



Adopted Infrastructure Charges Resolution (No.5) 2022

Commencement date 1 January 2023

Resolved by Council 15 November 2022 Resolution.

Part 1 Introduction

1.1 Planning Act 2016.

- (a) This adopted infrastructure charges resolution is made pursuant to section 113 of the *Planning Act 2016*.
- (b) This adopted infrastructure charges resolution is to be read in conjunction with the following:
 - i. the State Planning Regulatory Provision (adopted charges), July 2012; and
 - ii. the applicable local planning instrument for the local government area;
 - iii. the applicable statutory guidelines
- (c) This adopted infrastructure charges resolution is attached to but does not form part of the applicable local planning instrument for the local government area.

1.2 When Resolution has Effect

This adopted infrastructure charges resolution has effect on and from 1 January 2023 and applies to development applications submitted on or after this date.

1.3 Purpose of the Resolution

The purpose of this adopted infrastructure charges resolution is to establish an infrastructure charge in the Livingstone Shire Council local government area for the following trunk infrastructure networks:

- (a) water supply;
- (b) sewerage;
- (c) transport;
- (d) stormwater; and
- (e) public parks and land for community facilities.

1.4 Interpretation

- (a) **applicable local planning instrument** means the local government planning scheme in effect for the Livingstone Shire Council at the time.
- (b) **bedroom** means an area of a building or structure which:
 - i. 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
 - ii. 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.
- (c) **Producer price index** means the Producer Price Index:available from the Australian Bureau of Statistics.
- (d) **Conversion application** means the applicant may apply (a conversion application) to convert non-trunk infrastructure to trunk infrastructure.

- (e) **Court Area** means the area of the premises where the leisure, sport or recreation activity is conducted (including buffer or safety clearance area as required by the activity rules) and excludes the area of the premises not used for conducting the leisure, sport or recreation activity, such as areas for spectators, office or administration, amenities or food and beverages.
- (f) **dwelling unit** means any part of a building used for residential accommodation of one household which is self-contained.
- (g) **establishment cost** for a provision about trunk infrastructure means the following:
 - i. for existing infrastructure – the value of the infrastructure is the current replacement cost as reflected in the relevant local government’s asset register, and the current value of the land acquired for the infrastructure.
 - ii. for proposed infrastructure – all costs of land acquisition, financing and design and construction, for the infrastructure.
- (h) **gross floor area (GFA)** means the total floor area of all storeys of the building, including any mezzanines, (measured from the outside of the external walls and the centre of any common walls of the building), other than areas used for:
 - i. building services; or
 - ii. a ground floor public lobby; or
 - iii. a public mall in a shopping complex; or
 - iv. parking, loading, or manoeuvring of vehicles; or
 - v. balconies, whether roofed or not.
- (i) **impervious area** means an area within a site which does not allow natural infiltration of rain to the underlying soil and the majority of rainfall would become runoff e.g. roadways, car parks, footpaths, roofs, hardstand areas (sealed), compacted areas etcetera.
- (j) **local government** means the Livingstone Shire Council.
- (k) **local government area** means the Livingstone Shire Council local government area.
- (l) **maximum adopted charge** means the charge limit set out in the maximum charging framework established in Section 112 of *Planning Act 2016*.
- (m) **most cost-effective option** means, for non-trunk infrastructure to trunk infrastructure conversion, the lowest life cycle cost of the infrastructure required to meet service future development in the area at the desired standard of service.
- (n) **prescribed form** means a form prescribed by the local government.
- (o) **Planning Regulation 2017** means the *Planning Regulation 2017*, amended and current as at 23 September 2022.
- (p) **Planning Act 2016** means the *Planning Act 2016*. Any reference to this Act or sections of this Act means the Act or section of the Act that was current at the time of this resolution.

Part 2 Application of the Resolution

2.1 Local Government Area

This infrastructure charges resolution applies to development in the *local government* area of Livingstone Shire, other than for the following:

- (a) any work or use of land for which a charge cannot be levied under the *Planning Act 2016*, including 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*; or
- (b) development in a priority development area under the *Economic Development Act 2012*.

2.2 Particular Development

This infrastructure charges resolution adopts different charges for particular development located in different parts of the local government area.

2.3 Trunk Infrastructure Networks

- (a) The Local Government Infrastructure Plan (LGIP) identifies trunk infrastructure networks for the local government area of Livingstone Shire and the establishment cost of the identified trunk infrastructure. These details can be found in Part 4 of the Livingstone Planning Scheme 2018. Part 4 of the Livingstone Planning Scheme 2018 commenced on 25 June 2018.
- (b) *Trunk infrastructure* is determined by the Livingstone Shire Council with consideration given to relevant planning legislation. Any amendment made to the relevant legislation and any accompanying statutory guidelines, post the adoption of this charges resolution, will be reflected accordingly via an amendment to this resolution where required.
- (c) Additional details regarding trunk infrastructure is outlined in:
 - i. Part Eight – ‘Desired Standards of Service (DSS)’;
 - ii. Part Nine – ‘Priority Infrastructure Area (PIA)’, and
 - iii. Part Ten - ‘Plans for Trunk Infrastructure (PFTI)’.
- (d) The infrastructure charge partly funds the establishment cost of the identified trunk infrastructure networks.

2.4 Priority Infrastructure Area

- (a) A priority infrastructure area (PIA) for the Livingstone Shire local government area is identified on the maps listed in Schedule 3 of the Livingstone Planning Scheme 2018. These have been condensed into three maps within this charges resolution (refer to Table 1).
- (b) The identified priority infrastructure area includes land intended to accommodate between ten and fifteen years of anticipated growth for urban purposes (residential, retail, commercial, industrial, and any related community and government purposes).

2.5 Charge Areas

- (a) There are three different charge areas that form part of this resolution, namely Charge Area 1, Charge Area 2, and Charge Area 3.
- (b) Charge Area 1 and Charge Area 2 are located within the Priority Infrastructure Area. This is shown on the overview maps and on the map of the localities having land within the priority infrastructure area from the list in Tables 1.

- (c) Charge Area 3 applies to areas located outside of the Priority Infrastructure Area – generally this is the balance of the Livingstone Shire Council *local government* area, excluding Charge Area 1 and Charge Area 2.

Table 1 – Maps showing the priority infrastructure area and charge areas for the Livingstone Shire Council local government area

Map Description	Map Series Number
Capricorn Coast Priority Infrastructure Area	A
Yeppoon and surrounds Priority Infrastructure Area	B
Emu Park and surrounds Priority Infrastructure Area	C

(Note – Schedule 3 of the Livingstone Planning Scheme 2018 also includes a set of three maps showing the Priority Infrastructure Area. However, maps in Schedule 3 of the Livingstone Planning Scheme 2018 do not show charge areas. Schedule 3 contains Plans for Trunk Infrastructure per locality.)

Part 3 Adopted Infrastructure charges

3.1 Purpose

This section states how infrastructure charges levied by the *local government* are to be applied and administered.

3.2 Development subject to infrastructure charges under this resolution

- (a) Infrastructure charges are levied by the *Livingstone Shire Council* on the following development:
- i. reconfiguring a lot; and
 - ii. a material change of use of premises; and
 - iii. carrying out building works.
- (b) If a development is subject to more than one use, the *local government* may levy an infrastructure charge for the development based on the use resulting in the highest potential demand on trunk infrastructure.
- (c) For an existing lawful use to which a development application is seeking to expand the gross floor area of the facility, the infrastructure charge is only to be applied on the part of the development which is subject to intensification or extension.

3.2.1 Development located within the Priority Infrastructure Area

- (a) Where development is located within the priority infrastructure area:
- i. A total infrastructure charge will be calculated on approved development.
 - ii. The total infrastructure charge will be calculated in accordance with the formula stated in section 3.3 at the time the decision is made and will be recalculated at the time of payment.
 - iii. Table 2 is to be used when calculating the total infrastructure change for Reconfiguring a Lot.
 - iv. Table 3 is to be used when calculating the total infrastructure change for a material change of use or carrying out buildings works.

3.2.2 Additional Infrastructure Charge - Development located partly outside or entirely outside the priority infrastructure area

- (a) Where development is located partly outside or entirely outside the identified priority infrastructure area:
- i. The Council may at its discretion impose a condition requiring the payment of additional trunk infrastructure costs in accordance with the *Planning Act 2016*, Chapter 4 Section 133 or the equivalent part in the *Sustainable Planning Act*.
 - ii. Where Council chooses to impose a condition requiring the payment of additional infrastructure costs, Council shall undertake an infrastructure cost assessment to determine the infrastructure charge to be imposed on the development.
 - iii. The infrastructure cost assessment shall consider the following:
 - the scale and intensity, use type(s), nature, timing and location of the development;
 - the trunk infrastructure networks, and desired standard of service required for the development under the planning scheme and this infrastructure resolution;
 - the demand imposed by the development on trunk infrastructure networks.
 - iv. Where Council chooses not to apply (a)(i) above, Council shall apply an infrastructure charge in accordance with section 3.4.2 of this resolution.
 - v. The total minimum charge calculated is a combination of the trunk infrastructure networks accessed. The adopted charge will be calculated on the approved development in accordance with section 3.3 at the time the decision is made, and will be recalculated at the time of payment.

3.3 Calculation of total infrastructure charge

Livingstone Shire Council levies infrastructure charges using the following calculations:

$$TIC = [(IC \times U) - (C)] \times I$$

Where:

TIC is the *total infrastructure charge* that may be levied by the Livingstone Shire Council.

IC is the *infrastructure charge* as identified in tables 3 to 5 inclusive.

U is the *unit of measure* as identified in tables 3 to 5 inclusive.

C is the *agreed credit* as set out in Part 4.0.

I is the *indexation rate* as outlined in Section 3.5.

However, the total infrastructure charge shall not exceed the maximum adopted charge that the Livingstone Shire Council could have levied for the development as set out in the maximum charging framework established in the relevant Planning Resolution.

3.4 How infrastructure charges are applied

3.4.1 Development located within the priority infrastructure area

Tables 2 and 3 specify the adopted infrastructure charges for development where located within the priority infrastructure area. In addition, Table 3 references Charge Area 3 in some

circumstances as being applicable. Charge Area 3 are areas outside of the priority infrastructure area.

Table 2 – Adopted charge for Reconfiguring a Lot within the Priority Infrastructure Area

Column 1 Charge Area	Column 2 Adopted Infrastructure Charge (\$)	Column 3 Unit
Charge Area 1	31,080	per lot
Charge Area 2	16,000	per lot

Table 3 – Adopted charge for development – Material Change of Use and Building Work within the Priority Infrastructure Area

Column 1 – Development Uses		Column 2 - Charge area	Column 3 - Adopted infrastructure charge (\$) and Unit
Livingstone Planning Scheme 2018	Superseded 2005 Planning Scheme		
<ul style="list-style-type: none"> ▪ Caretaker's accommodation ▪ Dwelling House (without a secondary¹ dwelling) ▪ Dwelling House (includes a secondary dwelling²) ▪ A secondary Dwelling³ only 	<ul style="list-style-type: none"> ▪ Caretaker's residence ▪ Dwelling House ▪ Annexed Apartment 	Charge Area 1 and 2	\$22,200 per 1 or 2 bedroom Primary Dwelling only (with no Secondary Dwelling) Or \$31,080 per 1 or 2 bedroom Primary Dwelling that also has a secondary dwelling Or \$8,880 for a maximum of one Secondary Dwelling only as subordinate to an existing or proposed Primary Dwelling house Or \$31,080 per 3 or more bedroom dwelling only. Or \$22,200 per dwelling with 2 or less bedrooms.
<ul style="list-style-type: none"> ▪ Dual Occupancy ▪ Dwelling Unit 	<ul style="list-style-type: none"> ▪ Dual Occupancy ▪ Multiple Dwelling Units 	Charge Area 1 only	\$22,200 per 1 or 2 bedroom dwelling Or \$31,080 per 3 or more bedroom dwelling

¹ A secondary dwelling no greater than 80m² does not incur this charge.

² A secondary dwelling no greater than 80m² does not incur this charge.

³ A secondary dwelling no greater than 80m² does not incur this charge.

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Column 1 – Development Uses		Column 2 - Charge area	Column 3 - Adopted infrastructure charge (\$) and Unit
Livingstone Planning Scheme 2018	Superseded 2005 Planning Scheme		
<ul style="list-style-type: none"> ▪ Multiple Dwelling 		Charge Area 2 only	\$12,000 per 1 or 2 bedroom dwelling Or \$16,000 per 3 or more bedroom dwelling
<ul style="list-style-type: none"> ▪ Tourist Park ((Residential Component) ▪ Short Term Accommodation (Farm Stay) 	<ul style="list-style-type: none"> ▪ Caravan Park (tourist) ▪ Host Farm 	Charge Area 1 and 2	For a tent or caravan site:\$11,090 up to 2 tent sites or caravan sites, or <ul style="list-style-type: none"> ▪ \$15,530 for every 3 tent or caravan sites For a cabin: <ul style="list-style-type: none"> ▪ \$11,090 per 1 or 2 bedroom cabin, or ▪ \$15,530 per 3 or more bedroom cabin.
<ul style="list-style-type: none"> ▪ Hotel (residential component) ▪ Home Based Business (Bed and Breakfast) ▪ Short Term Accommodation ▪ Nature Based Tourism ▪ Non-residential Workforce Accommodation ▪ Rooming Accommodation ▪ Rural Workers' Accommodation ▪ Resort Complex (Residential Component) ▪ Outstation 	<ul style="list-style-type: none"> ▪ Accommodation Building (Motel) ▪ Accommodation Building (serviced apartments) ▪ Bed and Breakfast ▪ Hotel (accommodation) 	Charge Area 1 and 2	<ul style="list-style-type: none"> ▪ \$11,090 per suite (with only 1 or no more than 2 bedrooms), or ▪ \$15,530 per suite (with 3 or more bedrooms), or ▪ \$11,090 per bedroom (for a bedroom that is not within a suite)
<ul style="list-style-type: none"> ▪ Community Residence ▪ Hostel ▪ Retirement Facility 	<ul style="list-style-type: none"> ▪ Institutional Residence (residential component) ▪ Retirement Village 	Charge Area 1 and 2	For a community residence, retirement facility or hostel: <ul style="list-style-type: none"> ▪ \$22,200 per suite (with 1 or 2 bedrooms, or ▪ \$31,080 per suite (with 3 or more bedrooms), or ▪ \$22,200 per bedroom (for a bedroom that is not within a suite)

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Column 1 – Development Uses		Column 2 - Charge area	Column 3 - Adopted infrastructure charge (\$) and Unit
Livingstone Planning Scheme 2018	Superseded 2005 Planning Scheme		
<ul style="list-style-type: none"> ▪ Relocatable Home Park 	<ul style="list-style-type: none"> ▪ Caravan Park (permanent residential) 	Charge Area 1 and 2	For a relocatable home park: <ul style="list-style-type: none"> ▪ \$22,200 per 1 or 2 bedroom relocatable dwelling site, or ▪ \$31,080 per 3 or more bedroom relocatable dwelling site.
<ul style="list-style-type: none"> ▪ Club ▪ Community Use ▪ Funeral Parlour ▪ Place or Worship ▪ Function Facility 	<ul style="list-style-type: none"> ▪ Indoor entertainment (clubs) ▪ Restaurant (conference facility) ▪ Funeral Parlour ▪ Special Use (place of worship, religious purposes, community hall) 	Charge Area 1 and 2	\$77 per m ² of Gross Floor Area (GFA) plus \$11 per impervious m ² for stormwater
<ul style="list-style-type: none"> ▪ Agricultural Supplies Store ▪ Bulk Landscape Supplies ▪ Garden Centre ▪ Hardware and Trade Supplies ▪ Outdoor Sales ▪ Showroom 	<ul style="list-style-type: none"> ▪ Garden Centre ▪ Landscape Supplies ▪ Produce Store ▪ Retail Warehouse ▪ Sales or Hire Premises 	Charge Area 1 and 2	\$155 per m ² of Gross floor Area (GFA) plus \$11 per impervious m ² for stormwater
<ul style="list-style-type: none"> ▪ Warehouse (storage) 		Charge Area 1 and 2	\$55 per m ² of Gross floor Area (GFA) plus \$11 per impervious m ² for stormwater
<ul style="list-style-type: none"> ▪ Adult Store ▪ Food and Drink Outlet ▪ Service Industry ▪ Service Station ▪ Shop ▪ Shopping Centre ▪ Car Wash ▪ Tourist Park (Non-residential Component) 	<ul style="list-style-type: none"> ▪ Adult Products ▪ Arts and Crafts Centre ▪ Car Wash ▪ Convenience Restaurant ▪ Restaurant (not including conference facility) ▪ Service Station ▪ Shop ▪ Take-away Food Store 	Charge Area 1 and 2	\$199 per m ² of Gross Floor Area (GFA) plus \$11 per impervious m ² for stormwater
<ul style="list-style-type: none"> ▪ Office ▪ Sales Office 	<ul style="list-style-type: none"> ▪ Display Home ▪ Office 	Charge Area 1 and 2	\$155 per m ² of Gross Floor Area (GFA) plus \$11 per impervious m ² for stormwater

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Column 1 – Development Uses		Column 2 - Charge area	Column 3 - Adopted infrastructure charge (\$) and Unit
Livingstone Planning Scheme 2018	Superseded 2005 Planning Scheme		
<ul style="list-style-type: none"> ▪ Child Care Centre ▪ Community Care Centre ▪ Educational Establishment except an educational establishment for the Flying Start for Queensland Children Program 	<ul style="list-style-type: none"> ▪ Child Care Centre ▪ Special Use (educational purposes) 	Charge Area 1 and 2	\$155 per m ² of Gross Floor Area (GFA) plus \$11 per impervious m ² for stormwater
<ul style="list-style-type: none"> ▪ Educational Establishment for the Flying Start for Queensland Children Program 		Charge Area 1 and 2	Nil Charge
<ul style="list-style-type: none"> ▪ Hotel (entertainment or non-residential component) ▪ Nightclub Entertainment facility ▪ Theatre ▪ Bar ▪ Brothel ▪ Major Sport, Recreation and Entertainment Facility ▪ Tourist Attraction ▪ Resort Complex 	<ul style="list-style-type: none"> ▪ Hotel (non-residential component) ▪ Indoor Entertainment (cinema, theatre, games parlour) 	Charge Area 1 and 2	\$221 per m ² of Gross Floor Area (GFA) other than areas provided for accommodation plus \$11 per impervious m ² for stormwater
<ul style="list-style-type: none"> ▪ Indoor Sport and Recreation 	<ul style="list-style-type: none"> ▪ Indoor Sports Facility 	Charge Area 1 and 2	\$221 per m ² of Gross Floor Area (GFA) other than Court Areas; plus Court Areas at \$22 per m ² of GFA; plus \$11 per impervious m ² for stormwater
<ul style="list-style-type: none"> ▪ Low Impact Industry ▪ Medium Impact Industry 	<ul style="list-style-type: none"> ▪ General Industry ▪ Light Industry 	Charge Area 1 and 2	\$55 per m ² of Gross Floor Area (GFA) plus \$11 per impervious m ² for stormwater

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Column 1 – Development Uses		Column 2 - Charge area	Column 3 - Adopted infrastructure charge (\$) and Unit
Livingstone Planning Scheme 2018	Superseded 2005 Planning Scheme		
<ul style="list-style-type: none"> ▪ Port Services ▪ Research and Technology Industry ▪ Waterfront and Marine Industry ▪ Rural Industry ▪ Transport Depot 	<ul style="list-style-type: none"> ▪ Machinery Repair Station 		
<ul style="list-style-type: none"> ▪ Extractive Industry ▪ High Impact Industry ▪ Special, Noxious and Hazardous Industries 	<ul style="list-style-type: none"> ▪ Environmentally Assessable Industry ▪ Extractive Industry 	Charge Area 1 and 2	\$77 per m ² of Gross Floor Area (GFA) plus \$11 per impervious m ² for stormwater
<ul style="list-style-type: none"> ▪ Animal Husbandry ▪ Cropping ▪ Permanent Plantations ▪ Wind Farms 	<ul style="list-style-type: none"> ▪ Agriculture 	Charge Area 1 and 2	Nil charge
<ul style="list-style-type: none"> ▪ Animal Keeping ▪ Aquaculture ▪ Intensive Animal Industries ▪ Intensive Horticulture ▪ Warehouse ▪ Wholesale Nursery ▪ Winery 	<ul style="list-style-type: none"> ▪ Animal Keeping ▪ Aquaculture ▪ Intensive Animal Husbandry ▪ Rural Service Industry ▪ Storage Premises ▪ Vehicle Depot 	Charge Area 1 and 2	\$22 per m ² of Gross Floor Area (GFA)
<ul style="list-style-type: none"> ▪ Correctional Facility ▪ Emergency Services ▪ Health Care Services ▪ Hospital ▪ Residential Care Facility ▪ Veterinary Services 	<ul style="list-style-type: none"> ▪ Health Care ▪ Institutional Residence (non-residential component) ▪ Medical Centre ▪ Special Use (health service, emergency services) ▪ Veterinary Clinic 	Charge Area 1 and 2	\$155 per m ² of Gross Floor Area (GFA) plus \$11 per impervious m ² for stormwater
<ul style="list-style-type: none"> ▪ Air Services ▪ Car Parking Station ▪ Crematorium 	<ul style="list-style-type: none"> ▪ Car Park ▪ Outdoor Recreation 	Charge Area 1 and 2	The adopted infrastructure charge that the local government determines should apply for the use at the time of assessment.

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Column 1 – Development Uses		Column 2 - Charge area	Column 3 - Adopted infrastructure charge (\$) and Unit
Livingstone Planning Scheme 2018	Superseded 2005 Planning Scheme		
<ul style="list-style-type: none"> ▪ Motor Sport Facility ▪ Outdoor Sport and Recreation ▪ Tourist Attraction ▪ Renewable Energy Facility 	<ul style="list-style-type: none"> ▪ Major Tourist Facility ▪ Major Utility ▪ Major Utility (airfield, depot) ▪ Special Use (government purposes) ▪ Transport Station 		
<ul style="list-style-type: none"> ▪ Advertising Device ▪ Cemetery ▪ Environment Facility ▪ Home Based Business ▪ Landing ▪ Market ▪ Major Electricity Infrastructure ▪ Outdoor Lighting ▪ Park ▪ Roadside Stalls ▪ Substation ▪ Telecommunications Facility ▪ Temporary Use ▪ Utility Installation 	<ul style="list-style-type: none"> ▪ Advertising Device ▪ Clearing ▪ Engineering Work ▪ Special Use (cemetery) ▪ Home-based Business ▪ Market ▪ Park ▪ Local Utility ▪ Telecommunications Facility ▪ On-premises Sign ▪ Borrow Pit 	Charge Area 1, 2	Nil charge
<ul style="list-style-type: none"> ▪ A use not otherwise listed including a use that is unknown because the development application does not specify a proposed use. 		Charge Area 1 and 2	The adopted infrastructure charge that the local government determines should apply for the use at the time of assessment.

3.4.2 Minimum Infrastructure Charge - Development located partly outside or entirely outside the priority infrastructure area

The following specifies the *minimum adopted infrastructure charge* for development (if approved) where located partly outside or entirely outside the priority infrastructure area. The *minimum infrastructure charges* apply only where Council considers that there is no need to impose conditions for additional trunk infrastructure costs for any trunk infrastructure network brought forward or required for the approved development. Such additional costs may well involve an agreement between Livingstone Shire Council and the developer/proponent. All development types within the Livingstone Shire local government area will have at least Transport and Parks & Community Facilities infrastructure charges levied.

The figures are specified to provide a minor level of certainty to the developer when considering the feasibility of a project. The charges specified do not remove the ability of Council to impose a condition requiring the payment of additional trunk infrastructure costs.

It is noted that some development types and uses identified above are not supported by Council's Planning Scheme in particular locations and by identifying the charges to be levied in no way pre-empts approval of same.

Reconfiguring a lot

For reconfiguring a lot (if approved) partly outside or entirely outside the priority infrastructure area, the *minimum infrastructure charge payable* (based on the nature of the development and the requirements of the planning scheme for infrastructure provision) are outlined in Table 4 below, plus any additional charges. Essentially the minimum charge is calculated based on access to the relevant trunk network. Table 4 sets out the scenarios for various forms of development from fully serviced urban developments to subdivision of rural lands.

Development Uses

For development located partly outside or entirely outside of the Priority Infrastructure Area, the minimum infrastructure charge levied (based on the use and the requirements of the planning scheme for infrastructure provision), are set out in Table 2 and Table 3.

The charges identified in Table 2 and Table 3 are applicable where the development is to be connected to all of Council's infrastructure networks. Should the development not be connecting to either water supply and/or sewerage and/or stormwater networks then a reduction in the contribution may be applicable and will be calculated by Council. Transport and Parks & Community Facilities Networks charges are applicable. The proportional splits will be utilised for the calculation per Table 4 below.

The proportional splits of the levied charges are set out in Table 5.

Table 4 – Minimum infrastructure charge for Reconfiguring a Lot partly outside or entirely outside the Priority Infrastructure Area

Development scenario	Minimum Total Charge	Unit of measurement
Development that is to be connected to <u>all</u> of Council's infrastructure networks (W) \$6,840 (S) \$5,280 (T) \$15,540 (SW) \$620 (PCF) <u>\$2,800</u> \$31,080	\$31,080	per lot, dwelling, dwelling site, cabin, or suite
Development that is to be connected to <u>all of Council's networks, but not the sewerage network</u> (W) \$6,840 (T) \$15,540 (SW) \$620 (PCF) <u>\$2,800</u> \$25,800	\$25,800	per lot, dwelling, dwelling site, cabin, or suite
Development connected to <u>all the networks but not the sewerage or stormwater network</u> (W) \$6,840 (T) \$15,540 (PCF) <u>\$2,800</u> \$25,180	\$25,180	per lot, dwelling, dwelling site, cabin, or suite
Development that is to be connected to <u>all of Council's networks, but not water supply and sewerage networks</u> (T) \$15,540 (SW) \$620 (PCF) <u>\$2,800</u> \$18,960	\$18,960	per lot, dwelling, dwelling site, cabin, or suite
Development that is <u>only paying a transport and park & community facility contribution</u> (T) \$15,540 (PCF) <u>\$2,800</u> \$18,340	\$18,340	per lot, dwelling, dwelling site, cabin, or suite
Note: <ul style="list-style-type: none"> • This table specifies the 'minimum' charges that Council may apply to development located partly outside or entirely outside the priority infrastructure area. • Transport and Parks & Community Facilities Network charges are applicable in all scenarios. 		

3.5 Indexation of charges

- (a) The infrastructure charges levied by the *local government* may be indexed to inflation from the date that the infrastructure charge is levied, to the time the infrastructure charge is paid, using the Producer Price Index.

$$TIC_{pay} = TIC_{levied} \times (PPI_{pay} / PPI_{base})$$

Where:

TIC_{pay} is the *total infrastructure charge* to be paid to the Livingstone Shire Council.

TIC_{levied} is the *total infrastructure charge levied* by the Livingstone Shire Council.

PPI_{pay} is the *Producer Price Index* published at the time the infrastructure charge is paid.

PPI_{base} is the *Producer Price Index* March 2022 – 118.3.

- (b) Where within the priority infrastructure area, the infrastructure charge payable is not to exceed the maximum adopted charge in the SPRP (adopted charges) or result in a charge that is greater than the increase for PPI index for the period starting on the day the charge was levied and ending on the day it is paid, adjusted by reference to the 3-yearly PPI index average.

3.6 Notification of an adopted infrastructure charge

The *local government* must meet the requirements of the Planning Act 2016 (Section 121) in relation to the contents of the infrastructure charge notice.

3.7 Time of payment of an adopted infrastructure charge

A levied infrastructure charge is payable at the following time:

- (a) if the charge applies to reconfiguring a lot that is assessable development or development requiring compliance assessment – before the *local government* approves the plan of subdivision (“a survey plan”) for the reconfiguration; or
- (b) if the charge applies to building work that is assessable development or development requiring compliance assessment – before the certificate of classification for the building work is issued; or
- (c) if the charge applies to a material change of use – before the change of use happens; or
- (d) otherwise – on the day stated in the infrastructure charges notice or negotiated infrastructure charges notice.

(Note – The *local government* may have a development incentives policy resolution or approved deferment policy which may change or override these circumstances for payment).

3.8 Alternatives to paying an infrastructure charge

- (a) The *local government* may enter into a written agreement about:
- i. whether the charge may be paid at a different time from that stated in the adopted infrastructure charges notice or negotiated adopted infrastructure charges notice;
 - ii. whether the charge may be paid by instalments;

- iii. whether infrastructure may be supplied instead of paying all or part of the charge.
- (b) For development infrastructure that is land, the *local government* may give a notice in addition to, or instead of an adopted infrastructure charges notice, requiring:
- i. part of the land subject of the development application or compliance assessment, to be given to the *local government* in fee simple; or
 - ii. part of the land subject of the development application or compliance assessment, to be given to the *local government* in fee simple and part of an adopted infrastructure charge.

3.9 Recording infrastructure charges

The Livingstone Shire Council must record all levied adopted infrastructure charges in a publicly available adopted infrastructure charges register. Regulations commencing on 1 January 2020 require all local governments to meet new reporting provisions.

3.10 Proportional split of infrastructure charges for trunk infrastructure networks

The adopted infrastructure charge is to be proportionally split to a trunk infrastructure network for the purposes of calculating charges.

3.10.1 Proportional Split - Development located within the priority infrastructure area

The proportional splits for development within the priority infrastructure area are stated in Table 5.

Table 5 – Proportional Split of adopted infrastructure charge for trunk infrastructure networks within the priority infrastructure area for Reconfiguring a Lot and development Uses.

Water	Sewer	Transport	Stormwater	Parks & Community Facilities
22.00	17.00	50.00	2.00	9.00

3.10.2 Proportional Split - Development located partly outside or entirely outside the priority infrastructure area

The proportional splits for development partly outside or entirely outside the priority infrastructure area are to be determined utilising Table 5 in section 3.10.1 above. These splits are relevant where Council determines that the minimum total charge is considered to be appropriate and where there is no need to impose a condition for additional trunk infrastructure costs for any network.

Part 4 Credits

4.1 Definition of a credit

- (a) A credit means the amount to be applied for the purpose of calculating an adopted infrastructure charge which considers existing lawful land use or lots, whichever is the greater.
- (b) The maximum value of a credit for each site will not exceed the adopted infrastructure charge for the approved land use or lots of the existing site. That means for any use, if a credit is higher than the levied infrastructure charge of the approved use a refund will not occur.

4.2 Application of a credit

- (a) A credit will only be applied in respect of an existing lawful land use or lots, in existence at the time the development application is made. This means an existing lawful use must be established (up and running) at the time the development application is made.
- (b) A credit will not be applied under any circumstance for unapproved use of the land.

Part 5 Offsets

5.1 Purpose

This section outlines the circumstances and process for an infrastructure offset for trunk infrastructure contribution for infrastructure.

5.2 Application of section

This section applies where, for a development, the Livingstone Shire Council has (for a trunk infrastructure network):

- (a) *required the following* (trunk infrastructure contribution):
 - i. the supply of work/s for trunk infrastructure in a condition of a development approval;
 - ii. the giving of part of the land the subject of a development application or request for compliance assessment in a notice and
- (b) *levied* an adopted infrastructure charge in an adopted infrastructure charges notice or negotiated infrastructure charges notice for the same premises.

5.3 Claim for an infrastructure offset

- (a) The entity or person bound to provide the trunk infrastructure contribution and the adopted infrastructure charge for the development (the claimant) may give a notice in the prescribed form to the *local government* which states the following:
 - i. that the claimant proposes to supply the trunk infrastructure contribution;
 - ii. that the claimant seeks an offset or refund for the supply of the trunk infrastructure contribution against an adopted infrastructure charge (infrastructure offset);
 - iii. the claimants estimate of the establishment cost of the trunk infrastructure for an offset or refund
- (b) The *local government* is to give a notice in the prescribed form to the claimant which states the following:

- i. whether an infrastructure offset is applicable or not;
- ii. if an infrastructure offset is not applicable, the reason;
- iii. if an infrastructure offset is applicable, the value of the infrastructure offset; and
- iv. If a refund is applicable following the offset of the trunk works establishment cost against the infrastructure charges notice (ICN).

5.4 Application of an infrastructure offset

The *local government* is to offset the amount of the value of the trunk infrastructure against the total amount as identified on the Infrastructure Charges Notice. Where the establishment cost of the trunk infrastructure item (not applicable for Additional Trunk Infrastructure conditions) is greater than the total amount on the infrastructure charges notice, Livingstone Shire Council must refund the applicant an amount equal to the difference between the two or alternatively applying a credit.

Infrastructure charges notices will provide details on the Establishment Costs for any trunk works required, Infrastructure Charges payable and any refund that maybe applicable.

Part 6 Determining the Establishment Cost of trunk infrastructure for an offset or refund

6.1 Purpose

This section states the Livingstone Shire Council policy for the determination of the establishment cost of trunk infrastructure works to be used for an offset or refund.

6.2 Establishment Cost Provisions

Livingstone Shire Council has determined a preliminary establishment cost for the provision of the trunk infrastructure items as identified in the Schedule of Works. The scope of works used for the development of this cost will be provided to the applicant. It will include the standard to which the infrastructure is to be provided and approximate location.

For trunk infrastructure that is works, the applicant must at their cost provide to the Livingstone Shire Council:

- (a) A bill of quantities for the design, construction and commissioning of the trunk infrastructure in accordance with the scope of works;
- (b) A first principles estimate for the cost of designing, constructing and commissioning the trunk infrastructure specified in the bill of quantities.

For trunk infrastructure that is land, the applicant must at their cost provide to the Livingstone Shire Council a valuation of the specified land undertaken by a certified valuer using the before and after method of valuation.

6.3 Cost Estimation / Valuation Accepted or Not Accepted

Where the bill of quantities and cost estimate is accepted by Council, this becomes the establishment cost.

For trunk infrastructure that is land, where the valuation is accepted by Council, this becomes the establishment cost.

Council is to give notice to the applicant advising the acceptance of the bill of quantities, cost estimate and valuation where appropriate and determination of this being the establishment cost.

Where the bill of quantities, cost estimate or valuation is not accepted by Council, Council must at its cost have an assessment undertaken by a suitably qualified person or for land valuation, a certified practicing valuer to:

- (a) Determine whether the bill of quantities is in accordance with the scope of works;
- (b) Determine whether the cost estimate is consistent with current market costs calculated by applying first principles estimating approach to the bill of quantities;
- (c) Provide a new cost estimate using a first principles estimating approach;
- (d) Provide a new land valuation using the before and after land valuation method.

6.4 Cost Estimation / Valuation Agreement Cannot be Reached

If agreement cannot be reached Livingstone Shire Council must refer the bill of quantities, estimate or valuation to an independent, suitably qualified assessor or for the land valuation, an independent certified practising valuer.

Livingstone Shire Council and the applicant must agree on the appointment of the independent assessor or independent valuer and the costs associated with the review are to be equally shared between both parties.

The independent assessor or valuer will be required to:

- (a) Assess whether the bill of quantities is in accordance with the scope of works;
- (b) Assess whether the cost estimate is consistent with current market costs calculated by applying first principles estimating approach to the bill of quantities;
- (c) Provide an amended cost estimate using a first principles estimating approach;
- (d) Assess the previous land valuation and provide an amended valuation where appropriate.

Where an amended cost estimate or valuation has been determined by the independent assessor or valuer and agreed by both parties, this is then the establishment cost.

If the Livingstone Shire Council and the applicant are unable to reach agreement on the appointment of an independent assessor or an independent certified valuer, then the establishment cost is determined by taking the average of the cost estimate previously obtained by the applicant and that identified in Council's schedule of works.

6.5 Amended Infrastructure Charges Notice

Livingstone Shire Council must give an amended infrastructure charges notice (ICN) stating:

- (a) The value of the establishment cost of the infrastructure which has been indexed to the date it is stated in the amended infrastructure charges notice using the Producer Price Index;
- (b) That the establishment cost of the infrastructure stated in the amended infrastructure charges notice is indexed from the date that it is stated in the amended notice to the date it is to be offset against the levied charge in accordance with the Producer Price Index.

Part 7 Conversions

7.1 Purpose

This section states the Livingstone Shire Council policy for the submission of a conversion application.

7.2 Conversion Application

This section applies where, for a development, the Livingstone Shire Council has issued a development approval including a condition requiring non-trunk infrastructure to be provided, and the applicant requires Council's further consideration to be given to the conversion of that infrastructure from non-trunk to trunk.

An applicant may apply to the local government to convert non-trunk infrastructure to trunk infrastructure. The application must be made in writing using the prescribed form (the conversion application). The local government must within the required period, decide the conversion application having regard to the criteria for deciding the application.

An application to convert non-trunk infrastructure to trunk infrastructure may be made only where the following applies:

- a) Construction of the non-trunk infrastructure has not commenced.
- b) The Local Government has provided a development approval inclusive of a condition for the provision of non-trunk infrastructure.
- c) Where the condition is a development approval condition, the conversion application will be made to Livingstone Shire Council.

(Note - Livingstone Shire Council is developing a template application form to assist applicants with the submission of a conversion application. For further advice, in this regard please contact the Council via the Duty Planner service through our customer service team.)

7.3 Deciding an Application

Where a conversion application has been made, Livingstone Shire Council will consider the criteria identified in 7.4 below as a basis for the decision-making. The conversion application decision process must be undertaken in accordance with relevant section of the *Panning Act 2016*.

Where Livingstone Shire Council requires additional information to assist with the assessment of the conversion application, written notice will be provided in accordance with the relevant section of the *Planning Act 2016*.

7.4 Conversion Criteria

For the infrastructure to be considered trunk infrastructure each of the following criteria must be met:

- (a) The infrastructure has the capacity to serve other developments in the area;
- (b) The function and purpose of the infrastructure is consistent with other trunk infrastructure identified in this charges resolution and is consistent with the desired standards of service outlined in part 8.0 below;

- (c) The infrastructure is not consistent with non-trunk infrastructure for which conditions may be imposed in accordance with relevant section of the *Planning Act 2016*.
- (d) The type, size and location of the infrastructure is the most cost-effective option for servicing multiple users in the area.

7.5 Conversion Application Decision

As soon as practicable after Livingstone Shire Council has made a decision regarding the application a decision notice must be given to the applicant.

If the decision to convert the infrastructure from non-trunk to trunk is approved, then Council must amend the original decision notice conditions and reissue an amended Infrastructure Charges.

If the decision is not to convert non-trunk infrastructure to trunk infrastructure, the notice must be an information notice about the decision.

Part 8 Desired Standards of Service

The desired standards of service for each trunk infrastructure network are identified in the *Livingstone Planning Scheme 2018*, Part 4 – Local Government Infrastructure Plan, 4.4 Desired Standards of service.

Part 9 Priority Infrastructure Area

The Priority Infrastructure Area is identified in the *Livingstone Planning Scheme 2018*, Schedule 3 – Local Government infrastructure plan mapping and supporting material, SC3.4 Priority Infrastructure Area Maps.

Part 10 Plans for Trunk Infrastructure

The plans for trunk infrastructure for each trunk infrastructure network are identified in the *Livingstone Planning Scheme 2018*, Schedule 3 – Local Government infrastructure plan mapping and supporting material, SC3.5 Plans for Trunk Infrastructure Maps.

Part 11 Schedule of Works

The schedule of works for each trunk infrastructure network are identified in the *Livingstone Planning Scheme 2018*, Schedule 3 – Local Government infrastructure plan mapping and supporting material, SC3.2 Schedule of Works.