



# **ATTACHMENTS TO MINUTES ORDINARY COUNCIL MEETING**

**11 AUGUST 2021**



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**TABLE OF CONTENTS**

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ITEM	SUBJECT	PAGE NO
<b>10.2</b>	<b>Local Government Association of Queensland Annual Conference Motions</b>	
	Attachment 1 Motion 1 - Waste Levy .....	2
	Attachment 2 Motion 2 - Waste Funding .....	4
	Attachment 3 Motion 3 - Biosecurity Officers.....	6
	Attachment 4 Motion 4 - Biosecurity Planning Assessments.....	8
<b>12.3</b>	<b>Public Art Policy and Procedure</b>	
	Attachment 1 Public Art Policy.....	10
	Attachment 2 Public Art Procedure.....	16
<b>14.6</b>	<b>Draft Charges Resolution (No. 3) 2021</b>	
	Attachment 1 Charges Resolution (No.3) 2021 .....	29



## 2021 Annual Conference - Motions Template

Please use this template to prepare and submit your motion using the link below.  
Please use text only – no images or tables.

Submitting Council (required)	Southern Downs Regional Council
Supporting ROC (if applicable)	
Category (required)	Environment and Health
Council resolution # (required)	
Date of council resolution (required)	Please select the date of resolution here
Title of motion (required)	Waste Levy Cost Implications for Local Government
Motion (required)	That the LGAQ lobby the State Government for the continuation of the 105% waste levy advance payments for councils within the State Government Waste Levy Zone to cover the costs associated with the disposal of municipal solid waste to landfill. These payments should be maintained until viable markets to divert waste from landfill have been established across Queensland and until local councils and the State Government have agreed to a sustainable phased reduction in the payments.
Background (required) 350 word limit	<p>With the introduction of the State Government waste levy in 2018, the Queensland Government announced waste levy advanced payments for Councils within the State Government Waste Levy Zone, to cover the costs of disposal of municipal solid waste to landfill, and therefore ensure that the waste levy has no direct financial impact on households. The current commitment is to review the waste levy advanced payments after 3 years, which is 30 June 2022.</p> <p>There has been insufficient time since the waste levy was introduced for viable markets to be developed for recycling and reprocessing to divert waste from landfill. In addition, whilst there are emerging technologies as alternatives to landfilling, these are</p>





	<p>not yet widely available and implemented. This is particularly the case for regional local governments within the Waste Levy Zone.</p> <p>Additional time is required for local governments to be able to implement measures to increase resource recovery and reduce the quantity of waste being disposed to landfill. For example, Local Governments have waste collection contracts that extend for several years (for example, 7-10 years); and this prohibits the opportunities to introduce programs such as food organic green organics (FOGO) collection services during the contract term.</p> <p>The waste levy advance payments are necessary for local governments to be able to financially continue to review suitable options for resource recovery and waste diversion.</p> <p>The direct cost of removing the advanced payment has been calculated to be over \$75 per rateable property in the Southern Downs. Therefore, the continuation of the waste levy advanced payments is essential to ensure there is no financial impact of the costs of disposal of municipal solid waste to landfill on Queensland households.</p>
What is the desired outcome sought? (required) 350 word limit	<p>The State Government continue the 105% waste levy advance payments for councils within the State Government Waste Levy Zone to cover the costs associated with the disposal of municipal solid waste to landfill.</p>



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Please use this template to prepare and submit your motion using the link below.  
Please use text only – no images or tables.

<b>Submitting Council (required)</b>	Southern Downs Regional Council
<b>Supporting ROC (if applicable)</b>	
<b>Category (required)</b>	Environment and Health
<b>Council resolution # (required)</b>	
<b>Date of council resolution (required)</b>	Please select the date of resolution here
<b>Title of motion (required)</b>	Seed Funding from Waste Levy Revenue
<b>Motion (required)</b>	That the LGAQ lobby the State Government to provide seed funding from the revenue raised by the State Government Waste Levy so Councils can undertake organic and other innovative waste and resource recovery trials at the local level.
<b>Background (required) 350 word limit</b>	<p>The Queensland Government Waste Management and Resource Recovery Strategy highlights the important of action by local government in delivering more sustainable waste management.</p> <p>Local governments have limited resources and competing financial obligations, and therefore are not necessarily in the position to undertake innovative trials to improve resource recovery and waste diversion from landfill without funding assistance.</p> <p>Southern Downs Regional Council welcomes the news of the recently announced 'Food Organics, Garden Organics (FOGO) Kerbside Collection Trial' funded for three local governments in Queensland. However, it is recommended similar funding be made available for additional innovative projects, and to more local government regions, from the revenue raised by the State Government Waste Levy.</p>



What is the desired outcome sought? (required) 350 word limit	The State Government provide funding to local governments, to allow for organic and other innovative waste and resource recovery trials at the local level.
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August 21  
Wilson Crawley



## 2021 Annual Conference - Motions Template

Please use this template to prepare and submit your motion using the link below.  
Please use text only – no images or tables.

Submitting Council (required)	Southern Downs Regional Council
Supporting ROC (if applicable)	
Category (required)	Environment and Health
Council resolution # (required)	
Date of council resolution (required)	Please select the date of resolution here
Title of motion (required)	Additional biosecurity officers to support local government
Motion (required)	The LGAQ calls on the State Government to resource additional biosecurity officers across Queensland to support local governments and the community to fulfil their requirements under the <i>Biosecurity Act 2014</i> .
Background (required) 350 word limit	<p>Queensland local governments under the <i>Biosecurity Act 2014</i> are responsible for ensuring invasive biosecurity matter is managed in compliance with the Act by managing their own land but also ensuring landholders uphold their General Biosecurity Obligation.</p> <p>Queensland councils invest approximately \$45 million per annum to control invasive plants and animals. A study conducted by the LGAQ in 2017/18 identified that for every dollar spent controlling invasive plants and animals, \$2.20 of direct agricultural production benefits were generated and \$3.00 of other socio-economic and environmental benefits were generated.</p> <p>The Australian Government have acknowledged the need to significantly bolster Australia's biosecurity system and announced investment of \$370 million in the 21/22 budget.</p>



	Recently local governments have witnessed the secondment of regional biosecurity officers into response activities such as the African Swine Fever Preparedness and Prevention Project. This has caused a significant decrease in the service provision to local government biosecurity officers, as the positions were not backfilled. Additionally, local governments contribute almost \$5 million per annum to the on ground and research component of the Land Protection Fund and expect an appropriate level of on ground support as an important component of this contribution.
What is the desired outcome sought? (required) 350 word limit	Additional regional biosecurity officers to increase the support to local governments and landholders in upholding their legislative obligations within the <i>Biosecurity Act 2014</i> .

August 21  
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## 2021 Annual Conference - Motions Template

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Please use text only – no images or tables.

<b>Submitting Council (required)</b>	Southern Downs Regional Council
<b>Supporting ROC (if applicable)</b>	
<b>Category (required)</b>	Environment and Health
<b>Council resolution # (required)</b>	
<b>Date of council resolution (required)</b>	Please select the date of resolution here
<b>Title of motion (required)</b>	Completion and update of Biodiversity Planning Assessments
<b>Motion (required)</b>	The LGAQ calls on the State Government to update Biodiversity Planning Assessments to ensure planning decisions about appropriate land use are based on current terrestrial ecological values.
<b>Background (required) 350 word limit</b>	<p>A Biodiversity Planning Assessment (BPA) identifies the terrestrial ecological values in a region or bioregion according to their conservation significance. BPAs are used by governments, members of the community and landholders to make planning decisions about appropriate land use.</p> <p>BPAs have been released for approximately 80% of Queensland, however, some assessments date back to 2007. Councils use BPAs to make planning decisions on appropriate land use when assessing development applications. If the BPAs are out of date or non-existent, councils run the risk of making ill informed decisions.</p>
<b>What is the desired outcome sought? (required) 350 word limit</b>	The LGAQ seeks the completion of all BPAs and an update of those BPAs that were released more than 10 years ago.





August 21  
Wilson Crawley





## Public Art Policy

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<b>Policy Number:</b>	PL-CS
<b>Directorate:</b>	Corporate and Community Services
<b>Department:</b>	Community and Cultural Services
<b>Responsible Manager:</b>	Manager Community and Cultural Services
<b>Date Adopted:</b>	
<b>Date to be Reviewed:</b>	
<b>Date Reviewed:</b>	
<b>Date Rescinded:</b>	N/A

### REVISION RECORD

Date	Version	Revision description
13 April 2021	1	Policy Development
17 May 2021	1.1	Incorporation of feedback from EMT/SLT
16 June 2021	1.2	Council Information Session
1 August 2021	1.3	Feedback from Community Engagement
11 August 2021	2.0	Version for Council Approval

**Public Art Policy**

Policy no: PL-CS

Updated: 11 August 2021

Page 1 - 6

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## CONTENTS

1	Policy Background.....	3
2	Purpose.....	3
3	Scope .....	3
4	Legislative Context .....	3
5	Policy Details.....	4
6	Transitional Arrangements .....	4
7	Definitions.....	5
8	Related Documents.....	6
9	References.....	6

## **1 Policy Background**

Arts and cultural development is an integral part of community definition, and contributes to the growth, wellbeing and cohesion of communities in the Southern Downs. It enriches our built and natural environment and our knowledge of cultural heritage. It contributes to a sense of place, identity and belonging and provides visitors to the Region with an enhanced experience.

## **2 Purpose**

The purpose of the Public Art Policy is to establish Council's role in arts and cultural development in the region's public domain by providing:

- A vision and framework identifying key opportunities and strategies for implementation, which drive arts and cultural development in the Southern Downs Region; and
- A "blue print" used by the Council to guide the decision-making on where to strategically best allocate the available resources.

The policy applies to the cultural programs and facilities of Council, the Regional Arts Development Fund program ("RADF") and the broader community arts, culture and heritage sector programs and activities.

Council is committed to:

- Working in partnership with the community to achieve shared public art policy objectives; and
- Engaging with federal and state government funding bodies to secure adequate resources and investment in regional projects and programs.

The Public Art Policy objectives are to:

- Recognise the diverse nature of Public Art expression;
- Increase understanding of Public Art through interpretation, engagement and education;
- Encourage and support initiatives that provide interpretive signage and Public Art that has local or regional relevance, explains meaning behind place names and gives insight into natural and cultural heritage of towns, villages and significant related sites.
- Ensure artworks held in the public domain are of high artistic standard and their selection or acquisition follows the processes outlined in any Public Art Procedure developed by the Council.

## **3 Scope**

This policy applies to all Councillors, Council officers, Council contractors and Galleries (those galleries that receive operational funding from Council) who are engaged in the process or receipt of donations or acquisition, requests or commissions for Public Art and artworks to be held by the Council.

## **4 Legislative Context**

– *Local Government Act 2009*

**Public Art Policy**

Policy no: PL-CS

Updated: 11 August 2021

Page 3 - 6

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## **5 Policy Details**

Council is committed to ensuring Public Art is sensitive to its environment and all proposals for Public Art and collections are subject to uniform evaluation processes. Public Art collected by Council will reflect community values and aspirations. Public Art commissioned or collected by Council represents important work held in trust for the public for the future.

The Public Art Policy will address generally the following themes:

- Infrastructure - Appropriately developed, maintained and enhanced community infrastructure, facilities and spaces driven by the cultural aspirations of the users and the real needs of the programs and services delivered within these spaces.
- Community and Lifestyle - An environment where arts and cultural activities can flourish and contribute to the Region as a great place to live, work, play and stay.
- Growth and Opportunity - Development of the arts and cultural sector, within broader regional economic development activities, including promotion and cultural tourism, and enhancement of the economic viability of individuals and creative businesses working in the Region.

Council officers responsible for the receipt, commissioning, procurement and placement of Public Art should refer to the Public Art Procedure (as amended), that may be developed from time to time.

Council will not accept custodianship of Public Art requiring protection of a standard above that which Council can reasonably provide.

Council will honour the moral rights of artists in accordance with the *Copyright Act 1968* (Cwth).

An Art register will be maintained of all items of Public Art under Council's custodianship detailing the origin and location of each such item.

## **6 Transitional Arrangements**

The Public Art Policy shall be retrospective and cover those items or works already in the public domain.

## 7 Definitions

Term	Meaning
Artist/Designer	An artist refers to practitioners (professional, semi-professional and emerging) in the creative industries, visual arts, craft or design.
Art Register	An arts register is a comprehensive listing of all Public Art and/or collections currently in the public domain under the responsibility of Council. This register is to be available to the public through Councils website, which should also include the cost to deliver the project (where available).
Collection	Art works held in the public domain through acquisition, donation, commission or bequests. The Public Art Policy does not cover historical items held in trust by the regions Heritage Museums or libraries.
Commission	<p>The commissioning of Public Art is a way of assuring that all plans and components of a Public Art work are designed, installed, and maintained according to the operational requirements of the owner or final client. These guidelines recognise that work may be commissioned through:</p> <ul style="list-style-type: none"> <li>• An open competition or a call for an 'expression of interest' from artists;</li> <li>• 'Limited tender' where a number of artists' agencies, galleries or representatives are approached or a jury of experts or advisory panel is used to recommend artists for the commission;</li> <li>• Direct commission' where artists are approached directly for the commission.</li> </ul>
Copyright	The legal, economic and moral rights automatically granted to artists when they create an original form of expression through their skill and labour. Copyright applies to the material form of an idea rather than the idea itself and the right to reproduce an artwork can be assigned or licensed to another party by the creator.
Public Art	<p>Public Art refers to contemporary arts practice that occurs outside the gallery or museum system.</p> <p>Public Art may include or contribute towards the:</p> <ul style="list-style-type: none"> <li>• Development of community facilities</li> <li>• Development of public precincts and places</li> <li>• Interpretation of place and local stories</li> <li>• Cultural animation and cultural programming, including festivals and public events</li> <li>• Permanent, temporary or ephemeral installations</li> <li>• Land art and work with landscape architects</li> </ul>

	<ul style="list-style-type: none"> <li>Public Art project outcomes may result in: <ul style="list-style-type: none"> <li>Visual artworks including painting, sculpture, installation and digital media</li> <li>Artworks that have functional aspects such as reception areas, water features, street furniture and signage</li> <li>The design treatment of architectural spaces and hardware</li> </ul> </li> </ul> <p>Public Art must be robust enough to withstand the physical environment where it is located, be responsive to its location, relevant to its audience and help to create places that inspire investigation and interaction.</p> <p>For the purposes of this policy, Council recognises the significance of memorials and monuments in the life of the community and intends that this policy will also encompass such installations.</p>
Public Domain	<p>The public domain refers to a public space or a public facility's internal or external environment. The public domain includes but is not limited to, parks, streetscapes, community centres, foreshores, entry way to National Parks, shopping centres, local government offices, hospitals or areas that are accessible to general public and/or in the ownership of Council, State Government or Commonwealth Government agencies.</p>

## 8 Related Documents

- Arts Queensland – Regional Arts Development Fund Guidelines

## 9 References

- Arts and Culture Policy 2021
- Public Art and Collections Policy (2016), Scenic Rim Regional Council



## Public Art Procedure

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<b>Procedure Number:</b>	PR-CS
<b>Department:</b>	Community and Cultural Services
<b>Section:</b>	Community Services
<b>Responsible Manager:</b>	Manager Community and Cultural Services
<b>Date of commencement:</b>	
<b>Approved By CEO:</b>	CEO Signature
<b>Date to be Reviewed:</b>	2 years from date of commencement
<b>Date Rescinded:</b>	n/a

### REVISION RECORD

Date	Version	Revision description
14 April 2021	1	Created
17 May 2021	1.1	Incorporation of comments from EMT/SLT
16 June 2021	1.2	Council Information Session
1 August 2021	1.3	Feedback from Community Engagement
11 August 2021	2.0	Version for Council Approval

**Public Art Procedure**

Procedure No: *TBC*

Updated: 11 August 2021

Page 1 - 13

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## CONTENTS

<b>1</b>	<b>Procedure Background.....</b>	<b>3</b>
<b>2</b>	<b>Purpose.....</b>	<b>3</b>
<b>3</b>	<b>Scope .....</b>	<b>3</b>
<b>4</b>	<b>Legislative Context (if applicable).....</b>	<b>3</b>
<b>5</b>	<b>Procedure Details.....</b>	<b>3</b>
5.1	The benefits of public art to the community .....	3
5.2	Public Art Reference Group.....	4
5.3	Assessment/Evaluation of Public Art .....	6
5.4	Development.....	8
5.5	Retention/Deaccession.....	8
<b>6</b>	<b>Definitions (if applicable).....</b>	<b>11</b>
<b>7</b>	<b>Related Documents (if applicable).....</b>	<b>13</b>
<b>8</b>	<b>References (if applicable).....</b>	<b>13</b>

## **1 Procedure Background**

This procedure is meant to be read in conjunction with and support the Public Art Policy.

## **2 Purpose**

This procedure is established in accordance with Council's Public Art Policy to generate and support the implementation of Public Art in the Southern Downs and to provide a rationale for collections of artworks via gifts, bequests, donation or acquisition; and provide for deaccessioning

The Public Art Policy will address generally the following themes:

- Infrastructure - Appropriately developed, maintained and enhanced community infrastructure, facilities and spaces driven by the cultural aspirations of the users and the real needs of the programs and services delivered within these spaces.
- Community and Lifestyle - An environment where arts and cultural activities can flourish and contribute to the Region as a great place to live, work, play and stay.
- Growth and Opportunity - Development of the arts and cultural sector, within broader regional economic development activities, including promotion and cultural tourism, and enhancement of the economic viability of individuals and creative businesses working in the Region.

## **3 Scope**

This procedure applies to all Councillors, Council staff, Council Contractors, both Art Galleries that receive operational funding from Council, the community and developers.

## **4 Legislative Context (if applicable)**

– Nil

## **5 Procedure Details**

### **5.1 The benefits of public art to the community**

Council's vision is to improve the community's cultural experience through the enhancement of public space through public art. The benefit of public art is that it will:

- Add to the distinctiveness of Place.
- It is a way of expressing and telling a story.



- It identifies the uniqueness of a place in the present or past or describes its aspirations for the future.
- Well managed Public Art projects provide the community and visitors to the Southern Downs with an opportunity to connect with local stories and values.
- Community run Public Art projects are an opportunity for residents to connect with each other whilst gaining skills and celebrating and sharing matters that are significant to the community.
- Public Art that employs professional artists in the development of the project enriches the cultural life of the community whilst developing skills.
- Public Art provides economic, tourism and educational benefits for the community by providing points of reference and understanding of the region.
- Enhancement of the quality of urban and open space environments through the sensitive placement of locally relevant and meaningful Public Artworks.
- Artwork held in trust through Council may be shared around the region.
- Public Art offers the opportunity for community engagement with the built environment and is a mechanism to undertake community consultation and determination.

## 5.2 Public Art Reference Group

### ESTABLISHMENT

A dedicated Public Art Reference Group ("PARG") to support the policy and procedure implementation shall be established and comprise of up to ten (10) people. Group membership must include both Stanthorpe and Warwick Art Gallery representatives, with additional members being identified through invitation. These additional members must have appropriate expertise in the following disciplines or areas of interest to ensure a good cross section of community representation and reflection in the decisions made:

- Curatorial experience
- Workplace Health and Safety and risk assessment
- Education and arts
- A Regional Arts Development Fund ("RADF") Reference Group representative
- Landscape or architectural design experience
- Council employee working in capital projects, maintenance, facilities and/or parks
- Arts industry specialist
- Councillor Representative
- Cultural Services representative
- Local business representative
- Local community representative

It is noted that some representatives may have experience across a number of the above areas, meaning separate individuals for these areas of expertise may not be required.

Vacancies on the Public Art Reference Group will be advertised and appointments made by Council resolution. The Councillor Representative will be appointed for the current term of Council.

The PARG will meet at least twice in each calendar year.

Works that meet the general criteria of the policy and procedure will be assessed for inclusion in the Council Public Arts collections by the PARG. This may be at one of the twice yearly assessment meetings; or, should a quick response be required, by circulating to the PARG via email ("flying minute") for their immediate consideration.

The PARG shall have not authority on their own to approve, with any assessment made being placed before Council as a recommendation for the Council to consider for approval.

A Chairperson shall be appointed for the PARG, which will be a Councillor when available.

## **ROLE OF PARG**

### **Assessment of Public Art project proposals**

The PARG will assess any applications or proposals for the development or acquisition of Public Art and make recommendations to the Council on their appropriateness for approval or not.

The PARG will assess each application for the creation or acquisition of Public Art in accordance with the Public Art Policy and against the criteria outlined in the Public Art Procedure. Each submission will be assessed against clause 5.3 of the Assessment/Evaluation of Public Art, which is provided later in this document.

Public Art, Artworks and items offered for donation, acquisition or by commission to Council must also be assessed for suitability for collection by the PARG before being considered for approval by the Council.

A Public Art Proposal that is seeking RADF funding must first be assessed by the PARG and approved by Council before an application is made. For further information on the RADF, refer to the RADF program guidelines, that can be found on Council's website.

### **Assessment of artwork recommended for deaccession**

The PARG will assess public art recommended for deaccession against criteria set out in the deaccession checklist (clause 5.5) and make a recommendation to Council for its consideration.

### **Provision of specialist cultural, artistic, aesthetic and/or design advice**

The PARG may be called on to provide specialist advice to Council on matters requiring specialist experience. This may occur through the twice yearly meeting process, through

assessment or call for input out of round that may be managed online or via post or by meetings called out of rounds.

### **5.3 Assessment/Evaluation of Public Art**

Proposals for Public Art in public space must be accompanied by a Public Art Assessment/Evaluation Plan and/or Checklist submitted by the applicant. The details of those plans and/or checklist should cover the following areas.

#### **PURPOSE**

The Public Art Assessment Plan and/or checklist should be submitted with a request, with the following areas addressed:

##### **Project Description**

Describe what the project is about, where it will take place, who is the primary audience, what will the outcome be and what research has been undertaken to support the project and concept.

##### **Demonstrated Community Benefit**

Public Art should be of benefit to the community. Applications must demonstrate; the benefit to the community, which community will benefit from the project, identify how the community finds out about and engages with the project and what community needs will the project meet.

##### **Stakeholders**

Identify who is involved, who are the community stakeholders, who will be the project manager, what artists are involved, who will audit the budget, if the project is a group project who are the office bearers and what groups or individuals have been consulted.

##### **Concept Drawings**

Include concept drawings of proposed artwork, photos or computer generated concept pictures. Include as many views as possible, i.e. from various angles and if possible illustrated as if in situ.

##### **Budget**

Detailed budget including artist fees, fabrication costs, insurance, project management, in kind support, grants and other funding, sponsorship, administration costs, transportation, installation, maintenance. An estimated cost for future maintenance and repairs should also be included in the budget. This amount should be determined after discussions with the artist, appropriate restoration experts and Council staff that have responsibility for the asset, which will generally be the location that the asset is located.

### **Risk assessment**

Attach a risk assessment of the project. Risk assessments must include consideration of all aspects of public safety, vandalism and workplace safety management.

### **Timeline**

Detail information including: project start date, community consultations, meetings, insurance, WHS inspections, call for artists expressions of interest or commission, assessment and selection of artwork, submission of artwork and project proposal to Council, planned communications to community, any road closures, installation dates.

### **Maintenance**

Include a maintenance plan and schedule. This schedule should detail all parts used in the Public Art, a material safety data sheet if applicable, list of suppliers, materials used to protect surfaces.

### **Evidence of Suitability of Site**

A description of the site and general location should be provided, with the following questions addressed:

- Why is this project appropriate for this site?
- Have other sites been considered, and if so, where?
- Have you identified who owns and uses the site?
- Has formal permission been requested to use the site and approval granted?
- Are there structural or engineering implications?
- Does the proposed Public Art comply with or in keeping with any planning requirements, neighbourhood plans or character studies of the area?

Site Specific works or proposals for Sculpture Symposiums must provide evidence of site suitability. This means works to be created on site must be developed from submitted concept plans and examples of similar work by artist.

### **Evidence of Community Support and Consultation**

What methods have been used to communicate and consult with the community? Document what consultations have occurred or are to occur. Provide supporting documentation and letters of support to indicate that adequate consultation has or will occur.

### **Education and Engagement Plan**

Providing information for didactic plaques, information for the media, school, local heritage, art and tourism groups is an important way to engage the community with a piece of Public Art.

This information should include information about the work, the artist, the concept, the funding body (if one exists) and its relation to place. Consider how you might wish this work to be understood by the community and visitors. Essential education material should include the artist's name, the title of the work, the medium in which it is created, the date of creation, any organisations involved in the project creation, information about the Public Art and its meaning and connection to place, accommodation, public programs, landscaping and signage.

#### **Other**

Include any other items that may be relevant and support the justification for the inclusion of the public art.

### **5.4 Development**

Council promotes the benefits of Public Art within private development to enhance quality of life, cultural tourism and place making. In projects where the value of the development exceeds \$100,000, a voluntary contribution towards locating Public Artworks in the public realm that are accessible to the general public should be considered. Any contribution towards Public Art is voluntary and does not form part of nor is creditable against infrastructure charges applied by Council under its Adopted Infrastructure Charges Resolution (as amended).

### **5.5 Retention/Deaccession**

#### **DEACCESSION RATIONALE**

Public Art or Artwork held in the public domain may need to be moved, or deaccessioned over a period of time due to a range of circumstances.

Council may deaccession artwork for a number of reasons including:

- Inadequate storage and appropriate conservation resources to maintain a collection or the specific artwork
- A permanent or temporary work that has exceeded its expected longevity
- An artwork that no longer meets functional or aesthetic requirements
- An artwork that no longer can be considered safe
- An artwork that has been irreparably damaged
- An artwork that requires an increase in maintenance that cannot be sustained
- An artwork whose location is no longer appropriate due to redevelopment, road works or building demolition

The deaccession process may include relocation of artwork, sale of artwork, donation of artwork, storage of artwork and destroying of artwork.

## POLICY REQUIREMENTS

Legislation and Council policies that guide the acceptance and disposal of gifts and the procurement and disposal of goods and services include:

- *Copyright (moral rights) Amendment Act 2000*
- *Local Government Act 2009* and Council's Procurement Policy
- Public Art Policy
- Other applicable Council policies

This Procedure will be read in conjunction with these documents.

Disposing of artworks should comply with Council's policies and or procedures. Damaged artwork, artwork deemed no longer safe, would be considered to be valued at less than \$1,000. Items under the value of \$1,000 can be disposed of at the Chief Executive Officer's discretion.

The Chief Executive Officer may dispose of gifts by any of the following methods, having regard for the relevant provisions of the *Local Government Act 2009* and Council's Procurement Policy:

- Disposal with or without payment;
- Disposal as authorised by resolution of Council (for purposes such as staff reward and recognition);
- Transfer to other public agencies or authorities;
- Transfer as a gift to a recognised charitable, aid or non-profit organisation;
- Archival action by the Queensland Museum of State Library;
- Reduction to scrap; or
- Destruction.

## MORAL RIGHTS

The creator of an art work is entitled to certain non-economic rights.

Moral rights include; the right to be named as the author of the work and the right to take action if the work is manipulated in a way that damages the integrity of the work.

Council has a number of obligations to artists when deaccessioning works, which will include:

- Suitable notice should be given to artists should Council decide to deaccession their artwork;
- In the case of a community arts project where there are several creators, the organising committee or project manager should be notified;

- Notice should be given three (3) months prior to any action taken;
- Artists should be given the opportunity to record or photograph their work in situ prior to its removal;
- In the event that the work is to be disposed of other than through the sale or donation of work, the artists should be given the option to acquire the work. In the event that the artist does not wish to or unable to acquire the work then the organising committee and project manager should then be given the next option.

## 6 Definitions (if applicable)

Term	Meaning
Artist/Designer	An artist refers to professional practitioners in the creative industries, visual arts, craft or design.
Art Register	An arts register is a comprehensive listing of all Public Art and/or collections currently in the public domain under the responsibility of Council. This register is to be available to the public through Councils website.
Collection	Art works held in the public domain through acquisition, donation, commission or bequests. The Public Art Policy does not cover historical items held in trust by the regions Heritage Museums or libraries.
Commission	<p>The commissioning of Public Art is a way of assuring that all plans and components of a Public Art work are designed, installed, and maintained according to the operational requirements of the owner or final client. These guidelines recognise that work may be commissioned through:</p> <ul style="list-style-type: none"> <li>• An open competition or a call for an 'expression of interest' from artists;</li> <li>• 'Limited tender' where a number of artists' agencies, galleries or representatives are approached or a jury of experts or advisory panel is used to recommend artists for the commission;</li> <li>• Direct commission' where artists are approached directly for the commission.</li> </ul>
Copyright	The legal, economic and moral rights automatically granted to artists when they create an original form of expression through their skill and labour. Copyright applies to the material form of an idea rather than the idea itself and the right to reproduce an artwork can be assigned or licensed to another party by the creator.
Public Art	<p>Public Art refers to contemporary arts practice that occurs outside the gallery or museum system.</p> <p>Public Art may include or contribute towards the:</p> <ul style="list-style-type: none"> <li>– Development of community facilities</li> <li>– Development of public precincts and places</li> </ul>



	<ul style="list-style-type: none"> <li>– Interpretation of place and local stories</li> <li>– Cultural animation and cultural programming, including festivals and public events</li> <li>– Permanent, temporary or ephemeral installations</li> <li>– Land art and work with landscape architects</li> <li>– Public Art project outcomes may result in: <ul style="list-style-type: none"> <li>• Visual artworks including painting, sculpture, installation and digital media</li> <li>• Artworks that have functional aspects such as reception areas, water features street furniture and signage</li> <li>• The design treatment of architectural spaces and hardware</li> </ul> </li> </ul> <p>Public Art must be robust enough to withstand the physical environment where it is located, be responsive to its location, relevant to its audience and help to create places that inspire investigation and interaction.</p> <p>For the purposes of this policy, Council recognises the significance of memorials and monuments in the life of the community and intends that this policy will also encompass such installations.</p>
Public Domain	<p>The public domain refers to a public space or a public facility's internal or external environment. The public domain includes but is not limited to, parks, streetscapes, community centres, foreshores, entry way to National Parks, shopping centres, local government offices, hospitals or areas that are accessible to general public and/or in the ownership of Council, State Government or Commonwealth Government agencies.</p>

## **7 Related Documents (if applicable)**

Arts and Culture Policy

Public Art Policy

## **8 References (if applicable)**

**Public Art Procedure**

Procedure No: *TBC*

Updated: 11 August 2021

Page 13 - 13

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## **Charges Resolution (No. 3) 2021**

### **1. Preliminary**

This resolution ('charges resolution') is made by the Southern Downs Regional Council ('Council') under s 113 of the *Planning Act 2016*.

The resolution is to be read in conjunction with the following:

- (a) the *Planning Regulation 2017*;
- (b) the Southern Downs Planning Scheme.

The charges resolution attaches to, but does not form part of, the Southern Downs Planning Scheme.

### **2. Application to local government area**

This charges resolution applies to the Southern Downs Region.

### **3. When resolution has effect**

This charges resolution has effect on and from 15 November 2021.

### **4. Purpose of the resolution**

The purpose of the charges resolution is to assist with the implementation of the Southern Downs Planning Scheme by stating the following:

- (a) an adopted charge for the purpose of determining a levied charge for funding part of the establishment cost of the following trunk infrastructure networks:
  - (i) public parks and land for community facilities;
  - (ii) transport;
  - (iii) water supply;
  - (iv) sewerage;
  - (v) stormwater ;and
- (b) other matters relevant to adopted charges.

### **5. Trunk infrastructure**

The trunk infrastructure shown in Schedule 3 of the Southern Downs Planning Scheme, *local government infrastructure plan mapping and support tables*, is identified as the trunk infrastructure for the local government area.

The standard of service for each network is the standard set out in Part 4 of the Southern Downs Planning Scheme.

### **6. Priority infrastructure area**

The priority infrastructure areas for the Southern Downs Regional Council are identified in the local government infrastructure plan in Part 4 of the Southern Downs Planning Scheme.

### **7. Application to particular development**

Council may levy a charge on assessable development of the following types:

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

#### 8. Comparison of planning scheme use categories and SPRP charge categories

To assist in applying Schedule 16 of the *Planning Regulation 2017*, Table 1 provides a guide to the uses under the planning scheme that come within the uses mentioned in column 1 of Schedule 16.

**Table 1 - Planning scheme use categories and charge categories**

Development categories	
Charge category	Planning scheme use categories
Residential	Caretaker's accommodation, Dwelling house, Dual occupancy, Multiple dwelling
Accommodation (short term)	Hotel (residential component), Short-term accommodation, Tourist park
Accommodation (long term)	Community residence, Relocatable home park, Retirement facility, Rooming accommodation
Places of assembly	Club, Community use, Function facility, Funeral parlour, Place of worship
Commercial (bulk goods)	Agricultural supplies store, Bulk landscape supplies, Garden centre, Outdoor sales, Showroom
Commercial (retail)	Adult Store, Food and drink outlet, Service industry, Service station, Shop
Commercial (office)	Office
Education facility	Child care centre, Community care centre, Educational establishment
Entertainment	Hotel (non-residential component), Theatre
Indoor sport and recreational facility	Indoor sport and recreation
Industry	Low impact industry, Medium impact industry, Rural industry, Warehouse
High impact industry	High impact industry, Special industry
Low impact rural	Animal husbandry, Cropping, Permanent plantation, Renewable energy facility (Wind Farm)
High impact rural	Aquaculture, Intensive animal industry, Intensive horticulture, Wholesale nursery, Winery
Essential services	Detention facility, Emergency services, Health care services, Hospital, Residential care facility, Veterinary services
Specialised uses	Air services, Animal keeping, Car park, Crematorium, Extractive industry, Major electricity infrastructure, Motor sport facility, Non-residential workforce accommodation, Outdoor sport and recreation, Parking station, Substation, Utility installation
Minor uses	Advertising device, Cemetery, Home based business, Landing, Market, Outdoor lighting, Park, Roadside stall, Telecommunications facility, Temporary use

#### 9. Adopted charges

Adopted charges apply to the whole of the local government area.

The Southern Downs Regional Council resolves to adopt the charges mentioned in Table 2, Columns 3 and 4, for development for a use mentioned in Table 2, Column 2.

The adopted charge for:

- (a) reconfiguring a lot is the amount per lot as stated in Column 3 of Table 2 for subdivision;
- (b) material change of use for:
  - (i) residential development, is the amount stated in Column 3 of Table 2 for the applicable category of development;
  - (ii) non-residential development, is the amount stated in Table 2 for the applicable category of development, which comprises the following:
    - (A) the adopted charge rate for the public parks and land for community facilities, transport, water supply and sewerage networks in Column 3 of Table 2, or a proportion thereof if not all four of these networks are available to the land; and
    - (B) if the stormwater network is available to the land - the adopted charge rate for the stormwater network in Column 4 of Table 2.

**Table 2 Adopted charges**

COLUMN 1 Charge category	COLUMN 2 Use	ADOPTED CHARGES	
		COLUMN 3 Adopted charge	COLUMN 4 Adopted charge for stormwater network
RECONFIGURING A LOT			
Subdivision	N/A	\$21,500 per lot	N/A
MATERIAL CHANGE OF USE			
Residential	Dwelling house Dual occupancy Caretaker's accommodation Multiple dwelling	\$21,500 per dwelling unit	N/A
Accommodation (short term)	Hotel (residential component) Short-term accommodation Tourist park	<ul style="list-style-type: none"><li>• For a tent or caravan site in a Tourist park - \$3,500 per tent or caravan site</li><li>• For a cabin in a Tourist park or a dwelling unit in Short-term accommodation - \$10,750 per dwelling unit</li><li>• For a suite, whether self contained or not in short-term accommodation or a hotel - \$10,750 per suite</li></ul>	N/A
Accommodation (long term)	Community residence Relocatable home park Retirement facility Rooming accommodation	<ul style="list-style-type: none"><li>• \$21,500 per dwelling unit or relocatable dwelling site in a Relocatable home park or Retirement facility</li><li>• \$21,500 per suite in Rooming accommodation or Community residence</li></ul>	N/A

COLUMN 1 Charge category	COLUMN 2 Use	ADOPTED CHARGES	
		COLUMN 3 Adopted charge	COLUMN 4 Adopted charge for stormwater network
Places of assembly	Club Community use Function facility Funeral parlour Place of worship	\$35 per m <sup>2</sup> of GFA	\$5 per impervious m <sup>2</sup>
Commercial (bulk goods)	Agricultural supplies store Bulk landscape supplies Garden centre Outdoor sales Showroom	\$70 per m <sup>2</sup> of GFA	\$5 per impervious m <sup>2</sup>
Commercial (retail)	Adult store Food and drink outlet Service industry Service station Shop	\$70 per m <sup>2</sup> of GFA	\$5 per impervious m <sup>2</sup>
Commercial (office)	Office	\$70 per m <sup>2</sup> of GFA	\$5 per impervious m <sup>2</sup>
Education facility	Child care centre Community care centre Educational establishment	\$54 per m <sup>2</sup> of GFA	\$5 per impervious m <sup>2</sup>
Entertainment	Hotel (non residential component) Theatre	\$77 per m <sup>2</sup> of GFA	\$5 per impervious m <sup>2</sup>
Indoor sport and recreational facility	Indoor sport and recreation	\$77 per m <sup>2</sup> of GFA, other than court areas \$15.50 per m <sup>2</sup> of GFA that is a court area	\$5 per impervious m <sup>2</sup>
Industry	Low impact industry Medium impact industry Rural industry Warehouse	\$38.50 per m <sup>2</sup> of GFA	\$5 per impervious m <sup>2</sup>
High impact industry	High impact industry Special industry	\$53.50 per m <sup>2</sup> of GFA	\$5 per impervious m <sup>2</sup>
Low impact rural	Animal husbandry Cropping Permanent plantations Renewable energy facility (wind farm)	Nil charge	
High impact rural	Aquaculture Intensive animal industry Intensive horticulture Wholesale nursery Winery	\$15.50 per m <sup>2</sup> of GFA	Nil
Essential services	Detention facility Emergency services Health care services Hospital Residential care facility Veterinary services	\$70 per m <sup>2</sup> of GFA	\$5 per impervious m <sup>2</sup>

COLUMN 1 Charge category	COLUMN 2 Use	ADOPTED CHARGES	
		COLUMN 3 Adopted charge	COLUMN 4 Adopted charge for stormwater network
Specialised uses	Air services Animal keeping Car park Crematorium Extractive industry Major electricity infrastructure Motor sport facility Non-resident workforce accommodation Outdoor sport and recreation Parking station Substation Utility installation	<p>The adopted charge is the charge (in Columns 3 &amp; 4) for the charge category (in Column 1) that Council has decided are the most similar uses and appropriate rates:</p> <p>Air services = Industry Animal keeping = Essential services (boarding) or Low impact rural (breeding) Car park = Industry Crematorium = Places of assembly Extractive industry = High impact industry Major electricity infrastructure = Industry Motor sport facility = Indoor sport and recreation Non-resident workforce accommodation = Accommodation (short term) Outdoor sport and recreation = Indoor sport and recreation Parking station = Industry Substation = Industry Utility installation = Industry</p>	
Minor uses	Cemetery Home based business Market Roadside stall Telecommunications facility Park	Nil charge	
Any other use	A use not otherwise listed in column 2, including a use that is unknown because the development application does not specify a proposed use.	The adopted infrastructure charge is the charge (in Columns 3 & 4) for the charge category (in Column 1) that the local government determines should apply for the use at the time of assessment.	

#### 10. Extra demand

Section 120 of the *Planning Act 2016* provides that a levied charge may be only for extra demand placed on trunk infrastructure that the development will generate. In working out extra demand, the demand on trunk infrastructure generated by the following must not be included:

- an existing use on the premises if the use is lawful and already taking place on the premises;
- a previous use that is no longer taking place on the premises if the use was lawful at the time the use was carried out;
- other development on the premises if the development may be lawfully carried out without the need for a further development permit.

However, the demand generated by a use or development stated above may be included if an infrastructure requirement that applies or applied to the use or development has not been complied with.

Also, the demand generated by development stated in above subsection (10)(c) may be included if –

- an infrastructure requirement applies to the premises on which the development will be carried out; and



2. the infrastructure requirement was imposed on the basis of development of a lower scale or intensity being carried out on the premises.

#### **11. Credits for existing uses or previous payments**

Where applicable, the credit for the premises is calculated as an amount which is the greater of the following:

- (a) The amount of an adopted charge previously paid for the development of the premises;
- (b) Where an applicant can provide evidence of a financial contribution previously paid for trunk infrastructure for the premises, the amount of the financial contribution paid;
- (c) Where the premises are subject to an existing lawful use, the amount stated for an adopted charge for the existing lawful use in Table 2 Adopted charges<sup>1</sup>. This allows the charge to be discounted to take into account the existing usage of trunk infrastructure by the premises on the subject site; or
- (d) For vacant land, the amount per lot as stated for subdivision in Column 3 of Table 2.

So that there can be no doubt, where a credit exceeds the value of an adopted charge, no refund will be paid by Council.

#### **12. Discounts**

For all types of development, a discount applies where the water supply network or sewerage network or stormwater network is not available. As public parks and roads are available throughout the Region, the adopted charge for all development will include the proportion of the adopted infrastructure charge for public parks and land for community facilities and transport.

Where the water supply network and/or sewerage network and/or stormwater network is not available in the area of the proposed development:

- (a) *the adopted charge* for the development is to be reduced by the relevant proportion of the adopted infrastructure charge allocated to the unavailable network/s as shown in Table 3; and
- (b) *the credit* for the development is to be reduced by the relevant proportion of the adopted infrastructure charge allocated to the unavailable network/s as shown in Table 3.

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<sup>1</sup> This means that if a lot is presently used for industry the charge that may have been levied on the existing use as calculated using Table 2 is subtracted from the charge that is levied on the new use. A second example is where a lot is developed with a dwelling house which is proposed to be removed for the erection of dwelling units the charge that is levied on the new development will be as calculated using Table 2 minus the charge for an existing dwelling.



**Table 3 Proportion of adopted charge allocated to each network**

Network	Proportion of the adopted charge	
	Where no separate Adopted charge for Stormwater network is identified in Column 4 of Table 2	Where a separate Adopted charge for Stormwater network is identified in Column 4 of Table 2
Public parks and land for community facilities	6%	0%
Transport	12%	30%
Water supply	28%	35%
Sewerage	49%	35%
Stormwater	5%	As separately specified in Table 2

### 13. Calculation of the levied charge

- (a) The adopted charge for reconfiguring a lot for is calculated as follows:

$$\text{Charge} = \text{ACR} \times N \times D\% - C$$

Where:

ACR is the Adopted charge rate being the amount per lot as stated for subdivision in Column 3 of Table 2.

N is the total number of lots proposed

D is the discount; calculated as the sum of the percentages for the networks available in the area of the proposed development in accordance with Table 3

C is the credit; calculated in accordance with section 11 (where not all five networks are available, and the credit is applied in accordance with section 11(c) or (d), the credit is reduced in accordance with section 12)

- (b) The adopted charge for material change of use for residential development is calculated as follows:

$$\text{Charge} = (\text{sum of } (\text{ACR} \times N) \text{ for each defined use} \times D\%) - C$$

Where:

ACR is the Adopted charge rate stated in Column 3 of Table 2

N is the total number of dwelling units/cabins/suite for each defined use

D is the discount; calculated as the sum of the percentages for the networks available in the area of the proposed development in accordance with Table 3

C is the credit; calculated in accordance with section 11 (where not all five networks are available, and the credit is applied in accordance with section 11(c) or (d), the credit is reduced in accordance with section 12)

- (c) The adopted charge for material change of use for non-residential development is calculated as follows:

$$\text{Charge} = (\text{the sum of } (\text{ACR} \times N) \text{ for each defined use} \times D\%) + (IA \times SW) - C$$

Where:

ACR is the Adopted charge rate stated in Column 3 of Table 2

N is the GFA in m<sup>2</sup>

D is the discount; calculated as the sum of the percentages for the networks available in the area of the proposed development in accordance with Table 3

IA is the impervious area in m<sup>2</sup>

SW is the Adopted charge rate for stormwater network in Column 4 of Table 2; where the stormwater network is not available, SW = 0

C is the credit; calculated in accordance with section 11 (where not all five networks are available, and the credit is applied in accordance with section 11(c) or (d), the credit is reduced in accordance with section 12)

#### **14. Automatic increase provision**

The adopted charge for development will be increased after the charge is levied and before it is paid to the local government.

The automatic increase must not be more than the lesser of the following –

- (a) the difference between the levied charge and the maximum adopted charge the local government could have levied for the development when the charge is paid;
- (b) the increase worked out using the producer price index for construction 6427.0 (ABS PPI) index number 3101 – Road and Bridge construction index or Queensland published by the Australian Bureau of Statistics (PPI), adjusted according to the 3-yearly PPI average, for the period, starting on the day the levied charge is levied, and ending on the day the charge is paid.

The 3-yearly PPI average means the PPI adjusted according to the 3-year moving average quarterly percentage change between financial quarters.

#### **15. Alternative to paying a levied charge**

Council may give consideration to entering 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 a levied charge.

#### **16. Time of payment of an adopted charge**

An adopted charge is payable at the following time:

- (a) if the charge applies for reconfiguring a lot - when Council approves the plan for the reconfiguration; and
- (b) if the charge applies for a material change of use - when the change of use happens.

In accordance with s 123 of the *Planning Act 2016*, the recipient of an infrastructure charges notice and Council may agree that the levied charge under the notice may be paid other than as outlined in (a) and (b), including payment by instalments.

#### **17. Application of an offset or refund**

If trunk infrastructure is contributed with an approved development, and the trunk infrastructure services or is planned to service premises other than premises the subject of the development approval, and an adopted charge applies to the approved development, which is consistent with the local government infrastructure plans in type, scale, timing and location, the following apply:

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

#### **18. Calculating an offset or refund**

##### **(a) Trunk infrastructure that is works**

The establishment cost of trunk infrastructure that is works will be determined using the first principles estimating approach. This approach calculates the market cost of the infrastructure based on a bill of quantities and a first principles estimate for the cost of designing, constructing and commissioning the trunk infrastructure specified in the bill of quantities.

##### **(b) Trunk infrastructure that is land**

The establishment cost of trunk infrastructure that is land will be determined using the before and after valuation method, using the current market value of the land.

#### **19. Method for recalculating the establishment cost**

The method used to recalculate establishment cost when an application is made under s 137 of the *Planning Act 2016* disputing the amount of offset or refund relating to the establishment cost of the trunk infrastructure is outlined below:

##### **(a) Trunk infrastructure that is works**

Trunk infrastructure that is works (trunk infrastructure other than land) must be costed using a first principles estimating approach implemented through the following procedural requirements:

- (i) Council will provide to the applicant the scope of works, including the standard to which the trunk infrastructure is to be provided and the location of the trunk infrastructure (the scope of works).
- (ii) The applicant must, at their cost, provide to Council:
  - (A) a bill of quantities for the design, construction and commissioning of the trunk infrastructure in accordance with the scope of works (the bill of quantities); and
  - (B) a first principles estimate for the cost of designing, constructing and commissioning the trunk infrastructure specified in the bill of quantities (the cost estimate).
- (iii) Council may accept the bill of quantities and cost estimate provided by the applicant.
- (iv) If Council accepts the bill of quantities and the cost estimate, the cost estimate is the establishment cost of the infrastructure.

- (v) If Council does not accept the bill of quantities and cost estimate provided by the applicant it will, at its cost, have an assessment undertaken by an appropriately qualified person to:
  - (A) determine whether the bill of quantities is in accordance with the scope of works;
  - (B) determine whether the cost estimate is consistent with current market costs calculated by applying a first principles estimating approach to the bill of quantities; and
  - (C) provide a new cost estimate using a first principles estimating approach.
- (vi) If Council rejects the bill of quantities and the cost estimate provided by the applicant, it will provide written notice to the applicant and propose the new bill of quantities and cost estimate and its reasons for doing so.
- (vii) Where a written notice of Council's proposed bill of quantities and cost estimate has been given, the applicant may negotiate and agree with Council regarding a cost estimate. The agreed cost estimate is the establishment cost of the infrastructure.
- (viii) If agreement cannot be reached, Council will refer the bill of quantities and the cost estimate to an independent, suitably qualified person (the independent assessor) to:
  - (A) assess whether the bill of quantities is in accordance with the scope of works;
  - (B) assess whether the cost estimate is consistent with current market costs calculated by applying a first principles estimating approach to the bill of quantities; and
  - (C) provide an amended cost estimate using a first principles estimating approach.

The independent assessor is to be appointed by agreement between Council and the applicant. The cost of this independent assessment is to be equally shared between Council and the applicant.

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

If Council and the applicant cannot reach agreement on the appointment of an independent assessor, the establishment cost of the infrastructure is determined by calculating the average of the previous two cost estimates prepared on behalf of the applicant and the Council respectively.

- (ix) Council will give an amended Infrastructure Charges Notice (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 3-yearly PPI average; and
  - (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 3-yearly PPI average.

**(b) Trunk infrastructure that is land**

The establishment cost of trunk infrastructure that is land must be determined using the before and after method for estimating the current market value of land (the before and after method of valuation) given effect through the following procedural requirements:

- (i) The applicant, at their own cost, must provide to Council a valuation of the specified land undertaken by a certified practicing valuer using the before and after method of valuation (the valuation).
- (ii) Council may accept the valuation.
- (iii) If Council accepts the valuation, the valuation is the establishment cost of the infrastructure.
- (iv) If Council does not accept the valuation provided by the applicant, it will, at its own cost, have a valuation undertaken by a certified practicing valuer.
- (v) If Council rejects the valuation provided by the applicant, it will provide written notice to the applicant and propose a new valuation and its reasons for doing so.
- (vi) Where a written notice of Council's proposed valuation has been given, the applicant may negotiate and agree with Council regarding a valuation. The agreed valuation is the establishment cost of the infrastructure.
- (vii) If agreement cannot be reached, Council will have a valuation undertaken by an independent, certified practicing valuer to assess the market value of the specified land.

The independent, certified practicing valuer is to be appointed by agreement between Council and the applicant. The cost of this independent assessment is to be equally shared between Council and the applicant.

The amended valuation determined by the independent certified practicing valuer is the establishment cost of the infrastructure.

If Council and the applicant cannot reach agreement on the appointment of an independent certified practicing valuer, the establishment cost of the infrastructure is determined by calculating the average of the previous two cost estimates prepared on behalf of the applicant and Council respectively.

- (viii) Council will 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 3-yearly PPI average; and
  - (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 3-yearly PPI average.

When determining the value of the land using the before and after method of valuation, two valuations of the subject land are undertaken. In the first instance, the value of the original land is determined before any land is transferred to Council, using the direct comparison method at the site specific level. This will include those portions of the land which are able to be developed to the yield approved in a development application and the value of those portions of the land which will be used for trunk infrastructure. Assuming that the land to be used for infrastructure is otherwise developable (e.g. not within a stormwater or

drainage corridor), these portions of the land should be valued based on a rate applicable to the land as a whole for the underlying zone.

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

## 20. Conversion criteria

A conversion application made under s 139 of the *Planning Act 2016* (to convert non-trunk infrastructure to trunk infrastructure) may be granted only if each of the following criteria are met:

1. The infrastructure services development that is-
  - (A) consistent with the assumptions about the type, scale, location and timing of future development stated in the LGIP; and
  - (B) for premises completely inside the PIA; and
2. construction of the infrastructure has not yet started; and
3. the infrastructure is inconsistent with the requirements for non-trunk infrastructure stated in s 145 of the *Planning Act 2016*; and
4. the infrastructure is owned or will be owned by Council; and
5. the infrastructure is not temporary infrastructure; and
6. the infrastructure will be used by other development; and
7. the type, size, function and purpose of the infrastructure is:
  - (A) consistent with the trunk infrastructure identified in Council's LGIP; and
8. the type, size and location of the infrastructure is the most cost effective option for servicing multiple developments in the area; and
9. the infrastructure could have been planned by Council without knowing the detailed layout of lot reconfigurations or the design details for material change of use applications in the area. That is, the infrastructure could have been planned during preparation of the LGIP using only the planned density assumptions stated in the LGIP.

## 21. Dictionary

Words and terms used in this resolution have the meaning given in the *Planning Act 2016* or the *Planning Regulation 2017*.

If a word or term used in this resolution is not defined in the *Planning Act 2016* or the *Planning Regulation 2017*, it has meaning given in this section or in the Southern Downs Planning Scheme.

**Court area** means the area of the premises where the leisure, sport or recreation activity is conducted (including buffer or safety clearance area as required by the

activity rules) and excludes the area of the premises not used for conducting the leisure, sport or recreation activity, such as areas for spectators, office or administration, amenities or food and beverages.

***Impervious area*** means the area of the premises that is impervious to rainfall or overland flow that results in the discharge of stormwater from the premises, including areas of the premises covered by compacted gravel.

***Most cost effective option*** means the least cost option based upon the life cycle cost of the infrastructure required to service future urban development in the area at the desired standard of service.

## **22. Attachments**

Nil.