

Western Downs Regional Council

Adopted Infrastructure Charges Resolution (No. 1) 2011

I certify that this is the Western Downs Regional Council Adopted Infrastructure Charges Resolution (No. 1) 2011, as adopted by Council at its Meeting held on 15 June 2011.



Phil Berting
CHIEF EXECUTIVE OFFICER
WESTERN DOWNS REGIONAL COUNCIL

Dated: 18/7 July 2011

Western Downs Regional Council Adopted Infrastructure Charges Resolution (No. 1) 2011

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Western Downs Regional Council Adopted Infrastructure Charges Resolution (No. 1) 2011

Part 1 Introduction

1. Preliminary

1.1 Short title

The adopted infrastructure charges resolution may be cited as *Adopted Infrastructure Charges Resolution (No. 1) 2011*.

1.2 Sustainable Planning Act 2009

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

1.3 Effect

The resolution has effect immediately after the infrastructure State planning regulatory provision first has effect.²

1.4 Purpose of the resolution

The purpose of the resolution is to assist with the implementation of the applicable local planning instruments by stating the following:

- (a) an adopted infrastructure charge for the following trunk infrastructure networks:
 - (i) water network;
 - (ii) sewerage network;

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

² See section 881(2)(b) (Effect of local government resolution made before commencement of amending Act) of the *Sustainable Planning Act 2009*.

- (iii) stormwater network;
 - (iv) transport network;
 - (v) parks network;
- (b) other matters relevant to the adopted infrastructure charge.

1.5 Structure of the resolution

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

Table 1.1 Structure of the resolution

Column 1 Reference	Column 2 Description	Column 3 Sustainable Planning Act 2009
Part 1, Section 2	Application of the resolution	Section 648D(1)(a), (b) and (c)
Part 3, Section 3	Adopted infrastructure charge	Section 648D(1)(a) and (b)
Part 3, Section 4	Administration of adopted infrastructure charge	Section 648H
Part 3, Section 5	Allocation of adopted infrastructure charge	Section 648I

1.6 Interpretation

- (1) The dictionary in Schedule 1 (Dictionary) of this resolution defines particular words used in this resolution.
- (2) A term defined in the *Sustainable Planning Act 2009* which is used in the resolution has the meaning given in the *Sustainable Planning Act 2009*.
- (3) If a term is not defined in the resolution or the *Sustainable Planning Act 2009* the term is to, subject to section 14A (Interpretation best achieving Act's purpose) of the *Acts Interpretation Act 1954*, have the meaning assigned to it by the edition of the Macquarie Dictionary that is current at the date the resolution takes effect.³

³ Section 14A(1) (Interpretation best achieving Act's purpose) of the *Acts Interpretation Act 1954* provides that in the interpretation of a provision of the Act the interpretation that will best achieve the purpose of the Act is to be preferred to any other interpretation.

2. Application of the resolution

2.1 Application to the local government area

The adopted infrastructure charge applies to the whole of the local government area.

2.2 Application to particular development

- (1) The adopted infrastructure charge applies to all development classes listed in the infrastructure State planning regulatory provision and associated uses under the applicable local planning instruments.
- (2) The development under an applicable local planning instrument as stated in column 1 of Table 2.1 (Development classes and particular development) is included within the development class stated in column 2 of Table 2.1 (Development classes and particular development).
- (3) The local government is to allocate development not otherwise stated in column 1 of Table 2.1 (Development classes and particular development) to an applicable development class based on an assessment of use and demand.

Table 2.1 Development classes and particular development

Column 1 Development under an applicable local planning instrument	Column 2 Development class	Column 3 Unit of measurement for adopted infrastructure charge
Residential development		
Detached House, House	Residential (Dwelling House)	Per dwelling unit
Caretakers Residence, Multiple Dwelling, Multi-unit Dwelling, Retirement Village, Rural Workers Accommodation Units	Residential (Multiple Dwelling)	Per dwelling unit
Bed and Breakfast, Bed and Breakfast Premises, Host Home Accommodation	Other Residential Development (Short Term)	Per dwelling unit
Non-residential development		
Accommodation Building, Caravan/Transportable Building Park, Camping Grounds, Caravan Park, Motel, Visitor Accommodation	Accommodation (Short Term)	Per dwelling unit

Column 1 Development under an applicable local planning instrument	Column 2 Development class	Column 3 Unit of measurement for adopted infrastructure charge
Correctional Facility	Accommodation (Long Term)	Per dwelling unit
Community Facility, Outdoor Recreation, Outdoor Sport and Entertainment, Passive Recreation, Place of Worship, Transit Centre, Transport Terminal, Transport Depot or Terminal	Places of Assembly	Per m ² of GFA
Retail Showroom, Warehouse, Car Depot, Car Park, Storage Facility	Commercial (Bulk goods)	Per m ² of GFA
Catering Premises, Cattery or kennel, Kennel/Cattery, Commercial Premises, Hotel, Major Shopping Centre, Plant Nursery, Public Bar, Restaurant, Shop, Shop (Drive Through), Shopping Centre, Stable	Commercial (Retail)	Per m ² of GFA
Business Office, Funeral Parlour, Medical Centre, Office, Professional Office	Commercial (Office)	Per m ² of GFA
Educational Establishment, Child Care Centre	Education Facility	Per m ² of GFA
Tourist Facility	Entertainment	Per m ² of GFA
Indoor Recreation, Indoor Sport & Entertainment	Indoor Sport and Recreational Facility	Per m ² of courts plus Per m ² of GFA
Airport, General Engineering Works, General Industry, Heavy Vehicle Parking, Industry, Industry Showroom, Landscaping Supplies, Light Industry, Low Impact Industry, Service Industry, Railway Activities, Vehicle Repair Workshop	Industry	Per m ² of GFA
Extractive Industry, Hazardous Industry, High Impact Industry, Service Station, Noxious Industry	High Impact Industry	Per m ² of GFA

Column 1 Development under an applicable local planning instrument	Column 2 Development class	Column 3 Unit of measurement for adopted infrastructure charge
Agriculture, Grazing, Animal Husbandry	Low Impact Rural	Nil Charge
Intensive Livestock Operation, Intensive Animal Industry, Intensive Agriculture, Stock Sale Yard	High Impact Rural	Per m ² of GFA
Cemetery, Health Care Facility, Health Care Purposes, Public Utility, Telecommunications Facility, Public Purpose, Utility Installation	Essential Services	Per m ² of GFA
Advertising Billboard, Home Based Business, Home Business, Home Based Occupation, Minor Building Work, Park, Residential Outbuildings, Roadside Stall	Minor Uses	Not applicable

2.3 Priority infrastructure area

The priority infrastructure area is the priority infrastructure area identified in the infrastructure State planning regulatory provision which is reproduced for convenience on Map 1 Priority infrastructure area in Schedule 2 (Maps).

2.4 Charge area

A charge area for the calculation of an adopted charge is identified on Map 2 Charge areas in Schedule 2 (Maps).

Part 2 Adopted infrastructure charge

3. Adopted infrastructure charge

3.1 Purpose

Section 3 states the calculation of the adopted infrastructure charge to be levied by the local government under section 648F (Adopted infrastructure charges notices) of the *Sustainable Planning Act 2009* for the water, sewerage, stormwater, transport and parks networks.

3.2 Calculation of adopted infrastructure charge

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

$$\text{AIC} = \text{AC} - \text{D}$$

Where:

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

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

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

- (2) For the purpose of calculating the adopted infrastructure charge under subsection (1):
- (a) where development is not to be connected to a trunk infrastructure network, the adopted charge for the development is to be reduced by the relevant proportion of the adopted infrastructure charge allocated to that trunk infrastructure network as stated in section 5 (Allocation of adopted infrastructure charge); and
 - (b) where the premises is not connected to a trunk infrastructure network, the discount for the development is to be reduced by the relevant proportion of the adopted infrastructure charge allocated to that trunk infrastructure network as stated in section 5 (Allocation of adopted infrastructure charge).

3.3 Adopted charge

- (1) The adopted charge for reconfiguring a lot:
- (a) for residential development is stated in Table 3.1 (Adopted charge for reconfiguring a lot in a residential planning area);
 - (b) for non-residential development is stated in Table 3.2 (Adopted charge for reconfiguring a lot in a planning area other than a residential planning area), which comprises the following:
 - (i) the adopted charge for the water, sewerage, transport and parks networks stated in column 2;
 - (ii) the adopted charge for the stormwater network stated in column 3.

Table 3.1 Adopted charge for reconfiguring a lot in a residential planning area

Column 1 Charge area	Column 2 Adopted charge	
	Charge (\$)	Measure of development
Charge area A	22,000	Per lot
Charge area B	13,000	Per lot
Charge area C	4,000	Per lot

Table 3.2 Adopted charge for reconfiguring a lot in a planning area other than a residential planning area

Column 1 Planning area	Column 2 Adopted charge for water, sewerage, transport and parks networks			Column 3 Adopted charge for stormwater network	
	Unit of measure	Charge (\$)		Unit of measure	Charge (\$)
		Charge area A	Charge areas B & C		All charge areas
Commercial	Per m ² of lot area	55	35	Per m ² of lot area	4
Industrial	Per m ² of lot area	20	13	Per m ² of lot area	4
Rural	Per m ² of lot area	8	5	Per m ² of lot area	4
Other	Nil Charge				

- (2) The adopted charge for a material change of use for:
- (a) residential development, is stated in Table 3.3 (Adopted charge for a material change of use for residential development);
 - (b) non-residential development other than a specialised use, is stated in Table 3.4 (Adopted charge for a material change of use for non-residential development), which comprises the following:
 - (i) the adopted charge for the water, sewerage, transport and parks networks stated in column 2;
 - (ii) the adopted charge for the stormwater network stated in column 3;
 - (c) non-residential development being a specialised use or other development not otherwise identified in paragraphs (a) or (b), is to be determined by the local government based on an assessment of use and demand.

Table 3.3 Adopted charge for a material change of use for residential development

Column 1 Charge area	Column 2 Adopted charge per dwelling (\$)					
	Residential (Dwelling house)		Residential (Multiple dwelling)		Other residential development (short term)	
	1 or 2 bedroom dwelling unit	3 or more bedroom dwelling unit	1 or 2 bedroom dwelling unit	3 or more bedroom dwelling unit	1 or 2 bedroom dwelling unit	3 or more bedroom dwelling unit
Charge area A	15,700	22,000	15,700	22,000	8,000	11,000
Charge area B	10,000	13,000	10,000	13,000	5,000	7,000
Charge area C	3,000	4,000	3,000	4,000	1,500	2,000

Table 3.4 Adopted charge for a material change of use for non-residential development

Column 1 Use	Column 2 Adopted charge for water, sewerage, transport and parks networks			Column 3 Adopted charge for stormwater network	
	Unit of measure	Charge (\$)		Unit of measure	Charge (\$)
		Charge area A	Charge areas B & C		All charge areas
Accommodation (Short term) 1 or 2 bedroom dwelling unit	Per dwelling unit	8,000	5,100	N/A	Nil
Accommodation (Short term) 3 or more bedroom dwelling unit	Per dwelling unit	7,000	4,500	N/A	Nil
Accommodation (Long term) 1 or 2 bedroom dwelling unit	Per dwelling unit	15,800	10,000	N/A	Nil
Accommodation (Long term) 3 or more bedroom dwelling unit	Per dwelling unit	22,000	14,000	N/A	Nil
Places of Assembly	Per m ² of GFA	55	35	Per m ² of lot area	4
Commercial (Bulk goods)	Per m ² of GFA	110	70	Per m ² of lot area	4
Commercial (Retail)	Per m ² of GFA	141	90	Per m ² of lot area	4
Commercial (Office)	Per m ² of GFA	110	70	Per m ² of lot area	4

Column 1 Use	Column 2 Adopted charge for water, sewerage, transport and parks networks			Column 3 Adopted charge for stormwater network	
	Unit of measure	Charge (\$)		Unit of measure	Charge (\$)
		Charge area A	Charge areas B & C		All charge areas
Education Facility	Per m ² of GFA	110	70	Per m ² of lot area	4
Entertainment	Per m ² of GFA	157	100	Per m ² of lot area	4
Indoor Sport and Recreational Facility	Per m ² of courts plus	158	100	Per m ² of lot area	4
	Per m ² of GFA	16	10		
Industry	Per m ² of GFA	39	25	Per m ² of lot area	4
High Impact Industry	Per m ² of GFA	55	35	Per m ² of lot area	4
Low Impact Rural	Nil Charge				
High Impact Rural	Per m ² of GFA	16	10	Per m ² of lot area	4
Essential Services	Per m ² of GFA	110	70	Per m ² of lot area	4
Minor uses	Nil Charge				

3.4 Discount

- (1) The discount for the premises is an amount which is the greater of the following:
- (a) the amount of a previous adopted infrastructure charge paid for the development of the premises;
 - (b) where an applicant can provide evidence of a previous financial contribution paid for trunk infrastructure for the premises, the amount of the financial contribution paid;
 - (c) where the premises is not subject to an existing lawful use, the amount stated for an adopted charge in Table 3.1 (Adopted charge for reconfiguring a lot in a residential planning area) for each existing lot within the premises;
 - (d) where the premises is subject to an existing lawful use, the amount stated for an adopted charge for the lawful use, being:

- (i) for residential development, the amount stated in Table 3.3 (Adopted charge for a material change of use for residential development);
 - (ii) for non-residential development, the amount stated in column 2 in Table 3.4 (Adopted charge for a material change of use for non-residential development) .
- (2) However the discount calculated in accordance with subsection (1) is not to exceed the adopted charge.
- (3) For the avoidance of doubt where a discount exceeds the value of an adopted charge no refund is to be paid by the local government.

4. Administration of adopted infrastructure charge

4.1 Purpose

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

4.2 Development subject to adopted infrastructure charge

The local government may levy an adopted infrastructure charge on the following development:

- (a) a reconfiguring a lot;
- (b) a material change of use of premises.

4.3 Subsidy for an adopted infrastructure charge

The local government has not identified a subsidy for an adopted infrastructure charge for a certain lot or use or type of lot or use.

4.4 Time of payment of an adopted infrastructure charge

An adopted infrastructure charge is payable at the following time:

- (a) if the charge applies to reconfiguring a lot that is assessable development or development requiring compliance assessment— then before the local government approves the plan of subdivision for the reconfiguration;⁴ or
- (b) if the charge applies to a material change of use— then before the change of use happens;⁵ or

⁴ See section 648H(a) (When adopted infrastructure charges are payable) of the *Sustainable Planning Act 2009*.

- (c) if paragraphs (a) and (b) do not apply— on the day stated in the adopted infrastructure charges notice or negotiated adopted infrastructure charges notice.⁶

4.5 Alternatives to paying an adopted infrastructure charge

- (1) The local government may enter into an infrastructure agreement involving an alternative to the way a payment is to be made or an infrastructure contribution provided in a form other than paying an adopted infrastructure charge.⁷
- (2) The local government may, for development infrastructure that is land, give a notice in addition to or instead of an adopted infrastructure charges notice requiring the land to be given to the local government in fee simple (*land dedication notice*).⁸

5. Allocation of adopted infrastructure charge to trunk infrastructure networks

5.1 Purpose

Section 5 states how the adopted infrastructure charge is to be allocated to a trunk infrastructure network for the following purposes:

- (a) calculating the adopted charge for development;
- (b) calculating the discount for development;
- (c) determining an offset and refund.

5.2 Allocation of adopted infrastructure charge

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

⁵ See section 648H(c) (When adopted infrastructure charges are payable) of the *Sustainable Planning Act 2009*.

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

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

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

Table 5.1 Allocation of adopted infrastructure charge to trunk infrastructure networks

Column 1 Trunk infrastructure network	Column 2 Allocation of adopted infrastructure charge (%)
Water network	26
Sewerage network	26
Stormwater network	30
Transport network	9
Parks network	9

Schedule 1 Dictionary

In this resolution:

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

applicable local planning instruments means the following:

- (a) Chinchilla Shire Planning Scheme;
- (b) Murilla Shire Planning Scheme;
- (c) that part of the Taroom Shire Planning Scheme within the local government area;
- (d) Dalby Town Planning Scheme;
- (e) Tara Shire Planning Scheme;
- (f) Wambo Shire Planning Scheme.

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.

charge area see section 2.4 (Charge areas).

discount means the amount to be applied for the purpose of calculating an adopted infrastructure charge which takes into account the existing usage of the trunk infrastructure networks by the premises on or in relation to which development is carried out as stated in section 3.4 (Discount).

dwelling unit means a single dwelling within a premises which is self contained.

gross floor area (GFA) means the total floor area of all storeys of a building (measured from the outside of the external walls or the centre of a common wall), other than areas used for the following:

- (a) building services, plant and equipment;
- (b) access between levels;
- (c) ground floor public lobby;
- (d) a mall;
- (e) the parking, loading and manoeuvring of motor vehicles;
- (f) unenclosed private balconies whether roofed or not.

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

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

planning area means an area of an applicable local planning instrument identified in column 2 of Table 1.1 (Planning areas) for the planning areas stated in column 1 of Table 1.1 (Planning areas).

Table 1.1 Planning areas

Column 1 Planning Area	Column 2 Area of applicable local planning instrument					
	Chinchilla Shire Planning Scheme	Murilla Shire Planning Scheme	Taroom Shire Planning Scheme	Dalby Town Planning Scheme	Tara Shire Planning Scheme	Wambo Shire Planning Scheme
Commercial	Commercial	Commercial	Commercial	Town Centre	Commercial	Bunya Mountains
	Mixed use	Mixed use	Small town	Commerce and Trade		Commercial
	Small town	Small town	Mixed use			
			Small town			

Column 1 Planning Area	Column 2 Area of applicable local planning instrument					
	Chinchilla Shire Planning Scheme	Murilla Shire Planning Scheme	Taroom Shire Planning Scheme	Dalby Town Planning Scheme	Tara Shire Planning Scheme	Wambo Shire Planning Scheme
Industrial	Industrial	Industrial	Industrial	Industry Light industry	Industrial	Industrial
Rural	Rural Rural residential	Rural	Rural	Rural Rural residential	Rural Rural residential	Rural Rural residential
Residential	Urban	Urban	Urban	Residential	Residential	Urban
Other	Open space and recreation	Open space and recreation	Open space and recreation	Open space	Community facilities	Open space and recreation

priority infrastructure area see section 2.3 (Priority infrastructure area).



Schedule 2 Maps

Map 1 Priority Infrastructure Area

Map 2 Charge areas



Legend

-  Priority Infrastructure Area
-  WDRC Boundary

This to certify that this Priority Infrastructure Area Map forms part of Schedule 2 of Western Downs Regional Council 'Adopted Infrastructure Charges Resolution (no 1) 2011'

Signed: 
 Phil Berting
 Chief Executive Office
 Western Downs Regional Council

Date: 18/12/2011

Priority Infrastructure Area Regional Overview

July 2011

Western Downs Regional Council
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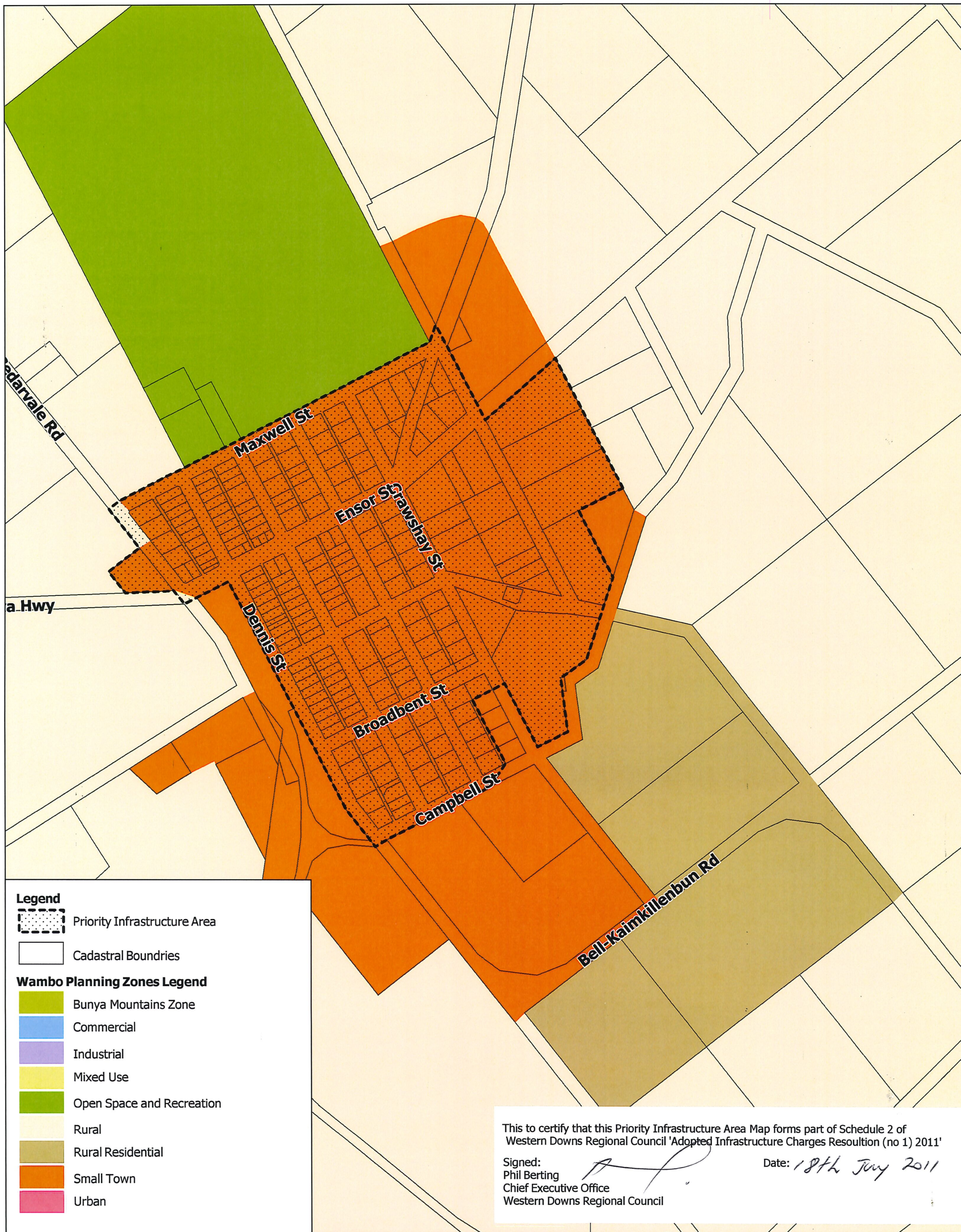
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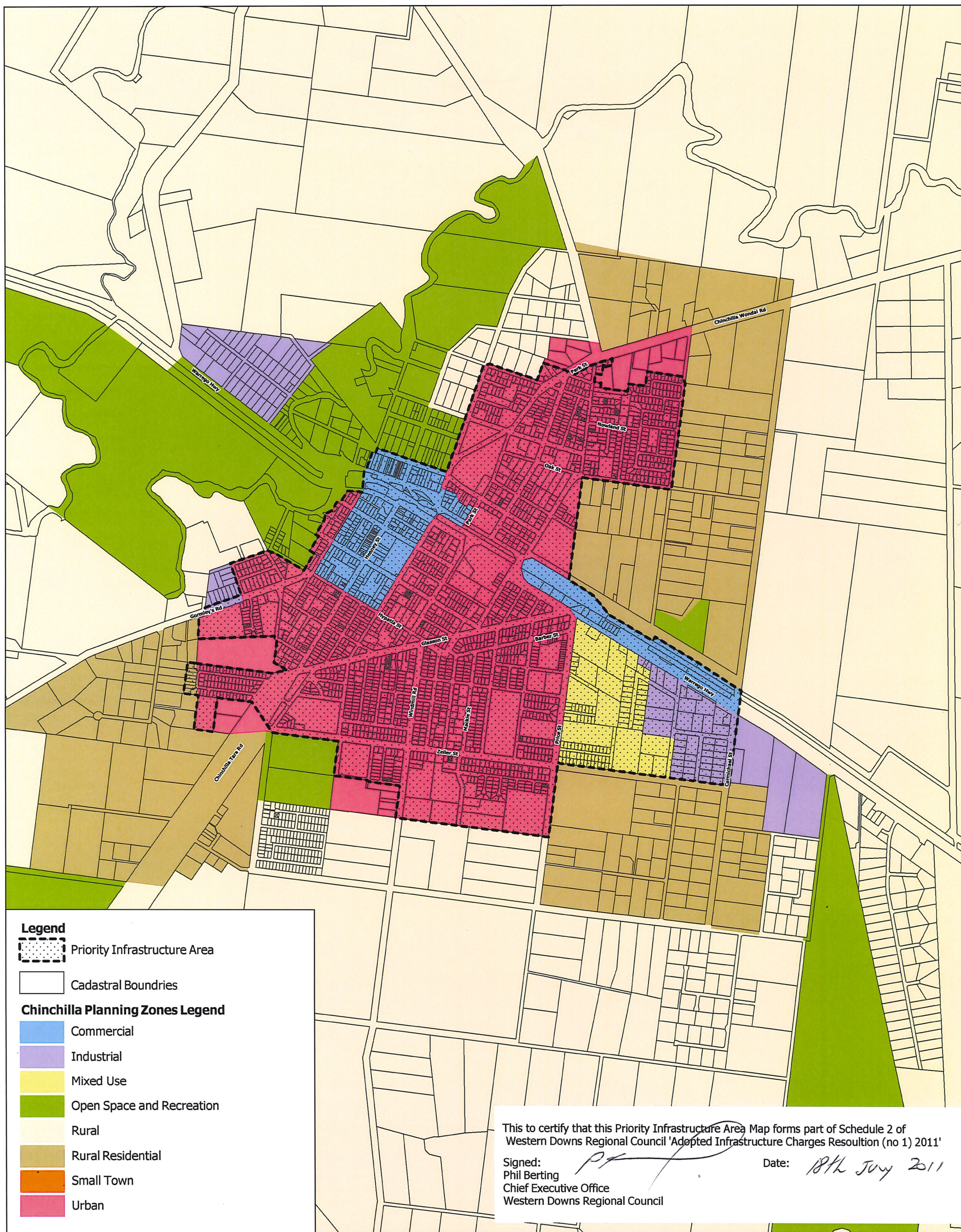
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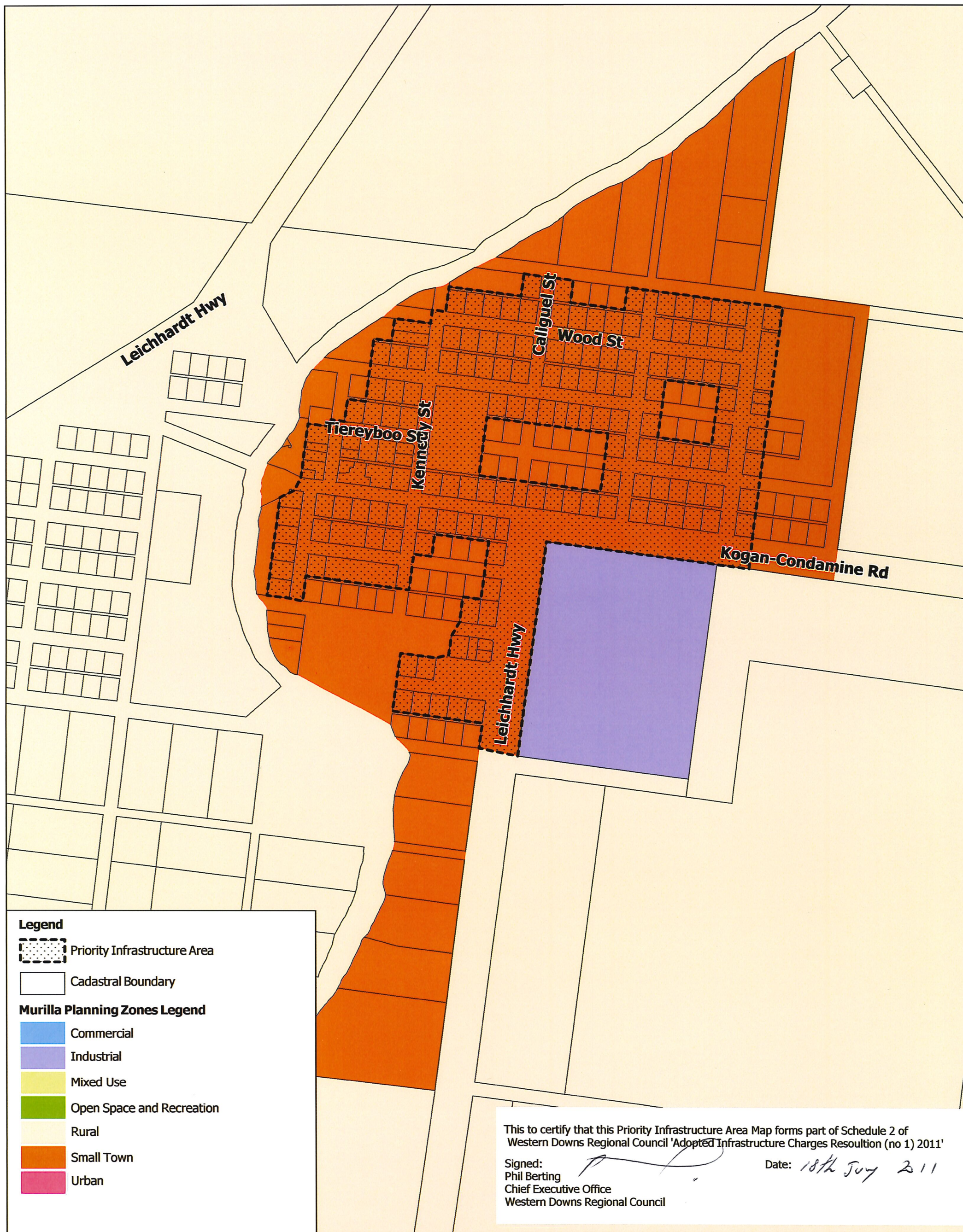
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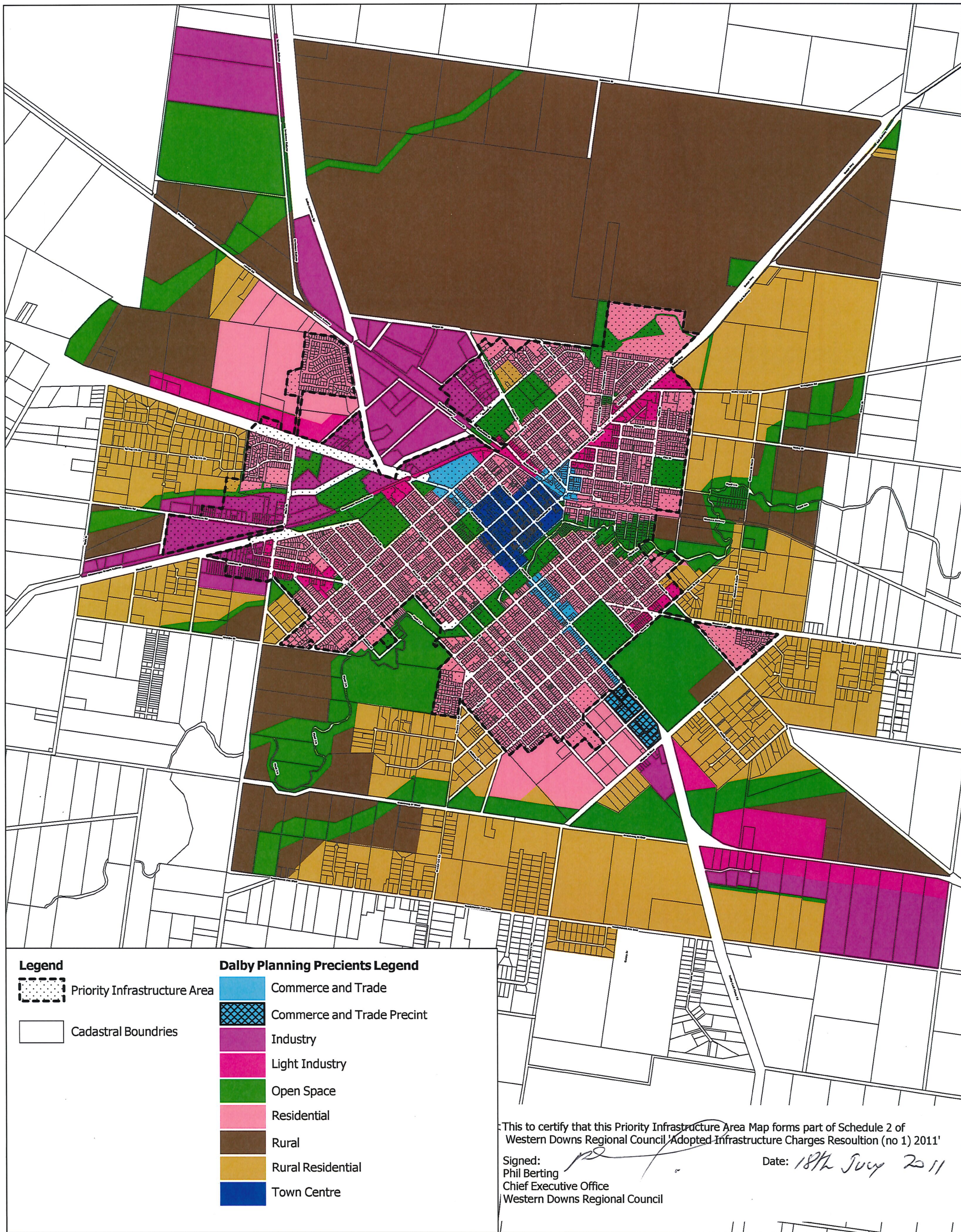
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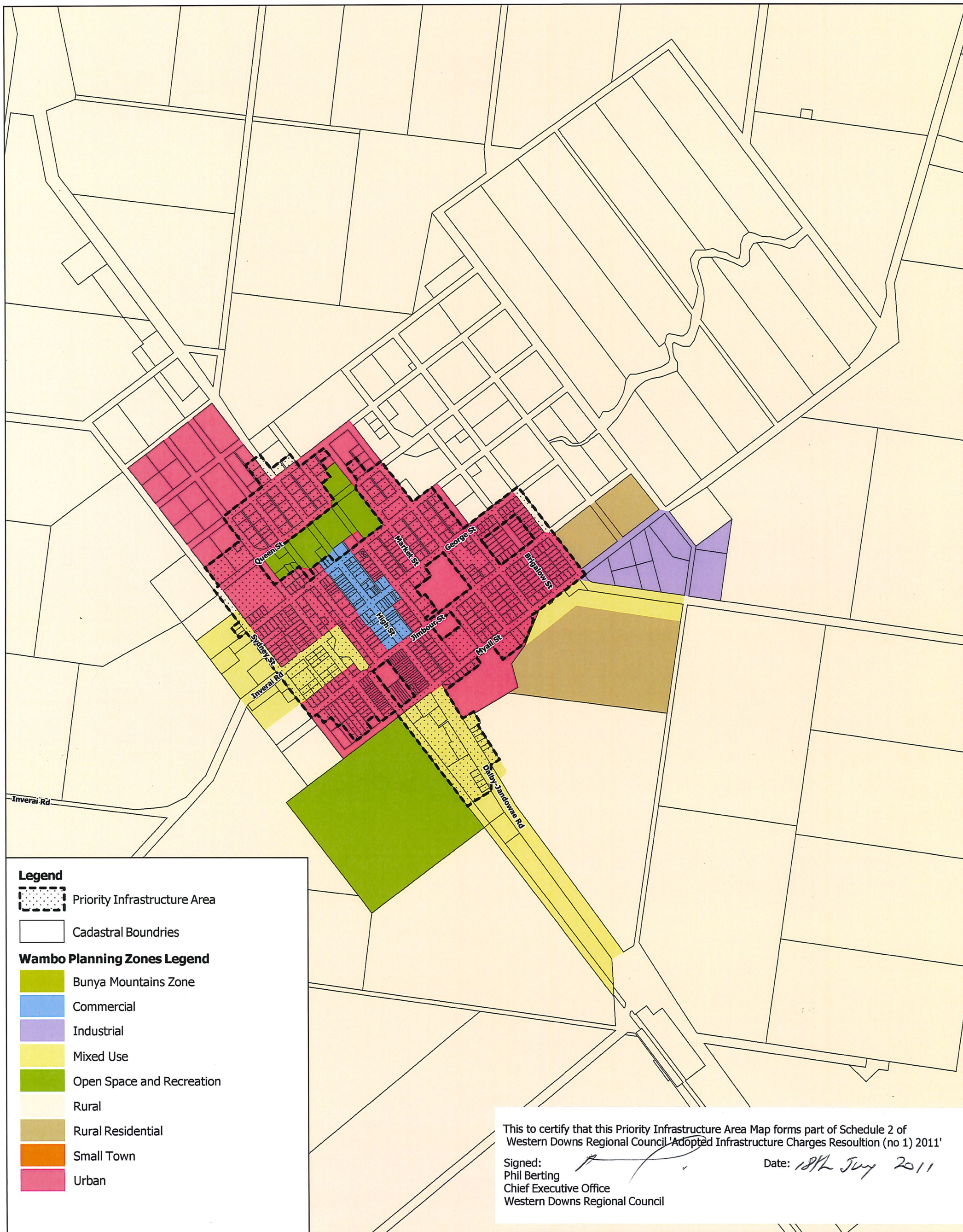
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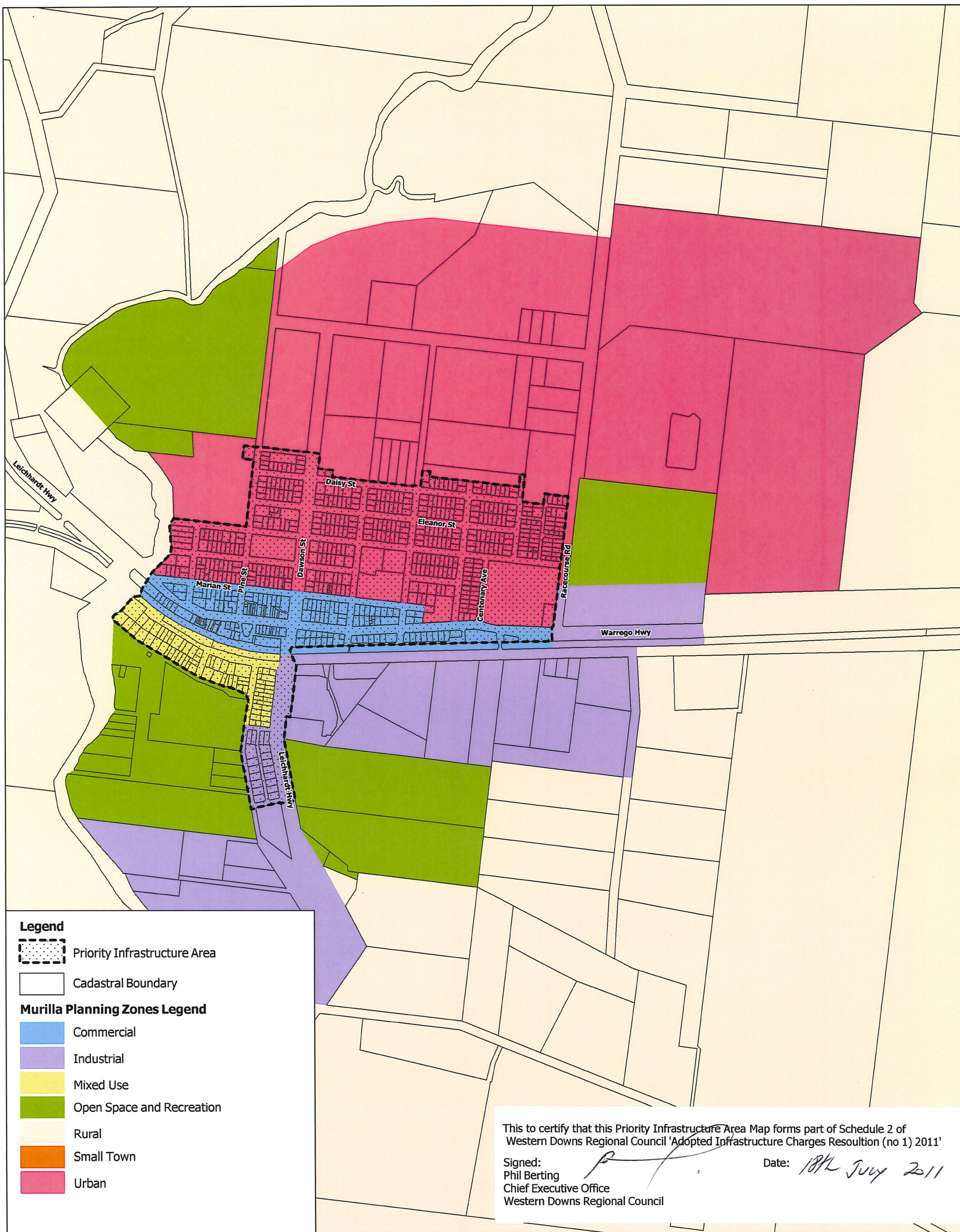
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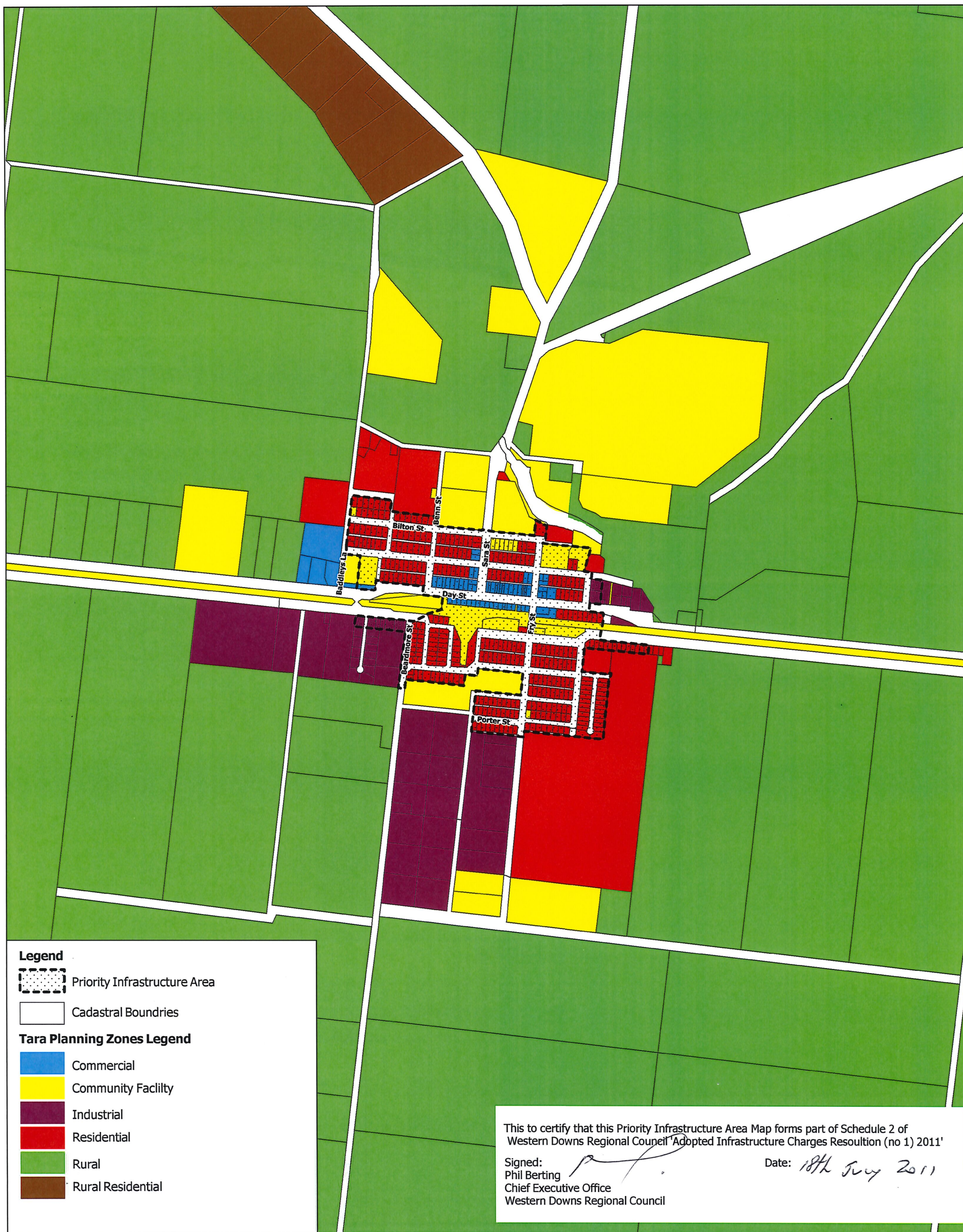
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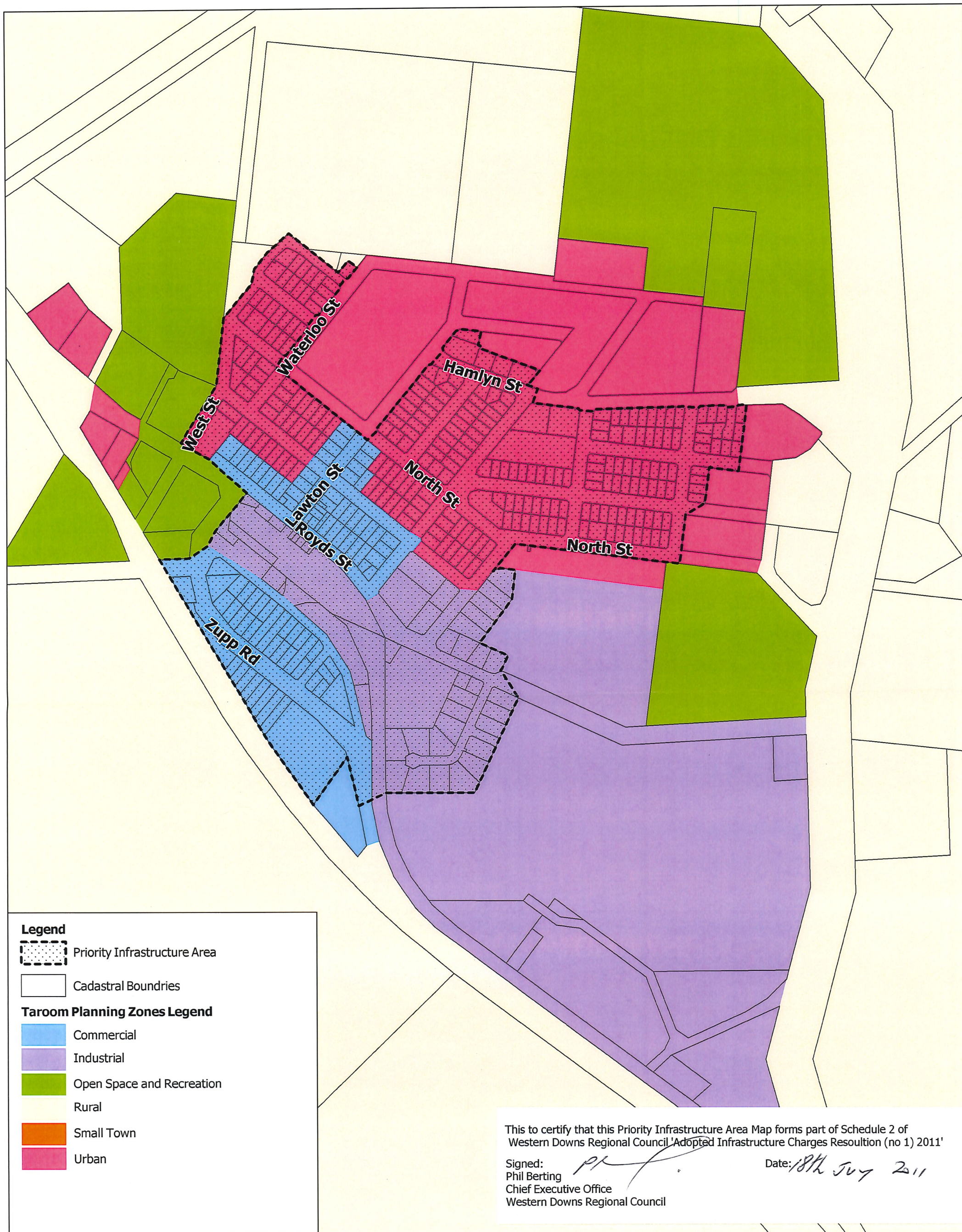
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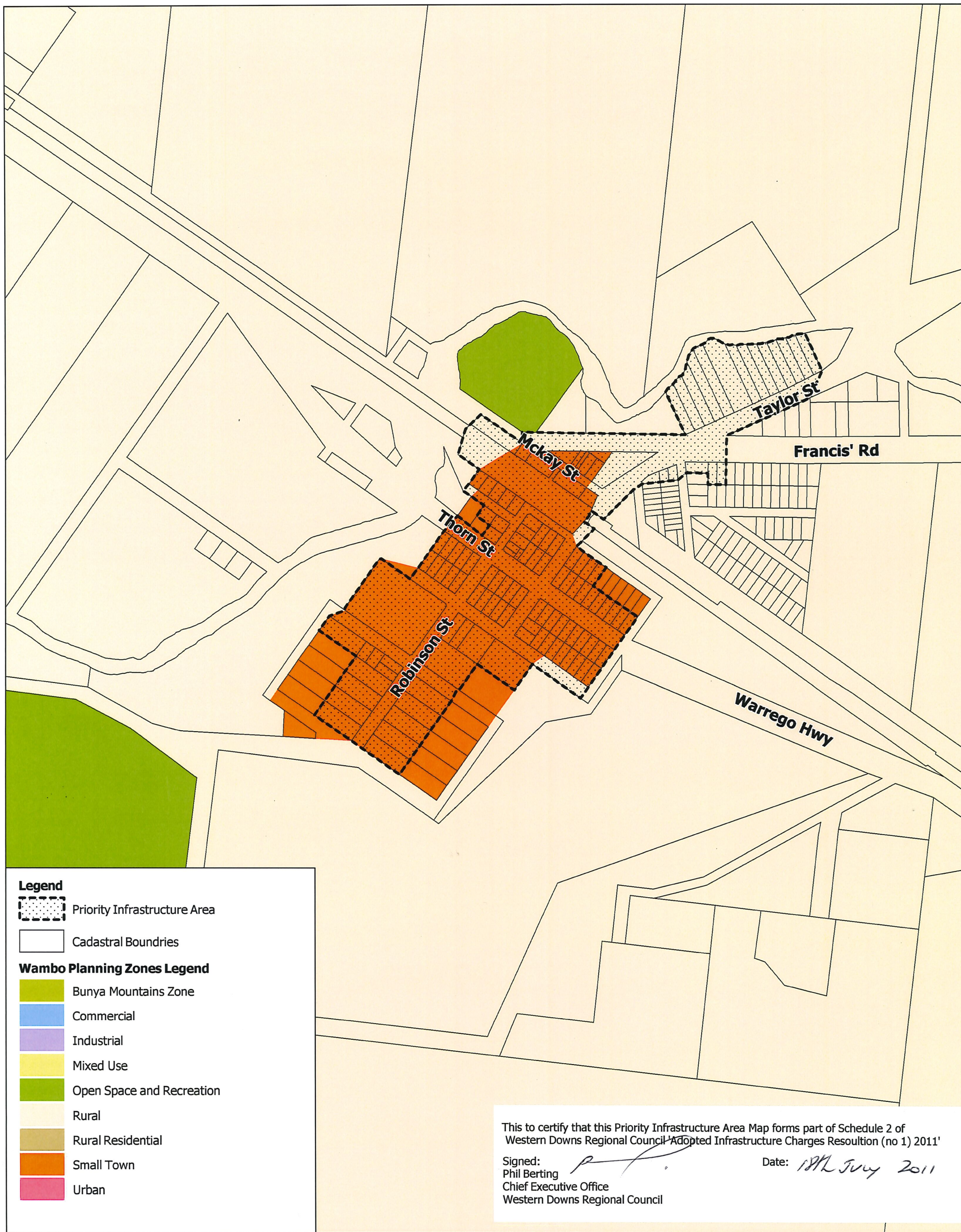
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Priority Infrastructure Area Warra

July 2011

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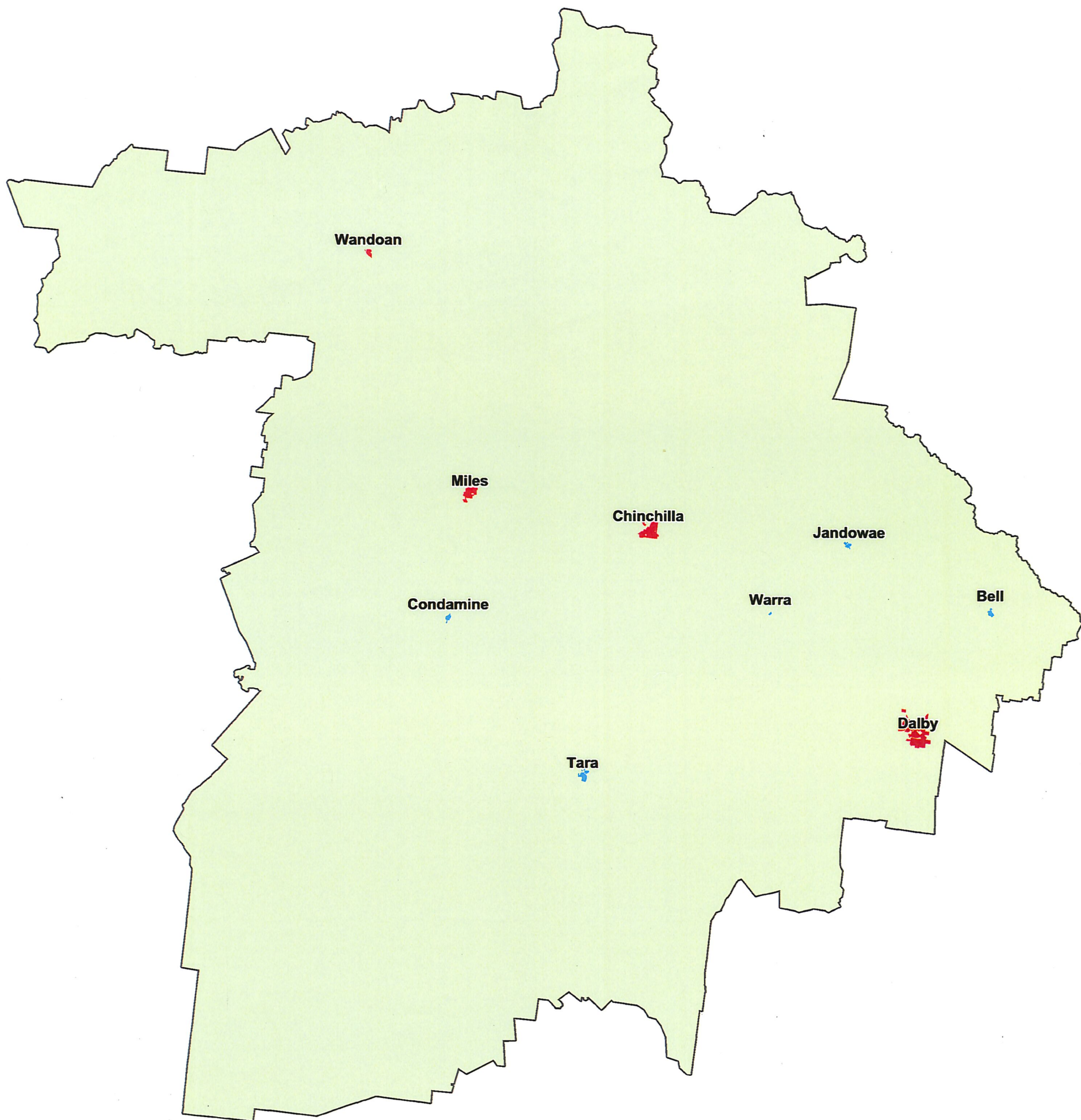
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Legend

- Charge Area A
- Charge Area B
- Charge Area C
- WDRC Boundary

This to certify that this Charge Area Map forms part of Schedule 2 of
Western Downs Regional Council 'Adopted Infrastructure Charges Resolution (no 1) 2011'

Signed: 
Phil Berting
Chief Executive Office
Western Downs Regional Council

Date: 18th July 2011

Charge Areas Overview Map June 2011

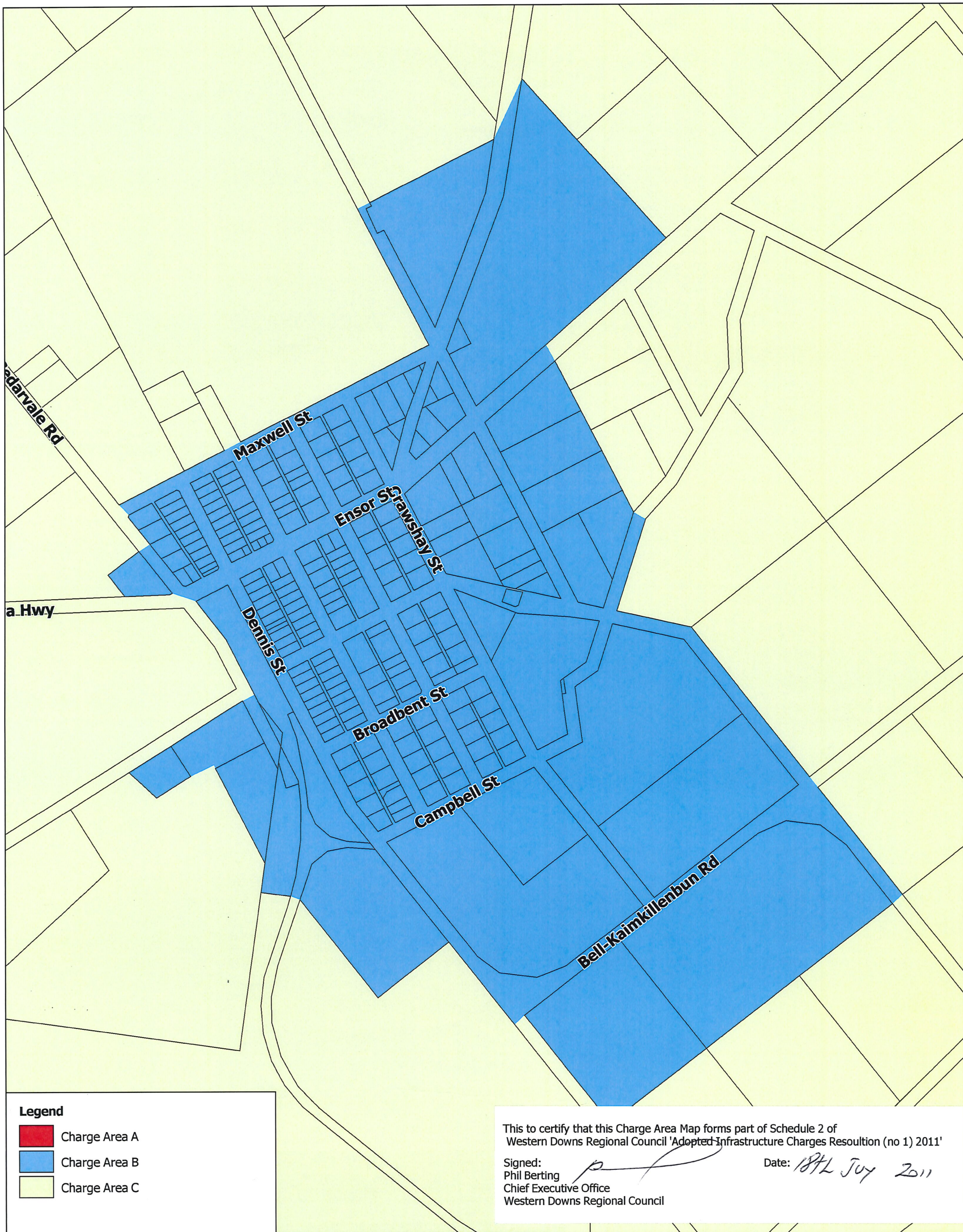
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Charge Areas Bell

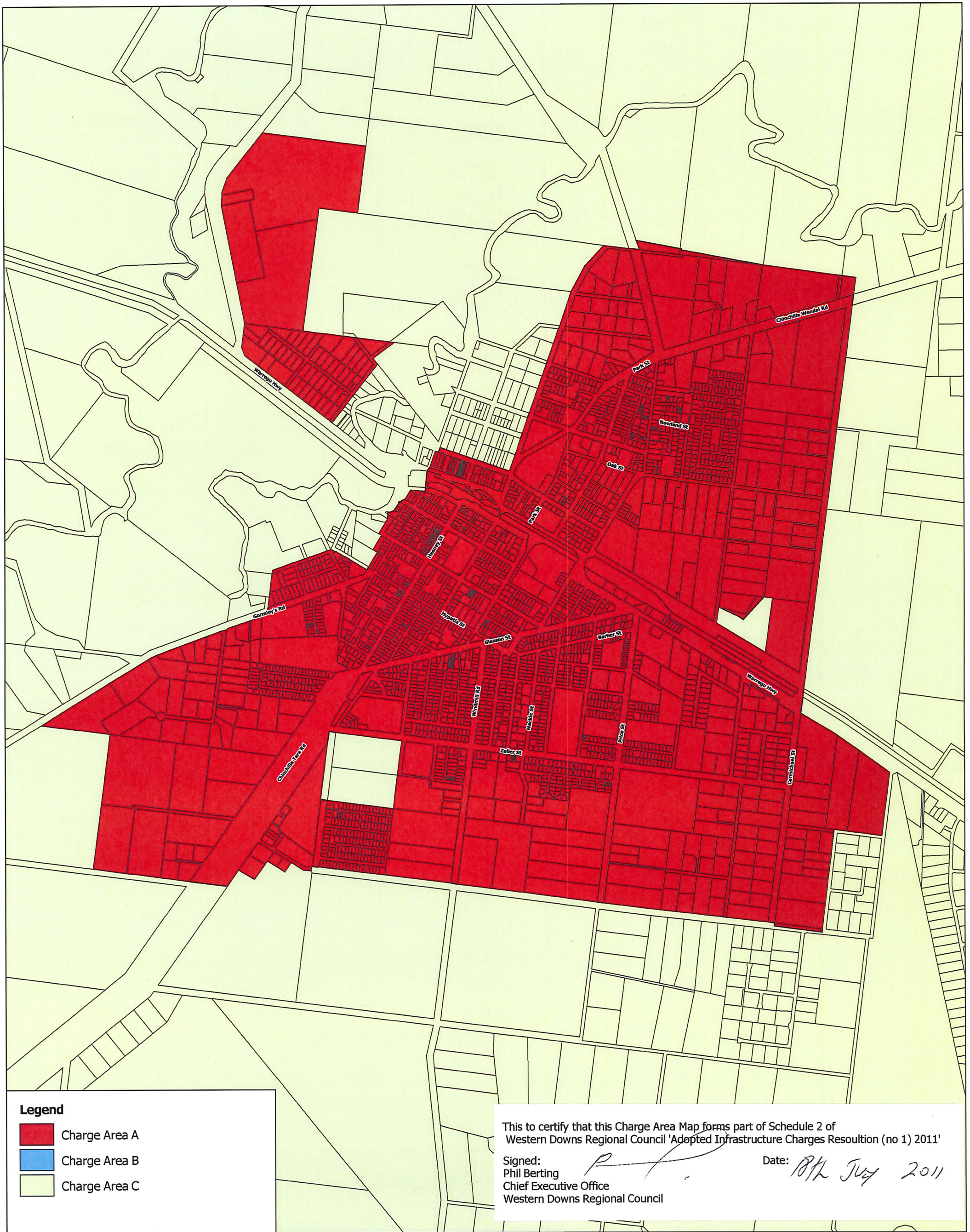
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Charge Areas Condamine

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Charge Areas Dalby

July 2011

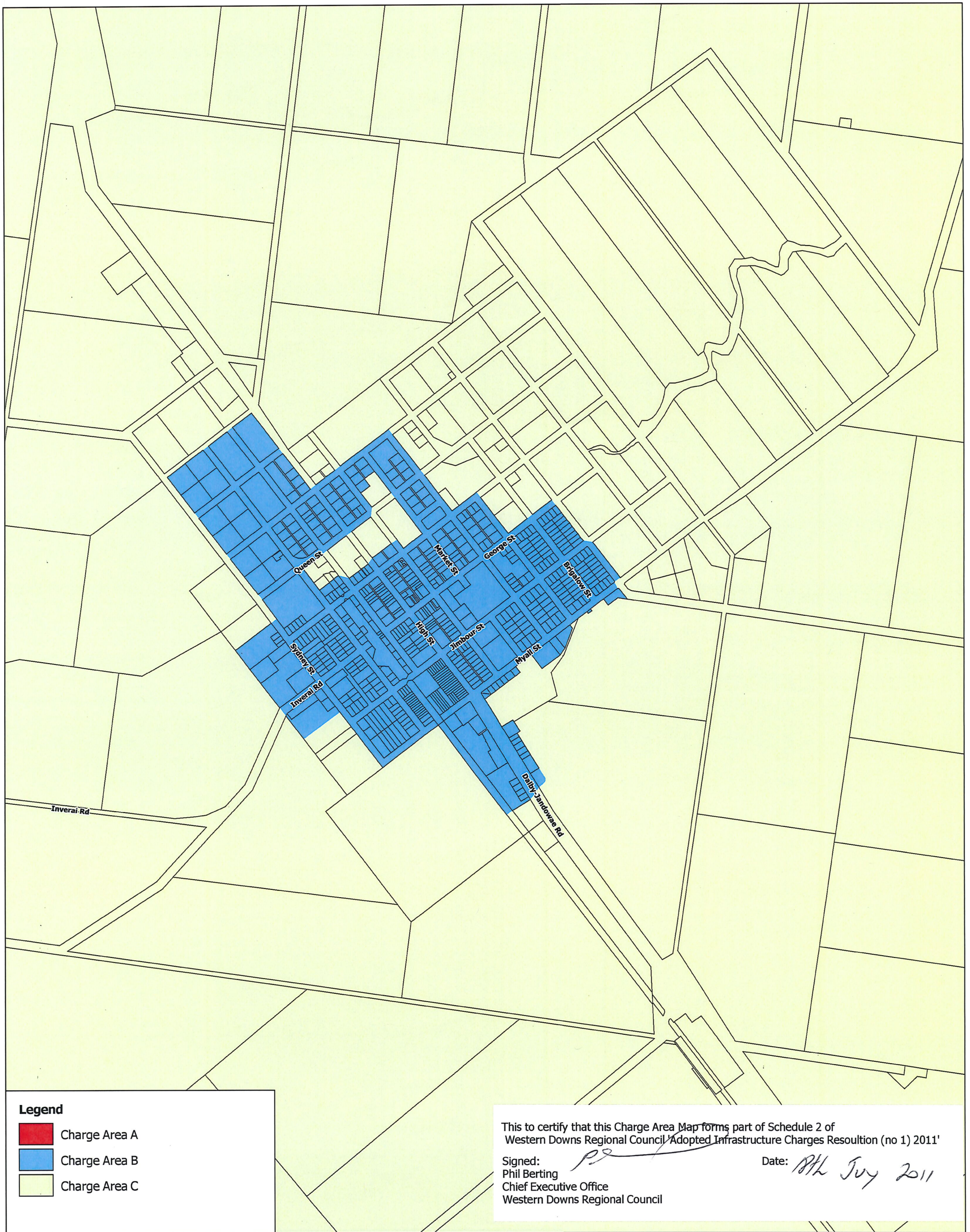
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Charge Areas Jandowae

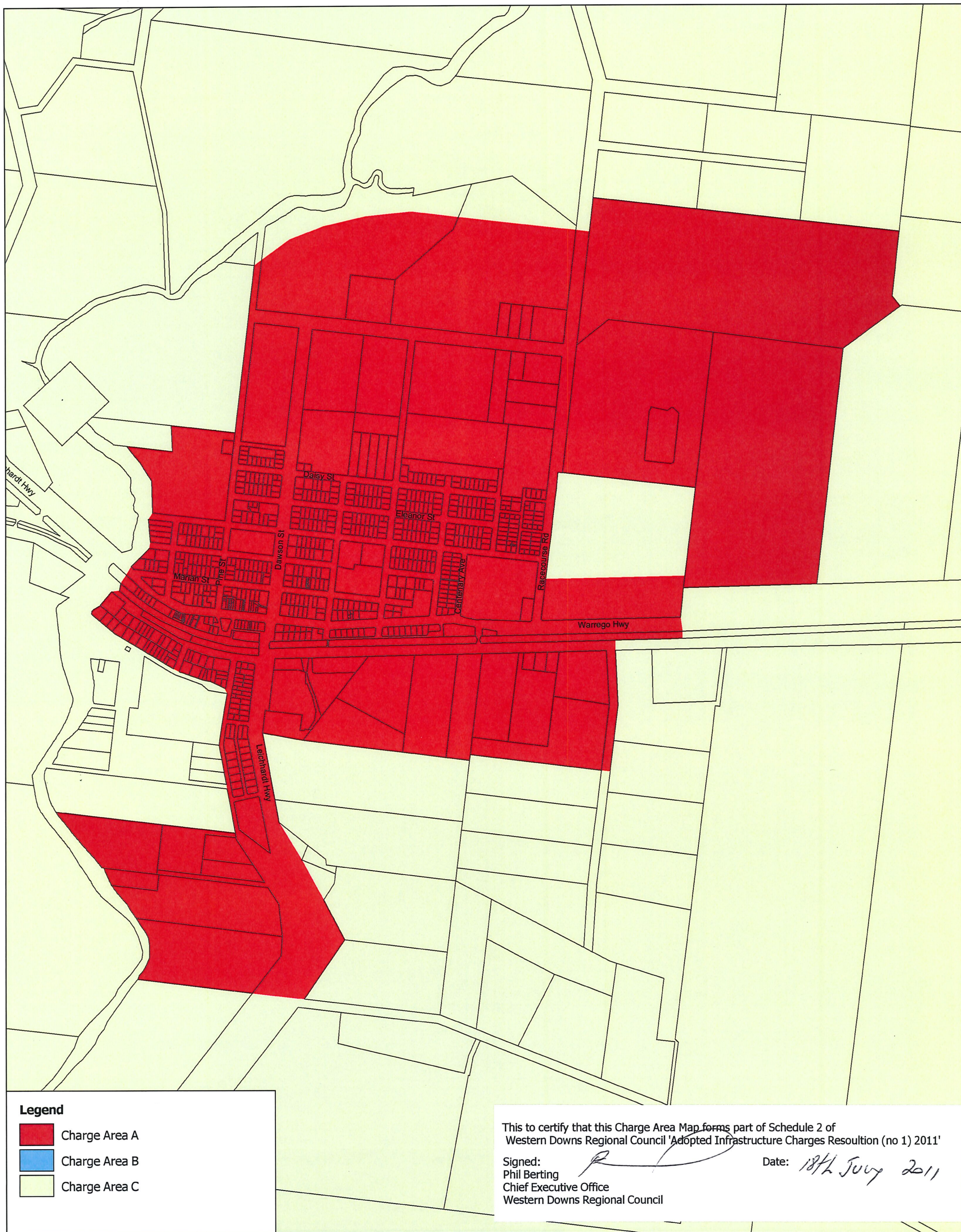
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Charge Areas Miles July 2011

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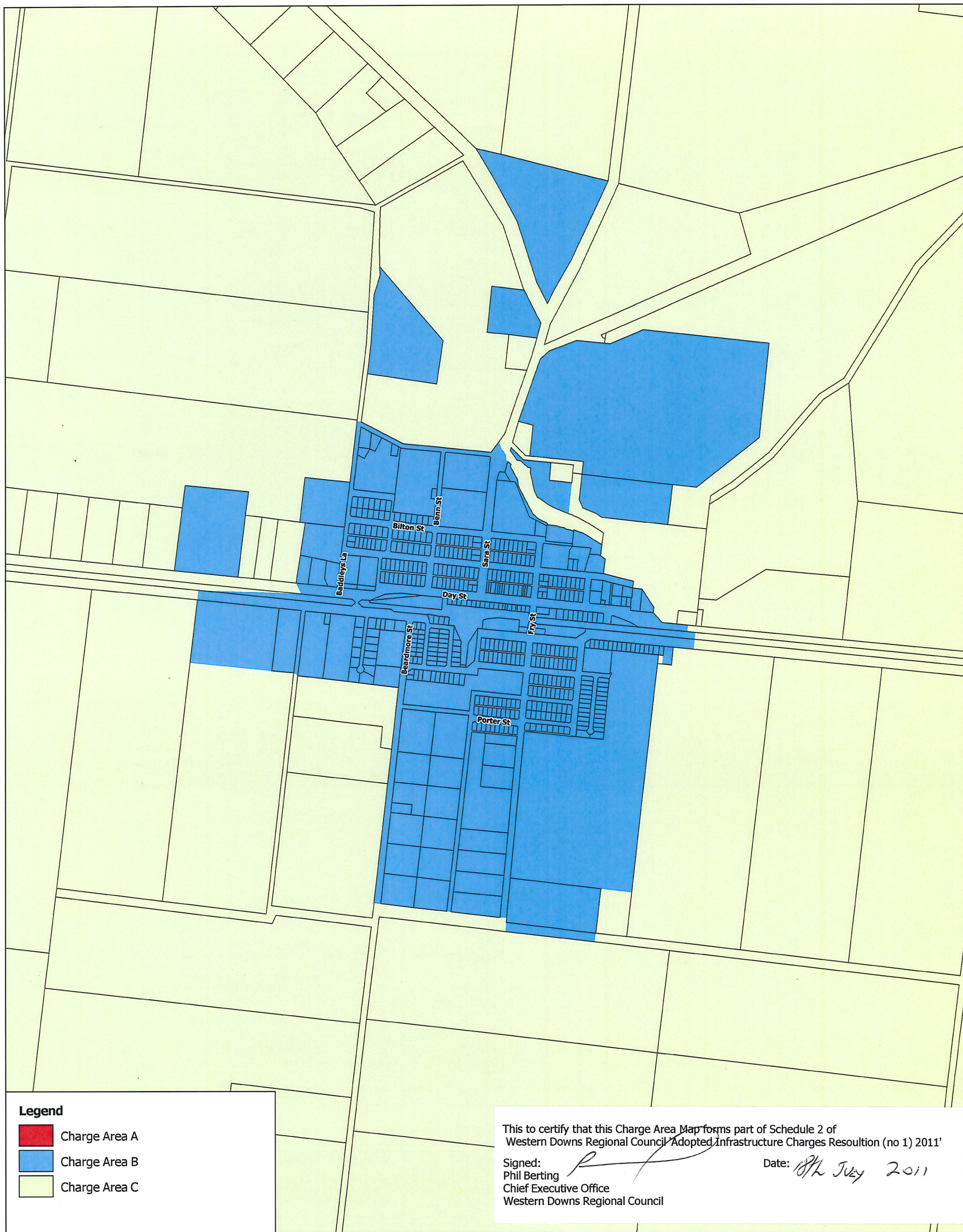
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Charge Areas Tara

July 2011

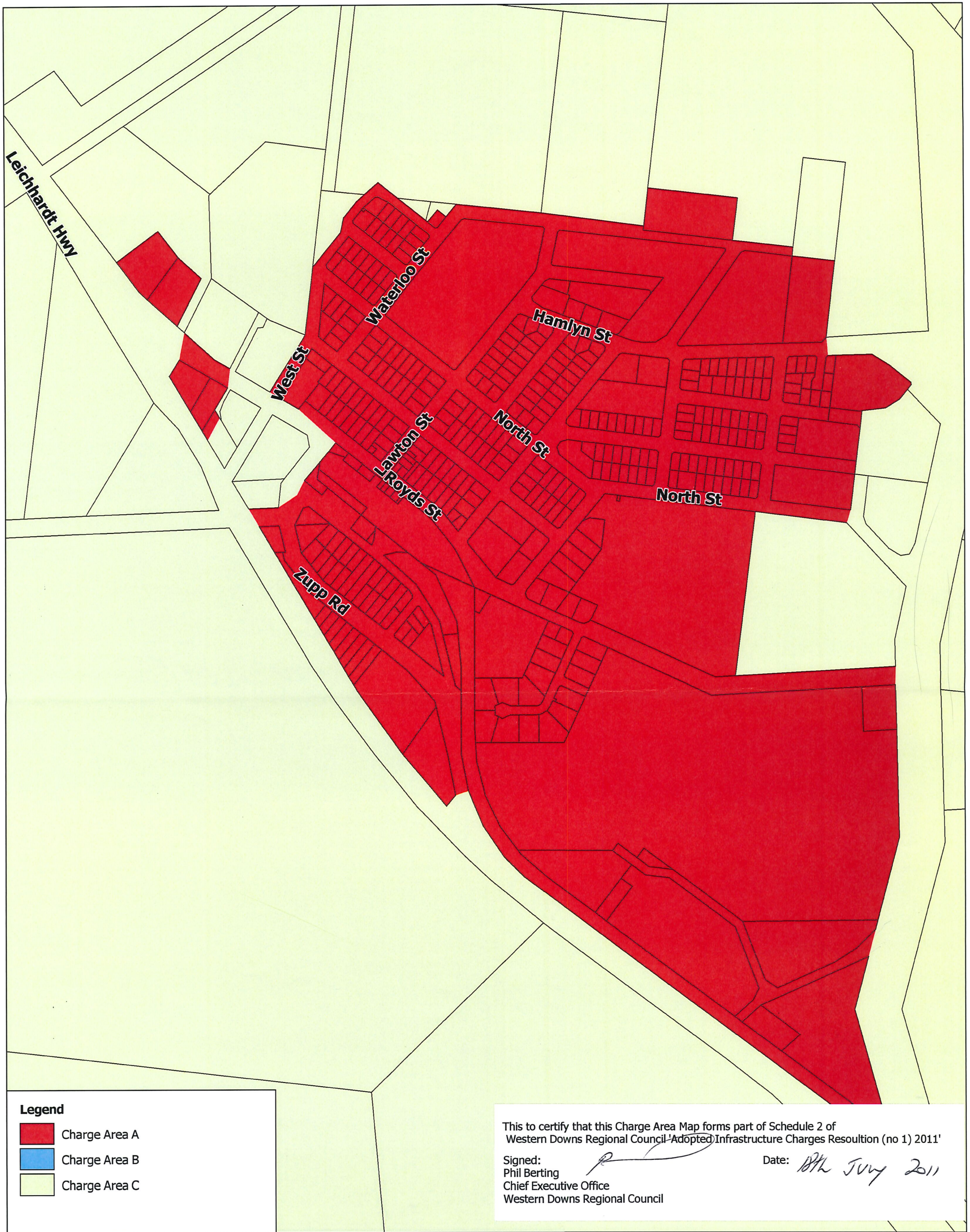
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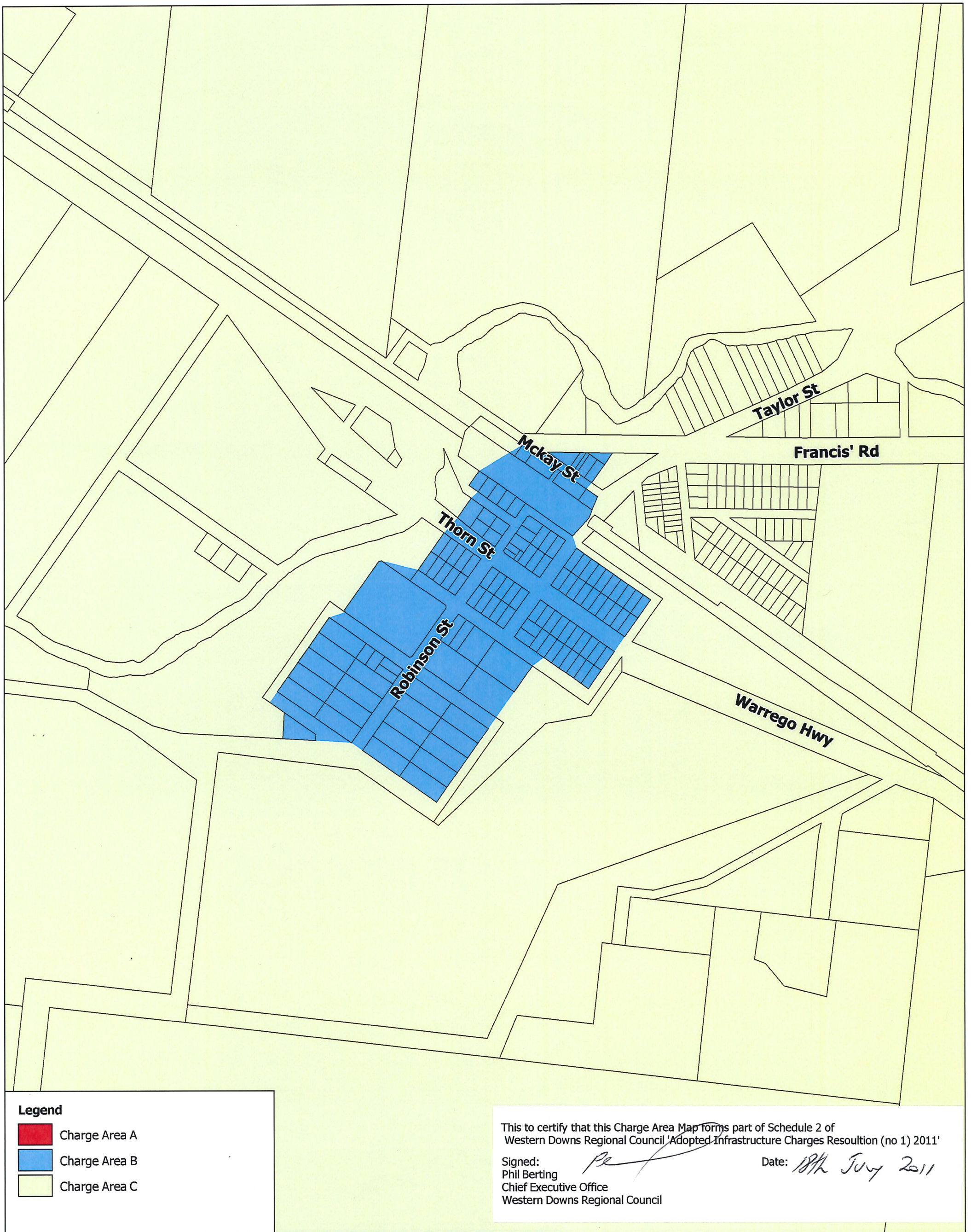
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