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**Brisbane City Council**

**Brisbane Adopted Infrastructure Charges  
Resolution  
(No. 3) 2013**



# **Brisbane City Council**

## **Brisbane Adopted Infrastructure Charges Resolution (No. 3)**

### **2013**

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# **Brisbane City Council**

## **Brisbane Adopted Infrastructure Charges Resolution (No. 3) 2013**

### **Part 1 Introduction**

#### **1. Preliminary**

##### **1.1 Short title**

The adopted infrastructure charges resolution may be cited as *Brisbane Adopted Infrastructure Charges Resolution (No. 3) 2013*.

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

- (1) The resolution is made pursuant to the *Sustainable Planning Act 2009*.<sup>1</sup>
- (2) The resolution is to be read in conjunction with the following:
  - (a) the infrastructure State planning regulatory provision;
  - (b) the planning scheme.
- (3) The resolution is attached to but does not form part of the planning scheme.

##### **1.3 Effect**

The resolution has effect on and from 1 July 2013.

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

The purpose of the resolution is to assist with the implementation of the planning scheme by stating the following:

- (a) an adopted infrastructure charge for the trunk infrastructure networks identified in the priority infrastructure plan;
- (b) other matters relevant to the adopted infrastructure charge.

##### **1.5 Structure of the resolution**

The resolution is structured in accordance with Table 1.1 (Structure of the resolution).

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<sup>1</sup> See section 648D(1) (Local government may decide matters about charges for infrastructure under State planning regulatory provision) and section 881(1) (Effect of local government resolution made before commencement of amending Act) of the *Sustainable Planning Act 2009*.

**Table 1.1 Structure of the resolution**

| <b>Column 1<br/>Reference</b> | <b>Column 2<br/>Description</b>                 | <b>Column 3<br/>Sustainable Planning<br/>Act 2009</b> |
|-------------------------------|---|---|
| Part 1, section 1             | Preliminary                                     | –   |
| Part 1, section 2             | Application of the resolution                   | section 648D(1)(a), (b) and (c)                       |
| Part 2, section 3             | Adopted infrastructure charge                   | section 648D(1)(a), (b) and (d)                       |
| Part 2, section 4             | Administration of adopted infrastructure charge | sections 648D, 648H and 648K                          |
| Part 2, section 5             | Allocation of adopted infrastructure charge     | section 648I  |
| Part 3, section 6             | Infrastructure offset                           | section 649   |
| Part 3, section 7             | Refund of an unused infrastructure offset       | section 649   |

## 1.6 Interpretation

(1) In this resolution:

***adopted charge*** means the charge to be applied for the purpose of calculating an adopted infrastructure charge as stated in section 3.3 (Adopted charge).

***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) can be used for sleeping such as a den, study, loft, media or home entertainment room, library, family or rumpus room or other similar space.

***claimant*** see section 6.3(1) (Claim for an infrastructure offset).

**consumer price index** means the all groups consumer price index for Brisbane published by the Australian Statistician.

**discount** 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 stated in section 3.4 (Discount).

**distributor-retailer** means the Central SEQ Distributor-Retailer Authority (trading as Queensland Urban Utilities).

**dwelling unit** means any part of a building used for residential accommodation of one household which is self-contained.

**establishment cost of the trunk infrastructure** means the amount in the schedule of works for future trunk infrastructure at the date the trunk infrastructure contribution took effect indexed by the consumer price index to the date of the notice given under section 6.3(1) (Claim for an infrastructure offset).

**gross floor area (GFA)**, for a building, means the total floor area of all storeys of the building, including any mezzanines, (measured from the outside of the external walls and the centre of any common walls of the building), other than areas used for—

- (a) building services; or
- (b) a ground floor public lobby; or
- (c) a public mall in a shopping complex; or
- (d) parking, loading or manoeuvring of vehicles; or
- (e) balconies, whether roofed or not.

**impervious area** means the area of the premises that is impervious to rainfall or overland flow that results in the discharge of stormwater from the premises.

**infrastructure offset** see section 6.3(1) (Claim for an infrastructure offset).

**infrastructure State planning regulatory provision** means the State planning regulatory provision (adopted charges) made under the *Sustainable Planning Act 2009*.

**land dedication notice** see section 6.2 (Application of section).

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

**maximum adopted charge** see schedule 3 (Dictionary) of the *Sustainable Planning Act 2009*.

**planned estimate** see section 6.4(2) (Calculation of an infrastructure offset).

**planning scheme** means the *Brisbane City Plan 2000*.

**pre-market estimate** see section 6.4(3) (Calculation of an infrastructure offset).

**prescribed approval** see section 6.2 (Application of section).

**prescribed financial contribution** see section 3.4(1) (Discount).

**prescribed form** means a form prescribed by the local government.

**priority infrastructure plan** means the *Brisbane Priority Infrastructure Plan 2011*.

**residential area** means the following areas under the planning scheme which are included within the residential area classification:

- (a) Low Density Residential Area;
- (b) Low-medium Density Residential Area;
- (c) Character Residential Area;
- (d) Medium Density Residential Area;
- (e) High Density Residential Area;
- (f) Emerging Community Area.

*schedule of works for future trunk infrastructure* means the schedule of works for future trunk infrastructure in the priority infrastructure plan.

*serviced premises* see section 7.2 (Application of section).

*trunk infrastructure contribution* see section 6.2 (Application of section).

*unused infrastructure offset* see section 7.2 (Application of section).

- (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 date the resolution takes effect.<sup>2</sup>

## **2. Application of the resolution**

### **2.1 Purpose**

Section 2 states the application of the resolution.

### **2.2 Application to the local government area**

The adopted infrastructure charge applies to the local government area other than for the following:

- (a) development in an urban development area or priority development area under the *Economic Development Act 2012*;
- (b) development under the *South Bank Corporation Act 1989*;
- (c) development of core port land under the *Transport Infrastructure Act 1994*;
- (d) development under the *Airports Act 1996*.

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<sup>2</sup> Section 14A(1) (Interpretation best achieving Act's purpose) of the *Acts Interpretation Act 1954* provides that in the interpretation of a provision of the Act the interpretation that will best achieve the purpose of the Act is to be preferred to any other interpretation.



## 2.3 Application to particular development

- (1) The development under the planning scheme as stated in column 2 of Table 2.1 (Development classes and particular development) is included within the development class stated in column 1 of Table 2.1 (Development classes and particular development).
- (2) The local government and the distributor-retailer are to allocate a development not otherwise stated in column 2 of Table 2.1 (Development classes and particular development) to an applicable development class based on an assessment of use and demand.

**Table 2.1 Development classes and particular development**

| Column 1<br>Development class      | Column 2<br>Development under the planning scheme   |
|------------------------------------|---|
| <b>Residential development</b>     |   |
| Residential                        | House, Single unit dwelling and Multi-unit dwelling.  |
| Accommodation (long term)          | Aged care accommodation, Caretaker's flat, Retirement village.  |
| Accommodation (short term)         | Camping ground, Caravan park, Hotel (residential component), Short term accommodation.  |
| <b>Non-residential development</b> |   |
| Places of assembly                 | Club, Community facilities, Convention centre, Youth club.  |
| Commercial (bulk goods)            | Display and sale activities, Garden centre.   |
| Commercial (office)                | Estate sales office, Office.  |
| Commercial (retail)                | Mixed use, Restaurant, Service station, Shop.   |
| Education facility                 | Child care facility, Education purposes.  |
| Entertainment                      | Cinema, Amusement Arcade, Hotel (non-residential component), Nightclub.   |
| Essential services                 | Emergency services, Health care purposes, Medical centre, Residential development for people with special needs, Veterinary facility. |
| High impact industry               | Industry identified in Schedule 1 or Schedule 2 of the Industry Area in Chapter 3 of City Plan 2000,                                  |

|  |  |
|--|--|
|  | Radioactive Industry.  |
| High impact rural                      | –  |
| Indoor sport and recreational facility | Sports Centre, Gymnasium, Snooker and Pool Centre, Athletics.  |
| Industry                               | Industry not identified in Schedule 1 or Schedule 2 of the Industry Area in Chapter 3 of City Plan 2000. Warehouse.  |
| Low impact rural                       | Farm, Riding school, Stable.   |
| Minor uses                             | Cemetery, Home business office.  |
| Specialised uses                       | Car wash, Carpark, Cattery, Crematorium, Kennels, Outdoor sport and recreation, Park, Radio or television station, Railway activities, Stable, Utility installation. |

#### **2.4 Application to trunk infrastructure networks**

The adopted infrastructure charge is to fund part of the establishment cost of the future trunk infrastructure in the schedule of works for future trunk infrastructure.

## Part 2                      Adopted infrastructure charge

### 3.        Adopted infrastructure charge

#### 3.1        Purpose

Section 3 states the calculation of the adopted infrastructure charge to be levied by the following:

- (a)        the local government under section 648F (Adopted infrastructure charges notices) of the *Sustainable Planning Act 2009* for the transport, community purposes and stormwater networks;
- (b)        the distributor-retailer under section 755KB (Funding trunk infrastructure—levying charge on and from standard charge day) of the *Sustainable Planning Act 2009* for the sewerage and water supply networks.

#### 3.2        Calculation of adopted infrastructure charge

- (1)        An adopted infrastructure charge is calculated as follows:

$$AIC = AC - D$$

Where:

AIC        is the adopted infrastructure charge that may be levied for development.

AC        is the adopted charge for the trunk infrastructure networks to service the development stated in section 3.3 (Adopted charge).

D        is the discount for the trunk infrastructure networks servicing the premises stated in section 3.4 (Discount).

- (2)        For the purpose of calculating the adopted infrastructure charge under subsection (1):

- (a)        where development is not to be connected to:
  - (i)        the sewerage network, the adopted infrastructure charge for the development is not to include an adopted charge for the sewerage network; and
  - (ii)       the water supply network, the adopted infrastructure charge for the development is not to include an adopted charge for the water supply network; and
- (b)        where the premises is not connected to:

- (i) the sewerage network, the adopted infrastructure charge for the development is not to include a discount for the sewerage network; and
- (ii) the water supply network, the adopted infrastructure charge for the development is not to include a discount for the water supply network.

### 3.3 Adopted charge

- (1) The adopted charge for reconfiguring a lot, is stated in Table 3.1 (Adopted charge for reconfiguring a lot), which comprises the following:
  - (a) the adopted charge for the sewerage network stated in column 1;
  - (b) the adopted charge for the water supply network stated in column 2;
  - (c) the adopted charge for the transport, community purposes and stormwater networks stated in column 3.

**Table 3.1 Adopted charge for reconfiguring a lot**

| Column 1<br>Adopted charge for<br>sewerage network<br>(\$ per lot) | Column 2<br>Adopted charge for<br>water supply network<br>(\$ per lot) | Column 3<br>Adopted charge for<br>transport, community<br>purposes and<br>stormwater networks (\$<br>per lot) |
|--|--|---|
| 9,380  | 4,620  | 13,000  |

- (2) The adopted charge for a material change of use or building work for:
  - (a) residential development, is stated in Table 3.2 (Adopted charge for residential development), which comprises the following:
    - (i) the adopted charge for the sewerage network stated in column 3;
    - (ii) the adopted charge for the water supply network stated in column 4;
    - (iii) the adopted charge for the transport, community purposes and stormwater networks stated in column 5; and
  - (b) non-residential development other than a specialised use, is stated in Table 3.3 (Adopted charge for non-residential development), which comprises the following:
    - (i) the adopted charge for the sewerage network stated in column 2;

- (ii) the adopted charge for the water supply network stated in column 3;
  - (iii) the adopted charge for the transport and community purposes networks stated in column 4;
  - (iv) the adopted charge for the stormwater infrastructure network stated in column 5; and
- (c) non-residential development being a specialised use or other development not otherwise identified in paragraphs (a) or (b), is to be determined by the local government and the distributor-retailer based on an assessment of use and demand.

**Table 3.2 Adopted charge for residential development**

| <b>Column 1<br/>Development class</b> | <b>Column 2<br/>Dwelling unit</b> | <b>Column 3<br/>Adopted charge for sewerage network (\$ per dwelling unit)</b> | <b>Column 4<br/>Adopted charge for water supply network (\$ per dwelling unit)</b> | <b>Column 5<br/>Adopted charge for transport, community purposes and stormwater networks (\$ per dwelling unit)</b> |
|---------------------------------------|-----------------------------------|--|--|---|
| Residential                           | 1 or 2 bedroom dwelling unit      | 6,700  | 3,300  | 9,000   |
|                                       | 3 or more bedroom dwelling unit   | 9,380  | 4,620  | 13,000  |
| Accommodation (short term)            | 1 or 2 bedroom dwelling unit      | 3,350  | 1,650  | 4,000   |
|                                       | 3 or more bedroom dwelling unit   | 4,690  | 2,310  | 6,000   |
| Accommodation (long term)             | 1 or 2 bedroom dwelling unit      | 6,700  | 3,300  | 8,000   |
|                                       | 3 or more bedroom dwelling unit   | 9,380  | 4,620  | 12,000  |

**Table 3.3 Adopted charge for non-residential development**

| <b>Column 1<br/>Development<br/>class</b>          | <b>Column 2<br/>Adopted<br/>charge for<br/>sewerage<br/>network<br/>(\$ per m<sup>2</sup> of<br/>GFA)</b> | <b>Column 3<br/>Adopted<br/>charge for<br/>water supply<br/>network<br/>(\$ per m<sup>2</sup> of<br/>GFA)</b> | <b>Column 4<br/>Adopted<br/>charge for<br/>transport and<br/>community<br/>purposes<br/>networks<br/>(\$ per m<sup>2</sup> of<br/>GFA)</b> | <b>Column 5<br/>Adopted charge<br/>for stormwater<br/>network<br/>(\$ per impervious<br/>area m<sup>2</sup>)</b> |
|--|---|---|--|--|
| Places of assembly                                 | 24  | 12  | 34   | 10   |
| Commercial (bulk goods)                            | 24  | 12  | 104  | 10   |
| Commercial (office)                                | 24  | 12  | 104  | 10   |
| Commercial (retail)                                | 24  | 12  | 144  | 10   |
| Education facility                                 | 24  | 12  | 104  | 10   |
| Entertainment                                      | 40  | 20  | 140  | 10   |
| Indoor sport and recreational facility             | 40  | 20  | 140  | 10   |
| Indoor sport and recreational facility court areas | 3   | 2   | 15   | 10   |
| Industry   | 24  | 12  | 14   | 10   |
| High impact industry                               | 27  | 13  | 30   | 10   |
| Low impact rural                                   | Nil charge  |   |  |  |
| High impact rural                                  | 7   | 3   | 10   | N/A  |
| Essential services                                 | 24  | 12  | 104  | 10   |
| Minor uses   | Nil charge  |   |  |  |

### 3.4 Discount

- (1) The discount for the premises is an amount which is the greater of the following:

- (a) the amount of the adopted infrastructure charge paid for the development of the premises;
  - (b) where the premises is not subject to an existing lawful use, the adopted charge for reconfiguring a lot for each existing lot within the premises;
  - (c) where the premises is subject to an existing lawful use, the adopted charge for the lawful use;
  - (d) the amount of a financial contribution paid under a planning scheme policy to the local government towards the cost of supplying infrastructure which is in respect of a trunk infrastructure network identified in the priority infrastructure plan (*prescribed financial contribution*) where prior to the time of payment of an adopted infrastructure charge:
    - (i) the person seeking a discount for the prescribed financial contribution gives a notice in the prescribed form to the local government which provides evidence of the prescribed financial contribution; and
    - (ii) the local government approves the discount for the prescribed financial contribution.
- (2) However the discount calculated in accordance with subsection (1) is not to exceed the adopted charge.
- (3) The discount calculated in accordance with subsection (1) is to be allocated to the trunk infrastructure networks as follows:
- (a) for a discount calculated in accordance with subsections (1)(a) to (c), the trunk infrastructure networks servicing the premises;
  - (b) for a discount calculated in accordance with subsection (1)(d), the trunk infrastructure networks to which the prescribed financial contribution relates.

## **4. Administration of adopted infrastructure charge**

### **4.1 Purpose**

Section 4 states how an adopted infrastructure charge levied by the local government is to be administered.

### **4.2 Development subject to adopted infrastructure charge**

The local government may levy an adopted 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.

#### **4.3 Subsidy for an adopted infrastructure charge**

The local government has not identified a subsidy for an adopted infrastructure charge for development.

#### **4.4 Time of payment of an adopted infrastructure charge**

An adopted infrastructure charge is payable at the following time:

- (a) if the charge applies to reconfiguring a lot that is assessable development or development requiring compliance assessment—before the local government approves the plan of subdivision for the reconfiguration;<sup>3</sup>
- (b) if the charge applies to a material change of use—before the change of use happens;<sup>4</sup>
- (c) if the charge applies to building work that is assessable development or development requiring compliance assessment—before 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 classification for a building or structure of another class;<sup>5</sup>
- (d) if paragraphs (a), (b) and (c) do not apply—on the day stated in the adopted infrastructure charges notice or negotiated adopted infrastructure charges notice.<sup>6</sup>

#### **4.5 Increasing an adopted infrastructure charge**

- (1) An adopted infrastructure charge levied by the local government is to be increased to the date it is paid by the consumer price index for the period starting on the day the adopted infrastructure charge is levied and ending on the day the adopted infrastructure charge is paid.

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<sup>3</sup> See section 648H(a) (When adopted infrastructure charges are payable) of the *Sustainable Planning Act 2009*

<sup>4</sup> See section 648H(c) (When adopted infrastructure charges are payable) of the *Sustainable Planning Act 2009*.

<sup>5</sup> See section 648H(b) (When adopted infrastructure charges are payable) of the *Sustainable Planning Act 2009*.

<sup>6</sup> See section 648H(d) (When adopted infrastructure charges are payable) of the *Sustainable Planning Act 2009*.



- (2) The amount of an adopted infrastructure charge increased in accordance with sub-section (1) is not to exceed the maximum adopted charge the local government could have levied for the development at the time the adopted infrastructure charge is paid.
- (3) If an adopted infrastructure charge is increased in accordance with sub-sections (1) and (2), the adopted infrastructure charge payable is the amount equal to the sum of the adopted infrastructure charge as levied and the amount of the increase.

#### 4.6 Alternatives to paying an adopted infrastructure charge

- (1) The local government may enter 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 adopted infrastructure charge.<sup>7</sup>
- (2) The local government may, for development infrastructure that is land, give a notice in addition to or instead of an adopted infrastructure charges notice requiring the land to be given to the local government in fee simple (*land dedication notice*).<sup>8</sup>

### 5. Allocation of adopted infrastructure charge

#### 5.1 Purpose

Section 5 states how the adopted infrastructure charge of the local government and distributor-retailer is to be allocated to a trunk infrastructure network for the purpose of determining an offset and refund.

#### 5.2 Allocation of adopted infrastructure charge for local government trunk infrastructure networks

The adopted infrastructure charge is to be allocated to a local government trunk infrastructure network as stated in Table 5.1 (Allocation of adopted infrastructure charge for local government trunk infrastructure networks).

**Table 5.1 Allocation of adopted infrastructure charge for local government trunk infrastructure networks**

| Column 1<br>Adopted charge | Column 2<br>Allocation of adopted infrastructure charge to trunk infrastructure networks (%) |                    |            |
|----------------------------|--|--------------------|------------|
|                            | Transport  | Community purposes | Stormwater |
|                            |  |                    |            |

<sup>7</sup> See section 648K (Agreements about, and alternatives to, paying an adopted infrastructure charge) of the *Sustainable Planning Act 2009*.

<sup>8</sup> See section 648K (Agreements about, and alternatives to, paying an adopted infrastructure charge) of the *Sustainable Planning Act 2009*.

|  |  |    |    |
|--|--|----|----|
| Adopted charge for reconfiguring a lot in a residential area stated in Table 3.1 (Adopted charge for reconfiguring a lot)                    | 40                                     | 40 | 20 |
| Adopted charge for reconfiguring a lot in an area other than a residential area stated in Table 3.1 (Adopted charge for reconfiguring a lot) | 90                                     | 3  | 7  |
| Adopted charge for residential development stated in Table 3.2 (Adopted charge for residential development)                                  | 40                                     | 40 | 20 |
| Adopted charge for non-residential development stated in Table 3.3 (Adopted charge for non-residential development)                          | 90                                     | 10 | 0  |
| Adopted charge for non-residential development being a specialised use or other development  | As determined by the local government. |    |    |

### 5.3 Allocation of adopted infrastructure charge for distributor-retailer trunk infrastructure networks

The adopted infrastructure charge is to be allocated to a distributor-retailer trunk infrastructure network as stated in Table 5.2 (Allocation of adopted infrastructure charge for distributor-retailer trunk infrastructure networks).

**Table 5.2 Allocation of adopted infrastructure charge for distributor-retailer trunk infrastructure networks**

| Column 1<br>Adopted charge   | Column 2<br>Allocation of adopted infrastructure charge to trunk infrastructure networks (%) |          |
|--|--|----------|
|  | Water supply   | Sewerage |
| Adopted charge for reconfiguring a lot, residential development and non-residential development other than a specialised use | 33   | 67       |
| Adopted charge for non-residential development being   | As determined by the distributor-retailer.   |          |

|  |  |
|--|--|
| a specialised use or other development |  |
|--|--|

## Part 3                      **Offset and refund for local government trunk infrastructure**

### **6.        Infrastructure offset**

#### **6.1       Purpose**

Section 6 states the local government's policy for an infrastructure offset for a trunk infrastructure contribution.

#### **6.2       Application of section**

Section 6 applies where for a development, the local government has for a trunk infrastructure network:

- (a)        required the following (***trunk infrastructure contribution***):
  - (i)        the supply of work for trunk infrastructure in a condition of a development approval, compliance permit or compliance certificate (***prescribed approval***) under section 649 (Conditions local governments may impose for necessary trunk infrastructure) of the *Sustainable Planning Act 2009*;
  - (ii)       the giving of part of the land the subject of a development application or request for compliance assessment in a notice given under section 648K(3) (Agreements about, and alternatives to, paying adopted infrastructure charge) of the *Sustainable Planning Act 2009* (***land dedication notice***); and
- (b)        levied an adopted infrastructure charge in an adopted infrastructure charges notice or a negotiated adopted infrastructure charges notice for the same premises under section 648F (Adopted infrastructure charges notice) of the *Sustainable Planning Act 2009*.

#### **6.3       Claim for an infrastructure offset**

- (1)        The person bound to provide the trunk infrastructure contribution and the adopted infrastructure charge for the development under the *Sustainable Planning Act 2009* (***claimant***) may give a notice in the prescribed form to the local government which states the following:
  - (a)        that the claimant proposes to supply the trunk infrastructure contribution;
  - (b)        that the claimant seeks an offset for the supply of the trunk infrastructure contribution against an adopted infrastructure charge (***infrastructure offset***);
  - (c)        the claimant's estimate of the following:
    - (i)        the planned estimate of the trunk infrastructure contribution;

- (ii) the pre-market estimate of the trunk infrastructure contribution;
  - (iii) the value of the infrastructure offset for the trunk infrastructure contribution.
- (2) The local government is to give a notice in the prescribed form to the claimant which states the following:
  - (a) whether an infrastructure offset is applicable or not;
  - (b) if an infrastructure offset is not applicable, the reason;
  - (c) if an infrastructure offset is applicable, the value of the infrastructure offset.

#### **6.4 Calculation of an infrastructure offset**

- (1) The value of an infrastructure offset for the trunk infrastructure contribution which is:
  - (a) land, is the planned estimate of the land; and
  - (b) work, is the lesser of the following:
    - (i) the planned estimate of the work;
    - (ii) the pre-market estimate of the work.
- (2) The planned estimate of land or work for the trunk infrastructure contribution is the establishment cost of the trunk infrastructure contribution which is calculated having regard to the following:
  - (a) if the trunk infrastructure contribution is for the whole of an item of trunk infrastructure in the schedule of works for future trunk infrastructure—the establishment cost of the trunk infrastructure;
  - (b) if the trunk infrastructure contribution is for part of an item of trunk infrastructure in the schedule of works for future trunk infrastructure—the proportion of the establishment cost of the trunk infrastructure applicable to the trunk infrastructure contribution having regard to the methodology used by the local government for the calculation of the establishment cost of the future trunk infrastructure;
  - (c) if the trunk infrastructure is not in the schedule of works for future trunk infrastructure but the local government has determined that the land or work delivers the same desired standard of service to the trunk infrastructure in the schedule of works for future trunk infrastructure—the methodology used by the local government for the calculation of the establishment cost of the future trunk infrastructure.
- (3) The pre-market estimate of work for trunk infrastructure 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 local government 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 local government 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.
- (4) The local government is to calculate the amount of the value of the infrastructure offset by indexing the value of the infrastructure offset in accordance with the consumer price index from the date of the notice given under section 6.3(2) (Claim for an infrastructure offset) to the date that the infrastructure offset is to be offset against an infrastructure charge.

## **6.5 Application of an infrastructure offset**

The local government is to offset the amount of the value of an infrastructure offset against an adopted infrastructure charge for the trunk infrastructure network to which the trunk infrastructure contribution relates if the trunk infrastructure contribution is supplied for the development by the claimant in accordance with the applicable prescribed approval and land dedication notice.

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

### **7.1 Purpose**

Section 7 states the local government's policy for a refund of an unused infrastructure offset for a trunk infrastructure contribution.

### **7.2 Application of section**

Section 7 applies where:

- (a) the development to which the trunk infrastructure contribution relates has been lawfully completed; and
- (b) the trunk infrastructure contribution is planned under the priority infrastructure plan at the date the trunk infrastructure contribution took effect to service the development of other premises (*serviced premises*); and
- (c) the amount of the value of an infrastructure offset has not been fully offset against an adopted infrastructure charge for the trunk infrastructure network to which the trunk infrastructure contribution relates under section 6.5 (Application of an infrastructure offset) (*unused infrastructure offset*).

### **7.3 Claim for a refund**

- (1) The claimant may give a notice in the prescribed form to the local government which states the following:
  - (a) that the development to which a trunk infrastructure contribution relates has been lawfully completed;
  - (b) that the claimant seeks a refund of the unused infrastructure offset;
  - (c) the claimant's estimate of the value of the unused infrastructure offset.
- (2) The local government is to give a notice in the prescribed form to the claimant which states the following:
  - (a) whether an unused infrastructure offset is applicable or not;
  - (b) if an unused infrastructure offset is not applicable, the reason;
  - (c) if an unused infrastructure offset is applicable, the value of the unused infrastructure offset.

### **7.4 Entitlement to a refund**

- (1) The claimant is only entitled to a refund from the local government under an infrastructure agreement prepared by the local government at the cost of the claimant.

- (2) The refund is to accord with the following terms unless otherwise agreed in the infrastructure agreement:
- (a) the refund is to be paid from the prescribed amount of an adopted infrastructure charge for the development of the serviced premises which is collected by the local government for a period of 5 years from the date of the notice under section 7.3(2) (Claim for a refund);
  - (b) the prescribed amount, is that portion of the adopted infrastructure charge allocated to the trunk infrastructure network of which the trunk infrastructure contribution forms part, which is equal to the proportion of the establishment cost of the trunk infrastructure that can reasonably be apportioned to the serviced premises;
  - (c) the refund is not to exceed the value of the unused infrastructure offset.