part of Local Government Area applicable
<b>Accommodation (long term) Relocatable Home Park for a dwelling site with 2 or less bedrooms</b>	\$21,912.60 for each relocatable dwelling site for 2 or less bedrooms	\$3,364.00 per dwelling site	\$5,079.00 per dwelling site	\$3,556.00 per dwelling site	Where within the urban footprint of Fernvale, Kilcoy, and Lowood
		\$2,227.00 per dwelling site	\$3,362.00 per dwelling site	\$2,354.00 per dwelling site	Where not within the urban footprint of Fernvale, Kilcoy, and Lowood
<b>Accommodation (long term) Relocatable Home Park for a dwelling site with 3 or more bedrooms</b>	\$30,677.65 for each relocatable dwelling site for 3 or more bedrooms	\$4,205.00 per dwelling site	\$6,348.00 per dwelling site	\$4,445.00 per dwelling site	Where within the urban footprint of Fernvale, Kilcoy, and Lowood
		\$2,227.00 per dwelling site	\$3,362.00 per dwelling site	\$2,354.00 per dwelling site	Where not within the urban footprint of Fernvale, Kilcoy, and Lowood
<b>Accommodation (long term) bedroom that is not part of a suite.</b>	\$21,912.60 for each bedroom that is not part of a suite	\$221.00 per bedroom	\$2,354.00 per bedroom	\$2,354.00 per bedroom	Across entire Somerset Region

Development for which an adopted infrastructure charge may apply	Maximum adopted charges as identified in the <i>Planning Regulation 2017</i> (Schedule 16)	Local government adopted infrastructure charges for stormwater network	Local government adopted infrastructure charges for public parks and community land	Local government adopted infrastructure charges for transport network	Part of Local Government Area applicable
<b>Accommodation (long term) suite with 2 or less bedrooms</b>	\$21,912.60 for each suite with 2 or less bedrooms	\$221.00 per dwelling or dwelling unit or suite in a community residence/ residential care facility/retirement facility/rooming accommodation, or site/cabin in a caravan park	\$2,354.00 per dwelling or dwelling unit or suite in a community residence /residential care facility/retirement facility/rooming accommodation, or site/cabin in a caravan park	\$2,354.00 per dwelling or dwelling unit or suite in a community residence/ residential care facility/retirement facility/rooming accommodation, or site/cabin in a caravan park	Across entire Somerset Region
<b>Accommodation (long-term) suite with 3 or more bedrooms</b>	\$30,677.65 for each suite with 3 or more bedrooms	\$221.00 per dwelling or dwelling unit or suite in a community residence/ residential care facility/retirement facility/rooming accommodation, or site/cabin in a caravan park	\$2,354.00 per dwelling or dwelling unit or suite in a community residence/ residential care facility/retirement facility/rooming accommodation, or site/cabin in a caravan park	\$2,354.00 per dwelling or dwelling unit or suite in a community residence/ residential care facility/retirement facility/rooming accommodation, or site/cabin in a caravan park	Across entire Somerset Region
<b>Places of Assembly</b>	\$76.75 per m <sup>2</sup> of GFA plus \$10.95 per impervious m <sup>2</sup> for stormwater	\$10.95 per impervious m <sup>2</sup>	N/A	\$40.00 per m <sup>2</sup> of GFA	Across entire Somerset Region

Development for which an adopted infrastructure charge may apply	Maximum adopted charges as identified in the <i>Planning Regulation 2017</i> (Schedule 16)	Local government adopted infrastructure charges for stormwater network	Local government adopted infrastructure charges for public parks and community land	Local government adopted infrastructure charges for transport network	Part of Local Government Area applicable
<b>Commercial (Bulk goods)</b>	\$153.40 per m <sup>2</sup> of GFA plus \$10.95 per impervious m <sup>2</sup> for stormwater	\$10.95 per impervious m <sup>2</sup>	N/A	\$50.00 per m <sup>2</sup> of GFA	Across entire Somerset Region
<b>Commercial (Retail)</b>	\$197.20 per m <sup>2</sup> of GFA plus \$10.95 per impervious m <sup>2</sup> for stormwater	\$10.95 per impervious m <sup>2</sup>	N/A	\$50.00 per m <sup>2</sup> of GFA	Across entire Somerset Region
<b>Commercial (Office)</b>	\$153.40 per m <sup>2</sup> of GFA plus \$10.95 per impervious m <sup>2</sup> for stormwater	\$10.95 per impervious m <sup>2</sup>	N/A	\$12.20 per m <sup>2</sup> of GFA	Across entire Somerset Region
<b>Educational Facility</b>	\$153.40 per m <sup>2</sup> of GFA plus \$10.95 per impervious m <sup>2</sup> for stormwater	\$10.95 per impervious m <sup>2</sup>	N/A	\$50.00 per m <sup>2</sup> of GFA	Across entire Somerset Region
<b>Entertainment</b>	\$219.10 per m <sup>2</sup> of GFA, other than areas for providing accommodation, plus \$10.95 per impervious m <sup>2</sup> for stormwater	\$10.95 per impervious m <sup>2</sup>	N/A	\$50.00 per m <sup>2</sup> of GFA	Across entire Somerset Region

Development for which an adopted infrastructure charge may apply	Maximum adopted charges as identified in the <i>Planning Regulation 2017</i> (Schedule 16)	Local government adopted infrastructure charges for stormwater network	Local government adopted infrastructure charges for public parks and community land	Local government adopted infrastructure charges for transport network	Part of Local Government Area applicable
<b>Indoor Sport and Recreation</b>	\$219.10 per m <sup>2</sup> of GFA (other than court areas), \$21.85 per m <sup>2</sup> of GFA (that is a court area), plus \$10.95 per impervious m <sup>2</sup> for stormwater	\$10.95 per impervious m <sup>2</sup>	N/A	\$27.40 per m <sup>2</sup> of GFA, court areas at \$16.30 per m <sup>2</sup> of GFA	Across entire Somerset Region
<b>Other Industry</b>	\$54.80 per m <sup>2</sup> of GFA plus \$10.95 per impervious m <sup>2</sup> for stormwater	\$10.95 per impervious m <sup>2</sup>	N/A	\$16.60 per m <sup>2</sup> of GFA	Across entire Somerset Region
<b>High Impact Industry</b>	\$76.75 per m <sup>2</sup> of GFA plus \$10.95 per impervious m <sup>2</sup> for stormwater	\$10.95 per impervious m <sup>2</sup>	N/A	\$16.60 per m <sup>2</sup> of GFA	Across entire Somerset Region
<b>Low Impact Rural</b>	Nil Charge	N/A	N/A	N/A	Across entire Somerset Region
<b>High Impact Rural</b>	\$21.85 per m <sup>2</sup> of GFA	N/A	N/A	\$7.50 per m <sup>2</sup> of GFA	Across entire Somerset Region
<b>Essential Services</b>	\$153.40 per m <sup>2</sup> of GFA plus \$10.95 per impervious m <sup>2</sup> for stormwater	\$10.95 impervious m <sup>2</sup>	N/A	\$12.20 per m <sup>2</sup> of GFA	Across entire Somerset Region

Development for which an adopted infrastructure charge may apply	Maximum adopted charges as identified in the <i>Planning Regulation 2017</i> (Schedule 16)	Local government adopted infrastructure charges for stormwater network	Local government adopted infrastructure charges for public parks and community land	Local government adopted infrastructure charges for transport network	Part of Local Government Area applicable
<b>Specialised Uses</b>	The prescribed amount for another similar that the local government decides to apply to the use	The prescribed amount for another similar that the local government decides to apply to the use	The prescribed amount for another similar that the local government decides to apply to the use	The prescribed amount for another similar that the local government decides to apply to the use	Across entire Somerset Region
<b>Minor Uses</b>	Nil Charge	N/A	N/A	N/A	Across entire Somerset Region

### 3.0 Discounts

- 3.1 In accordance with section 120 of the *Planning Act 2016*, a levied charge may be only for additional demand placed upon trunk infrastructure that will be generated by the development. Council has set out the discounts that may be applied for charges calculated in **Table 2**, based on the higher value of:
- (a) Where an adopted charge has been paid for the development of the premises, the adopted charge paid; or
  - (b) Where the premises is subject to an existing lawful use or a past existing lawful use for which evidence can be provided, the adopted charge based on the existing or past existing lawful use of the premises on which the development is to be carried out; or
  - (c) For residential lots, where no premises have been lawfully constructed or vacant land exists, the adopted charge for each of the lots to which the development relates (to the equivalent of the charge for a 3 or more bedroom dwelling); or
  - (d) Where an infrastructure contribution was provided for the development of the premises under previous infrastructure charging policies, the charge paid at the time of payment subject to indexation<sup>1</sup> and evidence of payment made.
- 3.2 Discounts in Section 3.1 (a) – (c) will be calculated in the same manner in which the relevant demand and charge is calculated under Section 4.0. To avoid doubt, Council is only charging for the additional demand caused by the proposed development.
- 3.3 A discount calculated under Section 3.1 and Section 3.2 will not be higher than the required adopted charge. To avoid doubt, surplus discounts, if any, will not be refunded.
- 3.4 Despite Section 3.3, Council may in its absolute discretion, enter into an infrastructure agreement to attach any surplus discounts to the land and these discounts may be offset against any future required infrastructure charge.
- 3.5 Any discount calculated in accordance with Section 3.1 – 3.4 is to be allocated to the trunk infrastructure network to which the discount was accrued, unless otherwise determined under a separate infrastructure agreement between Council and the applicant.
- 3.6 No discount will be applied in those instances where the right to establish the use has been secured but the use has not been established, or the existing use does not actually place a demand on the network for which credit is sought. The only exception to this is in relation to residential lots on which no dwelling unit has been constructed. In such exceptional cases, a demand credit equivalent to a three bedroom dwelling for each lot that is proposed to be further developed will be allowed as in accordance with Section 3.1(c).

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<sup>1</sup> To be calculated by indexing the infrastructure contributions previously paid based on the difference between the Producer Price Index (PPI) applicable at the time the infrastructure contribution was paid, and the PPI Index applicable at the time this resolution took effect, adjusted by reference to the 3-yearly PPI Index average.



#### 4.0 Calculation of the Levied Charge

4.1 The following steps identify the process to calculate the levied charge for a development application:

**Step 1** Determine the definition of the proposed development based upon the translation of Planning Scheme land use types – refer to **Table 1(A), 1(B)** and **1(C)**.

**Step 2** Determine the development demand unit (e.g. m<sup>2</sup> GFA) and associated charge rate (i.e. \$/ demand unit) that may be levied for the proposed development – refer to **Table 2**.

Should the area within which the site is located not be serviced, or is not planned to be serviced by a particular network(s) then such separate components of the charge shall be deducted from the total adopted charge payable.

**Step 3** Determine any existing discount amount for each trunk infrastructure network currently servicing the premises as stated in Section 3.0

**Step 4** Calculate the charge to be levied by subtracting the applicable discount amount from the proposed development charge amount for each trunk infrastructure network (in monetary value).

4.2 A development proposal that includes more than one use (mixed use development) may involve uses or development with different assessable demands under Table 2. The following rules will apply to the calculation of the demand and associated charge for a mixed use development:

- (a) if more than one use is proposed to occur in any given area the subject of the approval, the levied charge will be the sum of the individual charge for each use calculated in accordance with Table 2; and
- (b) if an approved development includes an area which is common to two or more uses identified in Table 2, the assessable demand for the common area will be based on the use or development with the highest charge amount.

4.3 If an adopted charge is intended to be levied pursuant to a building works approval and the building may be used for more than one use under Table 2, the levied charge will be the sum of the individual adopted charge for each use calculated in accordance with Table 2.

4.4 Where an adopted charge is levied on a building works approval extra care must be taken to ensure discounts are properly considered and that only the unanticipated impacts of the use are reasonably captured by the charge.

## 5.0 Payment Triggers

This section states when a levied charge is to be paid.

5.1 A levied charge is payable at the following time:

- (a) if the charge applies to reconfiguring a lot– when the local government approves the plan of subdivision for the reconfiguration;
- (b) if the charge applies to a material change of use – when the change happens;
- (c) if the charge applied to building work – when at the time specified for the giving of the following:
  - i. a final inspection certificate for a single detached class 1a building or a class 10 building or structure;
  - ii. a certificate of occupancy for a building or structure of another class;
- (d) if paragraphs (a), (b) and (c) do not apply, on the day stated in the infrastructure charges notice.

## 6.0 Automatic increase provision for levied charges

6.1 A levied charge is to be increased by the difference between the producer price index (PPI) applicable at the time the charge was levied, and the producer price index applicable at the time of payment of the levied charge<sup>2</sup>, adjusted by reference to the 3-yearly PPI Index Average<sup>3</sup>.

6.2 The amount of the levied charge increase in accordance with section 6.1 is not to exceed the maximum adopted charge the Council could have levied for the development at the time the charge is paid.

6.3 If the levied charge is increased in accordance with sections 6.1 and 6.2, the levied charge payable is the amount equal to the sum of the charge as levied and the amount of the increase.

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<sup>2</sup> To be clear, the charge to be paid is the greater of the charge as levied by Council and the levied charge indexed using the Producer Price Index (adjusted by reference to the 3-yearly PPI Index Average) for the period starting on the day the charge is levied and ending on the day the charge is paid.

<sup>3</sup> 3-yearly PPI index average is defined in section 114 of the *Planning Act 2016* and means the PPI index smoothed in accordance with the 3-year moving average quarterly percentage change between quarters. PPI Index is 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.

## 7.0 Conversion Applications

### 7.1 Purpose

7.1.1 This section applies where:

- a) A condition of a development approval under section 145 of PA requires non-trunk infrastructure to be provided; and
- b) The construction of the non-trunk infrastructure has not started; and
- c) The applicant for the development approval is seeking to apply to Council to convert the non-trunk infrastructure to trunk infrastructure (a conversion application).

7.1.2 Council's requirements for making an application and the process of assessing and deciding the conversion application is identified below.

### 7.2 Process for making a conversion application

7.2.1 A conversion application must:

- a) be in writing;
- b) be accompanied by the completed Council prescribed form for conversion applications (if applicable);
- c) relate to non-trunk infrastructure conditioned under section 145 of PA;
- d) be lodged with Council before construction of the relevant non-trunk infrastructure commences;
- e) be accompanied by supporting information including:
  - (i) Details of the relevant development approval including application number, property address and real property description;
  - (ii) The applicant's contact details;
  - (iii) The relevant condition(s) for non-trunk infrastructure imposed to which the conversion application relates;
  - (iv) A written statement that construction of the infrastructure had not commenced prior to the making of the conversion application;
  - (v) A description of the circumstances giving rise to the conversion application including supporting commentary and rationale that addresses Council's trunk infrastructure criteria;
  - (vi) Other relevant supporting information where available including:
    - Engineering estimates of works;
    - Preliminary design plans;
    - Network servicing analysis.
    - Details of special considerations (e.g. geographical context).

### 7.3 Assessing and deciding a conversion application

7.3.1 The process of assessing and deciding a conversion application is as follows:

- a) Council will assess the application having regard to its trunk infrastructure criteria (outlined below);
- b) Council must consider and decide the application within the required period being 30 business days after:
  - (i) Generally – the making of the application; or
  - (ii) If an information requirement is made – the requirement is complied with.
- c) Before making its decision, Council may give notice to the applicant requiring additional information for making the decision.
- d) The notice must detail:
  - (i) The information required;
  - (ii) A period of at least 10 business days for giving the information;
  - (iii) That the application will lapse if the applicant does not comply with the notice within the specified period, or any later period as agreed between Council and the applicant within the specified period.
- e) Council must, as soon as practicable after deciding the conversion application, give the applicant notice of its decision.
- f) If the decision is to convert the non-trunk infrastructure to trunk infrastructure, the notice

- must state whether an offset or refund applies and if so, the details of an offset or refund.
- g) If the decision is to not convert the non-trunk infrastructure to trunk infrastructure, the notice must be an information notice that states:
    - (i) The decision and the reasons for it;
    - (ii) That its recipient may appeal against the decision; and
    - (iii) How the recipient may appeal.

#### 7.4 Effect of conversion

- 7.4.1 If Council's decision is to convert the non-trunk infrastructure to trunk infrastructure:
  - a) the condition of the relevant development approval requiring non-trunk infrastructure to be provided no longer has effect;
  - b) Council may, within 20 business days after making the decision, amend the development approval by imposing a necessary infrastructure condition for the trunk infrastructure; and
  - c) if the necessary infrastructure condition is imposed, Council will, within 10 business days after imposing the condition, give an infrastructure charges notice or amend, by notice to the applicant, any existing infrastructure charges notice for the development approval for the purposes of determining offset or refund requirements.

#### 7.5 Trunk infrastructure criteria

- 7.5.1 The identified trunk infrastructure criteria for deciding whether or not to convert non-trunk infrastructure to trunk infrastructure are the following:
  - 1. The infrastructure is consistent with Council's Desired Standards of Service (DSS); and
  - 2. The infrastructure is identified in Council's plans for trunk infrastructure and schedule of works but is required in a different geographical location; or
  - 3. The infrastructure is consistent with Council's **Definitions of trunk infrastructure** identified in Attachment 1; or
  - 4. For infrastructure that is not consistent with Council's definitions of trunk infrastructure, the infrastructure is consistent with all of the following **trunk infrastructure principles**:
    - a) Facilitates development of other premises by enabling increased development or overcoming deficiencies in service through its provision; and
    - b) Reduces or eliminates unnecessary and interim staged infrastructure; and
    - c) Provides a critical shared link between multiple development sites and the defined and mapped trunk network; and
    - d) Would have been identified as 'trunk' infrastructure had the ultimate demand and development pattern been known in more detail at the time of developing the infrastructure plan; and
    - e) The type, size and location of the infrastructure is the *most cost effective option* for servicing multiple users in the area. The most effective option means the least cost option based upon the life cycle cost of the infrastructure required to service existing and future development in the area at the desired standards of service.

## 8.0 Offsets and Refunds for Trunk Infrastructure

### 8.1 Application of an offset and refund

- 8.1.1 Unless otherwise provided for in an infrastructure agreement, this section applies where:
- a) a development application has been conditioned to provide necessary trunk infrastructure; or
  - b) non-trunk infrastructure has been converted to trunk infrastructure through a conversion application; and
  - c) an adopted charge applies to the development.
- 8.1.2 Where the establishment cost for the trunk infrastructure is equal to or less than the levied charge, the cost will be offset against the levied charges (an **offset**).
- 8.1.3 Where the establishment cost for the trunk infrastructure is more than the levied charge and the trunk infrastructure has been provided:
- a) there is no amount payable for the development approval; and
  - b) Council will provide a refund to the applicant for the difference between the establishment cost of the trunk infrastructure and the levied charge (a **refund**), in accordance with the provisions of this charges resolution.
- 8.1.4 The value, timing and reconciliation of payments may also be managed by an infrastructure agreement which may further specify or alter the provisions in this resolution including for staged development.

### 8.2 Determining the establishment cost of trunk infrastructure

- 8.2.1 The Infrastructure Charges Notice for a development approval may specify an establishment cost for trunk infrastructure that is the subject of a necessary trunk infrastructure condition.
- 8.2.2 The establishment cost in the Infrastructure Charges Notice is an indicative preliminary establishment cost only and will not be used as the basis for determining the value of an offset or refund unless agreed to under clause 8.2.6.
- 8.2.3 The establishment cost for trunk infrastructure works will be recalculated following detailed design and quantification of trunk infrastructure requirements to determine the Final Contract Value, in accordance with the processes outlined in Attachment2.
- 8.2.4 The establishment cost for trunk infrastructure that is land will be recalculated following confirmation of the land area to be dedicated based on the Council's nominal planned value of land identified in Table 3. The land value is to be indexed in line with the 3-yearly PPI Index Average, from the June 2014 to the date the levied charge becomes payable.
- 8.2.5 A final determination of whether a refund applies can only be made upon confirmation of the Final Contract Value and/or Land Value (as applicable).
- 8.2.6 Despite Clauses 8.2.3 to 8.2.5 Council, at its absolute discretion, may agree with the applicant to use an alternative establishment cost as the basis for determining the value of an offset or refund (**Agreed Value**). The agreed value may be specified in an ICN, Negotiated ICN, or Infrastructure Agreement.

**Table 3 – Land Values**

<b>Location</b>	<b>Land Value \$/m<sup>2</sup> (June 2014)</b>
Fernvale	\$63
Esk	\$38
Banks Creek	\$13
Lowood	\$63
Vernor	\$13
Toogoolawah	\$38
Coominya	\$13
Somerset Dam	\$38
Moore	\$13
Minden	\$13
Glamorgan Vale	\$13
Borallon	\$13
Wivenhoe Pocket	\$13
Colinton	\$13
Linville	\$13
Ottaba	\$13
Harlin	\$13
Woolmar	\$38
Kilcoy	\$38
Sheep Station Creek	\$38
Jimna	\$13
Winya	\$38

8.3 Reconciliation an offset or refund

8.3.1 An applicant entitled to an offset or refund for the trunk infrastructure contribution is to give to Council a notice in the prescribed form which states:

- a) The date the fully completed trunk infrastructure was accepted 'On Maintenance'; or
- b) The date Council accepted an Uncompleted Works Deed for uncompleted works.

8.3.2 Council will as soon as reasonably practicable after receiving a notice under section 8.3.1 confirm if the establishment cost is:

- a) For an offset, less than the levied charge; or
- b) For a refund, greater than the levied charge.

8.3.3 For the purposes of determining if an offset or refund applies, the levied charge is to be indexed from the date it was levied to date that the establishment cost was determined by Council, using the 3-yearly PPI Index average.

8.3.4 If an offset applies, Council is to set off the establishment cost against the levied charge when the levied charge stated in the infrastructure charges notice is payable.

8.3.5 If a refund applies, Council is to:

- a) determine the value of the refund by subtracting the levied charge<sup>4</sup> from the establishment cost; and

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<sup>4</sup> Indexed from the date it was levied to date that the establishment cost of the trunk infrastructure was confirmed by Council using the 3-yearly PPI Index average.

- b) give the refund to the applicant.

- 8.3.6 Council has adopted a policy position in relation to the form of the refund to be given to the applicant. Council's policy position is that the refund will be provided as either an:
- a) Infrastructure demand credit, in the first instance and where agreed to with the applicant; or
  - b) Cash payment refund.

#### 8.4 Infrastructure demand credits

- 8.4.1 In the first instance, Council will seek to provide a refund in the form of an Infrastructure demand credit through written agreement with the applicant. The following methods for assigning the demand credits will be applied in order of preference:

- a) Where future stages are to be developed under the approval and the future stages will be subject to a levied charge; the refund is to be held as a demand credit on the land that is the subject of the future stages of development;
- b) Where (a) does not apply, and the applicant or related entities of the applicant hold development approvals over other land in the Local Government Area that will be subject to a levied charge, the refund is to be held as a credit against the parcels of land the subject of the development approval(s);
- c) Where (a) or (b) do not apply and the applicant or related entities of the applicant:
  - (i) have development applications currently being assessed by Council in the Local Government Area that, if approved, would be subject to a levied charge; and
  - (ii) is the current owner of the land;

the refund is to be held as a credit against the land that is the subject of the development applications upon the application(s) being approved.

- 8.4.2 Demand credits are determined by dividing the monetary value of the refund by the total adopted charge rate for a 3-bedroom dwelling (for applicable networks only) in the charge area in which the demand credits are to be assigned. The value of one demand credit is the total adopted charge (for applicable networks) for a 3-bedroom dwelling in the charge area in which the credit is assigned.

Example:

- A refund of \$100,000 has been calculated for an approved development in the Esk Township.
- The refund is to be held on the land to be used in future stages of the same development.
- The adopted charge for a 3-bedroom dwelling in the Esk Township is \$5,085 (for Council networks).
- The demand credit is 19.6 3-bedroom dwellings equivalent in the Esk Township ( $\$100,000 / \$5,085$ ) for Council networks.

- 8.4.3 Claiming Demand Credit – The demand credits calculated in 8.4.2 are to be multiplied by the current adopted charge rate for a 3-bedroom dwelling in the charge area in which the demand credit was assigned. This amount can be used to reduce the amount of the levied charge that is payable for other development that is subject to the agreement.

#### 8.5 Timing of refund

- 8.5.1 Where infrastructure demand credits do not apply, a cash payment refund will be paid in accordance with the following payment triggers:

- a) for a refund which is an amount that is \$150,000 or less – the refund may be given by 30 June in the financial year following the date the trunk infrastructure contribution was completed;
- b) for a refund which is an amount that is more than \$150,000 but not more than \$300,000 – the refund may be given in installments by 30 June of each financial year

for up to 3 years following the date the trunk infrastructure contribution was completed;

- c) for a refund which is more than \$300,000 – the refund may be given in installments by 30 June of each financial year for up to 5 years following the date the trunk infrastructure contribution was completed.

8.5.2 Where the refund or part of the refund is not given in the same financial year that it was calculated, the refund or part of the refund provided in the subsequent financial year(s) is to be indexed to the time that it is refunded in accordance with the 3-yearly PPI Index average.

## 8.6 Infrastructure Agreements

8.6.1 Council, at its absolute discretion, may enter into an Infrastructure Agreement where alternatives to the above processes are being sought by an applicant or to address other matters including (but not limited to):

- the method for determining the establishment cost of trunk infrastructure;
- the required charges or trunk infrastructure to be contributed for each component or hierarchy of the network;
- the timing of payment of levied charges;
- the nature and timing of offsets and refunds;
- the nature of any security to be lodged and the details of the use and release of such security;
- details of the trunk infrastructure to be provided and the provision program;
- details of the responsible entity for the funding, design and construction of the trunk infrastructure including land acquisition (if applicable);
- Limited novation, assignment and rescission provisions to allow an alternate party to construct the same trunk infrastructure detailed in the agreement;
- Provisions for unforeseen delays and redundancy provisions where a development approval and trunk infrastructure construction activities are held in abeyance;
- Any other details considered appropriate by the Council.



## 9.0 Adopted Charges Reductions for Eligible Community Organisations

### 9.1 What are eligible community organisations

9.1.1 The following community organisations are eligible community organisations:

- (a) a charitable organisation which is a charitable not-for-profit organisation registered with the Australian Charities and Not-for-profits Commission or Fair Trading Queensland and uses a volunteer or paid workforce;

*Examples of a charitable organisation – Meals on Wheels, Australian Red Cross*

- (b) a community-based organisation which is an incorporated not-for-profit association that relies primarily on membership fees, fundraising activities, volunteer labour and government grants;

*Examples of a community-based organisation—welfare organisations, cultural organisations, indigenous organisations, environmental organisations, rescue organisations, scouts and guides, youth organisations, senior citizens clubs, public halls and men’s sheds which may have a restricted liquor or gaming licence.*

- (c) a sporting or recreation organisation which is an incorporated not-for-profit association that:
  - (i) is constituted to undertake a community-based sporting or recreation activity;
  - (ii) primarily relies on membership fees, games fees, fundraising activities and government grants;
  - (iii) depends mainly on unpaid volunteer labour; and
  - (iv) may have a restricted liquor or gaming licence;

*Examples of a sporting or recreation organisation—Junior and senior sports clubs*

- (d) a religious organisation which is recognised by the Australian Tax Office as being eligible for a charity tax concession;
- (e) a school which is recognised by the Queensland Department of Education and Training including a parents and citizens association associated with the school;
- (f) another not-for-profit organisation approved by the local government which:
  - (i) provides a service to the community; and
  - (ii) does not normally have an income stream or is otherwise able to demonstrate its status as non-profit through an external source such as the Australian Taxation Office.

### 9.2 Eligibility criteria

9.2.1 A charges reduction is available to eligible community organisations for developments that meet the following criteria:

- (a) There is no profit or gain by individual members of the group;
- (b) The organisations’ constitution or governing documents prevent it from distributing profits or assets for the benefit of particular persons, both while it is operating and on winding up;
- (c) Profits can still be incurred, but are used to carry out the purpose of the organisation or group;
- (d) The organisation makes a vital contribution to the wider Somerset Region, through the provision of community programs and services;
- (e) The applicant is the owner or approved user (with owner consent) of the premises that are the subject of the application.

9.2.2 A charges reduction is only available for the transport, public parks and community land, and stormwater networks.

9.3 Amount of reduction

9.3.1 The amount of the eligible community organisation charges reduction is as follows:

<b>Purpose of development</b>	<b>Reduction</b>
Construct new or extended community service, sporting, or recreation facilities (including sport/recreation amenities), but not including any liquor or gaming spaces	100%
Construct new or extended educational or religious facilities	50%
Construct new or extended facilities for the consumption of liquor or gaming	30%

9.4 Timing of charges reduction

9.4.1 A charges reduction will be calculated prior to the giving of the infrastructure charges notice.

9.4.2 An approved reduction to the levied charge is to apply at the time the payment of the levied charge is required.

**Attachment 1 – Definitions of Trunk Infrastructure**

Network	System	Items
Stormwater management	Quantity	<ul style="list-style-type: none"> <li>- Natural waterways</li> <li>- Overland flow paths/channels (natural and constructed)</li> <li>- Piped drainage (including pipes, culverts, manholes, inlets and outlets) Exclude items that have been included in the road network.</li> <li>- Detention and retention facilities</li> </ul> <p>Trunk infrastructure excludes development infrastructure internal to a development or to connect a development to the external infrastructure network.</p>
	Quality	<ul style="list-style-type: none"> <li>- Stormwater Quality Infrastructure Devices (SQIDs)</li> <li>- Gross Pollutant Traps (GPTs)</li> <li>- Wetlands</li> <li>- Riparian corridors</li> <li>- Bio-retention facilities</li> <li>- Bank stabilisation, erosion protection and revegetation</li> </ul> <p>Trunk infrastructure excludes development infrastructure internal to a development or to connect a development to the external infrastructure network.</p>
Transport	Local government and state controlled roads (separately identified)	<ul style="list-style-type: none"> <li>- Arterial, sub-arterial and major collector roads</li> <li>- State controlled roads</li> <li>- Associated intersections, traffic lights, lighting, bridges, culverts, kerb and channel, local road drainage, pedestrian footpaths and cycleways (within the road reserve), on road cycleways, and basic revegetation on trunk roads.</li> </ul> <p>Trunk infrastructure excludes development infrastructure internal to a development or to connect a development to the external infrastructure network.</p>
Public parks and land for community facilities	Public parks	<ul style="list-style-type: none"> <li>- Land, works and embellishments for local, district and local government-wide parks for formal and informal recreation and sporting purposes.</li> </ul>
	Other community facilities	<ul style="list-style-type: none"> <li>- Land and basic works associated with the clearing of land and connection to services</li> </ul>

## Attachment 2 – Methodology for Determining Final Contract Value for Trunk Infrastructure Works

### 1. Notice of Design with Operational Works

- a) Upon lodgement of the development application for Operational Works, the applicant is to provide Council a formal Notice of Trunk Infrastructure Design (the **Notice of Design**), including a plan which clearly depicts the trunk infrastructure items that is the subject of the necessary trunk infrastructure condition. The plan may be in the same format as the operational works plan; however it must clearly distinguish the trunk infrastructure from any non-trunk infrastructure.

**Note:** The intent of the Notice of Design process is to attain early agreement as to the scope and nature of the trunk works generally described in the Development Approval.

- b) Council will assess the Notice of Design in conjunction with the Operation Works application and will advise the applicant if Council:
- (i) agrees; or
  - (ii) agrees with conditions, or
  - (iii) disagrees with the Applicant's Notice of Design.
- c) Once a Design Approval is given which forms part of the Operational Works Approval and Permit, the applicant may then seek to tender the construction of the trunk works.

### 2. Call for Tender Notification

- a) At the time that the applicant calls for public tenders for the trunk infrastructure works, a notice (a **Notice to Tender**) containing the following information is to be submitted to Council. :
- (i) Final detailed design documents;
  - (ii) A Bill of Quantities\* for the Trunk Works (no costs required) that matches the Trunk Works identified in the Operational Works Approval including the Notice of Design.
  - (iii) Notification of any prospective tenderers that the tender documents have been sent to specifically as part of the open public tender.
  - (iv) The criteria and process for tender assessment that the Applicant and the RPEQ will undergo.

**\*Note:** The bill of quantities should be presented as a 'separable portion' from the rest of the non-trunk (internal) development works, and in the same format it would be presented to tenderers as part of a tender process. Providing the information in this manner will ensure Council's assessment of the trunk infrastructure design, bill of quantities and costs is seamless and expedited.

### 3. Tender Assessment of Trunk Works

- a) In procuring the Trunk Works, the following costs can be included in the offset/refund value:
- (i) the cost of planning and designing the work;
  - (ii) the cost of survey and site investigation for the work;
  - (iii) the cost of relocation of services which are considered necessary to deliver the works in accordance with Council standards;
  - (iv) a cost (fixed or provisional) under a construction contract for the work;
  - (v) contract administration;
  - (vi) construction/engineering supervision;
  - (vii) a portable long service leave payment for a construction contract;
  - (viii) an insurance premium for the work;

- (ix) Council's inspection fee for the commencement and end of the maintenance period for the work;
  - (x) the cost of an approval for the work;
  - (xi) any variations agreed to by Council as a result of agreed site directions including the superintendent of works and the Council officer.
- b) The following is to be excluded from the offset/refund value of the trunk works:
- (i) the cost of carrying out temporary infrastructure;
  - (ii) the cost of carrying out non-trunk infrastructure;
  - (iii) the cost of the decommissioning, removal and rehabilitation of infrastructure identified in (i) and (ii) above;
  - (iv) the part of the trunk infrastructure contribution provided by Council or a person other than the person seeking the infrastructure offset;
  - (v) a cost to the extent that GST is payable and an input tax credit can be claimed for the work;
  - (vi) the cost of carrying out relocation or rehabilitation works for existing infrastructure not directly associated with the supply of trunk works.
- c) In procuring the trunk works, the applicant is to provide to Council a Notice (**Notice of Tender Assessment**) which identifies:
- (i) the tender process conducted;
  - (ii) the tenders received including separable portions and contract values for trunk works within the bill of quantities;
  - (iii) the applicant's preferred tenderer;
  - (iv) the applicant's reason(s) for the preferred tenderer in a tender evaluation report;
  - (v) the terms of the proposed work contract;
  - (vi) a plan for each infrastructure network clearly showing the extent of the works or land for which the infrastructure offset is sought.
- d) Within 10 business days of receiving a Notice of Tender Assessment, Council is to provide a Notice confirming the Contract Value, having regard to matters outlined in this section only.

#### 4. Reconciliation of Final Contract Value

A Reconciliation of Final Contract Value is to occur following lodgment of the earlier of:

- a) an application for 'On Maintenance' with Council for the Trunk Works; or
- b) Lodgment of an Uncompleted Works Bond.

If the Applicant has fully completed the Trunk Works and is seeking an 'On Maintenance' certificate from Council for the Trunk Works, the Applicant is to provide to Council a **Notice of Final Contract Value**. The Notice is to include the following:

- a) Copy of RPEQ Certificate(s) of Payment for each Progress Claim for the Trunk Works and any agreed variations;
- b) A reasonable amount of evidence to support any claimed and agreed variations (e.g. consultant reports, weigh bills, meeting minutes with Council officers, design details etc.)
- c) A consolidated Final Bill of Quantities in the same general format as was included in the Notice to Tender, but having regard for (a) and (b) above.

Within five (5) business days of Council's satisfaction that:

1. (a) and (b) above are consistent with the Design Approval and Notice of Tender Assessment; and
2. 'On Maintenance' being given by Council for the Trunk Works;

the Council is to confirm the Final Contract Value.

In certain circumstances, and at Council's full discretion, Council may accept a bond for Uncompleted Works prior to the Trunk Works being accepted as 'On Maintenance'. In this circumstance, the following will apply:

If the Applicant has **not** fully completed the Trunk Works and is seeking early Plan Sealing or compliance with Conditions from Council through the signing of an Uncompleted Works Deed, the Applicant is to provide a **Notice of Final Contract Value**. The Notice is to include the following:

- (a) Copy of an RPEQ Certificate of Payment for each Progress Claim for the Trunk Works and any agreed variations to the date of the calculation of remaining works for the purpose of the Uncompleted Works Bond;
- (b) A reasonable amount of evidence to support any claimed and agreed variations (e.g. consultant reports, weigh bills, meeting minutes with Council officers, design details etc.)
- (c) An RPEQ certified assessment in line with the quantities and costs of remaining works specified for the Trunk Works component in the Uncompleted Works Deed submitted to Council;
- (d) A consolidated Final Bill of Quantities in the same general format as was included in the Notice to Tender, but having regard for (a) and (b) above, and including the estimated amount in line with (c) above.

Within 5 business days of Council's satisfaction that:

- 1. (a) and (b) above are consistent with the Design Approval and Notice of Procurement;  
and
- 2. The acceptance of an Uncompleted Works Deed by Council for the Trunk Works;

the Council is to confirm the Final Contract Value.

**Attachment 3 – Breakup Agreement**

[Refer to attached Breakup Agreement between Council and the Distributor-retailer Authority (Urban Utilities)]

<b>RECEIVED</b>	
Somerset Regional Council	
- 5 SEP 2011	
DOC ID.	
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BOX NO.	R

Our ref: MC11/2562  
LG/11/2167

- 2 SEP 2011

Mr Robert Bain  
Chief Executive Officer  
Somerset Regional Council  
PO Box 117  
Esk QLD 4312

Dear Mr Bain

**Re: Agreement on the split of infrastructure charges**

Thank you for your letter of 15 June 2011.

I wish to confirm that the Department of Local Government and Planning has noted the agreement reached between Somerset Regional Council and Queensland Urban Utilities. As a result of the agreement, the default proportional split in the draft State planning regulatory provision released on 1 July 2011 does not apply to Somerset Regional Council and Queensland Urban Utilities.

If you require any further information, please contact Ms Natalie Wilde, Director, on 3239 6370 or by email at [natalie.wilde@dlgp.qld.gov.au](mailto:natalie.wilde@dlgp.qld.gov.au), who will be pleased to assist.

Yours sincerely



Jack Noye  
**Director-General**  
**Department of Local Government and Planning**





**Somerset**  
REGIONAL COUNCIL

15<sup>th</sup> June 2011

The Hon. Paul Lucas MP  
Department of Local Government & Planning  
PO Box 15009  
CITY EAST QLD 4002

Dear Sir

**Subject: Maximum Infrastructure Charges Framework – Water and Sewerage Infrastructure Standard Charge**  
**Our Ref: LAND USE AND PLANNING - PLANNING - Services Infrastructure - Doc Id. 567397**  
**Your Ref:**

I advise that Somerset Regional Council officers and Queensland Urban Utilities (QUU) have agreed to the infrastructure charges as per the attached table.

Council has not formerly adopted the charges, however they are aware of the negotiated amounts. It is intended that Council will adopt the infrastructure charges at the next Council meeting on 29<sup>th</sup> June 2011.

I trust this is sufficient for your purposes.

Yours sincerely

**Robert Bain**

**Chief Executive Officer**

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ABN 501 389 582 49

Council Chambers - 2 Redbank Street, Esk QLD 4312

Address all correspondence to - Chief Executive Officer, Somerset Regional Council, PO Box 117, Esk QLD 4312  
P 07 5424 4000 F 07 5424 4099 E mail@somerset.qld.gov.au W www.somerset.qld.gov.au

## Somerset - Proposed QUU Charges Under Standard Charge Regime

### Residential

Type of development (Dwelling)	2011/2012			2012/2013		
	Proposed QUU Component Charge Water	Proposed QUU Component Charge Sewerage	Proposed QUU Component Charge Total	Proposed QUU Component Charge Water	Proposed QUU Component Charge Sewerage	Proposed QUU Component Charge Total
3+ Bedroom Dwelling	1,800	8,200	10,000	1,800	10,450	12,250
1-2 Bedroom Dwelling	1,300	7,700	9,000	1,300	7,700	9,000

### Non-Residential - Accommodation

Type of development (Dwelling)	Proposed QUU Component Charge			Proposed QUU Component Charge		
	Water	Sewerage	Total	Water	Sewerage	Total
Short Term 3+ Bedroom Dwelling	900	4,100	5,000	900	5,225	6,125
Short Term 1-2 Bedroom Dwelling	650	3,850	4,500	650	3,850	4,500
Long Term 3+ Bedroom Dwelling	1,800	8,200	10,000	1,800	10,450	12,250
Long Term 1-2 Bedroom Dwelling	1,300	7,700	9,000	1,300	7,700	9,000

### Non-Residential - Other

Type of development (m2 GFA)	Proposed QUU Component Charge			Proposed QUU Component Charge		
	Water	Sewerage	Total	Water	Sewerage	Total
Assembly	4	21	25	4	21	25
Commercial (Bulk Goods)	9	54	63	9	54	63
Commercial (Retail)	9	54	63	9	54	63
Commercial (Office)	9	54	63	9	54	63
Education	9	54	63	9	54	63
Entertainment	9	54	63	9	54	63
Indoor Sport & Rec (non-court areas)	9	54	63	9	54	63
Indoor Sport & Rec (court areas)	1	4	5	1	4	5
Industry	4	21	25	4	21	25
High Impact Industry	6	34	40	6	34	40
Low Impact Rural	0	0	0	0	0	0
High Impact Rural	NA	NA	NA	NA	NA	NA
Essential Services	4	21	25	4	21	25
Specialist Uses	individual	individual	individual	individual	individual	individual
Minor Uses	0	0	0	0	0	0

Assumed no water or sewerage connection