

# Charges Resolution (No.2) 2015

## 1) Introduction

- a) This resolution is made under s.630 of the *Sustainable Planning Act 2009* (SPA).
- b) The resolution is attached to but does not form part of the North Burnett Regional Planning Scheme 2014.<sup>1</sup>
- c) Adopted charges pursuant to this resolution apply to the whole of the North Burnett local government area.

## 2) When resolution has effect

- a) An adopted charge under this resolution has effect on and from 6 October 2015.

## 3) Types of development that trigger a charge

- a) The types of development that may trigger the levying of an adopted charge under this charges resolution are—
  - i) Reconfiguring a lot; and
  - ii) Material change of use of premises.

## 4) Comparison of planning scheme use categories and SPRP (adopted charges) charge categories

- a) There is a slight discrepancy between the North Burnett Regional Council Planning Scheme use definitions that are based on QPP Version 3.1 and those used in the SPRP that are based on QPP Version 2.0.
- b) Where a discrepancy occurs the appropriate charge category will be determined by Council.

## 5) Priority infrastructure area

- a) The Priority Infrastructure Area (PIA) for the North Burnett Regional Council is identified in the North Burnett Regional Planning Scheme 2014.
- b) The maps are referenced in Part 4 of the scheme and are located in Schedule 3.

## 6) Trunk infrastructure

- a) Until a conforming local government infrastructure plan (LGIP) is adopted trunk infrastructure is identified in the Priority Infrastructure Plan (PIP) in the North Burnett Regional Planning Scheme 2014.<sup>2</sup>
- b) The plans for trunk infrastructure are referenced in Part 4 of the scheme and are located in Schedule 3.

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<sup>1</sup> Refer s. 634 of SPA.

<sup>2</sup> Pursuant to s. 982 of SPA the PIP is taken to be an LGIP.

## 7) Adopted charges

- a) Council resolves to adopt the charges mentioned in—
- i) Table 1 Column 3 for development for a use mentioned in Table 1 Column 2; and
  - ii) Table 2 Column 2 for development for reconfiguring a lot in the zone mentioned in Table 2 Column 1.
- b) In accordance with paragraph 1) above an adopted charge applies to the whole of the North Burnett local government area.

**Table 1 – Adopted charges for Material change of use**

Column 1 Adopted charge category	Column 2 Use	Column 3 Adopted charges	
		Adopted charges (excluding stormwater)	Adopted charges for stormwater network
<b>Residential</b>	<ul style="list-style-type: none"> <li>• Dwelling house</li> <li>• Caretaker's accommodation</li> <li>• Multiple dwelling</li> <li>• Dual occupancy</li> </ul>	\$4,200 per 1 or 2 bedroom dwelling or \$6,000 per 3 or more bedroom dwelling	N/A
<b>Accommodation (short term)</b>	<ul style="list-style-type: none"> <li>• Hotel</li> <li>• Short-term accommodation</li> <li>• Tourist park</li> </ul>	For a tent or caravan site in a tourist park: \$400 per tent/caravan site	N/A
		For a cabin in a tourist park or dwelling in short-term accommodation: \$2100 per cabin / dwelling	
		For a suite, whether self-contained or not in hotel or short-term accommodation: \$1050 per suite	
<b>Accommodation (long term)</b>	<ul style="list-style-type: none"> <li>• Community residence</li> <li>• Hostel</li> <li>• Relocatable home park</li> <li>• Retirement facility</li> </ul>	For a relocatable home park or a dwelling unit in a retirement facility: \$3150 per relocatable dwelling site / dwelling unit  For suites in a community residence, retirement facility or hostel: \$1050 per suite (with 1 or 2 bedrooms)	N/A

Column 1 Adopted charge category	Column 2 Use	Column 3 Adopted charges	
		Adopted charges (excluding stormwater)	Adopted charges for stormwater network
<b>Places of assembly</b>	<ul style="list-style-type: none"> <li>• Club</li> <li>• Community use</li> <li>• Function facility</li> <li>• Funeral parlour</li> <li>• Place of worship</li> </ul>	\$10.50 per m <sup>2</sup> of gross floor area (GFA) (max \$4500)	N/A
<b>Commercial (bulk goods)</b>	<ul style="list-style-type: none"> <li>• Agricultural supplies store</li> <li>• Bulk landscape supplies</li> <li>• Display yard</li> <li>• Garden centre</li> <li>• Hardware and trade supplies</li> <li>• Outdoor sales</li> <li>• Showroom</li> </ul>	\$21.00 per m <sup>2</sup> of GFA (max \$4500)	Nil
<b>Commercial (retail)</b>	<ul style="list-style-type: none"> <li>• Adult store</li> <li>• Food and drink outlet</li> <li>• Service industry</li> <li>• Service station</li> <li>• Shop</li> <li>• Shopping centre</li> </ul>	\$27.00 per m <sup>2</sup> of GFA (max \$4500)	Nil
<b>Commercial (office)</b>	<ul style="list-style-type: none"> <li>• Office</li> <li>• Sales office</li> </ul>	\$21.00 per m <sup>2</sup> of GFA (max \$4500)	Nil
<b>Education facility (excluding Flying Start facilities)</b>	<ul style="list-style-type: none"> <li>• Child care centre</li> <li>• Community care centre</li> <li>• Educational establishment</li> </ul>	\$21.00 per m <sup>2</sup> of GFA (max \$4500)	Nil
<b>Flying Start Education facility</b>	Educational establishment for the Flying Start for Queensland Children program	Nil Charge	
<b>Entertainment</b>	<ul style="list-style-type: none"> <li>• Hotel (non-residential component)</li> <li>• Nightclub</li> <li>• Theatre</li> </ul>	\$30.00 per m <sup>2</sup> of GFA (max \$4500)	N/A

Column 1 Adopted charge category	Column 2 Use	Column 3 Adopted charges	
		Adopted charges (excluding stormwater)	Adopted charges for stormwater network
<b>Indoor sport and recreational facility</b>	<ul style="list-style-type: none"> <li>• Indoor sport and recreation</li> </ul>	\$30.00 per m <sup>2</sup> of GFA court areas at \$3 per m <sup>2</sup> of GFA (max \$4500)	N/A
<b>Industry</b>	<ul style="list-style-type: none"> <li>• Low impact industry</li> <li>• Medium impact industry</li> <li>• Research and technology industry</li> <li>• Rural industry</li> <li>• Warehouse</li> </ul>	\$7.50 per m <sup>2</sup> of GFA (max \$4500)	N/A
<b>High impact industry</b>	<ul style="list-style-type: none"> <li>• High impact industry</li> <li>• Noxious and hazardous industries</li> </ul>	\$10.50 per m <sup>2</sup> of GFA (max \$4500)	N/A
<b>Low impact rural</b>	<ul style="list-style-type: none"> <li>• Animal husbandry</li> <li>• Cropping</li> <li>• Permanent plantations</li> <li>• Wind farms</li> </ul>	Nil charge	
<b>High impact rural</b>	<ul style="list-style-type: none"> <li>• Aquaculture</li> <li>• Intensive animal industries</li> <li>• Intensive horticulture</li> <li>• Wholesale nursery</li> <li>• Winery</li> </ul>	\$3.00 per m <sup>2</sup> of GFA (max \$4500)	N/A
<b>Essential services</b>	<ul style="list-style-type: none"> <li>• Detention facility</li> <li>• Emergency services</li> <li>• Health care services</li> <li>• Hospital</li> <li>• Residential care facility</li> <li>• Veterinary services</li> </ul>	\$21.00 per m <sup>2</sup> of GFA (max \$4500)	N/A

Column 1 Adopted charge category	Column 2 Use	Column 3 Adopted charges	
		Adopted charges (excluding stormwater)	Adopted charges for stormwater network
<b>Specialised uses</b>	<ul style="list-style-type: none"> <li>• Air services</li> <li>• Animal keeping</li> <li>• Extractive industry</li> <li>• Crematorium</li> <li>• Major sport, recreation and entertainment facility</li> <li>• Motor sport</li> <li>• Non-resident workforce accommodation</li> <li>• Outdoor sport and recreation</li> <li>• Parking station</li> <li>• Tourist attraction</li> <li>• Utility installation</li> </ul>	The adopted infrastructure charge is the charge (in Column 3) for the charge category (in Column 1) that the local government determines should apply for the use at the time of assessment.	
<b>Minor uses</b>	<ul style="list-style-type: none"> <li>• Cemetery</li> <li>• Home-based business</li> <li>• Landing</li> <li>• Market</li> <li>• Roadside stalls</li> <li>• Telecommunications facility</li> <li>• Temporary use</li> <li>• Park</li> </ul>	Nil charge	
<b>Other uses</b>	A use not otherwise listed in Column 2, including a use that is unknown because the development application does not specify a proposed use	The adopted charge is the charge (in Column 3) for the charge category (in Column 1) that the local government determines should apply for the use at the time of assessment.	

**Table 2 – Adopted charges for reconfiguring a lot**

<b>Column 1 ZONE</b>	<b>Column 2 ADOPTED CHARGE</b>
Centre	\$6000
Community facilities	Nil
General residential	\$6000
Industry	\$6000
Recreation and open space	Nil
Rural	\$1500
Rural residential	\$3000
Township	\$1500

**8) Calculation of adopted charges**

- a) The adopted charge for making a material change of use is—
  - i) the adopted charge stated in Table 1 – Adopted charges for Material change of use—
    - (1) minus credit for existing demand (see paragraph 9) below); and
    - (2) minus discount if applicable (see paragraph 10) below).
  
- b) The adopted charge for reconfiguring a lot is—
  - i) the adopted charge stated in Table 2 – Adopted charges for Reconfiguring a lot—
    - (1) minus credit for existing demand (see paragraph 9) below); and
    - (2) minus discount if applicable (see paragraph 10) below).

**9) Additional demand subject to charge**

- a) Section 636 of SPA provides that a levied charge may be only for additional demand placed upon trunk infrastructure. In working out additional demand the following are not included—
  - i) an existing use on the premises if the use is lawful and already taking place on the premises;
  - ii) a previous use that is no longer taking place on the premises if the use was lawful at the time it was carried out;
  - iii) other development on the premises if the development may be lawfully carried out without the need for a further development permit.
  
- b) A credit is given for the value of such existing demand.
  
- c) The credit for the premises is an amount which is the greater of the following—
  - i) where any of the circumstances in the list above applies the amount stated in Table 1 – Adopted charges for Material Change of Use or Table 2 – Adopted charges for Reconfiguring a lot; or
  - ii) the amount of a previous adopted charge paid for the development of the premises; or
  - iii) where an applicant can provide evidence of a previous financial contribution paid for trunk infrastructure for the premises, the amount of the financial contribution paid.

## 10)Discount

- a) Where the water supply network or sewerage network is not available to the proposed development, the adopted charge for the development is to be reduced by the relevant proportion of the adopted charge allocated to the water supply network or sewerage network as shown below in Tables 3 and 4.

**Table 3 – Proportion of adopted charge allocated to water supply and sewerage networks for Material change of use**

ADOPTED CHARGE CATEGORY	NETWORK	PROPORTION OF THE ADOPTED CHARGE
Residential Accommodation (short term)	Water supply	30%
	Sewerage	30%
Accommodation (long term)		
Places of Assembly (club and community use)		
Places of Assembly (excluding club and community use)	Water supply	30%
	Sewerage	40%
Commercial (Bulk goods)	Water supply	25%
	Sewerage	25%
Commercial (Retail) Commercial (Office)	Water supply	30%
	Sewerage	30%
Education Facility except an educational establishment for the Flying Start for Queensland Children program		
Educational establishment for the Flying Start for Queensland Children program		
Entertainment Indoor sport and recreation facility	Water supply	30%
	Sewerage	30%
Industry High impact industry	Water supply	30%
	Sewerage	20%
Low impact rural		
High impact rural	Water supply	20%
	Sewerage	20%
Essential services (excluding health care services and veterinary services)		
Essential services (health care services and veterinary services)	Water supply	30%
	Sewerage	30%
Specialised uses	Water supply	To be determined at the time of assessment
	Sewerage	
Minor uses		
Other uses	Water supply	To be determined at the time of assessment
	Sewerage	

**Table 4 – Proportion of adopted charge allocated to water supply and sewerage networks for Reconfiguring a lot**

<b>ZONE</b>	<b>NETWORK</b>	<b>PROPORTION OF THE ADOPTED CHARGE</b>
Centre General residential	Water supply	30%
	Sewerage	30%
Community facilities		
Industry	Water supply	30%
	Sewerage	20%
Recreation and open space		
Township	Water supply	40%

- b) None of the adopted charges applicable in the Rural and Rural residential zones are allocated to the water supply and sewerage networks therefore no discount is available.

*Note: Where the credit or credit and discount together exceeds the value of an adopted charge no refund is applicable and none will be paid.*

### **11) Time of payment**

- a) Sections 638 of SPA stipulates when an adopted charge is payable.
- b) Section 639 of SPA allows the recipient of an infrastructure charges notice and Council to agree on other payment options, or the provision of infrastructure instead of payment.

### **12) Trunk infrastructure**

- a) North Burnett Regional Council's PIP, Part 4 of the North Burnett Regional Planning Scheme 2014<sup>3</sup> identifies:
  - i) the trunk infrastructure for the local government area (Schedule 3 of the scheme contains the Plans for Trunk Infrastructure);
  - ii) the trunk infrastructure networks to which the adopted charge applies;
  - iii) the standard of service for each network.
- b) Until a complying LGIP is made if Council gives a development approval requiring an applicant to provide trunk infrastructure, for the purposes of working out an offset or refund it will calculate the establishment cost of the infrastructure on an as needs case by case basis.

### **13) Method for recalculating the establishment cost**

The method that will be used to recalculate the establishment cost when an application is made under section 657 of the SPA disputing the value of the establishment cost stated in the infrastructure charges notice is outlined below.

<sup>3</sup> Part 4 of the North Burnett Regional Planning Scheme 2014 is entitled "Priority Infrastructure Plan" (PIP). S.982 of SPA provides that a local government's PIP becomes its LGIP.

### **Trunk infrastructure that is works**

Trunk infrastructure that is works (trunk infrastructure other than land) must be costed using a first principles estimating approach. The first principles estimating approach must be implemented through the following procedural requirements.

- a) Council will provide to the applicant the scope of works including the standard to which the trunk infrastructure is to be provided and the location of the trunk infrastructure (the scope of works).
- b) The applicant must, at their cost, provide to Council—
  - i) a bill of quantities for the design, construction and commissioning of the trunk infrastructure in accordance with the scope of works (the bill of quantities).
  - ii) a first principles estimate for the cost of designing, constructing and commissioning the trunk infrastructure specified in the bill of quantities (the cost estimate).
- c) Council may or may not accept the bill of quantities and cost estimate provided by the applicant.
- d) If Council accepts the bill of quantities and the cost estimate, the cost estimate is the establishment cost of the infrastructure.
- e) If Council does not accept the bill of quantities and cost estimate provided by the applicant it will—
  - i) at its own cost, have an assessment undertaken by an appropriately qualified person to—
    - (1) determine whether the bill of quantities is in accordance with the scope of works;
    - (2) determine whether the cost estimate is consistent with current market costs calculated by applying a first principles estimating approach to the bill of quantities; and
    - (3) provide a new cost estimate using a first principles estimating approach.
  - ii) provide written notice to the applicant and propose the new bill of quantities and cost estimate and its reasons for doing so.
- f) Where a written notice of Council's proposed bill of quantities and cost estimate has been given the applicant may negotiate and agree with Council regarding a cost estimate and such agreed cost estimate is the establishment cost of the infrastructure.
- g) Where a written notice of Council's proposed bill of quantities and cost estimate has been given and agreement cannot be reached, Council will refer the bill of quantities and the cost estimate to an independent, suitably qualified person (the independent assessor) to—
  - i) assess whether the bill of quantities is in accordance with the scope of works;
  - ii) assess whether the cost estimate is consistent with current market costs calculated by applying a first principles estimating approach to the bill of quantities; and
  - iii) provide an amended cost estimate using a first principles estimating approach.

- h) The independent assessor is to be appointed by agreement between Council and the applicant. The cost of this independent assessment is to be equally shared between Council and the applicant.
- i) The amended cost estimate determined by the independent assessor is the establishment cost of the infrastructure.
- j) Where a written notice of Council's proposed bill of quantities and cost estimate has been given and 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 Council respectively.
- k) Council must give an amended ICN to the applicant stating—
  - i) the value of the establishment cost of the infrastructure which has been indexed to the date it is stated in the amended ICN using the Producer Price Index –Road and bridge construction index for Queensland.
  - ii) that the establishment cost of the infrastructure stated in the amended ICN is indexed from the date that it is stated in the amended ICN to the date it is to be offset against the levied charge in accordance with the Producer Price Index –Road and bridge construction index for Queensland.

#### **Trunk infrastructure that is land**

The establishment cost of trunk infrastructure that is land must be determined using the before and after method for estimating the current market value of land (the before and after method of valuation). The before and after method of valuation must be given effect through the following procedural requirements.

- a) The applicant, at their own cost, must provide to Council a valuation of the specified land undertaken by a certified practicing valuer using the before and after method of valuation (the valuation).
- b) Council may or may not accept the valuation.
- c) If Council accepts the valuation, the valuation is the establishment cost of the infrastructure.
- d) If Council does not accept the valuation provided by the applicant, it must, at its own cost, have a valuation undertaken by a certified practicing valuer.
- e) If Council rejected the valuation provided by the applicant, it must provide written notice to the applicant and propose a new valuation and its reasons for doing so.
- f) Where a written notice of Council's proposed valuation has been given, the applicant may negotiate and agree with Council regarding a valuation. The agreed valuation is the establishment cost of the infrastructure.
- g) If agreement cannot be reached, Council must have a valuation undertaken by an independent, certified practicing valuer to assess the market value of the specified land.

- h) The independent, certified practicing valuer is to be appointed by agreement between Council and the applicant. The cost of this independent assessment is to be equally shared between Council and the applicant.
- i) The amended valuation determined by the independent certified practicing valuer is the establishment cost of the infrastructure.
- j) If Council and the applicant cannot reach agreement on the appointment of an independent certified practicing valuer, 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 Council respectively.
- k) Council must give an amended ICN to the applicant stating—
  - i) the value of the establishment cost of the infrastructure which has been indexed to the date it is stated in the amended ICN using the Producer Price Index –Road and bridge construction index for Queensland.
  - ii) that the establishment cost of the infrastructure stated in the amended ICN is indexed from the date that it is stated in the amended ICN to the date it is to be offset against the levied charge in accordance with the Producer Price Index – Road and bridge construction index for Queensland.

#### **14) Conversion criteria**

Conversion criteria used for making a decision on a conversion application made under section 659 of the SPA is outlined below.

- a) For infrastructure to be considered trunk infrastructure, each of the following criteria must be met—
  - i) the infrastructure has capacity to service other developments in the area;
  - ii) the function and purpose of the infrastructure is consistent with other trunk infrastructure identified in an LGIP for the area;
  - iii) the infrastructure is not consistent with non-trunk infrastructure for which conditions may be imposed in accordance with section 665 of the SPA; and
  - iv) the type, size and location of the infrastructure is the most cost effective option for servicing multiple users in the area.
- b) For the purposes of this resolution—

***Most cost effective option*** –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.

#### **15) Dictionary**

Words and terms used in this resolution have the meaning given in SPA or the Queensland Planning Provisions version 3.1.