

Logan Charges Resolution (No.10) 2022

Logan City Council



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Infrastructure Charges Estimator

An infrastructure charges estimate for a proposed development can be obtained through the online self-service Infrastructure Charges Estimate function in the [PD Hub](#) tool (under the "Planning and development" menu).

1. Introduction

- 1.1. This is a resolution made by Council under section 113 of the Planning Act.
- 1.2. An adopted charge under this resolution takes effect on 15 February 2022.
- 1.3. This resolution is attached to Council's Planning Scheme, but is not part of the Planning Scheme.
- 1.4. This resolution declares that an adopted charge applies to the entire Logan City Council local government area.
- 1.5. This resolution should be read in conjunction with the Planning Act, Planning Regulation and the Planning Scheme.
- 1.6. The purpose of this resolution is to:
 - (a) adopt charges for providing trunk infrastructure for development for water supply, sewerage, stormwater quantity, movement and parks and land for community facilities infrastructure networks;
 - (b) provide a method to calculate the levied charge (including credits) and provide an automatic increase provision;
 - (c) provide for deferrals;
 - (d) provide Council's criteria for determining an application to convert non-trunk infrastructure to trunk infrastructure; and
 - (e) provide a method for working out the cost of infrastructure the subject of an offset and refund.
- 1.7. The dictionary in [Schedule 1](#) defines words and terms used in this resolution and provides for the interpretation of this resolution.

2. Trunk infrastructure networks

- 2.1. The adopted charge is to fund part of the Establishment Cost of Council's trunk infrastructure networks identified in the LGIP.

Priority Infrastructure Area

- 2.2. Contained within the Logan City Council local government area is a Priority Infrastructure Area.

3. Calculation of a levied charge

- 3.1. Infrastructure charges are levied by Council in accordance with section 119 and section 120 of the Planning Act.
- 3.2. The levied charge may be levied for the following development if a development approval, a change approval, or an extension approval is given for:
 - (a) reconfiguring a lot;
 - (b) material change of use; and

(c) carrying out building work.

3.3. The following steps apply to calculate the levied charge for development the subject of a development approval.

Step 1 – Adopted charge

3.4. Determine the adopted charge pursuant to sections 4 and 5 of this resolution.

Step 2 – If no connection to water supply, sewerage or stormwater quantity network

3.5. Reduce the adopted charge as follows, if applicable:

(a) by 12% if the development is:

- (i) not connected to the water supply network; and
- (ii) not required to connect to the water supply network pursuant to a development condition for the development;

(b) by 33% if the development is:

- (i) not connected to the sewerage network; and
- (ii) not required to connect to the sewerage network pursuant to a development condition for the development; and

(c) if development is outside the Stormwater Quantity Network Area, then reduce the adopted charge by the following:

- (i) for a residential use — 4%; or
- (ii) for a non-residential use — the amount of the adopted charge in [Schedule 3](#) for each square metre impervious to stormwater for the use.

Step 3 – Extra demand

3.6. If there is demand which is not to be included as extra demand, reduce the adopted charge by the amount identified in section 6.1 of this resolution.

Step 4 – Incentive for existing lawful building with an existing lawful use

3.7. Reduce the adopted charge by the amount identified in section 8.22 of this resolution, for an incentive for an existing lawful building with an existing lawful use.

Step 5 – Calculation of levied charge

3.8. The amount arrived at after completing steps 1 to 3 is the levied charge.

Editor's note: The above steps exclude any offset that may be required for a necessary infrastructure condition under section 129 of the Planning Act.

Version of Logan Charges Resolution

3.9. When the Council gives an infrastructure charges notice or an amended infrastructure charges notice to levy an infrastructure charge pursuant to section 119 of the Planning Act, the resolution in effect at the time of giving the infrastructure charges notice or amended infrastructure charges notice will apply.

Automatic Increase of the Levied Charge

- 3.10. Pursuant to section 114(3) to (4) of the Planning Act, sections 3.11 and 3.12 of this resolution are automatic increase provisions.
- 3.11. After the infrastructure charge is levied, but before it is paid, the levied charge will be automatically increased using the PPI.
- 3.12. Any increase to the levied charge must not be more than the lesser of the following:
- (a) the difference between the levied charge and the maximum adopted charge Council could have levied for the development when the charge is paid; and
 - (b) the increase worked out using the PPI, adjusted according to the 3-yearly PPI average, for the period starting on the day the levied charge is levied and ending on the day the charge is paid.

4. When an adopted charge does not apply

- 4.1. Pursuant to section 113 of the Planning Act, an adopted charge does not apply to:
- (a) works or a use of premises authorised under the *Greenhouse Gas Storage Act 2009*, the *Mineral Resources Act 1989*, the *Petroleum Act 1923* or the *Petroleum and Gas (Production and Safety) Act 2004*;
 - (b) development in a Priority Development Area under the *Economic Development Act 2012*;
 - (c) development by a State Government department, or part of a department, under a designation; or
 - (d) development for a non-State school (as defined in the Planning Act) under a designation.
- 4.2. In addition to the development in section 4.1 of this resolution, an adopted charge does not apply to:
- (a) a material change of use and/or carrying out building work which is for a:
 - (i) Dwelling house (as defined in the Planning Scheme) on a lot in a Residential Zone; or
 - (ii) Secondary dwelling (as defined in the Planning Scheme);
 - (b) a boundary realignment; or
 - (c) temporary development being development that is approved by a development approval which includes a condition that places a time limit not exceeding five (5) years on the lawful use continuing or the works remaining in place.

Note: If a Relevant Approval is given which extends the duration of the use or the work remaining in place so that it is greater than five (5) years, then Council may levy an adopted charge for the development at that time.

5. Adopted charge

- 5.1. For the purpose of section 113 of the Planning Act, this section 5 of this resolution adopts charges for providing trunk infrastructure for development.
- 5.2. The adopted charge is for the Council's trunk water supply, sewerage, stormwater quantity, movement and parks and land for community facilities infrastructure networks.

- 5.3. The adopted charge is the lesser of the following or the maximum adopted charge:
- (a) for material change of use—the adopted charge amount in [Schedule 3](#), Table 2, Column 2 of this resolution for the use referred to in [Schedule 3](#), Table 2, Column 1 of this resolution;
 - (b) for building work—the adopted charge amount in [Schedule 3](#), Table 2, Column 2 of this resolution for the use referred to in [Schedule 3](#), Table 2, Column 1 of this resolution; and
 - (c) for reconfiguring a lot—the adopted charge amount in [Schedule 3](#), Table 1, Column 2 of this resolution for the use stated in [Schedule 3](#), Table 1, Column 1 of this resolution.

6. Extra demand

Credits

Credit amount

- 6.1. If a credit applies pursuant to sections 6.2 and 6.3 of this resolution, and the applicant has provided the satisfactory evidence required by section 6.4 of this resolution, then the amount of the credit is the greater of the following:
- (a) for a credit pursuant to section 6.2(a)—the amount determined in the same way that an adopted charge is determined pursuant to sections 3.4 to 3.8 of this resolution, as if the calculation of the levied charge is the credit; and
 - (b) for a credit pursuant to section 6.2(b)—the amount of the levied charge or infrastructure contribution previously paid to the Council, indexed using the 3-yearly PPI average to the date that the credit is determined.

Determining credit

- 6.2. Subject to section 6.3 of this resolution, in working out extra demand for a levied charge, the demand on trunk infrastructure generated by the following will not be included as extra demand, and is to be identified as a credit:
- (a) extra demand for:
 - (i) an existing lawful use;
 - (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; or
 - (iii) other development on the premises if the development may be lawfully carried out without the need for a further development permit (including a development permit for building works) unless:
 - A. an infrastructure requirement applies to the premises on which the development will be carried out; and
 - B. the infrastructure requirement was imposed on the basis of the development of a lower scale or intensity being carried out on the premises; or
 - (b) where a levied charge or infrastructure contribution has previously been paid to the Council for the reconfiguration of a lot which created the premises, other than infrastructure contributions levied pursuant to a planning scheme policy or local planning policy in force prior to 17 March 2006.

Editor's Note: Infrastructure contributions levied pursuant to a planning scheme policy or local planning policy in force prior to 17 March 2006 will not be recognised as a credit given the networks that an infrastructure contributions was imposed pursuant to a planning scheme policy or local planning policy may be significantly different to the networks that an adopted charge is imposed pursuant to this resolution.

- 6.3. A credit under section 6.2 of this resolution does not apply if:

- (a) an infrastructure requirement that applies or applied to the use or development has not been complied with;
- (b) the premises is planned to be serviced by a trunk infrastructure network, but is not yet connected to the network;
- (c) there is an existing lawful use which is not being replaced as part of the proposed development;
- (d) levied charges for a use referred to in section 6.2 of this resolution were deferred pursuant to section 8 of this resolution or remain unpaid (i.e. no credit is available as no infrastructure charges were paid); or
- (e) an incentive pursuant to sections 8.21 to 8.22 of this resolution applied to the use referred to in section 6.2 of this resolution.

6.4. The applicant must provide satisfactory evidence of the matters for which a credit is claimed.

6.5. A refund will not be provided if the credit exceeds the adopted charge.

7. Payment of levied charge

7.1. To give effect to the payment triggers in section 122 of the Planning Act, the time for payment of levied charges will be in accordance with Table 1.

Table 1 - Trigger for Payment

Type of Development Approval	Payment time
Reconfiguring a Lot	Prior to Council approving a plan for the reconfiguration that, under the Land Title Act, is required to be given to Council for approval.
Material Change Of Use	Prior to the first of the following occurring: <ul style="list-style-type: none"> a) The issue of a Compliance Certificate under the <i>Plumbing and Drainage Act 2018</i>; b) When the final inspection certificate or Certificate of Classification is given under the <i>Building Act 1975</i>; c) When the change of use happens; <p style="text-align: center;">OR</p> On the day stated in the ICN*.
Carrying out Building Work	Prior to the first of the following occurring: <ul style="list-style-type: none"> a) When the final inspection certificate or Certificate of Classification is given under the <i>Building Act 1975</i>; b) When the change of use happens; <p style="text-align: center;">OR</p> On the day stated in the ICN*.

**Editor's note: If a Compliance Certificate under the Plumbing and Drainage Act 2018 or a Certificate of Classification or final inspection certificate under the Building Act 1975 is not required for the material change of use or the building work, then the ICN issued in response to a Relevant Approval will state that an invoice will be issued within either 30, 60 or 90 days of the giving of the Relevant Approval. The invoice will require the levied charge referred to in the ICN to be payable within 30 days from the date of the invoice.*

8. Incentives

- 8.1. This section identifies available incentives. The incentive in sections 8.21 to 8.22 (Existing lawful building for an existing lawful use) is provided by way of a reduction of the adopted charge. All other identified incentives are provided by a deferral of the payment of levied charges.

Incentive for 3.5 to 5 star rated Hotel Accommodation

- 8.2. An applicant may, at any time after a development approval has been issued for Hotel Accommodation, but before the levied charge becomes payable, apply for a deferral against the levied charges in the prescribed form to Council.

[Application forms and fact sheets are available here](#)

- 8.3. The deferral only applies to Hotel Accommodation which obtains a three and a half to five star hotel category accommodation rating under the Australian Star Rating Scheme.
- 8.4. In order to be eligible, applicants must enter into an Infrastructure Agreement with Council to defer the levied charges before the levied charges become payable. The Infrastructure Agreement will require the following:
- (a) the applicant is required to provide Council a bank guarantee for the total value of the levied charge prior to the levied charge becoming payable;
 - (b) upon the provision of a bank guarantee to Council, the payment of the levied charges for the development will be deferred to 12 months after the levied charge becomes payable;
 - (c) if, within 12 months after the levied charge becomes payable, the Hotel Accommodation obtains a three and a half to five star hotel category accommodation rating under the Australian Star Rating Scheme, then the Bank Guarantee will be released by Council, and subject to subsection 8.4(e), the levied charge the subject of the Infrastructure Agreement will not be payable;
 - (d) if, after 12 months after the levied charge becomes payable, the Hotel Accommodation has not obtained the minimum three and a half star hotel category accommodation rating under the Australian Star Rating Scheme, the applicant will be required to pay the levied charges for the development in full. If the applicant fails to pay the levied charges, within the timeframes specified in the Infrastructure Agreement, Council will call up the Bank Guarantee to recover the infrastructure charges; and
 - (e) the Hotel Accommodation must maintain a minimum three and a half star hotel category accommodation rating under the Australian Star Rating Scheme throughout the entire operation of the use, otherwise, the levied charges become due and payable.

Note: A credit for deferred levied charges will not be available for future development on the premises. See section 6.3(d) of this resolution.

Incentive for not-for-profit or charitable organisations

- 8.5. A maximum of 50% of the adopted charges levied for a development approval (capped to a maximum of \$40,000 per application) may be deferred by Council for a not-for-profit or charitable organisation, subject to the requirements in sub-sections 8.6, 8.7, 8.8, and 8.9 being met.
- 8.6. Not-for-profit or charitable organisations may, at any time after the development approval has been issued, but before the levied charge becomes payable, apply for a deferral against the levied charges in the prescribed form to Council.

Note: An application for a deferral cannot be finalised until an invoice for payment has been issued by Council. A credit for deferred levied charges will not be available for future development on the land. See section 6.3(d) of this resolution.

[Application forms and fact sheets are available here](#)

- 8.7. Not-for-profit or charitable organisations that may be eligible for a deferral are:
- (a) charitable organisations that use either a volunteer or paid workforce;
 - (b) not-for-profit community-based organisations such as senior citizens clubs, men's shed, scouts and guides, and other welfare, cultural, Aboriginal and Torres Strait Islander, environmental, rescue, and youth organisations;
 - (c) religious organisations; and
 - (d) other organisations determined by Council in extenuating circumstances.
- 8.8. In order to be considered for eligibility, not-for-profit or charitable organisations must:
- (a) be a charitable organisation registered with the Australian Charities and Not-for-profits Commission (ACNC), not-for-profit organisation that are endorsed to access charity tax concessions from the Australian Tax Office; and
 - (b) provide supporting information that clearly demonstrates that the development is providing a public benefit, which is not limited to members of the organisation.
- 8.9. The deferral for not-for-profit or charitable organisations only applies to development for a Non-Residential Use. Components of a not-for-profit or charitable organisation which are Commercial activities or Retail activities, as defined in the Planning Scheme are not eligible for deferral unless the applicant can provide proof that the organisation provides a public benefit to the community, which is not limited to members of the organisation.
- 8.10. If Council determines that an organisation meets the eligibility requirements, Council will prepare an Infrastructure Agreement to defer the levied charges. The Infrastructure Agreement will include clauses which stipulate that the levied charges become due and payable if the development the subject of the Infrastructure Agreement ceases, the development is no longer providing a public benefit or used by the not-for profit or charitable organisation, or the property is transferred or otherwise disposed of.

Incentive for particular development in the Springwood Economic Development Zone

- 8.11. An applicant may apply for a deferral of levied charges for development in the Springwood Economic Development Zone, if the development involves the construction of a new building which:

- (a) is for a Mixed Use Development which has:
 - (i) at least one Shop or Food and drink outlet on the ground floor of the development with an Active Frontage; and
 - (ii) either:
 - a. an Office with a minimum GFA of 1,000m² that contributes significant economic, aesthetic and community benefit to the local area and the City; or
 - b. an Office with a minimum GFA of 500m² and a minimum of ten (10) Multiple dwellings that contributes significant economic, aesthetic and community benefit to the local area and the City.

8.12. The maximum amount of levied charges for the development which may be deferred is \$1,000,000.00.

Note: A credit for deferred levied charges will not be available for future development on the premises. See section 6.3(d) of this resolution.

8.13. In order to be eligible for the deferral, applicants must enter into an Infrastructure Agreement with Council to defer the levied charges. The Infrastructure Agreement must be executed within six (6) months of the giving of the development approval, but before the levied charge becomes payable.

8.14. An applicant must apply for the deferral of charges in the prescribed form.

[Application forms and fact sheets are available here](#)

- 8.15. The Infrastructure Agreement will include clauses to:
- (a) provide for the deferral of levied charges for the development on the basis that:
 - (i) construction of the development is to commence within twelve (12) months after the development approval for material change of use for the development takes effect; and
 - (ii) the Deferral Trigger is met within eighteen (18) months of commencing construction;
 - (b) require the levied charges to become due and payable if the development does not meet the timeframes in sub-sections 8.15(a)(i) and 8.15(a)(ii).

Incentive for particular development in the Beenleigh Economic Development Zone

8.16. An applicant may apply for a deferral of levied charges for development in the Beenleigh Economic Development Zone, if the development involves the construction of a new building which:

- (a) is for a Mixed Use Development which has:
 - (i) at least one Shop or Food and drink outlet on the ground floor of the development with an Active Frontage; and
 - (ii) either:
 - a. an Office with a minimum GFA of 1,000m² that contributes significant economic, aesthetic and community benefit to the local area and the City; or

b. an Office with a minimum GFA of 500m² and a minimum of ten (10) Multiple dwellings that contributes significant economic, aesthetic and community benefit to the local area and the City.

(b) has a Theatre that contributes significant economic, aesthetic and community benefit to the local area and the City.

8.17. The maximum amount of levied charges for the development which may be deferred is \$1,000,000.00.

Note: A credit for deferred levied charges will not be available for future development on the premises. See section 6.3(d) of this resolution.

8.18. In order to be eligible for the deferral, applicants must enter into an Infrastructure Agreement with Council to defer the levied charges. The Infrastructure Agreement must be executed within six (6) months of the giving of the development approval, but before the levied charge becomes payable.

8.19. An applicant must apply for the deferral of charges in the prescribed form.

[Application forms and fact sheets are available here](#)

8.20. The Infrastructure Agreement will include clauses to:

- (a) provide for the deferral of levied charges for the development on the basis that:
 - (iii) construction of the development is to commence within twelve (12) months after the development approval for material change of use for the development takes effect; and
 - (iv) the Deferral Trigger is met within eighteen (18) months of commencing construction; and
- (b) require the levied charges to become due and payable if the development does not meet the timeframes in sub-sections 8.20(a)(i) and 8.20(a)(ii).

Incentive for an existing lawful building with an existing lawful use

8.21. Section 8.22 applies where the development the subject of a levied charge is for a material change of use or building work for a Non-Residential Use in the Centre zone, Mixed use zone, Low impact industry zone, Medium impact industry zone, or Specialised centre zone of the Planning Scheme, within an existing lawful building with an existing lawful use and where:

- (a) the Non-Residential Use does not involve any additional GFA; and
- (b) neither of the following apply:
 - (i) an infrastructure requirement for the premises has not been complied with; or
 - (ii) it is for a levied charge in an ICN that was given prior to the commencement of the Logan Charges Resolution (No.6) Version 1 2017 which took effect on 1 March 2017.

8.22. The adopted charge for the development will be reduced by the lesser of the following:

- (a) the amount of the levied charge;
- (b) \$50,000.

Incentive for support services and temporary accommodation for persons escaping domestic violence

8.23. Section 8.24 to 8.26 apply where a levied charge is for a development permit for building work for a class 1 or 2 building, where the use of the class 1 or 2 building is support services and temporary accommodation for persons escaping domestic violence (Relevant Building Work).

8.24 The applicant or Owner of premises the subject of the Relevant Building Work may, after a development permit for the Relevant Building Work has been issued, but before the levied charge for the Relevant Building Work becomes payable, apply for a deferral of the levied charges in the prescribed form to Council.

Note: A credit for deferred levied charges will not be available for future development on the land. See section 6.3(d) of this resolution.

[Application forms and fact sheets are available here](#)

8.25 The maximum amount of the levied charge for the Relevant Building Work that may be deferred must be no more than the lesser of the following:
(a) the amount of the levied charge for the Relevant Building Work;
(b) \$100,000.

8.26 If Council determines that the development meets the eligibility requirements, Council will prepare an Infrastructure Agreement to defer the levied charges. The Infrastructure Agreement will include clauses which stipulate that the levied charges become due and payable if the use of support services and temporary accommodation for persons escaping domestic violence ceases.

Note: For a deferral to apply, an infrastructure agreement referred to in section 8.26 must be executed between the Owner and Council about the deferral before the trigger for payment is met as stated in section 7.1 Table 1 of this resolution.

9. Conversion criteria

9.1. This section states Council's conversion criteria for the purposes of section 117 of the Planning Act.

Application to convert non-trunk infrastructure to trunk infrastructure

9.2. An applicant for a development approval may make an application to convert non-trunk infrastructure to trunk infrastructure (conversion application) only if:

- (a) Council has imposed a particular development condition in a development approval under section 145 of the Planning Act that requires non-trunk infrastructure to be provided; and
- (b) the construction of the non-trunk infrastructure has not started; and
- (c) the application is made to Council, in writing using the prescribed form, within 1 year after the development approval starts to have effect, in accordance with section 139 of the Planning Act.

Note – The commencement of construction of non-trunk infrastructure the subject of a conversion application after the conversion application is made but before it

is decided (including any appeal in respect of the decision on the conversion application) may affect the Council's determination of the application.

9.3. Council will decide the conversion application in accordance with sections 140 and 141 of the Planning Act and the criteria for deciding the application stated in section 9.6 of this resolution.

9.4. If the Council's decision is to convert non-trunk infrastructure to trunk infrastructure and its notice of decision pursuant to section 141 of the Planning Act states an offset or refund applies, then the cost of the offset or refund of that infrastructure is to be determined in accordance with section 10.

[Application forms and fact sheets are available here](#)

Requirements for development infrastructure for all infrastructure networks

9.5. For non-trunk infrastructure the subject of a conversion application to be converted to trunk infrastructure, it must comply with all of the following criteria.

- (a) the development infrastructure must be located completely inside the Priority Infrastructure Area.
- (b) the development infrastructure must have capacity to service other developments in the area to the DSS.
- (c) the development infrastructure must be located such that it is available to service other developments in the area based on the DSS.

Example – a local recreation park within a large residential development that is not within a 400m catchment of other development will not be available to service the other development in the area in accordance with the DSS.

- (d) the development infrastructure must be the same size or equivalent capacity and type and perform the same function and purpose as trunk infrastructure included in the LGIP.

Example 1 – public open space that has an ecological and conservation function is not the same as the function provided by parks infrastructure and therefore will not have the same function and purpose as a trunk infrastructure network included in the LGIP.

Example 2 – a road that is required to be constructed as an access road will not provide the same function and purpose as a trunk road which must be a collector or arterial road constructed to the profile identified in Planning Scheme Policy 5 - Infrastructure.

- (e) the development infrastructure must comply with the DSS for the equivalent trunk infrastructure identified in the LGIP.
- (f) the development infrastructure must not be consistent with non-trunk infrastructure for which conditions may be imposed under section 145 of the Planning Act.

- (g) the development infrastructure must be of a type, size and location that is the Most Cost Effective Option and Most Efficient Option for servicing multiple users in the area.
- (h) the development infrastructure must service development that is consistent with the planning assumptions for the premises identified in the LGIP in terms of scale, type, timing and location.
- (i) the development infrastructure must not have been proposed by the applicant on the basis that it would remain non-trunk infrastructure for which an offset or refund would not be payable.

Example – if the applicant proposes a local park that is non-trunk infrastructure and through an exchange of correspondence Council and the applicant agree that the local park will be provided on the basis that it will remain non-trunk infrastructure and will not be eligible for an offset or refund, the local park will not be converted to trunk infrastructure.

- (j) the development infrastructure must not be temporary infrastructure unless identified by Council as the Most Cost Effective Option.
- (k) the development infrastructure must be owned by Council.

Additional network specific requirements – water supply and sewerage development infrastructure

- (l) the development infrastructure must comply with Council's example of trunk water and sewerage infrastructure as stated in [Schedule 4](#).

Additional network specific requirements – movement development infrastructure

- (m) the development infrastructure must:
 - (i) be for a proposed collector road or arterial road as shown in Figure 3.4.1.4.1 of Planning Scheme Policy 5 - Infrastructure;
 - (ii) not be for works that provide direct frontage access to a development or works required to facilitate development access traffic; and
 - (iii) be constructed to a collector road or arterial road standard in accordance with Council's Planning Scheme Policy 5 - Infrastructure.

Additional network specific requirements – stormwater quantity development infrastructure

- (n) the development infrastructure must:
 - (i) be for improving the existing flood immunity within a catchment in addition to the premises to achieve the DSS; and
 - (ii) be designed and constructed in accordance with Council's Planning Scheme Policy 5 - Infrastructure and the Queensland Urban Drainage Manual.

Additional network specific requirements – parks development infrastructure

- (o) the development infrastructure for works (embellishments) must be located within land identified as trunk park.

9.6. If the conversion application is approved in accordance with section 142 of the Planning Act:

- (a) the condition of the relevant development approval requiring the non-trunk infrastructure to be provided, no longer has effect; and
- (b) Council may amend the development approval to impose a Necessary Infrastructure Condition for the trunk infrastructure.

Editor's note: Council may decide not to amend the development approval to include a Necessary Infrastructure Condition.

- 9.7. If the development approval is amended to impose a Necessary Infrastructure Condition, Council must do either of the following within 10 business days after the Necessary Infrastructure Condition is imposed for the purposes of section 129(2) or 129(3)(b) of the Planning Act:
- (a) give an ICN; or
 - (b) amend, by notice to the applicant, any existing ICN for the development approval.

10. Offset and refund for trunk infrastructure

Purpose

- 10.1. This section provides a method for working out the cost of infrastructure that is the subject of an offset or refund under section 116 of the Planning Act.

Application of an offset and refund

10.2. If:

- (a) a Relevant Approval given by Council includes a condition imposed under section 128 of the Planning Act;
- (b) the trunk infrastructure the subject of that condition services, or is planned to service, premises other than premises the subject of the Relevant Approval; and
- (c) a levied charge applies to the development the subject of the Relevant Approval;

then:

- (d) if the cost of the trunk infrastructure the subject of that condition is equal to or less than the levied charge, the cost must be offset against the levied charge;
- (e) if the cost of the trunk infrastructure the subject of that condition is more than the amount of the levied charge, then:
 - (i) there is no amount payable for the levied charge; and
 - (ii) Council will refund the applicant an amount equal to the difference between the Establishment Cost of the trunk infrastructure and the levied charge.

Working out the Establishment Cost

10.3. The Establishment Cost for a trunk infrastructure contribution is to be worked out by Council using the following method:

- (a) relying on the cost shown for the trunk infrastructure contribution in SC3.2 Schedules of works ([Schedule 3](#) of the Planning Scheme) which is to be indexed from the Base Date to the date of the ICN using the 3-yearly PPI average; or
- (b) an estimate of the Establishment Cost for the trunk infrastructure contribution reasonably determined by Council having regard to the method used to work out the Establishment Cost of identified trunk infrastructure stated in the extrinsic material of the LGIP; or

- (c) the method stated in section 10.4, if the applicant has given notice to Council under section 137 of the Planning Act that it requires the Establishment Cost of the trunk infrastructure contribution to be calculated using the method stated in section 10.4.

[Application forms and fact sheets are available here](#)

Methodology for calculating Establishment Cost

10.4. The methodology for calculating the Establishment Cost of a trunk infrastructure contribution is as follows:

- (a) the Establishment Cost of a trunk infrastructure contribution that is works (trunk infrastructure other than land) is to be calculated using a first principles estimating approach or through an open tender process - in accordance with the procedural requirements in section 10.5;
- (b) the Establishment Cost of a trunk infrastructure contribution that is land is to be determined using the before and after valuation method for estimating the market value of land (the before and after method of valuation) in accordance with the procedural requirements in sections 10.6 and 10.10;
- (c) the procedure for giving an amended ICN in section 10.11; and
- (d) the dispute process in section 10.12, 10.13 and 10.14.

Value of an offset or refund for trunk infrastructure that is works

10.5. Trunk infrastructure that is works (trunk infrastructure other than land) which is subject to an offset or refund as outlined in section 10.2 must be valued using the following approach:

- (a) Council is to provide the applicant the Scope of Works which includes specifications for the works, the standard to which the works are to be provided, and the location of the works (Scope of Works);
- (b) Council may give notice requiring the applicant to provide the cost estimate either by preparing a bill of quantities (with cost estimate), or through an open tender process generally in accordance with the process set out in [Schedule 5](#);
- (c) if Council requires the cost estimate to be determined by the preparation of a bill of quantities, the process should be in accordance with subsection 10.5 (d) to (f);
- (d) the applicant must, at their own cost, provide to Council:
 - (i) A bill of quantities for the design, construction and commissioning of the works in accordance with the Scope of Works, completed by a suitably qualified person;
 - (ii) A first principles estimate for the cost of designing, constructing and commissioning the trunk infrastructure specified in the bill of quantities completed by a suitably qualified person;
- (e) Council may:

- (i) accept the bill of quantities and cost estimate provided by the applicant;
or
 - (ii) require the cost of the works to be determined through an open tender process; or
 - (iii) reject the applicant's bill of quantities and cost estimate, in which case the Council must give written notice to the applicant to notify the applicant of this (including reasons for doing so) and undertake its own assessment pursuant to subsection 10.5(i);
- (f) if Council accepts the bill of quantities and the cost estimate, an amended ICN will be given pursuant to section 10.11 and the cost estimate is the Establishment Cost of the trunk infrastructure contribution indexed to the date stated in the amended ICN using the 3-yearly PPI average;
- (g) if the applicant chooses not to provide to Council with the bill of quantities and first principles estimate then Council may determine its own value of trunk work;
- (h) if Council requires the costs to be determined through an open tender process, the process generally in accordance with the process set out in [Schedule 5](#) will apply;
- (i) if Council does not require the Establishment Cost of the works to be determined through an open tender process or rejects the bill of quantities and the cost estimate provided by the applicant Council must, at its cost, have an assessment undertaken by an appropriately qualified person to:
- (i) determine whether the bill of quantities is in accordance with the Scope of Works;
 - (ii) determine whether the cost estimate is consistent with the current market costs calculated by applying a first principles estimating approach to the bill of quantities; and
 - (iii) provide a cost estimate using a first principles estimating approach; and
- (j) where a written notice of Council's proposed bill of quantities and cost estimate has been given, the applicant may negotiate and agree with the Council regarding the cost estimate. An agreed cost estimate is the Establishment Cost for the infrastructure and an amended ICN will be given pursuant to section 10.9.

Value of an offset or refund for trunk infrastructure that is land

10.6. Trunk infrastructure that is land and subject to an offset or refund as outlined in section 10.2 must be valued in accordance with sections 10.7 to 10.10:

10.7. If the land infrastructure has been identified in the LGIP - the valuation must be undertaken to determine the market value that would have applied on the day the development application, which is the subject of a condition to provide trunk infrastructure, first became properly made.

10.8. If the land infrastructure has not been identified in the LGIP - the valuation must be undertaken to determine the market value that would have applied on the day the development application that resulted in a condition to provide trunk infrastructure was approved.

- 10.9. The valuation of land infrastructure must be undertaken using the before and after method of valuation by -
- (a) determining the value of the original land before any land is transferred to Council;
 - (b) determining the value of the remaining land that will not be transferred to Council; and
 - (c) subtracting the value determined for the remaining land that will not be transferred to Council from the value determined for the original land.

Editor's Note: When determining the value of the land using the before and after method of valuation, two valuations of the subject land are undertaken. In the first instance, the value of the original land is determined before any land is transferred to Council, using the direct comparison method at the site specific level. This will include those portions of the land which are able to be developed to the yield approved in a development application and the value of those portions of the land which will be used for trunk infrastructure. Assuming that the land to be used for infrastructure is otherwise developable (e.g. not within a stormwater or drainage corridor), these portions of the land should be valued based on a rate applicable to en globo land for the underlying zone.

The value of the remaining land that will not be transferred to Council is then determined – again using the direct comparison method at the site specific level. The value of the latter is then subtracted from the former value to arrive at the value of the land to be transferred to Council. This method ensures that the land is not valued as a stand-alone allotment, but rather as a part of the overall land holding of the owner and that the valuation reflects any enhancement or diminution of value of the remaining land that may occur as a result of the portion to be transferred to Council.

The 'original land' means the land the subject of the overarching development approval guiding development of the land in its entirety. If the land is part of a larger parcel being developed pursuant to a Relevant Approval for a material change of use affecting the planning scheme under the Planning Act the original land is the land the subject of the Relevant Approval in its entirety, irrespective of whether the land is being developed in stages or by the same/ different developer(s) and irrespective of the ownership structure of the land parcel(s).

Another example of 'original land' is if the land is part of a larger parcel being developed pursuant to a material change of use or reconfiguring of a lot approval, the original land is the land the subject of the approval in its entirety, irrespective of whether the land is being developed in stages or by the same/ different developer(s) and irrespective of the ownership structure of the land parcel(s).

- 10.10. 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 report to Council with a valuation of the specified land undertaken by a certified practicing valuer using the before and after method of valuation (the valuation) and in accordance with section 10.10(c);

- (b) if the applicant chooses not to provide Council the valuation report as required by section 10.10(a), Council may determine its own value of trunk land in accordance with the method of valuation in section 10.9 and provide written notice to the applicant of the valuation;
- (c) the valuation report must:
 - (i) include supporting information regarding the highest and best use of the land which the valuer has relied on to form an opinion about value;
 - (ii) identify the area of land that is above the Q100 flood level and the area that is below the Q100 flood level;
 - (iii) identify and consider all other real and relevant constraints including -
 - a. vegetation protection;
 - b. ecological values including riparian buffers and corridors;
 - c. stormwater or drainage corridors;
 - d. slope;
 - e. bushfire and landslide hazards;
 - f. heritage;
 - g. airport environs;
 - h. coastal erosion;
 - i. extractive resources;
 - j. flooding;
 - k. land use buffer requirements;
 - l. tenure related constraints; and
 - m. restrictions such as easements, leases, licences and other dealings whether or not registered on title; and
 - (iv) contain relevant sales evidence and a clear analysis of how those sales and any other information was relied upon in forming the valuation assessment.
- (d) the valuation of land must be undertaken by a certified practicing valuer who must act professionally as a neutral and independent expert;
- (e) if Council accepts the valuation provided pursuant to section 10.10(a), an amended ICN will be given pursuant to section 10.11 and the valuation is the Establishment Cost of the trunk infrastructure contribution, which will be indexed to the date stated in the amended ICN using the 3-yearly PPI average;
- (f) if Council rejects the valuation provided by the applicant pursuant to section 10.10(a), Council:
 - (i) will inform the applicant of the decision with a written notice; and
 - (ii) must at its own cost, have a valuation undertaken by a certified practicing valuer; and
 - (iii) will inform the applicant of Council's valuation with a written notice; and
- (g) where a written notice of Council's valuation has been given, the applicant may negotiate and agree with Council regarding a valuation. An agreed valuation is the Establishment Cost and amended ICN will be given pursuant to section 10.11.

Giving an amended ICN

10.11. This section applies where the value of an offset or refund for trunk infrastructure has been reviewed pursuant to section 10.3(c) of this resolution:

- (a) for infrastructure that is work – Council must give an amended ICN to the applicant stating:
 - (i) the value of the Establishment Cost of the infrastructure which has been indexed from the date of the cost estimate to the date stated in the amended ICN using the 3-yearly PPI average; and
 - (ii) that the Establishment Cost of the infrastructure stated in the amended ICN is indexed from the date stated in the amended ICN to the date it is to be offset against the levied charge using the 3-yearly PPI average.

- (b) for infrastructure that is land – Council must give an amended ICN to the applicant stating:
 - (i) the value of the Establishment Cost of the infrastructure which has been indexed from the date of the accepted valuation to the date stated in the amended ICN using the 3-yearly PPI average; and
 - (ii) that the Establishment Cost of the infrastructure stated in the amended ICN is indexed from the date stated in the amended ICN to the date it is to be offset against the levied charge using the 3-yearly PPI average.

Dispute process

10.12. An applicant may, within 10 business days of the date of an amended ICN given under section 10.11:

- (a) give to Council a notice in the prescribed form stating that it disputes Council’s calculation of the Establishment Cost; and

- (b) pay the prescribed fee.

Editor’s note - The prescribed fee may include Council’s costs for the dispute process including the cost of the independent registered quantity surveyor or independent certified practicing valuer.

[Application forms and fact sheets are available here](#)

10.13. Council and the applicant are to take the following action to resolve the dispute for trunk infrastructure that is work:

- (a) if agreement cannot be reached, the Council must refer the bill of quantities and the cost estimate to an independent registered quantity surveyor 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 the current market costs calculated by applying a first principles estimating approach to the bill of quantities; and
 - (iii) provide a cost estimate using the first principles estimating approach;

- (b) the independent registered quantity surveyor is to be appointed by agreement between the Council and the applicant. If the parties cannot agree on the appointment, the independent registered quantity surveyor will be determined by the Council. The cost of the independent assessment is to be equally shared between the Council and the applicant; and

- (c) the amended cost estimate determined by the independent registered quantity surveyor is the Establishment Cost of the infrastructure pursuant to section 2.2(d)

of the Minister's Guidelines and Rules dated July 2017, and is not subject to further amendment or negotiation between the applicant and the Council.

- 10.14. Council and the applicant are to take the following action to resolve the dispute for trunk infrastructure that is land:
- (a) 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 in accordance with section 10.10(c);
 - (b) the independent, certified practicing valuer is to be appointed by Council in consultation with the applicant. If the parties cannot agree on the appointment, the independent, certified practicing valuer will be determined and appointed by Council. The cost of this independent assessment is to be equally shared between Council and the applicant; and
 - (c) the amended valuation determined by the independent certified practicing valuer is then taken as the Establishment Cost of the infrastructure pursuant to section 2.2(d) of the Minister's Guidelines and Rules dated July 2017, and is not subject to further amendment or negotiation between the applicant and the Council.

Adjustment of the Establishment Cost

10.15. Council is to, after the completion of the construction of the work and prior to the date for the payment of a levied charge, determine an adjustment to the establishment cost as follows.

10.16. If the Establishment Cost for the work was determined using the open tender process in accordance with [Schedule 5](#):

- (a) the adjustment will only apply to the cost of work (prescribed cost) if the cost:
 - (i) would have formed part of the cost determined using the open tender process to work out the Establishment Cost for the work;
 - (ii) was not included in the cost determined using the open tender process to work out the Establishment Cost or was included in the cost determined using the open tender process but was for an amount less than the prescribed cost; and
 - (iii) was included in the cost determined using the open tender process to work out the Establishment Cost but was subject to a contingency stated in Table 1 of [Schedule 5](#);
- (b) within 15 business days after the applicant has completed the work, the applicant may:
 - (i) give to Council a notice in the prescribed form which is to state the following:
 - a. that the applicant requests that Council adjust the Establishment Cost to take account of the prescribed cost;
 - b. all information reasonably necessary to establish the calculation of the prescribed cost and that the cost is a prescribed cost;
 - c. the applicant's calculation of the prescribed cost; and
 - (ii) pay the prescribed fee if paragraph (i) applies;

Editor's note - The prescribed fee may include Council's costs for determining whether the Establishment Cost is to be adjusted.

[Application forms and fact sheets are available here](#)

- (c) Council may, within 15 business days of the date the notice under paragraph (b) is received by Council, give a notice to the applicant which states that the applicant is to provide to Council a document to enable Council to determine the value of an adjusted Establishment Cost;
- (d) the applicant is to comply with a notice given by Council to the applicant under paragraph (c);
- (e) Council is to as soon as reasonably practicable determine whether the Establishment Cost is to be adjusted acting reasonably having regard to the matters in paragraphs (a) to (d);
- (f) upon determining whether the Establishment Cost is to be adjusted, Council is to as soon as reasonably practicable:
 - (i) give to the applicant a notice which states the following:
 - a. Council's calculation of the adjusted Establishment Cost for the work and the reason for any difference from the applicant's calculation; and
 - b. the Establishment Cost for the work; and
 - (ii) issue an amended ICN pursuant to section 10.11 of the resolution.

10.17. If the Establishment Cost for the work was determined using the bill of quantities in accordance with section 10.5(d) and 10.5(e)(iii):

- (a) the adjustment will only apply to the cost of work (prescribed cost) if the cost:
 - (i) would have formed part of the cost determined using the bill of quantities to work out the Establishment Cost for the work;
 - (ii) was not included in the cost determined using the bill of quantities to work out the Establishment Cost or was included in the cost determined using the bill of quantities but was for an amount less than the prescribed cost; and
 - (iii) was included in the cost determined using the bill of quantities to work out the Establishment Cost but was subject to a contingency stated in Table 1 of [Schedule 5](#);
- (b) within 15 business days after the applicant has completed the work, the applicant may:
 - (i) give to Council a single notice which is to state the following:
 - a. that the applicant requests that Council adjust the Establishment Cost to take account of the prescribed cost;
 - b. all information reasonably necessary to establish the calculation of the prescribed cost and that the cost is a prescribed cost;
 - c. the applicant's calculation of the prescribed cost; and
 - (ii) pay the prescribed fee if paragraph (i) applies;

Editor's note - The prescribed fee may include Council's costs for determining whether the Establishment Cost is to be adjusted.

[Application forms and fact sheets are available here](#)

- (c) Council may, within 15 business days of the date the notice under paragraph (b) is received by Council, give a notice to the applicant which states that the applicant is to provide to Council a document to enable Council to determine the value of an adjusted Establishment Cost;
- (d) the applicant is to comply with a notice given by Council to the applicant under paragraph (c);
- (e) Council is to as soon as reasonably practicable determine whether the Establishment Cost is to be adjusted acting reasonably having regard to the matters in paragraphs (a) to (d);
- (f) upon determining whether the Establishment Cost is to be adjusted, Council is to as soon as reasonably practicable:
 - (i) give to the applicant a notice which states the following:
 - a. Council's calculation of the adjusted Establishment Cost for the work and the reason for any difference from the applicant's calculation; and
 - b. the Establishment Cost for the work; and
 - (ii) issue an amended ICN pursuant to section 10.11 of the resolution.

Timing of an offset and refund

10.18. An applicant entitled to an offset or refund for the trunk infrastructure contribution is to:

- (a) give to Council a notice in the prescribed form which states the following:
 - (i) the date the trunk infrastructure which is the subject of an offset or refund was lawfully completed; and
 - (ii) that the trunk infrastructure has been provided in accordance with the Relevant Approval for the trunk infrastructure contribution.

[Application forms and fact sheets are available here](#)

10.19. Council is to as soon as is reasonably practicable after receiving a notice under section 10.18:

- (a) determine whether the trunk infrastructure contribution has satisfied the matters in subsection 10.18(a); and
- (b) give to the applicant a notice stating the outcome of Council's determination.

10.20. If the trunk infrastructure contribution is work which the Council is of the opinion has not reached completion, the notice must state what additional work is required to be done before the work will be held to have reached completion. That work is to be undertaken by the applicant, and a new notice is required to be given to the Council under section 10.18.

10.21. If Council is satisfied of the matters in subsection 10.19(a), and unless otherwise provided for in an infrastructure agreement, Council is to:

- (a) for an offset—set off the Establishment Cost for the trunk infrastructure contribution against the levied charge at the time that the adopted charge stated in the ICN is payable under the Planning Act; and

(b) for a refund—give the refund at the time stated in the ICN.

10.22. Council has adopted a policy position in relation to the determination in an ICN of when a refund is to be given by Council to achieve the following policy objectives:

- (a) to seek to integrate Council’s land use and infrastructure plans;
- (b) to implement the applicable infrastructure planning instrument as the basis for Council’s trunk infrastructure funding; and
- (c) to implement infrastructure funding which is equitable, accountable and financially sustainable for Council.

10.23. Council’s policy position in relation to the determination in an ICN of when a refund is to be given by Council and related matters is listed in Table 2.

Table 2 - Payment of Refund

Trunk Type	Value	Trigger for Payment
Identified trunk infrastructure or different trunk infrastructure provided before the planned date or period for the trunk infrastructure item stated in the LGIP	\$1 million or less	The refund may be given within the relevant planned date or period for the trunk infrastructure item as stated in the LGIP.
	Greater than \$1 million but not more than \$10 million	The refund may be given annually over 3 financial years in equal payments, with a commencement date for the first annual payment within the relevant planned date or period for the trunk infrastructure item as stated in the LGIP.
	Greater than \$10 million	The refund may be given annually over 5 financial years in equal payments, with a commencement date for the first annual payment within the relevant planned date or period for the trunk infrastructure item as stated in the LGIP.
Identified trunk infrastructure or different trunk infrastructure which is provided in the planned date or period stated in the LGIP	\$1 million or less	The refund may be given by 31 December of the financial year following the completion of the trunk infrastructure item.
	Greater than \$1million but not more than \$10 million	The refund may be given annually over 3 financial years in equal payments by 31 December in each financial year commencing in the financial year following the completion of the trunk infrastructure item.
	Greater than \$10 million	The refund may be given annually over 5 financial years in equal payments by 31 December in each financial year commencing in the financial year following the completion of the trunk infrastructure item.
Trunk infrastructure contribution for necessary trunk infrastructure or		Council is to estimate the planned date or period in which the trunk infrastructure item would have been planned to be provided, had it been included

Trunk Type	Value	Trigger for Payment
prescribed trunk infrastructure, not included in the LGIP		in the LGIP, to work out the relevant planned date or period for the trunk item. Council is to use the relevant triggers listed above.

10.24. Each refund amount to be paid is to be increased using the 3-yearly PPI average, from the date of the ICN requiring the refund to be given, to the date the refund amount is paid.

11. Principles of cross-crediting

11.1. This section states Council's cross-crediting principles in relation to section 129 of the Planning Act.

11.2. This section applies if:

- (a) trunk infrastructure the subject of a necessary infrastructure condition services, or is planned to service, premises other than the Subject Premises; and
- (b) an adopted charge applies to the development.

11.3. Council will apply its cross-crediting principles where:

- (a) the trunk infrastructure item is identified within the LGIP, or is necessary trunk infrastructure which supports Council's strategic urban development pattern and sequence;
- (b) the trunk infrastructure item represents the Most Cost Effective option to serve current and future demand, and has the lowest cost life cycle cost; and
- (c) cross-crediting will be cost neutral and contained within the endorsed infrastructure networks budget.

Schedule 1 - Dictionary

1. Where a word or term used in this resolution is defined by the Planning Act or Planning Regulation, that word or term has the meaning given in the Planning Act or Planning Regulation unless the word or term is defined in this [Schedule 1](#).
2. If a term is not defined by this [Schedule 1](#), the Planning Act or the Planning Regulation, 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 this resolution takes effect.

Australian Star Rating Scheme	Means the independent rating scheme for hotels in Australia managed by STAR Ratings Australia.
Auxiliary unit	Has the meaning given in the Planning Scheme.
Active Frontage	Means a frontage that has windows, openings, pedestrian entries and awnings to provide a visual connection between a building and a road or public open space.
Base Date	Has the meaning given in the Planning Scheme, instead of the meaning given in the Planning Regulation.
Bedroom	Means a habitable room that: <ol style="list-style-type: none">a) Is of sufficient floor area to accommodate the placement and use of a standard single bed and contains the level of privacy normally associated with private sleeping, or can be modified with minimal effort to incorporate such privacy measures. Excludes kitchen, water closet, bathroom, laundry, garage or plant room; orb) 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.
Beenleigh Economic Development Zone	Means the Centre Core precinct, the Bellew Street precinct and the Civic and Community precinct as shown in the Planning Scheme local plan map LPM-01.00.
Council	Means Logan City Council.
Court Area	Means a smooth level area on which to play sport, including an indoor tennis court, basketball court, netball court and squash court. It does not include a gym with fitness/ wellbeing classes or exercise equipment or exercise machines. Examples of exercise equipment and exercise machines—treadmill, exercise bike, weights.
Deferral Trigger	Means the earliest of the following events for the development: <ol style="list-style-type: none">a) the issue of a Compliance Certificate under the <i>Plumbing and Drainage Act 2018</i>;

	b) the issue of a Certificate of Classification under the <i>Building Act 1975</i> ; c) the commencement of the use.
DSS	Means the desired standards of service, as per section 4.4 of the Planning Scheme.
Financial Year	Means a period of one (1) year beginning on 1 July.
Food and Drink Outlet	Has the meaning given in the Planning Scheme, instead of the meaning given in the Planning Regulation.
GFA	Has the meaning given to 'gross floor area' in the Planning Regulation.
Hotel Accommodation	<p>Hotel Accommodation means Short-term accommodation (as defined in the Planning Scheme) for an accommodation hotel and serviced apartments. It does not include other forms of Short-term accommodation, including for a motel, backpackers, cabins, farm stay or Dual occupancy (auxiliary unit) accommodation.</p> <p><i>Note: To remove any doubt, hotel uses such as bar, dining, gaming, and conference facilities are excluded from the definition of Hotel Accommodation and will be required to pay the relevant levied charges.</i></p>
ICN	Means an infrastructure charges notice.
Impervious Area	<p>Means the area of the premises that is impervious to rainfall or overland flow that results in the discharge of stormwater from the premises.</p> <p><i>Note: Impervious area is typically all area of a site covered by roofing, plus all areas of a site covered by constructed surfaces, such as roads, car parks, driveways, and paved area. Compacted gravel areas of a premises are considered as impervious area.</i></p>
Lawfully Completed	<p>For works - means when the work is complete, other than for a minor omission or minor defect which is not essential, does not prevent the work from being used for its intended purpose and the rectification of which will not prejudice the convenient use of the work.</p> <p>For land - means when the land has been dedicated or transferred, in accordance with the relevant development approval requiring the trunk infrastructure contribution.</p>
LGIP	Means Council's Local Government Infrastructure Plan in part 4 of the Planning Scheme, instead of the meaning given in the Planning Regulation.
Market Cost	Has the meaning in Schedule 5 of the resolution.
Mixed Use Development	Means development which has:

	<p>a) at least one Shop or Food and drink outlet on the ground floor of the development with an Active Frontage; and</p> <p>b) either:</p> <ul style="list-style-type: none">(i) an Office with a minimum GFA of 1,000m²; or(ii) an Office with a minimum GFA of 500m² and a minimum of ten (10) Multiple dwellings.
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 DSS.
Most Efficient Option	Means the best means of achieving the desired outcomes, having regard to all options available including non-trunk infrastructure alternatives.
Multiple Dwelling	Has the meaning given in the Planning Scheme, instead of the meaning given in the Planning Regulation.
Non-Residential Use	Means a use referred to under the headings in Schedule 3 , Table 2 of this resolution which is not a Residential Use.
Office	Has the meaning given in the Planning Scheme, instead of the meaning given in the Planning Regulation.
Planning Act	Means the <i>Planning Act 2016</i> .
Planning Regulation	Means the <i>Planning Regulation 2017</i> .
Planning Scheme	Means the <i>Logan Planning Scheme 2015</i> .
Prescribed Fee	Means a cost recovery fee prescribed by Council.
Prescribed Form	Means a form prescribed by Council.
Priority Infrastructure Area	Means the Priority Infrastructure Area identified in section 4.3 of the Planning Scheme, instead of the meaning given in the Planning Act.
Relevant Approval	Means a development approval, change approval, or an extension approval under the Planning Act.
Relevant Building Work	Has the meaning given in section 8.23 of the resolution.
Residential Use	Means: <ul style="list-style-type: none">• a use referred to under the headings in Schedule 3, Table 2 of this resolution as 'Residential uses', 'Accommodation (short-term)' and 'Accommodation (long-term)';• Dwelling unit; or• Rural workers' accommodation.
Residential Zone	Means any of the following zones in the Planning Scheme: <ul style="list-style-type: none">• Emerging communities zone;

- Environmental management and conservation zone;
- Low density residential zone;
- Low-medium density residential zone;
- Medium density residential zone;
- Rural residential zone; and
- Rural zone.

Resolution

Means a charges resolution.

Scope of Works

Has the meaning given in section 10.5(a) of the resolution.

Shop

Has the meaning given in the Planning Scheme, instead of the meaning given in the Planning Regulation.

Springwood Economic Development Zone

Means the Centre core precinct and Commercial precinct as shown in the Planning Scheme Springwood local plan map LPM-10.00.

Stormwater Quantity Network Area

Means the 'Stormwater Quantity Network Area' shown on the map in [Schedule 2](#) of this resolution titled 'Map 1: Stormwater Quantity Network Area'.

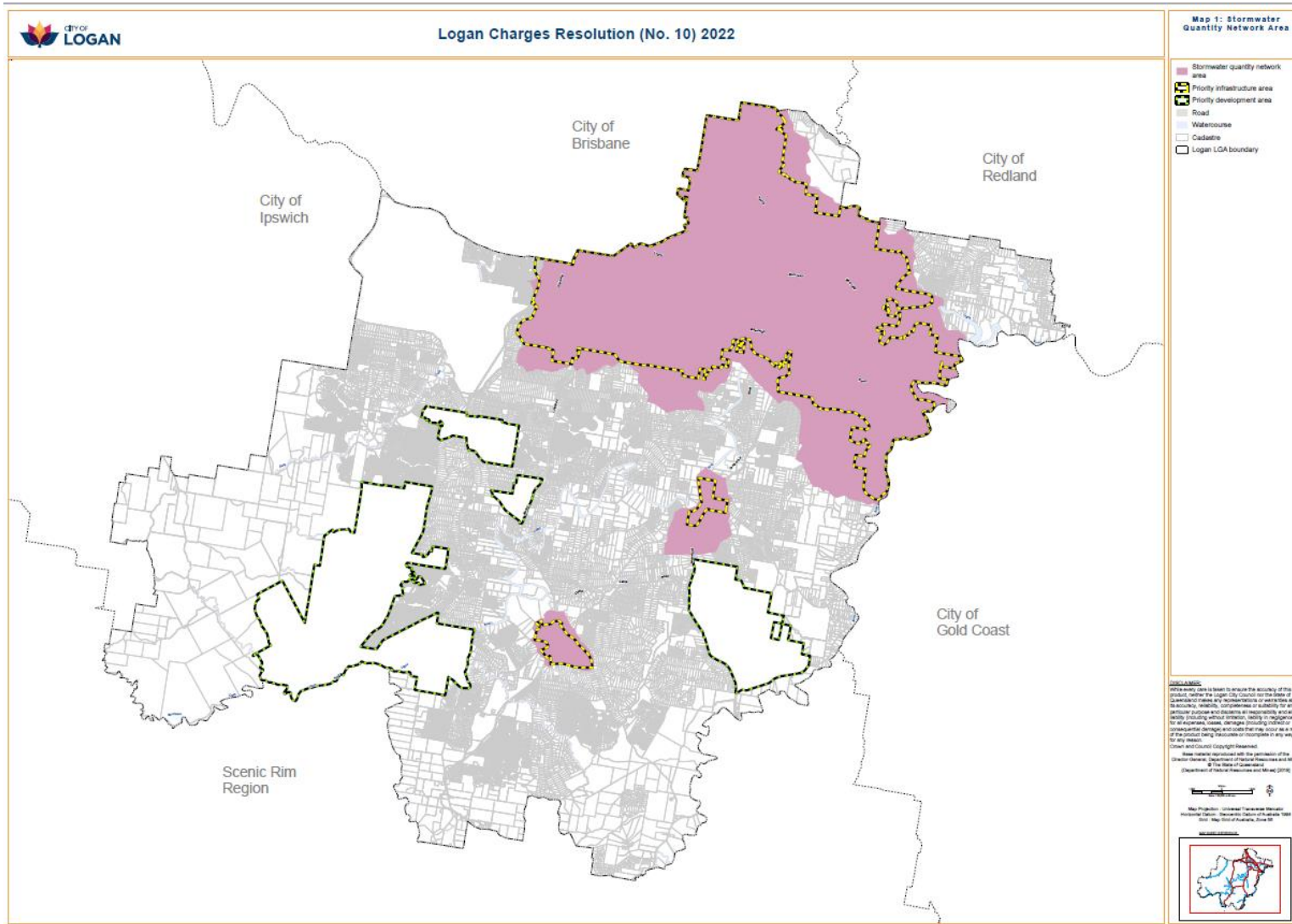
Subject Premises

Means the premises the subject of the overarching development approval guiding development of the premises.

Suite

Means a number of connected rooms one of which is a bedroom in which an individual or a group of two or more related or unrelated people reside with the common intention to live together on a long term basis and who make common provision for food or other essentials for living. A suite would typically contain up to 3 bedrooms in a hotel context.

Schedule 2 - Map 1: Stormwater Quantity Network Area



Schedule 3 - Adopted Charges

Table 1: Reconfiguring a lot

Column 1 – Reconfiguring a lot	Column 2 – Adopted charge
Reconfiguring a lot for a Residential Use	\$30,677.00 for each lot
Reconfiguring a lot for a Non-Residential Use	<p>1. If the development permit includes a development condition to require trunk infrastructure to be provided, the greater of the following -</p> <p>(a) \$30,677 for each lot</p> <p>(b) \$20 for each square metre of the area of each lot</p> <p>2. If the development permit does not include a development condition to require trunk infrastructure to be provided - \$30,677.00 for each lot</p>

Table 2: Material change of use and building work

Column 1 – Use	Column 2 – Adopted charge
Residential uses	
1 Dwelling house	<p>1 \$21,912.00 for each dwelling with 2 or less bedrooms</p> <p>2 \$30,677.00 for each dwelling with 3 or more bedrooms</p>
2 Dual occupancy, if no Auxiliary unit	
3 Caretaker’s accommodation	
4 Multiple dwelling	
5 Dual occupancy, if there is an Auxiliary unit	<p>1 If a dwelling is an Auxiliary unit—\$16,434.00 per Auxiliary unit</p> <p>2 If a dwelling is not an Auxiliary unit—</p> <p>(a) \$21,912.00 if the dwelling is 2 or less bedrooms</p> <p>(b) \$30,677.00 if the dwelling is 3 or more bedrooms</p>
Accommodation (short-term)	
1 Tourist park	<p>1 If the tourist park has tent or caravan sites—</p> <p>(a) \$10,956.00 for each group of 2 sites or less</p>

Column 1 – Use	Column 2 – Adopted charge
	(b) \$15,338.00 for each group of 3 sites 2 If the tourist park has cabins— (a) \$10,956.00 for each cabin with 2 or less bedrooms (b) \$15,338.00 for each cabin with 3 or more bedrooms
2 Hotel 3 Short-term accommodation 4 Resort complex	1 \$10,956.00 for each suite with 2 or less bedrooms 2 \$15,338.00 for each suite with 3 or more bedrooms 3 \$10,956.00 for each bedroom that is not part of a suite
Accommodation (long-term)	
1 Relocatable home park	1 \$21,912.00 for each relocatable dwelling site for 2 or less bedrooms 2 \$30,677.00 for each relocatable dwelling site for 3 or more bedrooms
2 Community residence 3 Retirement facility 4 Rooming accommodation	1 \$21,912.00 for each suite with 2 or less bedrooms 2 \$30,677.00 for each suite with 3 or more bedrooms 3 \$21,912.00 for each bedroom that is not part of a suite
Places of assembly	
1 Club 2 Community use 3 Function facility 4 Funeral parlour 5 Place of worship	1 \$76.75 for each square metre of gross floor area 2 \$10.95 for each square metre impervious to stormwater
Commercial (bulk goods)	
1 Agricultural supplies store 2 Bulk landscape supplies 3 Garden centre	1 \$153.40 for each square metre of gross floor area 2 \$10.95 for each square metre impervious to stormwater

Column 1 – Use	Column 2 – Adopted charge
4 Hardware and trade supplies 5 Outdoor sales 6 Showroom	
Commercial (retail)	
1 Adult store 2 Food and drink outlet 3 Service industry 4 Service station 5 Shop 6 Shopping centre	1 \$197.20 for each square metre of gross floor area 2 \$10.95 for each square metre impervious to stormwater
Commercial (office)	
1 Office 2 Sales office	1 \$153.40 for each square metre of gross floor area 2 \$10.95 for each square metre impervious to stormwater
Educational facility	
1 Childcare centre 2 Community care centre 3 Educational establishment	1 \$153.40 for each square metre of gross floor area 2 \$10.95 for each square metre impervious to stormwater
Entertainment	
1 Hotel 2 Nightclub entertainment facility 3 Theatre 4 Resort complex	1 \$219.10 for each square metre of gross floor area, other than areas for providing accommodation 2 \$10.95 for each square metre impervious to stormwater
Indoor sport and recreation	
1 Indoor sport and recreation	1 \$219.10 for each square metre of gross floor area, other than a Court Area 2 \$21.85 for each square metre of gross floor area that is a Court Area 3 \$10.95 for each square metre impervious to stormwater

Column 1 – Use	Column 2 – Adopted charge
High impact industry or special industry	
1 High impact industry 2 Special industry	1 \$76.75 for each square metre of gross floor area 2 \$10.95 for each square metre impervious to stormwater
Other industry	
1 Low impact industry 2 Medium impact industry 3 Marine industry 4 Research and technology industry 4 Rural industry 5 Warehouse	1 \$54.80 for each square metre of gross floor area 2 \$10.95 for each square metre impervious to stormwater
High impact rural	
1 Cultivating, in a confined area, aquatic animals or plants for sale 2 Intensive animal industry 3 Intensive horticulture 4 Wholesale nursery 5 Winery	1 \$21.85 for each square metre of gross floor area
Low impact rural	
1 Animal husbandry 2 Cropping 3 Permanent plantation 4 Wind farm	Nil
Essential services	
1 Correctional facility 2 Emergency services 3 Health care service 4 Hospital 5 Residential care facility 6 Veterinary service	1 \$153.40 for each square metre of gross floor area 2 \$10.95 for each square metre impervious to stormwater

Column 1 – Use	Column 2 – Adopted charge
Minor uses	
1 Advertising device 2 Cemetery 3 Home-based business 4 Landing 5 Market 6 Outdoor lighting 7 Park 8 Roadside stall 9 Telecommunications facility 10 Temporary use	Nil
Other uses	
1 Air service 2 Animal keeping 3 Car park 4 Crematorium 5 Extractive industry 6 Major sport, recreation and entertainment facility 7 Motor sport facility 8 Non-resident workforce accommodation 9 Outdoor sport and recreation 10 Port service 11 Tourist attraction 12 Utility installation 13 Any other use not listed in column 1, including a use that is unknown	<p>The adopted charge is the amount determined for another similar use listed in column 1 (other than in this row) that the Council decides to apply at the time of determining the levied charge pursuant to section 3 of this resolution, other than for the following uses which have the following adopted charge:</p> <p>Aquaculture—adopted charge in column 2 for Cultivating, in a confined area, aquatic animals or plants for sale</p> <p>Bar—adopted charge in column 2 for Food and drink outlet</p> <p>Brothel—adopted charge in column 2 for Service industry</p> <p>Car wash—adopted charge in column 2 for Service industry</p> <p>Detention facility—adopted charge in column 2 for Correctional facility</p> <p>Dwelling unit—adopted charge in column 2 for Dwelling house</p> <p>Environment facility—adopted charge in column 2 for Park</p> <p>Major electricity infrastructure—adopted charge in column 2 for Telecommunications facility</p>

Column 1 – Use	Column 2 – Adopted charge
	Parking station—adopted charge in column 2 for Car park Renewable energy facility—adopted charge in column 2 for Wind farm Rural workers' accommodation—adopted charge in column 2 for Rooming accommodation Transport depot—adopted charge in column 2 for Warehouse

Schedule 4 - Examples of trunk infrastructure for water and sewerage Networks

1. Trunk water infrastructure includes the following:
 - a) Water storage facility where the ultimate total capacity is greater than or equal to 150 kilolitres including directly associated telemetry, monitoring and control equipment.
 - b) Pump stations (including boosters) which are required to deliver an ultimate design demand of greater than or equal to 10 litres per second normal peak demand (excluding fire flow demand) including directly associated telemetry, monitoring and control equipment.
 - c) A water main having a nominal diameter greater than or equal to 200 millimetres including directly associated fittings being valves, hydrants, scours and air valves. Smaller size mains may be trunk where they are the principal network component for transporting water from source of supply to distribution or storage reservoirs, and/or from storage reservoirs to the reticulation system.
 - d) Chlorination and re-chlorination facilities including directly associated telemetry, monitoring and control equipment.
 - e) Flow meters that are not directly associated with any other equipment except for a water main including directly associated telemetry, monitoring and control equipment.
 - f) Pressure and flow control valves associated with trunk assets including directly associated telemetry, monitoring and control equipment.
2. Trunk sewerage infrastructure includes the following:
 - a) Sewerage treatment plants including outfall structures and disposal systems including directly associated telemetry, monitoring and control equipment.
 - b) Sewerage pump stations which are required to deliver an ultimate design peak wet weather flow of greater than or equal to nine litres per second including directly associated telemetry, monitoring and control equipment, emergency storage facilities, emergency overflow structures and odour management.
 - c) Rising mains associated with a trunk sewage pump station including associated fittings being valves, scours, air valves and discharge maintenance holes.
 - d) Gravity mains having a nominal diameter greater than or equal to 225mm including directly associated maintenance structures and emergency overflow structures.
 - e) Gravity mains which:
 - i. have a nominal diameter less than 225 millimetres including directly associated maintenance structures and emergency overflow structures.
 - ii. augment another gravity sewer where they share a common upstream maintenance structure which splits the flow and a common downstream maintenance structure which re-joins the flow.
 - f) An infrastructure item which receives flow from an upstream infrastructure item that is trunk infrastructure under subparagraphs (a) to (e) above.

Note: The references to the terms "Trunk" and "Reticulation" as used in this Schedule bear no relation to those same terms as used in the SEQ Code specification for design and construction of water and sewerage infrastructure.

Schedule 5 - Process if Council requires the cost of trunk infrastructure that is work to be determined through an open tender process

The Establishment Cost for a trunk infrastructure contribution for work may be recalculated by Council at the request of the applicant by using the market cost for the work.

The market cost for the work is the estimate of the cost of the design and construction of the work:

1. The market cost includes the following:
 - (a) the construction cost for the work;
 - (b) construction on costs for the work which do not exceed the maximum construction on cost stated in Table 1 (below) for the following:
 - i. The cost of survey for the work;
 - ii. The cost of geotechnical investigations for the work;
 - iii. The cost of only detailed design for the work;
 - iv. The cost of project management and contract administration;
 - v. The cost of environmental investigations for the work; and
 - vi. A portable long service leave payment for a construction contract for the work.

Table 1 - Maximum construction on costs for work

Column 1	Column 2
Trunk infrastructure network	Maximum construction on costs for work (Percentage of the construction cost for the work)
movement network	20%
parks network	20%
stormwater quantity network	20%
land for community facilities network	Not applicable
water supply network	20%
sewerage network	20%

- (c) risk and contingencies which do not exceed 10% for the cost of that part of the work in a construction contract which is subject to a contingency.

Example - a construction contract for a trunk road infrastructure network item may state a contingency for pavement design and service relocation.

2. The market cost excludes the following:
 - (a) costs for making a development application and obtaining a development approval for the work, including but not limited to:
 - i. fees and charges of the Council for lodging a development application for a development approval for the work; and

- ii. fees of a consultant for work carried out in relation to preparing and making a development application and obtaining a development approval for the work;
- (b) a cost of carrying out temporary infrastructure;
- (c) a cost of carrying out other infrastructure which is not part of the trunk infrastructure contribution;
- (d) a cost of the decommissioning, removal and rehabilitation of infrastructure identified in paragraphs (b) and (c);
- (e) a part of the trunk infrastructure contribution provided by:
 - i. Council; or
 - ii. a person, other than the applicant or a person engaged by the applicant;
- (f) a cost to the extent that GST is payable and an input tax credit can be claimed for the work;
- (g) a cost attributable directly or indirectly to the failure of an applicant or a person engaged by the applicant to perform and fulfil a Relevant Approval for the work;
- (h) a cost caused or contributed to by a negligent or wilful act or omission by the applicant or a person engaged by the applicant;
- (i) a cost of carrying out development infrastructure which is only made necessary by the development and does not contribute to the function of the trunk infrastructure item;
- (j) a cost of carrying out trunk infrastructure which relates to another development infrastructure network;
- (k) a cost of carrying out development infrastructure which is replacing existing infrastructure with different infrastructure in another development infrastructure network;
- (l) a cost of carrying out development infrastructure in excess of the DSS for the network of development infrastructure stated in the respective infrastructure planning instrument;
- (m) a cost of existing development infrastructure which services or is planned to service existing or future demand that is replaced by the trunk infrastructure contribution.

Determining the market cost

- 3. Prior to the applicant starting the construction of the work, the market cost for the work is to be determined as follows:
 - (a) the applicant is to undertake an open tender process for the work;
 - (b) the applicant is to:
 - i. give to Council a notice in the prescribed form which states the following:
 - a. an open tender process has been conducted;
 - b. the tenders received;
 - c. the applicant's preferred tenderer;
 - d. the applicant's reason for the preferred tenderer;
 - e. the terms of the construction contract for the work;
 - f. a plan for each development infrastructure network clearly showing the extent of the work for which an offset is sought;
 - g. the applicant's calculation of the market cost for the work; and
 - ii. pay the prescribed fee;

Note - The prescribed fee may include Council's costs for determining the market cost.

[Application forms and fact sheets are available here](#)

- (c) Council may, within 15 business days of the date the notice under paragraph (b) is received Council, give a notice to the applicant which states that the applicant is to

provide to Council a document to enable Council to determine the market cost including without limitation the following:

- i. details in respect of a construction contract for the work;
 - ii. a plan for each development infrastructure network clearly showing the scope of the work for which an offset is sought.
- (d) the applicant is to comply with a notice given by Council to the applicant under paragraph (c);
- (e) Council is to as soon as reasonably practicable determine the market cost acting reasonably having regard to the matters in paragraphs (a) to (d);
- (f) as soon as reasonably practicable after determining the market cost, Council is to:
- i. give to the applicant a notice which states the following:
 - a. Council's calculation of the market cost for the work and the reason for any difference from the applicant's calculation;
 - b. the Establishment Cost for the work; and
 - ii. issue an amended ICN pursuant to section 10.11 of the resolution.

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