Council of the City of Gold Coast Charges Resolution

(No. 1) of 2018

CITY OF GOLDCOAST.

Contents

1.0 Introduction

1.1 This is a charges resolution ("resolution") made by Council of the City of Gold Coast under s.113 of the Planning Act 2016 ("PA").

1.2 This resolution is attached to Council's 'City Plan' ("Planning Scheme"). To remove any doubt, it is declared that this resolution is not part of the Planning Scheme.

1.3 This resolution has effect on and from 27 June 2018.

1.4 This resolution adopts a charge for:

(a) reconfiguring a lot;

(b) material change of use;

(c) building work

that is less than the maximum adopted charge for a charge category set out in the Planning Regulation 2017.

1.5 Table 1 includes use definitions for, the current 'City Plan' and the superseded '2003 Scheme'

The definitions used to determine the appropriate charge category will be those used in the planning scheme under which the development has been lodged and assessed.

1.6 This resolution covers all of the City of Gold Coast local government area. Contained within this area there is also a Priority Infrastructure Area (PIA) which identifies the area of City of Gold Coast that is intended to accommodate urban growth.

1.7 The PIA boundary is shown on maps LGIP-PIA-0 to LGIP-PIA-17 in the Local Government Infrastructure Plan (LGIP) (Part 4 of City Plan).

1.8 This resolution does not apply to:

(a) works or a use of premises authorised under the Greenhouse Gas Storage Act 2009, the Mineral Resources Act 1989, the Petroleum Act 1923 or the Petroleum and Gas (Production and Safety) Act 2004;

(b) development in a priority development area under the Economic Development Act 2012; or

(c) development by a department, or part of a department, under a designation; or

(d) development for a non-State school under a designation.

1.9 Areas subject to specific legislation, including the:

- *Local Government (Robina Central Planning Agreement) Act 1992*
- *Integrated Resort Development Act 1987*
- *Sanctuary Cove Resort Act 1985*
- *Jupiter's Casino Agreement Act 1983*
- *Economic Development Act 2012*

are included in the PIA. To the extent these Acts and related agreements exclude the imposition of infrastructure charges under the PA this resolution will not apply.

Advice note: The charges identified in this resolution are currently applied for levying contributions for development in the Southport Priority Development Area under the *Economic Development Act 2012*.

1.10 In this resolution:

(a) the expression "development application" includes a request for a change approval and a request for an extension approval;

(b) the expression "development approval" includes a change approval and an extension approval;

(c) "development" includes development the subject of a change approval and an extension approval;

(d) "City Plan" means the City of Gold Coast planning scheme which commenced on 2 February 2016;

(e) "2003 Scheme" means the previous Gold Coast planning scheme, "Our Living City Gold Coast Planning Scheme 2003;

(f) "Suite" has the meaning given in Table 2;

(g) "Bedroom" has the meaning given in Table 2.

1.11 Subject to Section 1.10, where a word or term used in this resolution is defined by the PA, that word or term has the meaning given in the PA unless a contrary intention appears in the resolution.

2.0 Adopted charge

2.1 The adopted charge for development is:

(a) For the 2017 – 2018 financial year – the base charge amount for the development set out in Table 2;

(b) Otherwise: the base charge amount for the development set out in Table 2 multiplied by the sum of the percentage increases for each financial quarter since 11 August 2017 or such later date prescribed under the PA, to the date the charge is levied.

2.2 The adopted charge is a charge for Council's trunk transport, parks and land for community facilities, water and sewerage infrastructure networks.

2.3 For residential development the charges in Table 2 for all networks comprise:

(a) the transport and parks and land for community facilities proportion of the adopted charge being 55.5% of the base charge amount; and

(b) the water and sewerage proportion of the adopted charge being 44.5% of the base charge amount.

2.4 For non-residential development the charges in Table 2 comprise:

(a) the transport and parks and land for community facilities proportion of the base charge being 55.5% of the base charge for GFA; and

(b) the water and sewerage proportion of the base charge being 44.5% of the base charge for GFA.

2.5 The water and sewerage proportion of the adopted infrastructure charge comprises:-

(a) 10.9% which is attributable to the water service; and

(b) 33.6% which is attributable to the sewerage service.

2.6 In this section:

"percentage increase" has the meaning given in s. 112 of the PA.[1]

[1] Under s. 112 of the PA:
"percentage increase' means the 3 yearly moving average quarterly percentage increase in the PPI and "PPI" means:

(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; or
(b) If that index stops being published another similar Index prescribed by regulation.

3.0 Credits

3.1 In accordance with s. 120 of the PA, a credit will only be applied in respect of:

(a) a lawful use happening on the premises when the development application is made;

(a) a previous use that is no longer taking place on the premises if the use was lawful at the time it was carried out;

(b) other development on the premises if the development may be lawfully carried out without the need for a further development permit unless:

(i) an infrastructure requirement applies to the land on which the development will be carried out; and

(ii) the infrastructure requirement was imposed on the basis of development of a lower scale or intensity being carried out on the land.

Advice note: development that requires a development permit for building works will not come within section 3.1(c). Generally, clause 3.1(c) will apply only to an exempt or accepted use within an existing building where no additional building works are required.

3.2 The adopted charge for a use or development mentioned in section 3.1 will not be credited under section 3.1 if an infrastructure requirement that applies or applied to the use or development has not been complied with. This includes the payment of all charges and compliance with all conditions.

3.3 To be eligible for credit under section 3.1 the applicant must prove that the current or previous use is lawful, or was lawful until the time it ceased to be used in that way.

3.4 For the purposes of s. 120 of the PA a development will place additional demand upon trunk infrastructure if the development is in a catchment serviced by a trunk infrastructure network.

3.5 Credits will be calculated as follows:

(a) if a use credit applies under s. 120 of the PA – in the same manner that the adopted charge is calculated under this resolution; and

(b) if an infrastructure charge has been paid and a use credit is not applicable under s. 120 of the PA, and the use for which the charge was paid is not likely to commence – the credit will be based on the amount previously paid, less any State transport charge and

the proportion of any stormwater charge associated with an impervious area outside the relevant lot, calculated in accordance with sections 3.6 to 3.13.

3.6 For planned demand charges previously paid under the PIP, Council may consider, on a case by case basis, whether to recognise any surplus credit for the dollar difference between planned demand and application demand for the existing use calculated under the PIP (i.e., surplus credit = planned demand – application demand). For the purpose of identifying any surplus Council may have regard to:

(a) the application demand for the existing lawfully established use calculated under the PIP; and

(b) the actual demand or consumption of the existing lawful use on the water and sewerage networks (including any criteria specified in the PIP – e.g., for water - the actual water consumption of the use averaged over the preceding two years (clause 8.11.1 PIP).

3.7 For planned demand contributions previously paid under a planning scheme policy under Council's IPA Planning Scheme (i.e., PSP 3A, PSP 3B, PSP 16 and PSP 19) Council will identify, on a case by case basis, any surplus credits that it is prepared to recognise. For the purpose of identifying any surplus credit council may have regard to:

(a) the application demand calculated under the relevant PSP (to the extent possible); and

(b) the actual demand or consumption of the existing lawful use on the relevant network.

3.8 For planned demand contributions paid under an earlier planning scheme policy (i.e., a policy in force before 18 August 2003) or local planning policy, a surplus credit will not generally be applied[2].

3.9 The credit applied under this resolution will be the amount which is the greater of the following:

(a) the adopted charge for the existing lawful use calculated under section 3.1 plus any surplus credit attributable to the premises calculated in accordance with sections 3.6 and 3.7; and

(b) the amount of the adopted charge for a 3 bedroom Dwelling House under this resolution for each lot, which comprises the surface of land, excluding a building format lot, within the premises.

3.10 For all credit calculations a credit for a lot based on the amount of an adopted charge for a 3 bedroom dwelling house/detached dwelling for each lot within the premises is subject to the following:

(a) for vacant lots with no prior or current lawfully established use and not connected or ready to connect to water supply trunk infrastructure the amount of the credit will be reduced by 10.9%.

(b) for vacant lots with no prior or current lawfully established use and not connected or ready to connect to sewerage trunk infrastructure the amount of the credit will be reduced by 33.6%.

(c) for (a) and (b) above a credit may be provided if the applicant can demonstrate that infrastructure charges for that network have been paid to Council.

(d) for the purposes of this section the term "connected or ready to connect" means the property must have a water meter stub or a Council owned water or sewerage main pipe of 150 millimetres diameter or less on or adjacent to the property.

3.11 For:

(a) all credit calculations under sections 3.6 or 3.7 a surplus infrastructure charge or contribution previously paid will be converted to its current dollar value based on the indexation regime applicable to the network in the infrastructure planning document under which the surplus infrastructure charge or contribution was imposed.

[2] This is primarily for two reasons. First, the networks for which a charge was levied under the earlier policies may have been significantly different to the trunk infrastructure networks for which charges were levied under a PSP under Council's IPA Planning Scheme or the PIP. Second, the earlier policies may not provide an accurate methodology to calculate the actual demand.

Example: for infrastructure contribution conditions imposed under PSP 3A or PSP 3B, the contributions will be indexed according to CPI (meaning the all groups consumer price index for Brisbane published by the Australian Statistician).

(b) A surplus credit recognised for a payment made under an instrument in existence prior to the 2003 Scheme, the surplus amount paid will be converted to its current dollar value by increasing the amount by the increase in the CPI (Brisbane All Groups published by the Australian Statistician) from the date the amount was paid to the date the new charge is levied.

3.12 In this section 3 "infrastructure requirement" has the meaning given in s. 120 of the PA.

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

3.14 If an existing lawful use includes an area which is common to two or more uses identified in Table 2 the credit for the common area will be based on the use/development with the highest adopted charge.

4.0 Calculation of levied charge

4.1 The levied charge for a development will be based on the Local Government adopted infrastructure charges calculated in accordance with clause 4.2 below.

4.2 The following steps apply to calculate the levied charge for a development application:

For charges levied during the 2017/2018 financial year:

Step 1

Determine the base charge amount(s) for the approved development from Table 2 (the adopted charge).

Step 2

Determine the credit in accordance with clause 3.

Step 3

Determine the levied charge (adopted charge determined under Step 1 minus credit determined under Step 2).

Otherwise:

Step 1

Determine the adopted charge using Step 1(a) and Step 1(b) as follows:

Step 1(a)

Determine the base charge amount(s) for the approved development from Table 2.

Step 1(b)

Increase the amount determined under Step 1(a) by multiplying the base charge amount by the sum of the percentage increases for each financial quarter since 11 August 2017 or such later date prescribed under the PA, to the date the charge is levied.

Step 2

Determine the credit in accordance with clause 3.

Step 3

Determine the levied charge (adopted charge determined under Step 1 minus credit determined under Step 2).

Advice note: the above steps exclude any offset that may be required for a necessary infrastructure condition under s. 129 of the PA.

4.3 Areas in Council's local government area which are not planned to be serviced by water supply or sewerage are identified in section 4.5.1 of the LGIP. In these areas the base charge will be reduced by the percentage of the water or sewerage component of the base charge depending on which service is not planned to be provided. If the development is in an area:

(a) not planned to be serviced by water supply the base charge will be reduced by 10.9%;

(b) not planned to be serviced by sewerage the base charge will be reduced by 33.6%

4.4 A development approval that approves more than one use (mixed use development) may involve uses/development with different base charge amounts under Table 2. The following rules will apply to the calculation of the adopted charge for a mixed use development:

(a) if more than one use is proposed to occur in any given area the subject of the approval the adopted charge will be based on the use/development with the highest base charge;

(b) if an approved development includes an area which is common to two or more uses identified in Table 2 the adopted charge for the common area will be based on the use/development with the highest base charge;

4.5 If an adopted charge is intended to be levied pursuant to a building works approval and the building may be used for more than one use under Table 2 the adopted charge will be based on the use/development with the highest base charge.

4.6 If an adopted charge is to be levied pursuant to a development approval for reconfiguring a lot the charge must be calculated in accordance with base charge amounts under Table 2.

4.7 A levied charge will be automatically increased as follows:

(a) a levied charge will be increased from the date the charge is levied to the time the charge is paid using the Producer Price Index (PPI Index).

(b) However, any increase in the levied charge must not be more than the lesser of the following amounts:

(i) the amount that is the difference between the amount of the levied charge for the development and the amount of the adopted charge the City could have levied for the development at the time the charge is paid; and

(ii) an amount representing the percentage increase for the period starting on the day the charge was levied and ending on the day the charge is paid adjusted by reference to the 3-yearly PPI average.

4.8 In this section:

(a) "3-yearly PPI average" has the meaning given in s. 114 of the PA;

(a) "Percentage increase" has the meaning given in s. 112 of the PA.

5.0 Exemption from adopted charge

5.1 Adopted charges will not be payable for changes of use within existing buildings where:

(a) the new approved development does not involve additional gross floor area ("GFA"); and

(b) all previously levied infrastructure charges have been paid in full; and

(c) a lawful land use has been established within the relevant part of the existing building that is the subject of the development approval.

Advice note: the intent is that changes of use within existing buildings, after the initial use, will be exempt from infrastructure charges. Council may, in its absolute discretion not apply this exemption.

For example, if a use involving a lower charging category is undertaken for a very short term followed by a use with a higher charging category.

5.2 An adopted charge will not be payable for a development approval for the expansion of an existing lawfully established non-residential land use, provided:

(a) the expansion is no more than the lesser of:

(i) 500m2 of GFA; and

(ii) 50% of the existing GFA; and

(b) for land uses defined in City Plan as 'Shop' or 'Showroom', or in the 2003 Scheme as 'Shop, Shopping Centre Development', 'Showroom' and 'Department Store' the GFA of the existing lawful use is no more than 500m2, and

(c) all previously levied infrastructure charges have been paid in full.

Advice note: This exemption applies only to an expansion of an existing lawful use and is not available for an application involving a new land use.

5.3 The exemption in subsection 5.2 will only be applied once within any four year period.

5.4 Family Accommodation under the 2003 Scheme is exempt from the requirement to pay infrastructure charges if the approved GFA of the Family Accommodation is 80m2 or less.

In these cases an infrastructure charges notice will be given which identifies an adopted charge of $0 on the basis that the exemption amount equals the charge.

If the development approval is subsequently amended to allow the GFA of the Family Accommodation to exceed 80m2 a revised infrastructure charges notice will be given which excludes the exemption and the adopted charge for the changed development will be payable.

If the exemption applies, a credit for the Family Accommodation will not apply for any subsequent development.

Advice note: Council may invite an applicant to apply for the discount for Family Accommodation which exceeds 80m2 GFA but does not exceed 100m2 GFA where extenuating family circumstances exist which can be clearly demonstrated to Council to its satisfaction.

Example - An occupant of Family Accommodation is disabled, and requires high level care which requires modifications to the dwelling to permit its reasonable habitation. Relevant documentation must be provided to Council for its consideration. Council may, in its absolute discretion not apply the discount.

6.0 Specialised uses

6.1 After receiving a development application for a specialised use Council will determine the most appropriate charging category from Table 1 to apply to the approval and calculate the adopted charge in accordance with Table 2.

7.0 Conversion criteria

7.1 This section states Council's conversion criteria for the purposes of s. 117 of the PA.

7.2 This section applies if:

(a) Council has imposed a condition of a development approval for non-trunk infrastructure under s. 145 of the PA; and

(b) the construction of the non-trunk infrastructure has not yet started; and

(c) the applicant has applied to convert the non-trunk infrastructure to trunk infrastructure under s. 139 of the PA ("conversion application").

Note: Section 139 of the PA requires that an application to convert a non-trunk infrastructure condition must be made to Council in writing, within 1 year after the development approval starts to have effect.

It should also be noted that the commencement of construction of the non-trunk infrastructure the subject of the conversion application after the application is made but before it is decided (including any appeal in respect of the decision) may affect the determination of the application.

Requirements for development infrastructure for all infrastructure networks

7.3 The non-trunk infrastructure the subject of the conversion application must comply with all of the following criteria:

(a) the proposed development is consistent with the type, scale, location and timing of future development identified in the LGIP;

(b) the development infrastructure must have capacity to service other developments in the area to the desired standards of service;

(c) the development infrastructure must be located such that it is available to service other developments in the area based on the desired standards of service (DSS);

Example – a local recreation park within a large residential development that is not within 5 minutes walking distance of other development (approximately 400-500m) will not be available to service the other development in the area in accordance with the DSS.

(d) the development infrastructure must be the same size and type and perform the same function and purpose as trunk infrastructure included in the LGIP;

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

Example 2 – a road that is required to be constructed to a collector or residential access street will not provide the same function and purpose as a trunk road which must be an arterial, sub-arterial or distributor function road constructed to the profile identified in the Land Development Guidelines

Example 3 – a condition requiring land or an easement for water or sewerage infrastructure will not be converted to trunk infrastructure because Council's trunk water and sewerage infrastructure networks do not include a land component.

(e) the development infrastructure must not be consistent with non-trunk infrastructure for which conditions may be imposed under s. 145 of the PA;

(f) the development infrastructure must be of a size, type and location that is the most cost effective option for servicing multiple users in the area;

(g) the development infrastructure must comply with the DSS for the equivalent trunk infrastructure identified in the LGIP;

(h) the development infrastructure must service development that is consistent with the planning assumptions for the premises identified in the LGIP in terms of scale, type, timing and location;

(i) the purpose of the provision of the development infrastructure must not have been to secure an increase in density of the approved development or a concession or relaxation for the approved development under a planning instrument;

Example - to gain plot ratio bonuses under the planning scheme, an applicant proposes additional public park area and improvements, the application is approved based on a higher plot ratio and subject to a non-trunk infrastructure condition requiring the proposed public park area and improvements.

In this case development infrastructure is provided for the purpose of gaining a plot ratio bonus and it is not appropriate that the Council be required to pay for the infrastructure through an offset or refund through the approval of a conversion application.

(j) the development infrastructure must not have been proposed by the applicant on the basis that it would remain non-trunk infrastructure for which an offset or refund would not be payable.

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

(k) the development infrastructure must be within the PIA;

(l) the development infrastructure is not to effect an upgrade of an existing item of infrastructure made necessary to service a development which is inconsistent with the type, scale, location or timing of development assumed in the LGIP.

Example - a premises is serviced by an existing 150mm sewerage main. Development which is in excess of the density envisaged in the LGIP is approved and Council imposes a non-trunk infrastructure condition requiring the applicant to replace the existing 150mm sewerage main with a 225mm diameter main to provide capacity to service the subject development. In this case the 225mm diameter main will not be converted to trunk infrastructure because the upgrade of the existing main is required only as a consequence of the subject development.

The alternative is that Council imposes a non-trunk condition for an additional 150mm diameter main which would be inefficient because it would require Council to maintain two sewerage mains.

(m) the development infrastructure must comply with the Council's Land Development Guidelines.

(n) Construction of the infrastructure must not have started.

Network specific requirements – water and sewerage development infrastructure

(o) The development infrastructure must comply with the SEQ Water Supply and Sewerage Design and Construction Code.

Network specific requirements – transport development infrastructure

(p) The development infrastructure must:

(i) be for a proposed arterial, sub-arterial or distributor road;

(ii) not be for works that provide direct frontage access to a development or works required to facilitate development access traffic;

(iii) be constructed to a major traffic route standard in accordance with Council's Land Development Guidelines.

Network specific requirements – stormwater development infrastructure

(q) The development infrastructure must not be stormwater development infrastructure.

Advice note: the LGIP does not include a trunk stormwater infrastructure network.

7.4 If the conversion application is approved:

(a) the condition of the relevant development approval requiring the non-trunk infrastructure no longer has effect; and

(b) Council may amend the development approval to impose a necessary infrastructure condition under s.128 of the PA requiring the provision of the development infrastructure.

Advice note: Council is not required to amend the development approval to include a necessary infrastructure condition (see s. 142 of the PA).

7.5 If the development approval is amended to impose a necessary infrastructure condition Council must do either of the following within 10 business days after the necessary infrastructure condition for the purposes of s. 129(2) or (3)(b) has been imposed:

(a) give an infrastructure charges notice; or

(b) amend, by notice to the applicant, any existing infrastructure charges notice for the development approval.

8.0 Value of offset or refund for trunk infrastructure

8.1 Sections 9 and 10 state Council's methodology for determining the value of offsets or refunds for s. 116 of the PA.

8.2 Sections 9 and 10 apply if the Council has imposed a necessary infrastructure condition under s. 128 of the PA.

8.3 Section 116(1) of the PA requires a charges resolution to include a method for working out the cost of infrastructure, the subject of the offset or refund. The method must be consistent with the parameters for the purpose provided for under a guideline made by the Minister and prescribed by regulation. The current guideline is 'The Minister's Guidelines and Rules' (MGR) dated 3 July 2017.

8.4 Chapter 6, Part 1 of the MGR says that the methodology for working out the cost of infrastructure for offsets or refunds must be consistent with the following parameters:

(a) Clarity – the methodology should be clear, certain and transparent;

(b) Cost effective – the methodology for pursuing an actual cost valuation should not be cost prohibitive for applicants; and

(c) Time efficient – timeframes should be realistic and encourage the efficient resolution of actual cost valuation.

Advice note: It should be noted that City Plan policy – Community benefit bonus (Policy) outlines Council's intention that community bonus elements which constitute trunk infrastructure should not be relied upon for the purposes of obtaining an offset against infrastructure charges if a residential density bonus has been applied for the same community bonus element in accordance with the Policy.

Similarly, community bonus elements which constitute non-trunk infrastructure and are proposed as part of a development application to secure a community benefit bonus should not be the subject of a conversion application.

9.0 Value of offset or refund for trunk infrastructure that are works (excluding land)

9.1 Trunk infrastructure that is works (trunk infrastructure other than land) must be valued using the following approach:

(a) The applicant must at its own cost provide to the Council a scope of works which includes specifications for the works; the standard to which the works are to be provided and the location of the works (Scope of Works);

(b) The scope of works must be reviewed by Council and approved prior to proceeding to 9.1(c);

(c) The applicant must, at its own cost, provide to the Council:

(i) a bill of quantities for the design, construction and commissioning of the works in accordance with the Scope of Works, completed by an suitably qualified person;

(ii) a first principal's estimate for the cost of designing, constructing and commissioning the trunk infrastructure specified in the bill of quantities completed by a suitably qualified person.

(d) The Council may:

(i) accept the bill of quantities and cost estimate provided by the applicant; or

(ii) require the cost of the works to be determined through a tender process; or

(iii) reject the applicant's Scope of Works, bill of quantities and costs estimate and undertake its own assessment.

(e) If the Council accepts the bill of quantities and the cost estimate, the cost estimate is the value of the infrastructure.

(f) If the Council requires the costs to be determined through a tender the process generally in accordance with the process set out in schedule 1 will apply. The type of tender is dependent on the works value which must comply with Council's procurement value thresholds.

(g) Council may, in its absolute discretion agree to an alternative process to the process set out in schedule 1, such agreement to be made by Council in writing.

(h) If the Council does not require the value of the works to be determined through a public open tender process and rejects the bill of quantities and the cost estimate provided by the applicant Council must, at its cost, have an assessment undertaken by an appropriate qualified person to:

(i) determine whether the bill of quantities is in accordance with the scope of works;

(ii) determine whether the cost estimate is consistent with the current market costs calculated by applying a first principles estimating approach to the bill of quantities; and

(iii) provide a new cost estimate using a first principles estimating approach.

(i) If the Council requires the value of the works to be determined through a public open tender process or it has rejected the bill of quantities and the cost estimate provided by the applicant, it must provide written notice to the applicant and its reasons for doing so.

(j) Where a written notice of the Council's proposed bill of quantities and cost estimate has been given, the applicant may negotiate and agree with the Council regarding the cost estimate. If the applicant and the Council agree on a cost estimate, the agreed cost estimate is the value of the trunk infrastructure.

(k) If agreement cannot be reached, the Council must refer the bill of quantities and the cost estimate to an independent, suitably qualified person (the independent assessor) to:

(i) assess whether the bill of quantities is in accordance with the scope of works;

(ii) assess whether the cost estimate is consistent with the current market costs calculated by applying a first principles estimating approach to the bill of quantities; and

(iii) provide an amended cost estimate using the first principles estimating approach.

The independent assessor is to be appointed by agreement between the Council and the applicant. If the parties cannot agree, the independent assessor will be determined by the Council. The cost of the independent assessment is to be equally shared between the Council and the applicant.

The amended cost estimate determined by the independent assessor is the value of the infrastructure.

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

10.1 The establishment cost of trunk infrastructure that is land is the market value of the land.

The market value of the land is to be determined using the before and after method of valuation by:

(a) determining the value of the original land before any land is transferred to the local authority;

(b) determining the value of the remaining land that will not be transferred to the local authority; and

(c) subtracting the value determined for the remaining land that will not be transferred to the local authority (ie under paragraph (b)) from the value determined for the original land (ie under paragraph (a)).

Where the land infrastructure has been identified in the LGIP, the market value is that which would have applied on the day the development application, which is the subject of a condition to provide trunk infrastructure, first became properly made.

Where the land infrastructure is not identified in the LGIP, the market value is that which would have applied on the day the development application, which is the subject of a condition to provide trunk infrastructure was approved.

'Original land' means the land the subject of the overarching development approval guiding development of the land.

Example of identification of 'original land'

If the land is part of a larger parcel being developed pursuant to a preliminary approval for a material change of use affecting the planning scheme under s. 242 of the *Sustainable Planning Act 2009* (or a variation approval under the Planning Act) the original land is the land the subject of the preliminary approval/variation approval irrespective of whether the land is being developed in stages or by different developers.

10.2 The before and after method of valuation must be given effect through the provision of a valuation report in accordance with the following requirements:

(a) The applicant, at their own cost, must provide to the local authority a valuation of the specified land undertaken by a certified practicing Valuer using the before and after method of valuation (the valuation).

(b) The valuation report must:

(i) include supporting information regarding the highest and best use of the land which the Valuer has relied on to form an opinion about the value;

(ii) Identify the area of land that is above the Q100 flood level and the area that is below the Q100 flood level;

(iii) identify and consider all other relevant constraints including but not limited to vegetation protection, ecological values including riparian buffers and corridors, stormwater or drainage corridors, slope, bushfire hazards, heritage, airport environs, coastal erosion, extractive resources, flooding, land use buffer requirements, and landslide hazards. This must also include tenure related constraints and restrictions such as easements, leases, licences and other dealings whether or not registered on title; and

(iv) contain relevant sales evidence and a clear analysis of how those sales and any other information was relied upon in forming the Valuer's assessment.

(c) The appointed Valuer(s) must act as an independent expert and not as an advocate.

10.3 Where an applicant has provided a valuation report in accordance with Section 10.2 the following procedural requirements will apply:

(a) The local authority may accept the valuation.

(b) If the local authority accepts the valuation, the valuation is the establishment cost of the infrastructure.

(c) If the local authority does not accept the valuation provided by the applicant, it must, at its own cost, have a valuation undertaken by a certified practicing Valuer, who must act professionally as a neutral and independent expert.

(d) If the local authority rejected the valuation provided by the applicant, it must provide written notice to the applicant and propose a new valuation and its reasons for doing so.

(e) Where a written notice of the local authority's proposed valuation has been given, the applicant (or the Valuer) may negotiate and agree with the local authority (or its Valuer) regarding a valuation.

The agreed valuation is the establishment cost of the infrastructure.

(f) If agreement cannot be reached, the local authority must have a further valuation undertaken by an independent, certified practicing Valuer, who must act professionally as a neutral and independent expert) to assess the market value of the specified land.

(g) The Valuer is to be appointed by the local authority in consultation with the applicant. The cost of this independent assessment is to be equally shared between the local authority and the applicant.

(h) The amended valuation determined by the independent Valuer is the establishment cost of the infrastructure.

11.0 Giving an amended Infrastructure Charges Notice (ICN)

11.1 This Section applies where the value of an offset or refund for trunk infrastructure has been determined under Sections 9 or 10.

11.2 Infrastructure that is works – The local authority must give an amended ICN to the applicant stating:

(a) the value of the establishment cost of the infrastructure which has been indexed to the date it is stated in the amended ICN using the Producer Price Index – Road and bridge construction index for Queensland.

(b) that the establishment cost of the infrastructure stated in the amended ICN is indexed from the date that it is stated in the amended ICN to the date it is to be offset against the levied charge in accordance with the Producer Price Index – Road and bridge construction index for Queensland.

11.3 Infrastructure that is land - The local authority must give an amended ICN to the applicant stating:

(a) the value of the establishment cost of the infrastructure which has been indexed to the date it is stated in the amended ICN using the Producer Price Index – Road and bridge construction index for Queensland.

(b) that the establishment cost of the infrastructure stated in the amended ICN is indexed from the date that it is stated in the amended ICN to the date it is to be offset against the levied charge in accordance with the Producer Price Index – Road and bridge construction index for Queensland.

12.0 History of amendments

2015 Charges resolution

No. 1 of 2015, Version 1 commenced 1 July 2015.

No. 1 of 2015, Version 1.1 commenced 2 February 2016 to coincide with the commencement of City Plan. Salient amendments include the addition of the new City Plan land use definitions (whilst retaining the superseded planning scheme definitions), amendments to how credits are provided, clarification of short term accommodation charging and inclusion of definitions.

No.1 of 2015, Version 1.2 commenced 1 July 2016 and included three amendments which a) changed the criteria for the discount on charges for Secondary dwellings and Family accommodation, b) clarified the definition of "Suite" and c) specified how Parking Station land uses shall be charged.

2016 Charges resolution

No.1 of 2016 commenced 1 November 2016 and increased the maximum adopted charge by including amendments to enable Council to levy the maximum adopted charge as changed by gazette notice under s. 629(2) of SPA, and minor changes to wording to improve clarity.

No. 2 of 2016 commenced 9 December 2016 to remove reference to charges for Secondary dwellings.

2017 Charges resolution

No.1 of 2017 commenced 15 November 2017 to align with the Planning Act 2016 and the Minister's Guidelines and Rules.

2018 Charges resolution

No.1 of 2018 commenced 27 June 2018 to align with Local Government infrastructure Plan Amendment 1.

Table 1 – Part 1 – Land use categories

Non-residential charging category	City Plan use definitions	2003 scheme use definitions
Places of Assembly	1. Club 2. Community use 3. Function facility 4. Funeral parlour 5. Place of worship	1. Community purposes* (for art gallery, community hall, library, museum, scout hall, and other community organised uses) 2. Funeral parlour 3. Place of worship 4. Reception room 5. Restricted club 6. Surf Life Saving Club
Commercial (bulk goods)	6. Agricultural supplies store 7. Bulk landscape supplies 8. Garden centre 9. Hardware and trade supplies 10. Outdoor sales 11. Showroom	7. Bulk garden supplies 8. Retail plant nursery 9. Showroom 10. Vehicle hire premises 11. Vehicle sales premises
Commercial (retail)	12. Food and drink outlet 13. Service industry 14. Service station 15 Shop	12. Café 13. Convenience shop 14. Department store 15. Fast food premises 16. Laundromat 17. Manufacturer's shop 18. Restaurant 19. Service industry 20. Service station 21. Shop 22. Shopping centre development 23. Take-away food premises 24. Tourist shop
Commercial (office)	16. Office 17. Sales office	25. Commercial services 26. Display home 27. Estate sales office 28. Funeral business 29. Office 30. Vehicle hire office

Non-residential charging category	City Plan use definitions	2003 scheme use definitions
Educational Facility	18. Child care centre 19. Community care centre 20. Educational establishment	31. Child care centre --Community purposes* (for child day care) 32. Educational establishment
Entertainment	21. Hotel (non-accommodation component only) – see Shor t Term Accommodation charging category for associated accommodation charges 22. Nightclub entertainment facility 23. Resort Complex (non-accommodation component only) – see Short Term Accommodation charging category for associated accommodation charges 24. Theatre 25. Bar	33. Adult entertainment 34. Amusement parlour 35. Brothel 36. Cinema 37. Hotel (non-residential component) – see Short Term Accommodation charging category for associated residential charges 38. Nightclub 39. Tavern 40. Theatre
Indoor sport and recreational facility	26. Indoor sport and recreation	41. Indoor sport and recreation
Industry	27. Low impact industry 28. Marine industry 29. Medium impact industry 30. Research and technology industry 31. Rural industry 32. Warehouse	42. Fuel depot 43. Industry 44. Milk depot 45. Motor vehicle repairs 46. Outdoor storage area 47. Rural industry 48. Salvage yard 49. Storage 50. Warehouse 51. Water front industry
High impact industry	33. High impact industry	
Low impact rural	34. Animal husbandry 35. Cropping 36. Permanent plantations	52. Agriculture 53. Animal husbandry 54. Farm forestry
High impact rural	37. Aquaculture 38. Intensive animal industries 39. Intensive horticulture 40. Wholesale nursery 41. Winery	55. Aquaculture 56. Minor aquaculture
Essential services	42. Emergency services 43. Health care services 44. Hospital 45. Residential care facility 46. Veterinary services	57. Community care centre -- Community purposes* (for day respite care, emergency services, and health services) 58. Corrective institution 59. Hospital 60. Medical centre 61. Veterinary clinic 62. Veterinary hospital
Specialised uses	47. Air services 48. Animal keeping 49. Car wash 50. Crematorium 51. Environmental Facility 52. Extractive industry 53. Major electricity infrastructure 54. Major sport, recreation and entertainment facility 55. Motor sport facility 56. Nature based tourism 57. Outdoor sport and recreation 58. Outstation 59. Parking station 60. Port services 61. Renewable energy facility 62. Substation 63. Tourist attraction 64. Utility installation	63. Car park 64. Commercial groundwater extraction -- Community Purposes* (for government use) 65. Ecotourism facility 66. Extractive industry 67. Helipad 68. Kennel 69. Marina 70. Minor tourist facility 71. Open sports ground 72. Outdoor sport and recreation 73. Private recreation ** 74. Public utility 75. Railway activities 76. Refuse disposal 77. Refuse transfer station 78. Telecommunications facility 79. Tourist facility 80 . Transit centre 81. Transport terminal

Non-residential charging category	City Plan use definitions	2003 scheme use definitions
Minor uses	65. Cemetery 66. Home based business 67. Landing 68. Market 69. Park 70. Roadside stalls 71. Telecommunications facility	82. Advertising device 83. Bed and break fast 84. Cemetery 85. Family day care home 86. Farm stay 87. High impact telecommunications facility 88. Home occupation 89. Home office 90. Kiosk 91. Low impact telecommunications facility 92. Market 93. Park 94. Stall 95. Substantial structure 96. Temporary use
Accommodation (long-term)	72. Community residence 73. Relocatable home park 74. Retirement facility 75. Rooming accommodation	97. Aged persons accommodation 98. Hostel accommodation 99. Relocatable home park 100.Special accommodation
Accommodation (short-term)	– Hotel (accommodation component only) – see - Entertainment charging category for associated non-residential charges 78. Short - term accommodation 79. Tourist park 80. Resort complex (accommodation component only) – see Entertainment charging category for associated non-accommodation charges	101. Camping ground 102. Caravan park 103. Motel 104. Resort hotel 105. Tourist cabins 106. Hostel accommodation (backpacker)
Other uses	A use not otherwise listed as a City Plan Use Definition, including a use that is unknown because the development application does not specify a proposed use.	A use not otherwise listed as a 2003 Scheme Use Definition, including a use that is unknown because the development application does not specify a proposed use.
Advice note:- Numbering is in order to confirm completeness of the list and does not infer any order. There are a total of 112 definitions in the 2003 Scheme - Part 4 Definitions: Division 1 Dictionary of Terms Used in the Planning Scheme: Chapter 2 Use or Development Definitions. Therefore for Community purposes multiple entries (as explained below) only the first entry has a number. * Community purposes is defined in the 2003 Scheme as “any premises used for the provision of social or service facilities generally where local, state or federal government provides such facilities. This term includes art gallery, child day care, community hall, day respite care, emergency services, government use, health services, library, museum, scout hall, and other community organised uses.” ** Private recreation is defined in the 2003 Scheme as “the use and development of land for private recreation purposes, e.g. tennis courts, where this is ancillary to an existing or approved residential use on the same site. The total area used for the private recreation activity does not exceed 0.5 hectares.” There are a total of 85 definitions in City Plan, Schedule 1: Definitions. This includes an index of use definitions and definitions for each use with examples which are included and not included within the relevant definition. Note that for a Hotel or Resort Complex use under the City Plan, the accommodation component the use is included in the Accommodation (short-term) non-residential charging category, whereas the non-accommodation component is included in the Entertainment non-residential charging category.		

Table 1 – Part 2 – Residential Land Uses

Residential charging category	Residential Land Uses in City Plan	Residential Land Uses in 2003 Scheme
Residential	1. Caretakers accommodation 2. Dual occupancy 3. Dwelling house 4. Dwelling unit 5. Multiple dwelling	1. Apartment 2. Attached dwelling and Medium density detached dwelling 3. Caretaker’s residence 4. Detached dwelling 5. Eco-village 6. Family accommodation

Advice note: Numbering is in order to confirm completeness of the list and does not infer any order.

There are a total of 112 definitions in the 2003 Scheme – Part 4 Definitions: Division 1 Dictionary of Terms Used in the Planning Scheme: Chapter 2 Use or

Development Definitions.

There are a total of 85 definitions in City Plan, Schedule 1: Definitions. This includes an index of use definitions and definitions for each use with examples which are included and not included within the relevant definition.

Table 1 – Part 3 – Other Land Uses

Other City Plan Use Definitions that do not attract a charge	Other Land Use Definitions in the 2003 Scheme that do not attract a charge
Not applicable	Conservation (Natural Area Management) Minor Change in the Scale or Intensity of an Existing Use
Advice note: Numbering is in order to confirm completeness of the list and does not infer any order. There are a total of 112 definitions in the 2003 Scheme – Part 4 Definitions: Division 1 Dictionary of Terms Used in the Planning Scheme: Chapter 2 Use or Development Definitions. There are a total of 85 definitions in City Plan, Schedule 1: Definitions. This includes an index of use definitions and definitions for each use with examples which are included and not included within the relevant definition.	

Table 2 – Base charge amount[3]

Development for which an adopted infrastructure charge may apply	Base charge amount	Credits for existing lawful uses
Caretakers accommodation/ Caretakers residence	$20,138.75 per 1 or 2 bedroom dwelling or $28,194.22 per 3 or more bedroom dwelling	$20,138.75 per 1 or 2 bedroom dwelling or $28,194.22 per 3 or more bedroom dwelling
Dual Occupancy	$20,138.75 per 1 or 2 bedroom dwelling or $28,194.22 per 3 or more bedroom dwelling	$20,138.75 per 1 or 2 bedroom dwelling or $28,194.22 per 3 or more bedroom dwelling
Dwelling house / Detached dwelling	$20,138.75 per 1 or 2 bedroom dwelling or $28,194.22 per 3 or more bedroom dwelling	$20,138.75 per 1 or 2 bedroom dwelling or $28,194.22 per 3 or more bedroom dwelling
Dwelling Unit	$20,138.75 per 1 or 2 bedroom dwelling or $28,194.22 per 3 or more bedroom dwelling	$20,138.75 per 1 or 2 bedroom dwelling or $28,194.22 per 3 or more bedroom dwelling
Multiple dwelling/ Apartment	$20,138.75 per 1 or 2 bedroom dwelling or $28,194.22 per 3 or more bedroom dwelling	$20,138.75 per 1 or 2 bedroom dwelling or $28,194.22 per 3 or more bedroom dwelling
Attached dwelling and medium density detached dwelling	$20,138.75 per 1 or 2 bedroom dwelling or $28,194.22 per 3 or more bedroom dwelling	$20,138.75 per 1 or 2 bedroom dwelling or $28,194.22 per 3 or more bedroom dwelling
Eco-village	$20,138.75 per 1 or 2 bedroom dwelling or $28,194.22 per 3 or more bedroom dwelling	$20,138.75 per 1 or 2 bedroom dwelling or $28,194.22 per 3 or more bedroom dwelling
Family accommodation	$20,138.75 per 1 or 2 bedroom dwelling or $28,194.22 per 3 or more bedroom dwelling	$20,138.75 per 1 or 2 bedroom dwelling or $28,194.22 per 3 or more bedroom dwelling

[3] The base charge amount is used to calculate the adopted charge in accordance with clause 4 of this Charges Resolution.

Development for which an adopted infrastructure charge may apply	Base charge amount	Credits for existing lawful uses
Accommodation (short-term)	For a tent or caravan site in a tourist park: $10,069.35 per 1 or 2 tent/caravan sites, or $14,097.11 per 3 tent/caravan sites Example: The maximum charge for seven caravan sites is $38,263.57. This is calculated as below: $14,097.11 x 2 (for 2 x 3 caravan sites) = $28,194.22 plus $10,069.35 (for 1 site) = $10,069.35 Total charge for seven caravan sites = $38,263.57 For a cabin in a tourist park: $10,069.35 per 1 or 2 bedroom cabin, or $14,097.11 per 3 or more bedroom cabin For a hotel or short-term accommodation: $10,069.35 per suite (with 1 or 2 bedrooms), or $14,097.11 per suite (with 3 or more bedrooms), or $10,069.35 per bedroom (for a bedroom that is not within a suite) Examples: The adopted charge for a hotel containing suites with 3 bedrooms is $14,097.11 per suite. The adopted charge for a motel with studio rooms is $10,069.35 per room. The adopted charge for a bedroom (which is not in a suite) in a backpacker is $10,069.35.	In accordance with the methodology for calculating the base charge amount
Accommodation (long-term)	For a relocatable home park: $20,138.75 per 1 or 2 bedroom relocatable dwelling site, or $28,194.22 per 3 or more bedroom relocatable dwelling site For a community residence, retirement facility or rooming accommodation: $20,138.75 per suite (with 1 or 2 bedrooms), or $28,194.22 per suite (with 3 or more bedrooms), or $20,138.75 per bedroom (for a bedroom that is not within a suite)	In accordance with the methodology for calculating the base charge amount

Definitions

Suite: A series of connected rooms that includes an attached private bathroom, for the domestic accommodation (short or long term) of a household. A suite would typically contain up to 3 bedrooms in a hotel context. In a Community residence, Retirement facility, Rooming accommodation, Short-term accommodation, or Resort complex a Suite may contain no more than 6 bedrooms.

Examples include: Hotel suite. May include some types of Community residence, Retirement facility, Rooming accommodation, Short-term accommodation or Resort complex where a group of no more than 6 bedrooms has direct access to an included shared kitchen and attached private bathroom, all contained within a defined wall dividing the Suite from other Suites. Attached private bathrooms may be either for the use of a single bedroom or shared between bedrooms in the Suite, but each shared bathroom must contain no more than one shower or toilet.

A Suite is not part of the following: Dwelling house, Cabin, Tourist cabin, Educational facility or Relocatable home.

Bedroom: An area of a building or structure which is used, designed or intended for use for sleeping. For the purposes of Backpacker accommodation, a bedroom is separated from other rooms by walls or fixed sheeting, but not necessarily completely enclosed or lockable.

Examples include: bedroom, study, loft, media or home entertainment room, library, or other similar space. Does not include: lounge room, dining room, living room, kitchen, water closet, bathroom, laundry, garage or plant room, studio, suite.

Development for which an adopted infrastructure charge may apply	Base charge amount	Credits for existing lawful uses
Places of assembly	$70.85 per m^2 of Gross Floor Area (GFA)	$70.85 per m^2 of Gross Floor Area (GFA)
Commercial (bulk goods)	$141.65 per m^2 of Gross Floor Area (GFA)	$141.65 per m^2 of Gross Floor Area (GFA)
Commercial (retail)	$182.15 per m^2 of Gross Floor Area (GFA)	$182.15 per m^2 of Gross Floor Area (GFA)
Commercial (office)	$141.65 per m^2 of Gross Floor Area (GFA)	$141.65 per m^2 of Gross Floor Area (GFA)
Education facility except an educational establishment for the Flying Start for Queensland Children program	$141.65 per m^2 of Gross Floor Area (GFA)	$141.65 per m^2 of Gross Floor Area (GFA)
Entertainment	$202.40 per m^2 of Gross Floor Area (GFA)	$202.40 per m^2 of Gross Floor Area (GFA)
Indoor sport and recreational facility	$202.40 per m^2 of Gross Floor Area (GFA), Court areas at $20.20 per m^2	$202.40 per m^2 of Gross Floor Area (GFA), Court areas at $20.20 per m^2
Industry	$50.60 per m^2 of Gross Floor Area (GFA)	$50.60 per m^2 of Gross Floor Area (GFA)
High impact industry	$70.85 per m^2 of Gross Floor Area (GFA)	$70.85 per m^2 of Gross Floor Area (GFA)
Low impact rural	Nil Charge	Nil credits
High impact rural	$20.20 per m^2 of Gross Floor Area (GFA)	$20.20 per m^2 of Gross Floor Area (GFA)
Essential services	$141.65 per m^2 of Gross Floor Area (GFA)	$141.65 per m^2 of Gross Floor Area (GFA)
Specialised uses	For a Parking Station: Nil GFA charge	
	For all other Specialised Uses: Adopted charge and credit for existing lawful use to be determined by Council at time of assessment	
Minor uses	Nil Charge	
Other uses	Use and adopted charge determined by Council at time of assessment	

Development for which an adopted infrastructure charge may apply	Base charge amount	Credits for existing lawful uses
Reconfiguring a lot for residential development	$28,194.22 per lot	$28,194.22 per lot
Reconfiguring a lot for non-residential development	$28,194.22 per lot	$28,194.22 per lot

Schedule 1

Process if the Council requires the cost of works to be determined through a tender process

1 Delivery of infrastructure instead of paying part or all of levied charge

Where the applicant is required to provide infrastructure instead of paying part or all of a levied charge, the cost of the works may be required to be determined through a tender process as determined by Council. In these cases the applicant will be required to obtain approval for;

(a) the designs and specifications,

(b) the contractor which the applicant has nominated to construct the infrastructure, and

(c) the approved value for the works contract.

This must be carried out in accordance with the procedures set out below.

2 Works contribution

2.1 Obligations of parties

The applicant must:

(a) pay the infrastructure charges;

(b) design and construct the works contribution

(c) comply with the works contribution schedule;

(d) comply with the master plan approval, the commercial development approval, the residential development approval, and any related approval; and

(e) otherwise comply with the terms of these conditions.

The Council must:

(i) apply the offset to the infrastructure charge; and

(ii) otherwise comply with the terms of these conditions.

3 Design requirements

3.1 Works contributions to comply

The applicant must design and construct the works contribution in accordance with:

(a) The works contributions schedule;

(b) The works contributions plan;

(c) The Land Development Guidelines;

(d) The commercial development approval, the resident development approval, the master plan approval and any related approval;

(e) The South East Queensland Water Supply and

(f) Sewerage Design and Construction Code; and

(g) Any relevant code, standard, code, policy, procedure or planning instrument, to the reasonable satisfaction of Council.

3.2 Designs to be approved

The applicant must design the infrastructure and must submit the designs and specifications to Council in accordance with clauses 3.3 to 3.5 (below).

3.3 Geotechnical and service location report

Where determined by Council as relevantly required, during the preparation of the design for the infrastructure, the applicant must:

(a) undertake a comprehensive geotechnical investigation of the site of infrastructure, to allow sufficient understanding of the geotechnical site conditions, in line with an appropriate level of risk for the works contract;

(b) complete service and infrastructure location, including survey and pot holing investigations of any underground services, relevant for the construction works; and

(c) submit a geotechnical and service location report to Council, with the outcomes of (a) and (b), including but not limited to:

(i) a justification of the adequacy of the investigation works, based on demonstrating the minimisation of risk for potential claims for additional construction works due to latent conditions,

(ii) on a survey plan, detailing the location of the investigation works done under (a) and (b) and the proposed Infrastructure works location,

(iii) provide the results of the service location/pot holing investigations in a separate appendix.

The applicant must not proceed with the designs for the infrastructure until Council gives written notice to the applicant that it is satisfied with the geotechnical report.

3.4 Design hold points

(a) At each of the following hold points the applicant must submit the progressive designs and specifications to Council for review:

(i) the completion of concept plans and preliminary drawings; and

(ii) the completion of draft detailed designs, including the geotechnical and service location report, as per 3.3; and

(iii) the completion of final detailed designs, draft breakdown of works and milestones, and the draft detailed design report, prior to the issue of ‘for construction’ drawings.

(b) As soon as practicable after the submission of the designs at each hold point, the applicant must meet with Council to review the designs.

(c) The applicant must not proceed to the next stage of the design process until Council notifies the applicant that it is satisfied with the designs at each of the hold points.

3.5 Submission of designs

(a) The applicant must submit the final designs and specifications for the infrastructure to Council.

(b) The designs submitted to Council must include a detailed design report, which must include the following:

(i) details of demand/flow calculations based on the Council's standard requirements and future planning horizons;

(ii) demonstration of compliance with the specifications;

(iii) demonstration of safety in design within acceptable standards, including in any aspect of the construction of the infrastructure that involves demolition works;

(iv) a detailed risk assessment;

(v) a detailed site-specific review of environmental factors affecting the site, and an environmental management plan; and

(vi) a construction cost estimate.

(c) The applicant must not lodge an application for an approval required to construct the works contribution until the Council has given the applicant written notification that the designs and specifications submitted by the applicant (including the design report under clause 3.5(b)) are satisfactory.

3.6 Construction supervision and design costs

(a) The preparatory and administration costs associated with the design requirements (including but not limited to consultancy fees, survey, service location, potholing, engineering design, planning, administration and supervision), is included in the value of infrastructure offset, as described on 4.10.

The value is set at 16% of the contract works value for the trunk Transport, Water and Sewerage Infrastructure networks. The value is set at 10.5% of the contract works value for the trunk Parks and Land for Community Facilities Infrastructure Network.

(b) The additional costs applied for an approved variation will be 4%.

4 Works contract

4.1 Requirement to enter works contract

(a) The applicant is to enter into a works contract.

(b) Before entering into a works contract the applicant must obtain Council's written consent in accordance with clauses 4.2 and 4.3.

4.2 Tender process

(a) Tender documents

The tender documentation must include all the necessary and available documentation that may be relevant to the works contract.

(i) The tender documentation must be sent to Council for approval.

(ii) Council must respond in ten business days.

(b) Tender evaluation

(i) The applicant must choose the contractor based on the results of a tender process administered by the applicant, which is to be based on the following for each prospective tenderer:

(ii) ability to deliver the infrastructure on time;

(iii) workplace health and safety record and management procedures;

(iv) proposed construction methodology;

(v) proposed construction program in the form of a gantt chart; ability and experience to undertake the work; and price.

(c) Before entering into a works contract the applicant must:

(i) undertake an analysis of the properly submitted tenders (tender analysis);

(ii) recommend the superintendent for the works contract. Council may refuse to accept the applicant's recommendation, based on potential conflict of interests, relevant experience or previous disputes; and

(iii) provide copies of the following to Council:

(A) the tender analysis;

(B) the tender documents distributed to prospective tenderers;

(C) the tender submission received from each tenderer identified in the tender analysis;

(D) the applicant's recommendation as to the award of the works contract, based on the results of the tender analysis; and

(E) any post tender clarifications.

4.3 Appointment of contractor

(a) Within 10 business days of receipt of the tender analysis and the applicant's recommendation as to the award of the works contract, Council will notify the applicant as to whether it accepts the applicant's recommendation having regard to:

(i) the recommended contractor;

(ii) the rates and prices being charged by the contractor for the works contract;

(iii) the matters referred to in clauses 4.2(b) and (c);

(iv) the level of insurance to be held by the contractor.

(b) The Council's acceptance of the applicant's recommendation may be subject to reasonable conditions however, it may impose conditions only for the proper administration of the works contract.

(c) Council may refuse to accept the applicant's recommendation where the tender process or the recommended contractor does not comply with the terms of this schedule.

(d) In the event that Council does not accept the applicant's recommendation, Council must specify reason/s, by reference to the matters referred to in the clauses above.

4.4 Resident's work notification

With a minimum of one week's notice before the works commencement, the applicant shall notify the nearby residents by letter, with a brief explanation of the works, the applicant's name and the contractor's contact details. A copy of that letter and a location plan of the letter's drop off should be sent to Council for approval three business days before the issuing of the letters.

4.5 Work method statements

A copy of the relevant work method statements should be sent to Council a minimum of one week before the works start.

4.6 Progress reporting

(a) Before the 30th day of each month after the approval of the recommended contractor, the applicant must provide a progress report to the Council regarding the progress of the works contribution,

(b) Any reports will include advice of any amendment to the practical completion date in accordance with the works contract.

4.7 Bond

(a) Provision of bond

(i) The Council may, in its absolute discretion, require the applicant to provide a bond to secure the applicant's compliance with clause 4.12.

(ii) If the Council requires the applicant to provide a bond, the applicant must provide the bond to the Council:

(A) Within 10 business days of the Council giving a notice to the applicant that it requires the applicant to provide a bond; or

(B) If the bond is required to secure the applicant's obligations under clause 4.12, prior to the commencement of the maintenance period.

(b) Substitution of bond

If the Council accepts the bond in the form of a bank guarantee which has an expiry date (which it may do or refuse to do in its absolute discretion), the applicant must give the Council a replacement bond at least 14 days before the expiry date.

(c) Conversion of Land

If the applicant fails to provide a replacement bond in accordance with the requirement in paragraph b), the Council may convert all or part of the bond into money, and will be entitled to deal with the proceeds of the bond as if they were the bond.

(d) Recourse to bond

The Council may have recourse to the bond and/or convert all or part of the bond into money where:

(i) an administrator, liquidator, receiver or other financial controller is appointed to the applicant, or the applicant advises the Council that it is insolvent or otherwise financially unable to continue with the works contribution; or

(ii) the applicant does not complete the works contribution by the completion date for the works contribution identified in a works contract, and

(iii) the Council has given the applicant five days' notice in writing which:

(A) advises the applicant of the Council's intention to have recourse to the bond and/or convert the bond into money; and

(B) sets out the grounds under clauses 4.7 c) or d) on which the Council claims to be entitled to have recourse to the bond and/or to convert the bond into money; and

(iv) five days have elapsed since the notice was given.

4.8 Variations

If during the works contract variations are identified and claimed, Council is to receive a memo, issued by the applicant with an assessment of the validity and value of the associated variation costs (positive or negative).

Based on the information provided, Council may refuse the applicant's recommendation if value for money is not considered to be achieved, justifying its decision. Council's acceptance shall be sought and obtained prior to any variation works proceeding. Without Council's explicit approval, the additional works cannot be included as part of Item 4.10 Value of infrastructure offset.

4.9 Costs during works contract

The costs associated with the preparation and management of the works contract, including but not limited to project management services, superintendent, planning, construction administration and supervision, shall not be included in the value of infrastructure offset, as described on clause 4.10

4.10 Value of infrastructure offset

The value of the infrastructure offset will include the following:

(i) the approved construction works value;

(ii) the associated QLeave (0.475% of the value set on 4.10 i);

(iii) the construction and supervision and design costs as per 3.6;

(iv) the approved variations as per 4.8.

4.11 Completion of the works contribution

(a) The applicant is to give Council a notice when the applicant is of the opinion that the works contribution has reached completion, which is to include, as a minimum, the following:

(i) a completion report;

(ii) a statement from the superintendent that is the superintendent's opinion the work's contribution has reached completion;

(iii) a survey prepared by a licensed surveyor showing the location of the works contribution that is to the reasonable satisfaction of Council;

(iv) electronic copies of the as-constructed drawings of the works contribution, in accordance with the relevant planning instrument and the reasonable satisfaction of Council.;

(v) such other information as reasonably required by Council, a relevant planning instrument, or the Land Development Guidelines.

(b) Council must, within 10 business days of receipt of a notice under clause 4.11 a):

(i) Undertake an inspection of the works contribution to determine whether the works contribution has reached completion to the reasonable satisfaction of the authorized person; and

(ii) Within 10 business days of the inspection, give the applicant a notice which states:

(A) Whether or not the works contribution has reached completion to the reasonable satisfaction of the Council;

(B) If the works contribution has not reached completion to the reasonable satisfaction of the Council, the works that are required to be done before the works contribution will be held to have reached completion.

In this case, within 20 business days from the date of notification, remedy all defects identified by the Council and then re-notify in accordance with clause 4.11 a);

(c) A notice given by the Council under clause 4.11 (b) (ii) (A) which states that the works contribution has reached completion is taken to be acceptance by the Council that completion of the works contribution the subject of the notice has been reached, but is not an acknowledgment has otherwise complied with its obligations under these conditions;

(d) The maintenance period will commence immediately after both of the following have occurred:

(i) The Council has given the applicant a notice under the clause 4.11 (b) (ii) (A) stating that the works contribution has reached completion; and

(ii) If the Council requires the applicant to provide a bond under clause 4.7, the applicant has provided the bond to the Council.

4.12 Maintenance and acceptance of works contribution

(a) The applicant must, at no cost to the Council, for the duration of the maintenance period:

(i) Maintain and repair the works contribution so that the works contribution complies with the requirements under clause 3.1 and functions properly for its intended purpose and is free from defects;

(ii) Replace the works contribution where it cannot be reasonably repaired or where it has not been properly designed, constructed and/or installed in accordance with the requirements under clause 3.1

(iii) Repair any damage to the works contribution (other than damage caused by Council); and

(iv) Repair any damage to Council's infrastructure or assets (including waterways) caused by the construction of the works contribution.

(b) The Council will accept ownership of the works contribution upon the Council giving a notice under clause 4.11 (b) (ii) (A) stating that the works contribution has reached completion and the applicant's obligations to provide an easement in favour of the Council.

(c) The applicant is to give Council a notice when the Applicant is of the opinion that maintenance period has concluded.

(d) Council must, within 10 business days of receipt of a notice under clause 4.12 (c):

(i) Undertake an off maintenance inspection of the works contributions to determine whether the maintenance period for the works contribution has concluded to the reasonable satisfaction of Council; and

(ii) Within 10 business days of the inspection, give the applicant a notice which states:

(A) Whether or not the maintenance period for the works contribution has concluded to the reasonable satisfaction of the Council and the works contribution has been accepted off maintenance; or

(B) If the works contribution has not been satisfactorily constructed, installed maintained, repaired or replaced, the works that are required to be done before the maintenance period for the works contribution will be held to have concluded and the works contribution accepted off maintenance. In this case, the applicant must, within 20 business days from the date of notification, remedy all defects identified by the Council and then re-notify in accordance with clause 4.12 (c).

(a) Following acceptance of ownership of the works contribution by the Council, the Council will grant the applicant access to the works contribution as is reasonably necessary for the applicant to comply with its obligations.

5 Insurance

(a) During the construction of the infrastructure, the applicant must obtain and keep in force the following that covers the Council:

(i) Public liability insurance of not less than $25,000,000; and

(ii) A WorkCover certificate of currency.

(b) The applicant must provide the Council with written evidence of the level of insurance held by the contractor if requested by the Council.

(c) The applicant must ensure that the contractor obtains and keeps in force for the term of the works contract, contract works insurance of not less than the approved value, plus 10% for any one contract.

(d) All insurances must be:

(i) on terms satisfactory to the authorised person; and

(ii) include Council as a named insured.

6 Definitions

In this Schedule: Applicant means the owner of the land.

'Approved value' means the cost under the works contract approved by Council under clause 3, excluding any variations.

'Contractor' means the person engaged (or proposed to be engaged) under a works contract to construct the infrastructure.

'Council' means the Council of the City of Gold Coast.

'Completion report' means a written report that identifies the scope of the works contribution and the following:

(a) a project background that identifies the aims and objectives; and

(b) a summary of project changes for timing of the works contribution and works built compared with the works contribution plan; and

(c) a project schedule which lists milestones and original completion dates; and

(d) project delivery risks and mitigation measures; and

(e) a summary of lessons learned; and

(f) a project budget summary; and

(g) an asset handover checklist including a list of documents to be handed over (e.g. easements, as-constructed drawings, on-maintenance certificates, inspection certificates); and

(h) a spreadsheet which provides detailed particulars of the works contribution, including (but not limited to) particulars of its length, size, depth, x, y coordinates, invert levels (upstream and downstream), construction materials used, and relevant construction dates; and

(i) copies of any operation and maintenance manuals for the elements which comprise the works contribution.

'Hold points' means the hold points described in clauses 2.3(a)(i) to (iii) of this schedule.

'Progress report' means a written report that identifies the scope of the works and the following:

(a) a statement that identifies the purpose of the report; and

(b) a summary of the current progress of the works contribution; and

(c) details of Council inspections and the results of Council inspections; and

(d) details of contractor progress claims; and

(e) photographs demonstrating the progress of the works contribution; and

(f) an up to date program Gantt chart; and

(g) advice of any amendment to the practical completion date (subject to any amendment in the contract between the applicant and the contractor); and

(h) progress claim certifications identifying amounts paid to the contractor and including a copy of the contractor's invoices.

'Specifications' means the Council's standard specification for design format and certification requirements.

'Variation' means a variation to the contract price under a works contract (and includes any provisional sums included in the contract price).

'Works contract' means the construction contract between the applicant and the contractor for the provision of the infrastructure.

For more information

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