

# Lockyer Valley Regional Council

## Lockyer Valley Adopted Infrastructure Charges Resolution (No. 6) 2022

### Contents

<b>Part 1</b>	<b>Introduction .....</b>	<b>2</b>
1.	Short title .....	2
2.	Commencement.....	2
3.	Planning Act 2016 .....	2
4.	Purpose .....	2
5.	Interpretation.....	2
<b>Part 2</b>	<b>Adopted charges .....</b>	<b>3</b>
6.	Purpose of part 2 .....	3
7.	Adopted charges .....	3
8.	Trunk infrastructure networks for adopted charges.....	3
9.	Applicable date for the adopted charges.....	3
10.	Applicable area for the adopted charges .....	3
11.	Applicable uses or activity for the adopted charges .....	4
<b>Part 3</b>	<b>Levied charges.....</b>	<b>5</b>
12.	Purpose of part 3 .....	5
13.	Applicable development for the levied charge .....	5
14.	Working out the levied charge.....	6
15.	Working out the applied adopted charge .....	6
16.	Working out the additional demand.....	6
17.	Working out the discount for the prescribed financial contribution .....	7
18.	Working out the automatic increase .....	8
<b>Part 4</b>	<b>Offset and refund for trunk infrastructure .....</b>	<b>9</b>
19.	Purpose of part 4 .....	9
20.	Identified trunk infrastructure criteria (conversion criteria).....	9
21.	Working out the establishment cost.....	10
22.	Calculation of the establishment cost.....	10
23.	Recalculation of the establishment cost for work.....	11
24.	Recalculation of the establishment cost for land.....	14
25.	Application of an offset and refund .....	15
26.	Details of an offset and refund .....	15
27.	Timing of an offset and refund.....	15
<b>Schedule 1</b>	<b>Dictionary.....</b>	<b>20</b>
<b>Schedule 2</b>	<b>Trunk infrastructure network charges.....</b>	<b>23</b>
<b>Schedule 3</b>	<b>Applicable uses under the Gatton Shire planning scheme and Laidley Shire planning scheme.....</b>	<b>25</b>
<b>Schedule 4</b>	<b>Identified trunk infrastructure criteria .....</b>	<b>26</b>

# Lockyer Valley Regional Council

## Lockyer Valley Adopted Infrastructure Charges Resolution (No. 6) 2022

### Part 1 Introduction

#### 1. Short title

This resolution may be cited as *Lockyer Valley Adopted Infrastructure Charges Resolution (No. 6) 2022*.

#### 2. Commencement

- (1) This resolution has effect on and from 1 July 2022.

#### 3. Planning Act 2016

- (1) This resolution is made under the *Planning Act 2016*.
- (2) This resolution is to be read in conjunction with the following:
- (a) the *Planning Regulation 2017*;
  - (b) the Ministers Guidelines and Rules;
  - (c) the Gatton Shire planning scheme;
  - (d) the Laidley Shire planning scheme;
- (3) This resolution is attached to, but does not form part of the Gatton Shire planning scheme or the Laidley Shire planning scheme.

#### 4. Purpose

- (1) The purpose of this resolution is to state the following:
- (a) the adopted charges for providing the local government trunk infrastructure networks and distributor-retailer trunk infrastructure networks for development;
  - (b) the levied charges to be levied by the local government for development for the demand placed on the local government trunk infrastructure networks;
  - (c) matters relevant to the working out of an offset and refund for a trunk infrastructure contribution for the local government trunk infrastructure networks for development.

#### 5. Interpretation

- (1) The dictionary in schedule 1 defines words used in this resolution.
- (2) A word not defined in this resolution which is defined in the Planning Act has the meaning given in the Planning Act.
- (3) A word not defined in this resolution or the Planning Act has the meaning given to it by the edition of the Macquarie Dictionary that is current at the date this resolution takes effect, subject to section 14A (Interpretation best achieving Act's purpose) of the *Acts Interpretation Act 1954* and section 14 (Applicable provisions) of the *Statutory Instruments Act 1992*.

## Part 2 Adopted charges

### 6. Purpose of part 2

- (1) Part 2 states the following:
- (a) the adopted infrastructure charges for providing trunk infrastructure networks for development (***adopted charge***);
  - (b) the ***trunk infrastructure networks***, which are the following:
    - (i) for the local government—the trunk infrastructure for the local government's transport, stormwater, and public parks and community facilities infrastructure networks (***local government trunk infrastructure networks***);
    - (ii) for the distributor-retailer—the trunk infrastructure for the distributor-retailer's water service and wastewater service (***distributor-retailer trunk infrastructure networks***).
  - (c) the date the adopted charges take effect (***applicable date***);
  - (d) the part of the local government area to which the adopted charges apply (***applicable area***);
  - (e) the uses to which the adopted charges apply (***applicable use***).

### 7. Adopted charges

- (1) The local government has for the purpose of working out the ***adopted charges*** for the local government trunk infrastructure networks under this resolution determined the following:
- (a) a charge for each trunk infrastructure network (including indexation) for development which is included in schedule 2 (***trunk infrastructure network charges***) that comprise the charge for each local government trunk infrastructure network (***local government trunk infrastructure network charge or LNC***);

### 8. Trunk infrastructure networks for adopted charges

- (1) The local government trunk infrastructure networks are specified in the Local Government Infrastructure Plan.
- (2) The distributor-retailer trunk infrastructure networks are specified in the ***distributor-retailer infrastructure planning instrument*** which means the following:
- (a) the distributor-retailer's water netserv plan under the SEQ Water Act;
  - (b) the interim connections policy and schedule of works under the SEQ Water Act adopted by the distributor-retailer if paragraph (a) is not applicable.

### 9. Applicable date for the adopted charges

The applicable date for the adopted charges is the day this resolution has effect.

### 10. Applicable area for the adopted charges

The applicable area for the adopted charges is all of the local government area.

Lockyer Valley Regional Council  
Lockyer Valley Adopted Infrastructure Charges Resolution (No. 6) 2022

---

**11. Applicable uses or activity for the adopted charges**

- (1) The applicable uses or activity under the Gatton Shire planning scheme and the Laidley Shire planning scheme to which the adopted charges apply are stated in schedule 3.

## Part 3 Levied charges

### 12. Purpose of part 3

- (1) Part 3 states the following:
- (a) the applicable development for which adopted charges may be levied by the local government for development for the demand placed upon the local government trunk infrastructure networks (**levied charge**);
  - (b) the method to be applied by the local government for working out the levied charge including the following:
    - (i) the adopted charge to be applied (**applied adopted charge**);
    - (ii) the additional demand placed upon the local government trunk infrastructure networks which will be generated by the development (**additional demand**);
    - (iii) the discount to be applied for a financial contribution (**prescribed financial contribution**):
      - (A) provided for in relation to a local government trunk infrastructure network under an infrastructure charging instrument for a previous development approval;
      - (B) which has been paid to the local government or otherwise satisfied under an infrastructure agreement between the applicant for the previous development approval and the local government for the provision of land, work or money for the local government trunk infrastructure networks; and
      - (C) which has not been reimbursed or otherwise previously applied against another financial contribution;
  - (c) the method to be applied by the local government for working out the increase in the levied charge from the day the levied charge is levied to the day the levied charge is paid (**automatic increase**).

### 13. Applicable development for the levied charge

- (1) The levied charge may be levied for the following development:
- (a) reconfiguring a lot;
  - (b) material change of use of premises;
  - (c) building work.
- (2) The levied charge is not to be levied for the following:
- (a) development in a priority development area under the *Economic Development Act 2012*;
  - (b) work or use of land authorised under the *Mineral Resources Act 1989*, the *Petroleum Act 1923*, the *Petroleum and Gas (Production and Safety) Act 2004* or the *Greenhouse Gas Storage Act 2009*.

Lockyer Valley Regional Council  
Lockyer Valley Adopted Infrastructure Charges Resolution (No. 6) 2022

---

**14. Working out the levied charge**

- (1) The levied charge for the development is to be worked out by the local government as follows:

$$LC = ((AC \times AD) - D)$$

Where:

LC is the levied charge for the development, which cannot be less than zero.

AC is the applied adopted charge for the development.

AD is the additional demand for the development.

D is the discount for the prescribed financial contribution.

**15. Working out the applied adopted charge**

- (1) The applied adopted charge for the development is to be worked out by the local government by applying the following:

- (a) the adopted charge worked out under section 7 (Adopted charges).

**16. Working out the additional demand**

- (1) The additional demand for the development is to be worked out by the local government as follows:

$$AD = DD - DC$$

Where:

AD is the additional demand.

DD is the demand placed upon the local government trunk infrastructure networks which will be generated by the development (**development demand**).

DC is the demand placed upon the local government trunk infrastructure networks generated by existing or previous development if applicable (**demand credit**).

- (2) The development demand is worked out using the relevant unit of calculation for an adopted charge for the development in schedule 2 (**demand unit**).
- (3) The demand credit is to be worked out using the greater of the following:
- (a) if the premises is subject to an existing use which is lawful and already taking place on the premises (**existing lawful use**) that places demand upon the local government trunk infrastructure networks, the demand generated for the existing lawful use using the applicable demand units for the use;
  - (b) if the premises is subject to a previous use which was lawful at the time it was carried out and is no longer taking place on the premises (**previous lawful use**) that placed demand upon the local government trunk infrastructure networks, the demand generated for the previous lawful use using the applicable demand units for the use;
  - (c) if the premises is a vacant lot, the demand for one dwelling house (3 bedroom dwelling) in schedule 2.

Lockyer Valley Regional Council  
Lockyer Valley Adopted Infrastructure Charges Resolution (No. 6) 2022

---

- (4) The demand credit for an existing lawful use or previous lawful use under subsections 3(a) and 3(b) is to be worked out by the local government prior to the time for the giving of the relevant approval to which the levied charge applies as follows:
- (a) an applicant which is seeking the demand credit for an existing lawful use or previous lawful use is to:
    - (i) give a notice to the local government which provides evidence of the existing lawful use or the previous lawful use and the calculation of the demand credit; and
    - (ii) work out the demand credit for the previous lawful use if applicable; and
    - (iii) pay the prescribed fee;
  - (b) the local government is to:
    - (i) determine if a demand credit for the existing lawful use or the previous lawful use is applicable to the development;
    - (ii) give a notice to the applicant stating the outcome of the local government's determination.
- (5) A demand credit is only to be provided to a maximum amount equal to the development demand.

**17. Working out the discount for the prescribed financial contribution**

- (1) The amount of the discount for the prescribed financial contribution is to be worked out by the local government as follows:
- $$D = PFC - (AC - DC)$$
- Where:
- D* is the discount which cannot be less than zero.
- PFC* is the amount of the prescribed financial contribution.
- AC* is the applied adopted charge for the proposed development worked out under section 15 (Working out the applied adopted charge).
- DC* is the demand credit if applicable worked out under section 16 (Working out the additional demand).
- (2) The discount for the prescribed financial contribution is to be worked out by the local government prior to the time for the giving of the relevant approval to which the levied charge applies as follows:
- (a) an applicant which is seeking the discount for the prescribed financial contribution is to:
    - (i) give a notice in the prescribed form to the local government which provides evidence of the prescribed financial contribution and the calculation of the discount; and
    - (ii) pay the prescribed fee;
  - (b) The local government is to:
    - (i) determine if the discount for a prescribed financial contribution is applicable to the development;
    - (ii) work out the discount for the prescribed financial contribution if

Lockyer Valley Regional Council  
Lockyer Valley Adopted Infrastructure Charges Resolution (No. 6) 2022

---

applicable; and

- (iii) give notice to the applicant stating the outcome of the local government's determination.

*Editor's note—The notice may be given in an infrastructure charges notice.*

**18. Working out the automatic increase**

- (1) The automatic increase of the levied charge is to be worked out by the local government as the amount which is equal to the increase calculated by using the index stated in section 114 of the Planning Act.
- (2) However, the amount of the automatic increase of the levied charge must not be more than the amount of the increase prescribed by section 114 the Planning Act.

*Editor's note – The automatic increase is calculated using a spreadsheet available on Council's website.*



## Part 4      Offset and refund for trunk infrastructure

### 19.      Purpose of part 4

Part 4 states the following matters relevant to the working out of an offset or refund for the provision of trunk infrastructure for the local government trunk infrastructure networks for development:

- (a)      the criteria for trunk infrastructure to be applied by the local government in deciding if development infrastructure is trunk infrastructure (***identified trunk infrastructure criteria***);
- (b)      the method to be applied by the local government for working out the establishment cost of trunk infrastructure for an offset or refund where an applicant is required under a condition of a relevant approval to provide land or work for the following trunk infrastructure for local government trunk infrastructure networks (***trunk infrastructure contribution***):
  - (i)      ***identified trunk infrastructure***—development infrastructure which is identified in the Local Government Infrastructure Plan;
  - (ii)     ***different trunk infrastructure***—development infrastructure which:
    - (A)      is an alternative to the identified trunk infrastructure; and
    - (B)      delivers the same desired standards of service for the network of development infrastructure stated in the Local Government Infrastructure Plan;
  - (iii)    ***necessary trunk infrastructure***—development infrastructure which is not identified trunk infrastructure or different trunk infrastructure that satisfies the identified trunk infrastructure criteria and is necessary to service development;
  - (iv)    ***prescribed trunk infrastructure***—development infrastructure which is not identified trunk infrastructure, different trunk infrastructure or necessary trunk infrastructure that becomes trunk infrastructure under the Planning Act;
- (c)      whether an offset or refund applies and if so the details of the offset and refund and the timing of the offset and refund.

### 20.      Identified trunk infrastructure criteria (conversion criteria)

The identified trunk infrastructure criteria (conversion criteria) for deciding that development infrastructure is trunk infrastructure are the following:

- (a)      that the development infrastructure is necessary to service development:
  - (i)      consistent with the assumptions about the type, scale, location or timing of future development stated in the Local Government Infrastructure Plan;
  - (ii)     the premises must be completely inside the priority infrastructure area in the Local Government Infrastructure Plan;
  - (iii)    facilitates development of other premises by enabling increased development or overcoming deficiencies in service through its provision; and

Lockyer Valley Regional Council  
Lockyer Valley Adopted Infrastructure Charges Resolution (No. 6) 2022

---

- (iv) reduces or eliminates unnecessary and interim staged infrastructure; and
- (v) provides a critical shared link between multiple development sites and the defined and mapped trunk network; and
- (vi) would have been identified as 'trunk' infrastructure had the ultimate demand and development pattern been known in more detail at the time of developing the Local Government Infrastructure Plan; and
- (vii) the type, size and location of the infrastructure is the most cost effective option for servicing multiple users in the area. The most effective option means the least cost option based upon the life cycle cost of the infrastructure required to service existing and future development in the area at the desired standards of service.

(b) that the development infrastructure complies with the criteria in schedule 4

## 21. Working out the establishment cost

The establishment cost for a trunk infrastructure contribution is to be worked out by the local government using the following:

- (a) for the calculation of the establishment cost—the method in section 22 (Calculation of the establishment cost);
- (b) for the recalculation of the establishment cost for work calculated under paragraph (a)—the method in section 23 (Recalculation of the establishment cost for work);
- (c) for the recalculation of the establishment cost for land calculated under paragraph (a)—the method in section 24 (Recalculation of the establishment cost for land).

## 22. Calculation of the establishment cost

(1) The establishment cost for a trunk infrastructure contribution is to be worked out by the local government using any of the following:

- (a) the planned estimate of the trunk infrastructure contribution;
- (b) a cost-based estimate of the establishment cost for the trunk infrastructure contribution determined by the local government using first principles estimating;
- (c) an estimate of the establishment cost for the trunk infrastructure contribution reasonably determined by the local government.

(2) The ***planned estimate*** of the trunk infrastructure contribution is:

- (a) the whole of an item of identified trunk infrastructure—is the ***planned cost*** being the amount of the value of the item stated in schedule 8;
- (b) part of an item of identified trunk infrastructure—is the estimate of the proportion of the planned cost of the item of identified trunk infrastructure applicable to the trunk infrastructure contribution having regard to the method used by the local government to work out the planned cost of the item of identified trunk infrastructure stated in the extrinsic material to the Local Government Infrastructure Plan; and
- (c) different trunk infrastructure, necessary trunk infrastructure or prescribed trunk infrastructure—is the estimate of the planned cost of the infrastructure having regard to the method used by the local government to work out the

Lockyer Valley Regional Council  
Lockyer Valley Adopted Infrastructure Charges Resolution (No. 6) 2022

---

planned cost of the identified trunk infrastructure for the network of development infrastructure stated in the extrinsic material to the Local Government Infrastructure Plan.

**23. Recalculation of the establishment cost for work**

***Market cost***

- (1) The establishment cost for a trunk infrastructure contribution for work may be recalculated by the local government at the request of the applicant by using the market cost for the work.
- (2) The market cost for the work is the estimate of the cost of the design and construction of the work:
  - (a) including the following:
    - (i) the construction cost for the work;
    - (ii) construction on costs for the work which do not exceed the maximum construction on costs stated in schedule 9 for the following:
      - (A) the cost of survey for the work;
      - (B) the cost of geotechnical investigations for the work;
      - (C) the cost of only detailed design for the work;
      - (D) the cost of project management and contract administration;
      - (E) the cost of environmental investigations for the work;
      - (F) a portable long service leave payment for a construction contract for the work;
    - (iii) risk and contingencies which do not exceed 10% for the cost of that part of the 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.*
  - (b) excluding the following:
    - (i) the planning of the work;
    - (ii) a cost of carrying out temporary infrastructure;
    - (iii) a cost of carrying out other infrastructure which is not part of the trunk infrastructure contribution;
    - (iv) a cost of the decommissioning, removal and rehabilitation of infrastructure identified in paragraphs (ii) and (iii);
    - (v) a part of the trunk infrastructure contribution provided by:
      - (A) the local government; or
      - (B) a person, other than the applicant or a person engaged by the applicant;
    - (vi) a cost to the extent that GST is payable and an input tax credit can be claimed for the work;
    - (vii) a cost attributable directly or indirectly to the failure of an applicant

Lockyer Valley Regional Council  
Lockyer Valley Adopted Infrastructure Charges Resolution (No. 6) 2022

---

- or a person engaged by the applicant to perform and fulfil a relevant approval for the work;
- (viii) a cost caused or contributed to by a negligent or wilful act or omission by the applicant or a person engaged by the applicant;
- (ix) 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;
- (x) a cost of carrying out trunk infrastructure which relates to another development infrastructure network;
- (xi) a cost of carrying out development infrastructure which is replacing existing infrastructure with different infrastructure in another development infrastructure network;
- (xii) 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) The local government is to, prior to the applicant starting the construction of the work, determine the market cost for the work as follows:
  - (a) the applicant is to undertake an open tender process for the work;
  - (b) the applicant is to:
    - (i) give to the local government 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;
  - (c) the local government may, within 15 business days of the date the notice under paragraph (b) is received by the local government, give a notice to the applicant which states that the applicant is to provide to the local government a document to enable the local government 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 the local government to the applicant under paragraph (c);

Lockyer Valley Regional Council  
Lockyer Valley Adopted Infrastructure Charges Resolution (No. 6) 2022

---

- (e) the local government is to as soon as reasonably practicable determine the market cost acting reasonably having regard to the matters in paragraphs (a) to (d);
- (f) the local government after determining the market cost is to as soon as reasonably practicable:
  - (i) give to the applicant a notice which states the following:
    - (A) the local government'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 infrastructure charges notice.

***Adjustment of the establishment cost***

- (4) The local government 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:
  - (a) this subsection only applies to a cost of work (***prescribed cost***) if the cost:
    - (i) would have formed part of the market cost used to work out the establishment cost for the work; and
    - (ii) was not included in the market cost used to work out the establishment cost or was included in the market cost used to work out the establishment cost but was for an amount less than the prescribed cost; and
    - (iii) was included in the market cost used to work out the establishment cost but was subject to a contingency stated in subsection (2)(a)(iii);
  - (b) the applicant may, prior to 15 business days after the applicant has completed the work:
    - (i) give to the local government a single notice which is to state the following:
      - (A) that the applicant requests that the local government 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.
  - (c) the local government may, within 15 business days of the date the notice under paragraph (b) is received by the local government, give a notice to the applicant which states that the applicant is to provide to the local government a document to enable the local government to determine the value of an adjusted establishment cost;
  - (d) the applicant is to comply with a notice given by the local government to the applicant under paragraph (c);
  - (e) the local government is to as soon as reasonably practicable determine

Lockyer Valley Regional Council  
Lockyer Valley Adopted Infrastructure Charges Resolution (No. 6) 2022

---

whether the establishment cost is to be adjusted acting reasonably having regard to the matters in paragraphs (a) to (d);

- (f) the local government after determining whether the establishment cost is to be adjusted, is to as soon as reasonably practicable:
  - (i) give to the applicant a notice which states the following:
    - (A) the local government's calculation of the adjusted establishment 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 infrastructure charges notice.

**24. Recalculation of the establishment cost for land**

- (1) The establishment cost for a trunk infrastructure contribution for land may be recalculated by the local government at the request of the applicant using the current market value of the land.
- (2) The **current market value** of the land is the difference, determined by using the before and after method of valuation of the whole of the subject premises, between the value of the subject premises including the land and the value of the subject premises excluding the land.
- (3) The local government is to, prior to the date of payment of the levied charge, determine the market value of the land as follows:
  - (a) the applicant is to provide to the local government the following:
    - (i) a notice in the prescribed form requesting the recalculation of the establishment cost for the land;
    - (ii) a valuation of the land undertaken by a certified practicing valuer;
    - (iii) the prescribed fee;
  - (b) the local government may, if the matters in paragraph (a) are satisfied, refer the valuation to a registered valuer to assess whether the valuation is consistent with the current market value;
  - (c) the local government is to decide whether to:
    - (i) accept the valuation; or
    - (ii) reject the valuation;
  - (d) the local government is to, if it accepts the valuation:
    - (i) give to the applicant a notice stating the establishment cost for the land; and
    - (ii) index the establishment cost for the land using the CPI from the date of the accepted valuation to the date stated in the amended infrastructure charges notice;
  - (e) the local government is to, if it rejects the valuation, refer the valuation to an independent certified practicing valuer to:
    - (i) assess whether the valuation is consistent with the current market value; and
    - (ii) undertake a valuation of the land if the valuation is assessed as not

Lockyer Valley Regional Council  
Lockyer Valley Adopted Infrastructure Charges Resolution (No. 6) 2022

---

consistent with the current market value;

- (f) the local government is to, upon the determination of the independent certified practicing valuer's valuation:
  - (i) give to the applicant a notice stating the establishment cost for the land;
  - (ii) index the establishment cost for the land using the CPI from the date of the independent certified practicing valuer's valuation to the date stated in the amended infrastructure charges notice; and
  - (iii) issue an amended infrastructure charges notice;
- (g) the local government however is not required to refer the valuation to the registered valuer or the independent certified practising valuer if the applicant has not paid to the Council the prescribed fee including the costs of the registered valuer under paragraph (b) and the independent certified practicing valuer under paragraph (e).

## 25. Application of an offset and refund

The following apply if a trunk infrastructure contribution services or is planned to service premises other than premises the subject of the relevant approval and an adopted charge applies to the development the subject of the relevant approval:

- (a) an **offset**—where the establishment cost for the trunk infrastructure contribution is equal to or less than the levied charge; and
- (b) a **refund**—where the establishment cost for the trunk infrastructure contribution is more than the levied charge.

## 26. Details of an offset and refund

- (1) If an offset applies, the establishment cost for the trunk infrastructure contribution is to be worked out by the local government in accordance with section 21 (Working out the establishment cost).
- (2) If a refund applies, the proportion of the establishment cost for the trunk infrastructure contribution that may be apportioned reasonably to users of premises other than the premises the subject of the relevant approval (**prescribed proportion**) is to be worked out by the local government using an estimate of the prescribed proportion reasonably determined by the local government.

## 27. Timing of an offset and refund

- (1) An applicant entitled to seek an offset or refund for the trunk infrastructure contribution is to:
  - (a) give to the local government a notice in the prescribed form which states the following:
    - (i) the date the trunk infrastructure contribution the subject of an offset or refund was lawfully completed;
    - (ii) that the trunk infrastructure contribution has been provided in accordance with the relevant approval for the trunk infrastructure contribution; and
  - (b) pay the prescribed fee.
- (2) The local government is to as soon as reasonably practicable after receiving a notice under subsection (1):

Lockyer Valley Regional Council  
Lockyer Valley Adopted Infrastructure Charges Resolution (No. 6) 2022

---

- (a) determine whether the trunk infrastructure contribution has satisfied the matters in subsection (1)(a); and
  - (b) give to the applicant a notice stating the outcome of the local government's determination.
- (3) The local government if satisfied of the matters in subsection (1)(a) is to, unless otherwise provided for in an infrastructure agreement:
- (a) for an offset—set off the establishment cost for the trunk infrastructure contribution against the levied charge when the levied charge stated in the infrastructure charges notice is payable under the Planning Act;
  - (b) for a refund—give the refund when stated in the infrastructure charges notice.
- (4) The local government has adopted a policy position in relation to the determination in an infrastructure charges notice of when a refund is to be given by the local government to achieve the following policy objectives:
- (a) to seek to integrate the local government's land use and infrastructure plans;
  - (b) to implement the Local Government Infrastructure Plan as the basis for the local government's trunk infrastructure funding;
  - (c) to implement infrastructure funding which is equitable, accountable and financially sustainable for the local government.
- (5) The local government's policy position in relation to the determination in an infrastructure charges notice of when a refund is to be given by the local government and related matters is as follows:
- (a) for a trunk infrastructure contribution for identified trunk infrastructure which is identified in the local government's capital works program at the date of the relevant approval with a planned date that is consistent with the Local Government Infrastructure Plan:
    - (i) the refund may be given in accordance with the payment triggers in paragraph (ii) until the planned date, at which time the balance of the refund is to be given by 31 December of the financial year following the planned date;
    - (ii) the following payment triggers achieve the local government's policy objectives:
      - (A) for a refund which is an amount that is less than \$100,000—the refund may be given by 31 December of the financial year following the completion of the trunk infrastructure contribution;
      - (B) for a refund which is an amount that is \$100,000 or more but not more than \$500,000—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 contribution;
      - (C) for a refund which is an amount that is \$500,000 or more but not more than \$1 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 contribution;



Lockyer Valley Regional Council  
Lockyer Valley Adopted Infrastructure Charges Resolution (No. 6) 2022

---

- (D) for a refund which is an amount that is \$1 million or more— the refund may be given annually in equal payments of \$250,000 by 31 December in each financial year commencing in the financial year following the completion of the trunk infrastructure contribution until the amount is paid;
- (iii) each amount to be paid under paragraph (ii) is to be increased by the CPI from the date of the infrastructure charges notice for the refund to the date that the amount is paid;
- (b) for a trunk infrastructure contribution for identified trunk infrastructure (for which subsection 28(5)(a) does not apply) or different trunk infrastructure which is provided before or in the planned date or period for the trunk infrastructure contribution stated in the Local Government Infrastructure Plan:
  - (i) the following payment triggers achieve the local government's policy objectives:
    - (A) for a refund which is an amount that is less than \$100,000— the refund may be given by 31 December of the financial year following the end of the relevant planned date or period for the trunk infrastructure contribution;
    - (B) for a refund which is an amount that is \$100,000 or more but not more than \$500,000—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 end of the relevant planned date or period for the trunk infrastructure contribution;
    - (C) for a refund which is an amount that is \$500,000 or more but not more than \$1 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 end of the relevant planned date or period for the trunk infrastructure contribution;
    - (D) for a refund which is an amount that is \$1 million or more— the refund may be given annually in equal payments of \$250,000 by 31 December in each financial year commencing in the financial year following the end of the relevant planned date or period for the trunk infrastructure contribution until the amount is paid;
  - (ii) each amount to be paid under paragraph (i) is to be increased by the CPI from the date of the infrastructure charges notice for the refund to the date that the amount is paid;
- (c) for a trunk infrastructure contribution for identified trunk infrastructure or different trunk infrastructure which is provided after the planned date or period for the trunk infrastructure contribution stated in the Local Government Infrastructure Plan:
  - (i) the following payment triggers achieve the local government's policy objectives:
    - (A) for a refund which is an amount that is less than \$100,000— the refund may be given by 31 December of the financial year

Lockyer Valley Regional Council  
Lockyer Valley Adopted Infrastructure Charges Resolution (No. 6) 2022

---

- following the completion of the trunk infrastructure contribution;
- (B) for a refund which is an amount that is \$100,000 or more but not more than \$500,000—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 contribution;
  - (C) for a refund which is an amount that is \$500,000 or more but not more than \$1 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 contribution;
  - (D) for a refund which is an amount that is \$1 million or more—the refund may be given annually in equal payments of \$250,000 by 31 December in each financial year commencing in the financial year following the completion of the trunk infrastructure contribution until the amount is paid;
- (ii) each amount to be paid under paragraph (i) is to be increased by the CPI from the date of the infrastructure charges notice for the refund to the date that the amount is paid;
- (d) for a trunk infrastructure contribution for necessary trunk infrastructure:
- (i) the local government is to estimate the period in which the trunk infrastructure contribution would have been planned to be provided had it been included in the Local Government Infrastructure Plan having regard to the method used by the local government to work out the relevant planned date or period of items of identified trunk infrastructure for the network of development infrastructure stated in the extrinsic material to the Local Government Infrastructure Plan (specified date or period);
  - (ii) the local government is to upon the completion of the trunk infrastructure contribution include the trunk infrastructure as existing trunk infrastructure in the Local Government Infrastructure Plan;
  - (iii) the following payment triggers achieve the local government's policy objectives:
    - (A) for a refund which is an amount that is less than \$100,000—the refund may be given by 31 December of the financial year following the end of the specified date or period for the trunk infrastructure contribution;
    - (B) for a refund which is an amount that is \$100,000 or more but not more than \$500,000—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 end of the specified date or period for the trunk infrastructure contribution;
    - (C) for a refund which is an amount that is \$500,000 or more but not more than \$1 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

Lockyer Valley Regional Council  
Lockyer Valley Adopted Infrastructure Charges Resolution (No. 6) 2022

---

- the end of the specified date or period for the trunk infrastructure contribution;
- (D) for a refund which is an amount that is \$1 million or more—the refund may be given annually in equal payments of \$250,000 by 31 December in each financial year commencing in the financial year following the end of the specified date or period for the trunk infrastructure contribution until the amount is paid;
- (iv) each amount to be paid under paragraph (iii) is to be increased by the CPI from the date of the infrastructure charges notice for the refund to the date that the amount is paid;
- (e) for a trunk infrastructure contribution for prescribed trunk infrastructure:
  - (i) the local government is to upon the completion of the trunk infrastructure contribution include the trunk infrastructure as existing trunk infrastructure in the Local Government Infrastructure Plan;
  - (ii) the following payment triggers achieve the local government's policy objectives:
    - (A) for a refund which is an amount that is less than \$100,000—the refund may be given by 31 December 2036;
    - (B) for a refund which is an amount that is \$100,000 or more but not more than \$500,000—the refund may be given annually over 3 financial years in equal payments between 31 December 2036 and 31 December 2038;
    - (C) for a refund which is an amount that is \$500,000 or more but not more than \$1 million—the refund may be given annually over 5 financial years in equal payments between 31 December 2036 and 31 December 2040;
    - (D) for a refund which is an amount that is \$1 million or more—the refund may be given annually in equal payments of \$250,000 from 31 December 2036 until the amount is paid;
  - (iii) each amount to be paid under paragraph (ii) is to be increased by the CPI from the date of the infrastructure charges notice for the refund to the date that the amount is paid.

## Schedule 1      Dictionary

**additional demand** see section 12(b)(ii) (Purpose of part 3).

**adopted charge** see section 6(a) (Purpose of part 2).

**applicable area** see section 6(d) (Purpose of part 2).

**applicable date** see section 6(c) (Purpose of part 2).

**applicable use** see section 6(e) (Purpose of part 2).

**applied adopted charge** see section 12(b)(i) (Purpose of part 3).

**automatic increase** see section 12(c) (Purpose of part 3).

**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.

**completion** means the stage in the provision of a trunk infrastructure contribution by an applicant when the local government is satisfied that the trunk infrastructure contribution is complete other than for a minor omission and a minor defect which:

- (a) is not essential;
- (b) does not prevent the matter from being reasonably capable of being used for its intended purpose;
- (c) the local government determines the applicant has a reasonable basis for not promptly rectifying; and
- (d) the rectification of which will not prejudice the convenient use of the matter.

**CPI** (an acronym for consumer price index) means the following:

the consumer price index 6401.0 All Groups Brisbane published by the Australian Bureau of Statistics;

- (a) if an index described in paragraph (a) ceases to be published—another similar index prescribed by the local government.

*Editor's note—Where the CPI has not been published for a calculation date the change in the CPI is to be determined by having regard to the index prior to the base date and the index prior to the calculation date.*

**current market value** see section 24(2) (Recalculation of the establishment cost for land).

Lockyer Valley Regional Council  
Lockyer Valley Adopted Infrastructure Charges Resolution (No. 6) 2022

---

**demand credit** see section 16(1) (Working out the additional demand).

**demand unit** see section 16(2) (Working out the additional demand).

**development demand** see section 16(1) (Working out the additional demand).

**different trunk infrastructure** see section 19(b)(ii) (Purpose of part 4).

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

**distributor-retailer infrastructure planning instrument** see section 8(2) (Trunk infrastructure networks for adopted charges).

**distributor-retailer trunk infrastructure networks** see section 6(b)(ii) (Purpose of part 2).

**dwelling** has the meaning in the *Planning Regulation 2017*.

**establishment cost** see section 21 (Working out the establishment cost).

**existing lawful use** see section 16(3)(a) (Working out the additional demand).

**financial year** means a period of 1 year beginning on 1 July.

**Gatton Shire planning scheme** means the Gatton Shire Planning Scheme 2007.

**GFA** (an acronym for gross floor area) has the meaning in the *Planning Regulation 2017*.

**identified trunk infrastructure criteria** see section 19(a) (Purpose of part 4).

**identified trunk infrastructure** see section 19(b)(i) (Purpose of part 4).

**infrastructure charging instrument** means any of the following:

- (a) a condition imposed under a planning scheme policy about infrastructure;
- (b) an adopted infrastructure charge levied under an adopted infrastructure charges notice;
- (c) a levied charge under an infrastructure charges notice.

**Laidley Shire planning scheme** means the Laidley Shire Planning Scheme 2003.

**levied charge** see section 12(a) (Purpose of part 3).

**levied charge relief** see section 12(b)(iii) (Purpose of part 3).

**Local Government Infrastructure Plan** means the Gatton Shire and the Laidley Shire Local Government Infrastructure Plans.

**local government trunk infrastructure networks** see section 6(b)(i) (Purpose of part 2).

**local government trunk infrastructure network charge or LNC** see section 7(2)(a)(i) (Adopted charges).

Lockyer Valley Regional Council  
Lockyer Valley Adopted Infrastructure Charges Resolution (No. 6) 2022

---

**market cost** see section 23(2) (Recalculation of the establishment cost for work).

**maximum adopted charge or MAC** has the meaning in the *Planning Act 2016*.

**necessary trunk infrastructure** see section 19(b)(iii) (Purpose of part 4).

**offset** see section 25(a) (Application of an offset and refund).

**planned cost** see section 22(2)(a) (Calculation of the establishment cost).

**planned estimate** see section 22(2) (Calculation of the establishment cost).

**Planning Act** means the *Planning Act 2016*.

**Planning Regulation** means the *Planning Regulation 2017*.

**PPI** (an acronym for producer price index) means the following:

- (a) the producer price index for construction 6427.0 (ABS PPI) index number 3101—Road and Bridge construction index for Queensland published by the Australian Bureau of Statistics;
- (b) if an index described in paragraph (a) ceases to be published—another similar index prescribed by the local government.

**prescribed cost** see section 23(4)(a) (Recalculation of the establishment cost for work).

**prescribed financial contribution** see section 12(b)(iii) (Purpose of part 3).

**prescribed fee** means a cost recovery fee prescribed by the local government.

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

**prescribed proportion** see section 26(2) (Details of an offset and refund).

**prescribed trunk infrastructure** see section 19(b)(iv) (Purpose of part 4).

**previous lawful use** see section 16(3)(b) (Working out the additional demand).

**refund** see section 25(b) (Application of an offset and refund).

**SEQ Water Act** means the *South-East Queensland Water (Distribution and Retail Restructuring) Act 2009*.

**specified date or period** see section 27(5)(c)(i) (Timing of an offset and refund).

**trunk infrastructure contribution** see section 19(b) (Purpose of part 4).

**trunk infrastructure networks** see section 6(b) (Purpose of part 2).

Lockyer Valley Regional Council  
Lockyer Valley Adopted Infrastructure Charges Resolution (No. 6) 2022

---

## Schedule 2 Trunk infrastructure network charges

**Table A Material Change of Use – Residential and Accommodation (Long-Term)**

DEMAND UNIT	LVRC	UU	UU	UU	Charges Breakup
	All Networks	Water	Wastewater	All Networks	
Dwelling/suite/unit with 2 bedrooms or less	\$10,765.33	Refer to Urban Utilities' Water NetServ Plan for details on adopted charges for water and sewer infrastructure.			50%
Dwelling/suite/unit with 3 or more bedrooms	\$13,297.13				50%
Each bedroom not part of a suite	\$10,765.33				50%

**Table B Material Change of Use – Accommodation (Short-Term)**

DEMAND UNIT	LVRC	UU	UU	UU	Charges Breakup
	All Networks	Water	Wastewater	All Networks	
Suite with 2 bedrooms or	\$5,382.65	Refer to Urban Utilities' Water NetServ Plan for details on adopted charges for water and sewer infrastructure.			50%
Suite with 3 or more bedrooms	\$6,648.57				50%
Each bedroom that is not part of a suite	\$5,382.65				50%
Group of 2 or less Camping or caravan site/s	\$5,382.65				50%
Group of 3 Camping or caravan	\$6,648.57				50%

**Table C Reconfiguring a Lot – All Lots**

DEMAND UNIT	LVRC	UU	UU	UU	Charges Breakup
	All Networks	Water	Wastewater	All Networks	
Lot	\$13,297.13	Refer to Urban Utilities' Water NetServ Plan for details on adopted charges for water and sewer infrastructure.			50%

Lockyer Valley Regional Council  
Lockyer Valley Adopted Infrastructure Charges Resolution (No. 6) 2022

DEMAND UNIT	LVRC	LVRC	UU	UU	UU	Charges Breakup
	Stormwater	Other	Water	Wastewater	All Networks	
	Per m <sup>2</sup> Impervious	Per m <sup>2</sup> GFA	Per m <sup>2</sup> Impervious	Per m <sup>2</sup> Impervious	Per m <sup>2</sup> Impervious	
Places of assembly	\$10.64	\$43.61	Refer to Urban Utilities' Water NetServ Plan for details on adopted charges for water and sewer infrastructure.			59%
Commercial (bulk goods)	\$10.64	\$73.40				49%
Commercial (retail)	\$10.64	\$115.95				61%
Commercial (office)	\$10.64	\$73.40				49%
Educational facility	\$10.64	\$73.40				49%
Entertainment	\$10.64	\$106.38				50%
Indoor sport and recreation (excluding court areas)	\$10.64	\$106.38				50%
Indoor sport and recreation (court areas)	\$10.64	\$15.96				75%
High impact industry or special industry	\$10.64	\$28.72				39%
Other industry	\$10.64	\$22.34				42%
Low impact rural	\$0.00	\$0.00				N/A
High impact rural	\$0.00	\$10.64				50%
Essential services	\$10.64	\$118.08				79%
Minor uses	\$0.00	\$0.00				N/A
Other uses	Individual	Individual	N/A			



### Schedule 3      Applicable uses under the Gatton Shire planning scheme and Laidley Shire planning scheme

Column 1 Charge category under the Planning Regulations 2017 Refer to schedule 16, column 1 of the Planning Regulation 2017	Column 2 Use under the Gatton Shire Planning Scheme 2007 Refer to Gatton Shire Planning Scheme 2007.	Column 3 Use under the Laidley Shire Planning Scheme 2003 Refer to Laidley Shire Planning Scheme 2003.
Residential uses and Accommodation (long term)	Dwelling House, Accommodation Unit, Caretaker's Residence, Dual Occupancy	Accommodation Units, Caretaker Housing, Dwelling House, Multiple Dwelling, Secondary Rural Dwelling
Accommodation (short term)	Caravan Park, Motel	Caravan Park, Motel
Places of assembly	Indoor Entertainment (Concert hall, Exhibition, Meeting hall Including places of worship), Music hall, Theatre (indoor))	Place of Assembly Place of Worship
Commercial (bulk goods)	Showroom	Bulk Retail
Commercial (retail)	Arts, Crafts and Antiques, Catering Shop, Service Station, Shop	Catering Room, General Store, Refreshment Service, Service Station, Shop
Commercial (office)	Commercial Premises, Health Care Premises	Commercial Premises, Funeral Parlour, Medical/Paramedical Centre, Veterinary Hospital
Educational facility	Educational Establishment	Child Care Facility, Educational Establishment
Entertainment	Hotel	Hotel
Indoor sport and recreation	Indoor Entertainment (where not otherwise identified in the Places of Assembly charge category)	Indoor Entertainment
High impact industry or special industry	Industry – High Impact Industry	Noxious, Offensive and Hazardous Industry
Other industry	Warehouse, Industry – Low Impact Industry, Industry – Medium Impact Industry, Service Trade, Transport Depot	Warehouse, Car Repair Station, Light Industry, Medium Industry, Junk Yard, Liquid Fuel Depot, Road Freight Depot, Transport Depot, Truck Stop
Low impact rural	Agriculture, Animal Husbandry, Natural Timber Harvesting, Roadside Stall	Agriculture, Animal Husbandry, Forestry, Roadside Stall
High impact rural	Animal Product Processing Industry, Intensive Animal Industries, Rural Service Industry	Rural Processing, Feedlot, Kennels, Intensive Animal Industry
Essential services		Hospital, Emergency Services Depot
Minor uses	Annexed Unit, Eco Tourism Facility, Bed and Breakfast Accommodation, Home Based Business	Home Based Business, Home Occupation, Estate Sales Office, Tourist Accommodation
Other uses	Off-street Car Park, Transport Terminal, Extractive Industry, Outdoor Entertainment, Local Utility, Special Purpose	Aviation, Passenger Terminal, Sport and Recreation, Public Facility, Public Infrastructure

Lockyer Valley Regional Council  
Lockyer Valley Adopted Infrastructure Charges Resolution (No. 6) 2022

---

## Schedule 4 Identified trunk infrastructure criteria

Column 1 Local government trunk infrastructure networks	Column 2 Identified trunk infrastructure criteria
Transport trunk infrastructure network	<p>Transport trunk infrastructure network comprises the following:</p> <ul style="list-style-type: none"> <li>(a) arterial roads;</li> <li>(b) sub-arterial roads;</li> <li>(c) within an arterial or a sub-arterial road land and works for, an associated interchange, intersection, road drainage, kerb and channel, culverts, bridges, pedestrian and cyclist pathways, lighting and landscaping.</li> </ul> <p>Transport trunk infrastructure network does not comprise the following:</p> <ul style="list-style-type: none"> <li>(a) major collector, collector and access streets linking a development area with an arterial or sub-arterial road;</li> <li>(b) land and works for an arterial road or a sub-arterial road that is primarily related to providing access to and from a development area such as an acceleration or deceleration lane, turn lanes, traffic signals and roundabouts.</li> </ul> <p>Trunk infrastructure for existing and future transport infrastructure is restricted to the standard as set out below.</p>
Public parks trunk infrastructure network	<p>Public parks trunk infrastructure network comprises the following: land, works and embellishments for recreation parks, linear parks and sport ground and courts;</p> <p>Trunk infrastructure for existing and future parks is restricted to the standard as set out below.</p>
Community facilities trunk infrastructure network	<p>Community facilities trunk infrastructure network comprises the following: land and basic works associated with the clearing of land and connection to services for community facilities.</p> <p>Trunk infrastructure for existing and future community facilities land is restricted to the standard as set out below.</p>

*Editor's note—The desired standards of service are located within Councils Local Government Infrastructure Plan for:*

- (a) *Transport network; and*
- (b) *Stormwater network; and*
- (c) *Public parks and land for community facilities.*