6.3a. Water and Sewerage Headworks Planning Scheme Policy

The outline of the Policy is as follows:

1.0 Introduction
2.0 Definitions
3.0 Application of the Policy
4.0 Provision of Water and Sewerage Services
5.0 Principles underlying the Policy
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1.0 Introduction

This Planning Scheme Policy ("the Policy") is made by Maryborough City Council ("Council") pursuant to the *Integrated Planning Act 1997* ("the Act"), which repealed and replaced the *Local Government (Planning and Environment) Act 1990* ("the repealed Act") in March 1998. The Policy replaces the Policies on Calculation and Application of Water Supply and Sewerage Headworks Charges adopted by Council in 1983, prior to commencement of the repealed Act and in force at commencement of the Act.

Consistent with Section 6.1.31(2)(c) of the Act, the Policy has been prepared generally in accordance with Sections 6.2 to 6.4 of the repealed Act.

Council owns and operates one integrated water supply scheme based on supply from Tinana Creek and treatment at the Teddington Water Treatment Plant, supplying each of the following zones:

- High zone;
- Low zone;

- Granville; and
- Tinana.

Council owns and operates one integrated sewerage scheme comprising the following major collection catchments:

- Northern catchment;
- Western catchment;
- South-western catchment; and
- Southern catchment.

Details of the above schemes are shown in the Policy Support Document defined in Clause 6.3.2 of the Policy.

2.0 Definitions

The following terms are defined below for purposes of the Policy:

Capital cost of works means the sum of direct construction cost (including land acquisition costs) and construction on-costs, less any relevant subsidy and/or grants and plus any relevant interest charges on future loans (where those interest costs are incurred by Council) as detailed in Clauses 6.5.7 to 6.5.9.

Capital Works Program means an indicative program of works maintained by Council and amended in response to such diverse matters as the final development mix of approved developments, the uses to be made of buildings erected on land within the City area, the annual rate of development and changes from time to time in the strategic development of the City.

Cost of works means capital cost, unless otherwise indicated.

Construction on-costs means the cost of engineering planning and design, survey and site investigation, engineering supervision, construction contingencies and Council administration.

Current cost of works means the capital cost of constructing works at current construction prices, but otherwise under circumstances prevailing at the time of constructing the works.

Developer means a person who makes a development application.

Development Application has the meaning given to it in IPA.

Equivalent person (EP) means the service demand created by an average occupant of an average occupied private residential dwelling, and is the basic unit used in the Policy for assessing service demand.

Equivalent population of an area of land or a development means the service demand generated by the area or development, expressed in EP.

Grant means any Commonwealth or Queensland Government grant toward works. The term does not include any subsidy under the Queensland Local Governing Bodies' Capital Works Subsidy Scheme or similar scheme.

Headworks means both water supply headworks and sewerage headworks.

Headworks contribution rate means a monetary amount payable by a developer, following approval of the application, towards the cost of water supply and sewerage headworks to service the development, per equivalent person of service demand.

Planned population of an area of land means the area's demand for water supply or sewerage services at the adopted planning horizon shown in the Policy Support Document, as determined from Council's Strategic Plan, Planning Scheme, latest strategic planning reports and the equivalent population densities set out in the Policy Support Document and expressed in EP.

Policy Support Document means the supporting document prepared by Council entitled 'Technical Information on Water Supply and Sewerage Headworks in Support of Council's Planning Scheme Policy on Water Supply and Sewerage Infrastructure Contributions', and forming part of the Policy.

Project Lot means a lot which is shown on an approved proposal plan as approved for:

(i) further subdivision (reconfiguration) in accordance with an approved layout and design; or
(ii) use for purposes other than as a residential lot.

A project lot includes a lot which is approved for further development by way of subdivision (whether for residential or other purposes), erection of an apartment building, commercial building, office building, retail complex or other uses.

Residential Lot means:

(i) a lot shown on an approved Area Development Plan and/or approved proposal plan as being for construction of a detached house or dual occupancy dwelling and which is not capable of further subdivision or use for other purposes;
(ii) a lot in a Standard Format or Building Format Plan under the Land Title Act 1994 which is intended for use only as a single dwelling.

Sewerage Headworks means those works, structures or equipment determined by Council to be sewerage headworks and outlined in the Policy Support Document.

Sewerage Works External:

(i) means those works, structures or equipment necessary for the purpose of connecting sewerage works internal to Council's Sewerage Scheme;
(ii) does not include sewerage headworks or sewerage works internal.

Sewerage Works internal means those works, structures or equipment necessary for the reticulation of sewerage to lots into which land is proposed to be subdivided.

Subsidy means a capital subsidy under the Queensland Local Governing Bodies' Capital Works Subsidy Scheme or similar scheme.

Water Supply Headworks means those works, structures or equipment determined by Council to be water supply headworks and outlined in the Policy Support Document.

Water Supply Works External:

(i) means those works, structures or equipment necessary for the purpose of connecting water supply works internal to Council's water supply scheme;
(ii) does not include water supply headworks or water supply works internal.

Water Supply Works Internal means those works, structures or equipment necessary for the reticulation of water supply to lots into which land is proposed to be subdivided.

Works means water supply and sewerage works owned or to be owned by Council.

Works External means both water supply works external and sewerage works external.

Works Internal means both water supply works internal and sewerage works internal.

Where any provision or commentary outlined in the Policy Support Document does not accord with the Policy, the provisions of the Policy shall take precedence. Expressions defined in the Planning Scheme and in the Policy Support Document where used in the Policy have the same meaning. Where there is any inconsistency in a defined term, the provisions of the Planning Scheme shall take precedence.

Where any provision outlined in the Policy and/or Policy Support Document does not accord with the terms or intent of any Infrastructure Agreement or Agreement made pursuant to the Policy, the provisions of the Infrastructure Agreement or Agreement made pursuant to the Policy shall take precedence.

3.0 Application of Policy

The Policy shall apply to the whole of the City and to every development application for material change of use or lot reconfiguration identified in the Planning Scheme as requiring connection to reticulated water supply or sewerage.

Contributions towards water supply and sewerage infrastructure will be required, as a condition of development approval for a material change of use or lot reconfiguration, from any Developer making a development application in respect of land situated within the City which, in the opinion of Council, may be connected to Council's water supply and/or sewerage headworks as defined in the Policy Support Document, either immediately or in the future.

The levels of infrastructure contributions are subject to review by Council from time to time and may be varied as considered necessary or desirable in the light of variations to Council's Planning Scheme, infrastructure planning, construction costs and the like. In general, the levels of infrastructure contributions will be reviewed annually and published in Council's Register of General Charges. Nothing in the Policy shall prevent a Developer and Council from entering into an agreement pertaining to matters contained in the Policy, providing that nothing in such agreement is contrary to the provisions of the Act.

A copy of the Policy, the Policy Support Document and the current headworks contribution rates shall be on exhibition at Council's offices and may be purchased at a fee determined by Council from time to time by resolution.

Details of Council's current water supply and sewerage headworks contribution rates are set out in Council's Register of General Charges.

4.0 Provision of Water and Sewerage Services

Council's general policy on the provision of water supply and sewerage services to developments within the various planning scheme precincts of the City is as set out in the following requirements:

- **Both water supply and sewerage:**
  Residential (excepting coastal areas as defined below);
  Industrial; and
  Commercial.

- **Water supply and/or sewerage at Council's discretion:**
  Community.

- **Water supply only:**
  Rural Residential (lots less than 1 ha).

- **Water supply only at Council's discretion:**
  Rural (refer also Clause 6.9).

- **Neither water supply nor sewerage:**
  Rural Residential (lots of 1 ha or greater)
  Residential (coastal townships of Boonooroo, Maaroom, Poona and Tuan).

5.0 Principles Underlying Policy

5.1 Developers shall pay reasonable and relevant contributions towards the capital cost of providing existing and future water supply and sewerage infrastructure to serve the proposed development.

5.2 The responsibilities of Developers in providing water supply and sewerage infrastructure when required, and the derivation of appropriate infrastructure contributions, shall be considered in terms of:

- headworks;
- works external; and
- works internal.

5.3 Infrastructure contributions shall generally be determined on a basis which:

- ensures that Developers (and by inference new ratepayers) contribute to the cost of existing and future infrastructure according to their use of such infrastructure;
- is equitable to Developers and existing ratepayers;
- minimises the total life-cycle costs of water supply and sewerage infrastructure; and
- provides the same desired standard of service to new and existing ratepayers within the same water supply zone or sewerage catchment.

5.4 The infrastructure capacity to be provided to serve the development shall be that which is necessary and sufficient to meet the desired standard of service adopted by Council from time to time, or otherwise those standards of service specified in guidelines issued by the Queensland Government.

5.5 Infrastructure contributions shall be held in trust by Council and used for the construction of infrastructure or the repayment of loans, in respect of infrastructure subject of the Policy.

6.0 Contributions Towards Headworks

6.1 General Approach for Deriving Headworks Contributions

In principle, headworks contributions for a particular service area shall be derived by Council by:

- estimating the relevant planned population within the area to be served (P);
- estimating the total cost of the headworks required to service the area (C);
- calculating applicable headworks contribution rates by dividing C by P; and

- using the headworks contribution rates to determine headworks contributions for particular developments within the area.

6.2 Determination of Planned Population to be Served by Headworks

6.2.1 The planned population to be served by headworks shall be based on those areas of the City to be provided with water supply and/or sewerage services, in accordance with Council's general service provision policy (refer Clause 4.0) and as defined by the water supply zones and sewerage catchments shown in the Policy Support Document.

6.3 Extent of Headworks

6.3.1 Headworks as referred to in the Policy shall include those major scheme components necessary to serve all or a substantial part of the total serviced area, in respect of:

- Council's water supply and sewerage schemes; and
- any other works necessary for the provision of water supply and sewerage services within the City, including works carried out by other local governments or statutory bodies and works carried out within other local government areas for which Council is responsible.

Headworks shall include only those:

- existing works;
- proposed augmentations of existing works; and
- proposed future works to enable the planned population to be served.

in respect of the works described generally in Clause 6.3.1 and as detailed in the Policy Support Document.

6.3.3 Council has determined that there is a need for the headworks detailed in the Policy Support Document on the basis of the planned

population to be served, as set out in the planning reports and other documents listed therein.

6.3.4 The definition of headworks within the relevant planning reports referred to in Clause 6.3.3 has, where appropriate, been carried out on the basis of minimising total life-cycle costs, represented by the sum of initial cost and present value of future operation and maintenance costs for the range of identified feasible alternatives.

6.3.5 Where there is any inconsistency between planning reports and/or other documents referred to in Clause 6.3.3, the provisions of the more or most recent document shall prevail to the extent of the inconsistency.

6.3.6 The extent of headworks shall be reviewed periodically by Council as necessary.

6.3.7 Notwithstanding Clause 6.3.3 and 6.3.5, neither the Policy nor the Policy Support Document is of itself an infrastructure planning document, nor should either be construed as committing Council, in implementing future headworks, to adhere to the configuration and/or details of headworks as set out in the Policy Support Document.

6.4 Categorisation of Headworks

6.4.1 For purposes of determining Developer contributions towards headworks, headworks shall be generally categorised as shown in Table 1. Details of headworks in each category are shown in the Policy Support Document.

Table 1. Headworks Categorisation.

Service	Headworks Category	Headworks Included
Water Supply	Regional	• Weirs; • Regional treatment plants; • Raw water mains to regional treatment plants; • Trunk delivery mains from regional treatment plants; • Associated pumping stations; • Associated service reservoirs; and • Associated telemetry systems and monitoring instrumentation.
	Zonal	• Distribution mains; • Elevated and non-regional service reservoirs; • Distribution pumping stations; and • Associated telemetry systems and monitoring instrumentation.
Sewerage	Regional	• Treatment plants; • Effluent and biosolids reuse and disposal systems; and • Transport systems delivering to treatment plants and serving most or all of catchment, and comprising: • trunk sewers; • pressure mains; • associated pumping stations; and • associated telemetry systems, instrumentation and odour control systems.
	Catchment	• Trunk collection sewers and pressure mains; • Associated pumping stations; and • Associated telemetry, instrumentation and odour control systems.

6.5 Determination of Total Cost of Headworks

6.5.1 The estimated total cost of headworks shall be determined as the current cost of the existing and future headworks in respect of each water supply zone and each sewerage catchment, as detailed in the Policy Support Document.

6.5.2 Where appropriate, historical and current costs shall be obtained from infrastructure asset registers.

6.5.3 For purposes of determining current costs, appropriate unit rates and other estimated direct construction costs shall be adopted based, where feasible, on an examination of contract prices for the construction of similar infrastructure within the City.

6.5.4 Where no such contracts are current or relevant, estimated direct construction costs shall be based on the most recent applicable contract prices available to Council.

6.5.5 Indexation of historical construction costs or unit rates as necessary to obtain present-day direct construction costs shall be by applying the appropriate Brisbane Building Price Index published in Rawlinsons Australian Construction Handbook, except that any interest component of such costs or rates shall not be indexed.

6.5.6 Direct construction costs estimated as above shall be increased to allow for construction oncosts made up as follows:

Engineering planning and design	8.5%
Survey and site investigation	2.5%
Engineering supervision	2.0%
Construction contingencies *	10.0%
Council administration	2.0%
Total	25.0%

* Excluded when indexing historical costs.

6.5.7 Determination of the current cost of headworks shall take account of actual or likely future subsidy and grants, and provide for the inclusion of estimated interest charges on any future associated loans, in respect only of subsidy, grants and interest eventuating or likely to eventuate after 1st January 1999.

6.5.8 Interest charges on future loans shall be based on the level of borrowing necessary to meet the present-day cost of headworks in advance of receipt of headworks contributions, after deducting applicable subsidy and grants.

6.5.9 Subsidy rates shall be based on current State Government advice for a period of five years beyond the date of estimation of headworks costs, and then assumed to fall to zero.

6.5.10 The estimated cost of headworks shall be reviewed periodically to take account of any changes in planned populations and the extent of headworks, and otherwise by indexation using the appropriate Brisbane Building Price Index published in Rawlinsons Australian Construction Handbook.

6.5.11 The total cost of headworks for each water supply zone and sewerage catchment estimated as above is set out in the Policy Support Document.

6.6 Determination of Headworks Contribution Rates

6.6.1 The headworks contribution rates for the purposes of determining headworks contributions shall be as determined by Council for each water supply zone and sewerage catchment, and in respect of each category of headworks set out in **Table 1**.

6.6.2 Headworks contribution rates shall be determined in principle as follows, as applicable to each headworks category:

Water Supply

a) Estimate the current cost per equivalent person of raw water storage, based on the current costs and safe yield of existing weirs.
b) Estimate the current cost per equivalent person of regional water treatment facilities, based on the current costs and designed capacity of existing treatment plants and preliminary

estimates of costs for future stages. Where no planning has been carried out, derive costs for future works from typical published data.

c) Estimate the current costs of the following:

- existing regional supply and zonal trunk water mains, reservoirs and pumping stations;
- required augmentation works including trunk water mains, pumping stations and reservoirs to service the planned population; and
- associated headworks infrastructure eg, telemetry systems and instrumentation.

d) Estimated the water supply regional or zonal planned population in accordance with Clause 6.2.1.

e) Determine the water supply headworks contribution rate per equivalent person for each headworks category as follows:

Water supply regional headworks contribution rate

$$= \text{Sum of costs from (a) and (b)} + \frac{\text{Sum of relevant costs from (c)}}{\text{Regional equivalent population from (d)}}$$

Water supply zonal headworks contribution rate (for each zone)

$$= \frac{\text{Sum of relevant costs from (c)}}{\text{Zonal equivalent population from (d)}}$$

Sewerage

a) Estimate the current cost per equivalent person of regional wastewater treatment facilities, effluent and biosolids disposal and reuse facilities, based on the current costs and designed capacities of existing facilities and preliminary estimates for future stages. Where no planning has been carried out, derive costs for future works from typical published data.

b) Estimate the current costs of the following:

- existing trunk sewers, pumping stations and rising mains;
- required augmentation works including trunk sewers, pumping stations and rising mains to service the planned population; and
- associated headworks infrastructure eg, telemetry systems, instrumentation and odour control systems.

c) Estimate the sewerage regional or catchment planned population in accordance with Clause 6.2.1.

d) Determine the sewerage headworks contribution rate per equivalent person for each headworks category as follows:

Sewerage regional headworks contribution rate

$$= \text{Cost from (a)} + \frac{\text{Sum of relevant costs from (b)}}{\text{Regional equivalent population from (c)}}$$

Sewerage catchment headworks contribution rate

$$= \frac{\text{Sum of relevant costs from (b)}}{\text{Catchment equivalent population from (c)}}$$

6.6.3 The headworks contribution rates calculated as above for the various water supply zones and sewerage catchments at the date of adoption of the Policy are shown in Tables A1 and A2 of the Policy Support Document. Contribution rates adopted by Council from time to time are summarised in Council's Register of General Charges.

6.6.4 Headworks contribution rates shall be reviewed by Council annually and consequent on periodic review of the estimated cost of headworks, and adjusted as appropriate.

6.7 General Principles for Determining Headworks Contributions

6.7.1 The headworks contributions for any proposed development and for each headworks category in Table 1 shall be calculated by considering the expected increase in equivalent population resulting from the development and the relevant headworks contribution rate in Council's Register of General Charges for the water supply zone and sewerage catchment in which the development is located, as follows:

Water supply headworks contribution

= Increase in equivalent population x applicable water supply headworks contribution rate

Sewerage headworks contribution

= Increase in equivalent population x applicable sewerage headworks contribution rate

6.7.2 Calculation of the increase in equivalent population resulting from the development shall be determined as the difference between the equivalent population which would be allowed if the parcel were developed as per the development application and either:

(i) the maximum allowable for the site under developments or uses which do not require impact or code assessment, where no infrastructure contributions towards water supply and sewerage headworks have previously been paid to Council in respect of the land; or

(ii) where such infrastructure contributions have previously been paid to Council in respect of the land, the equivalent population on which those contributions were based.

6.7.3 For the purposes of Clause 6.7.2, determination of equivalent populations shall be undertaken using a method appropriate to the relevant planning scheme precinct or specific development use, as specified in the Policy Support Document.

6.7.4 Where the equivalent population for a particular development application cannot be determined from the information contained in the Policy Support Document, the increase in equivalent population shall be as determined by Council. The determination shall be made having regard to such information to the extent that it is relevant to the proposed development.

6.7.5 Where the service demand to be placed on Council's water supply system and/or sewerage system by a development is assessed from the application as being greater than that which would normally result from applying the equivalent population calculation basis and service demand criteria outlined in the Policy Support Document, the development shall be deemed water intensive.

The equivalent population for a water intensive development shall generally be derived from actual water demands and sewage quantity and quality to be generated by the development, as determined by Council using the service demand criteria outlined in the Policy Support Document.

6.7.6 Following the completion of any development (whether or not a water intensive development), where the actual service demand as measured by Council exceeds the demand assessed from the development application and on which headworks contributions required were based, Council may:

- revise the calculation of contributions payable in accordance with the measured service demand; and
- notify the owner of the subject land of the shortfall in headworks contributions attributable to the additional service demand.

Within one month of such notification, the owner shall either:

- pay Council the shortfall in headworks contributions as previously notified; or

- advise Council of steps to be taken (eg, flow control valves) to limit service demands to the levels on which contributions were originally based.

If the owner fails to so pay or advise Council, Council may itself take steps to so limit service demand and recover the costs thereof from the owner.

6.8 Approvals Prior to 1st September 1985

6.8.1 Council's previous Policies in respect of developer contributions for water supply and sewerage infrastructure provided for headworks contributions which were payable in two stages: the first component at rezoning approval and the second at subdivision approval.

6.8.2 In accordance with Section 6.2(6)(a) of the repealed Act, where an application to reconfigure a lot is received by Council, and where Council had prior to 1st September 1985 approved an application for rezoning without subdivision, the applicant may be required under the Policy to make further contributions as a condition of approval, but equivalent only to the second component which would have been payable under Council's previous Policies prior to that date.

6.8.3 The headworks contributions payable in respect of the application shall therefore be assessed on the basis of the number of lots resulting from the subdivision and the headworks contribution rates in force immediately prior to 1st September 1985, which are included in Table A3 of the Policy Support Document.

6.8.4 The headworks contribution rates referred to in Clause 6.8.3 shall be indexed annually under the Policy in accordance with the Brisbane Building Price Index published in Rawlinsons Australian Construction Handbook. The current rates are shown in Council's Register of General Charges.

6.9 Headworks Contributions for Rural Developments

6.9.1 In the case of land within the Rural precinct, it may be feasible for certain water mains to be extended and/or connections to be made to the water supply system. Where new lots are proposed to be created or a person applies for a connection to the water supply system and such connection is feasible based on sound engineering practice as determined by Council, such approval shall be subject to conditions requiring the applicant to pay:

- the full capital cost of the connection plus capitalised cost of additional operation and maintenance costs, all as determined by Council; and
- relevant infrastructure contributions towards water supply headworks and/or works external determined in accordance with the Policy.

6.9.2 Connections under Clause 6.9.1 will not be permitted by Council where a regional or zonal trunk main is the only feasible source of supply.

6.10 Determination and Payment of Headworks Contributions

6.10.1 Calculation of headworks contributions shall be based on the headworks contribution rates applicable at the date a development application is lodged with Council. The headworks contributions shall be applicable for a period of twelve (12) months from the date of the development approval, and thereafter shall be based on the headworks contribution rates applicable at the date when payment is made.

6.10.2 Council may require the applicant to lodge a specified security for the payment of headworks contributions, in accordance with Clause 6.11 of the Policy.

6.10.3 The headworks contributions for any proposed development will be determined as follows, upon lodgement with Council of the relevant document(s):

6.10.3.1 On lodgement of a development application for reconfiguring a lot, there shall be paid to Council a headworks contribution calculated as follows:

Headworks contribution = A x B where,

A is the increase in equivalent population for that part of the land included in the development application determined in accordance with the Policy at the date the development application is lodged with Council, but no equivalent population is to be assigned in respect of any parts of the land included in the development application which are:

i) to be dedicated for town planning or road purposes;
ii) to be dedicated for open space purposes;
iii) to be surrendered to the Crown; or
iv) Project Lots;

and

B is the applicable aggregate headworks contribution rate for the locality in which the lot is situated at the date the development application is lodged with Council.

6.10.3.2 On lodgement of a development application for the issue of a development permit for building work for any part(s) of the land (excluding a detached house or dual occupancy dwelling, if headworks contributions have previously been paid to Council pursuant to Clause 6.10.3.1), there shall be paid to Council a headworks contribution calculated as follows:

Headworks contribution = A x B
where,

A is the increase in equivalent population for the proposed building determined in accordance with the Policy at the date the development application is lodged with Council;

and

B is the applicable aggregate headworks contribution rate for the locality in which the lot is situated at the date the development application is lodged with Council.

6.10.3.3 On lodgement of a development application for a material change of use to use any part of the land for any development requiring impact or code assessment as set out in the Planning Scheme, where that use does not involve the erection of a building requiring a development permit for building work, there shall be paid to Council an infrastructure contribution calculated as follows:

Headworks contribution = A x B

where,

A is the increase in equivalent population for the use calculated in accordance with the Policy at the date the development application is lodged with Council;

and

B is the aggregate headworks contribution rate for the locality in which the part of the land is situated at the date the development application is lodged with Council.

6.10.4 Payment of headworks contributions need not accompany the development application, but shall be made:

i) pursuant to Clause 6.10.3.1 before Council is obliged to approve the Plan of Subdivision;
ii) pursuant to Clause 6.10.3.2 before Council is obliged to issue the development permit for building work; and
iii) pursuant to Clause 6.10.3.3 before Council is obliged to issue the required development permit enabling the use to commence.

6.10.5 Where a headworks contribution is paid pursuant to Clause 6.10.3.2 and the Development Permit in respect of which the headworks contribution is made expires by effluxion of time or is relinquished prior to construction of the building, the Council must refund the amount of the headworks contribution paid in connection with that development permit for building work.

6.11 Lodgement of Securities

6.11.1 Council may require as a condition of the approval of a development application that the Developer lodge a specified security for the payment of headworks contributions. Such security shall be required on developments as determined by Council, to allow Council to program and construct headworks with an assurance that the headworks funds will be available.

6.11.2 The amount of the security bond required to be lodged shall be determined by Council and will be based on the best information available to Council regarding the development. Generally the amount of the bond shall be calculated using the gross area of the development as a basis, unless a more accurate assessment can be made of the estimated cost of providing the service(s) at the discretion of Council.

6.11.3 The amount of the security bond shall be subject to adjustment at the time of partial or full call-up in respect of the component amounts attributable to water supply and sewerage headworks contributions, in line with increases in water supply and sewerage headworks contribution rates respectively.

6.11.4 The security bond shall be lodged at the time stated in an agreement or as otherwise stipulated by Council. Where no agreement exists, the bond shall generally be lodged at the time stated in the conditions of approval of the development application.

6.11.5 Security bonds lodged in respect of headworks contributions shall be either in cash or in the form of an irrevocable Bank Guarantee from a bank registered under the Banking Act, a finance company which is predominantly owned by such bank or banks, or from such other company as may be determined by Council from time to time by resolution, and shall state the purpose of the guarantee and the real property description of the development to which it applies. The Bank Guarantee shall be open-ended with no lapse date while the approval has effect.

6.11.6 A security bond held by Council may be called up by Council either on the date stipulated in the agreement establishing the bond, or on the date when headworks contributions are payable, whichever occurs first.

6.11.7 At the time when payment of all or part of the headworks contributions is due, and a security bond is still held by Council, the Developer shall pay the amount due at the headworks contribution rates applicable at the time of payment, whereupon the bond or part thereof will be surrendered by Council. If the payment in cash is not made by the due date, the security bond will be called up by Council. Any balance due after the calling up of the security bond shall be payable in cash by the Developer.

6.12 Design and Construction of Headworks

6.12.1 The design and construction of headworks as defined or determined under the Policy will generally be undertaken by Council.

6.12.2 The inclusion of land within the area served by headworks, as indicated in the Policy Support Document, and/or the levying of a headworks contribution does not automatically entitle a Developer to the immediate construction of all headworks as may be necessary to serve the development. Council maintains a Capital Works Program for the construction of headworks, generally substantiated by approved planning reports.

6.12.3 Under Council's normal arrangements, programmed headworks will be provided for in Council's budget and constructed by Council as programmed, and the responsibility of the Developer will be generally limited to payment of headworks contributions determined in accordance with the Policy.

6.12.4 Except for the current budget year, the Capital Works Program is indicative only and may vary depending upon such diverse matters as the final development mix of approved developments, the uses to be made of buildings erected on land within the City area, the annual rate of development and changes from time to time in the strategic development of the City. The Capital Works Program is not meant in any way to place a rigid obligation on Council as to the amount and timing of headworks construction to be undertaken by Council.

7.0 Contributions Towards Works External

7.1 Extent of Works External

7.1.1 Works internal must be connected to Council's existing scheme by works external, at the point nominated by Council. Council will define the nominated connection point in each case.

7.1.2 Works external shall not include works already defined as headworks in the Policy Support Document.

7.1.3 Works external may include any augmentation of existing works necessary to meet Council's desired standard of service within the development.

7.1.4 The extent of works external will be as determined by Council. The cost of such determination, including the cost of providing to Council any related information required by Council, shall be borne by the Developer.

7.2 Financing of Works External

7.2.1 Subject to Clause 7.2.2, the total cost of works external shall be the responsibility of the Developer. Where Council agrees to construct the works external, advance funding shall be provided by the Developer, subject to Clause 7.2.4.

7.2.2 Council may enter into an agreement with the Developer under which the capacity of certain works external is increased to enable them to also serve other developments in the vicinity. Any such agreement shall provide for Council to reimburse the Developer for the additional construction cost attributable to the increased capacity of such works, as determined by Council.

For Council's purposes in recovering from other Developers such amounts reimbursed, once ownership of the relevant works has passed to Council they may be redesignated as headworks and included in the extent of headworks defined in accordance with Clause 6.3, prior to or at the next review of the extent and cost of headworks as provided for in Clauses 6.3.6 and 6.5.10 respectively.

Only Council's contribution to the cost of such works shall be included in the revised cost of headworks.

7.2.3 Where Council, previous to determining an application, has funded or contributed towards the cost of construction of works external to provide additional capacity which will service the subject land, the Developer shall, as a condition of approving the application, be required to make a contribution towards the cost of such works. This contribution shall be determined by Council as the present-day cost of the additional capacity, to include applicable holding costs to when payment of such contribution is made.

7.2.4 When the works external are to be constructed by Council, Council may require the Developer to lodge a security bond, generally in accordance with Clause 6.11 of the Policy, for payment of the Developer's share of the cost of works external.

7.3 Cost of Works External

7.3.1 Where Council enters into an agreement with the Developer pursuant to Clause 7.2.2, the cost of works external and its apportionment shall be determined by Council with regard to the planned population of the area to be served, according to the general principles outlined in Clause 6.5 of the Policy.

7.3.2 Where applicable, the cost of works external and the Developer's contribution towards works external shall be indexed annually by applying the appropriate Brisbane Building Price Index published in Rawlinsons Australian Construction Handbook and periodically reviewed, taking account of any new works external required.

7.4 Design and Construction of Works External

7.4.1 The design and construction of works external may be undertaken by Council or the Developer at the absolute discretion of Council.

7.4.2 Where it is decided that the Developer should undertake the works, an agreement shall be entered into between Council and the Developer in accordance with Clause 12.0 of the Policy. Amongst other things, the agreement shall require the Developer to:

(i) conform to Council's construction standards as set out in its Subdivision and Engineering Works code;
(ii) adhere to a competitive tendering process approved by Council; and
(iii) to submit to Council all tenders received, together with a tender report and recommendation, for approval prior to entering into any contract for construction of the works.

Any approvals of other Statutory Bodies and/or other landholders required of the Developer in such cases shall be the Developer's sole responsibility.

7.4.3 Reimbursement of construction costs for approved works external undertaken by the Developer shall not be finalised until the Developer has submitted in a format acceptable to Council, details of the construction contract final claim and any supporting information Council deems necessary to justify the final contract value. Final inspection and acceptance by Council of the works on maintenance shall also be a prerequisite to agreement on reimbursement.

7.4.4 Council may permit or require the Developer to construct temporary works external, at the Developer's cost and in accordance with Clause 9.0 of the Policy, until such time as the permanent works are constructed.

8.0 Contributions Towards Works Internal

8.1 Extent of Works Internal

8.1.1 Works internal shall not include works defined as works external, or works already defined as headworks in the Policy Support Document.

8.2 Financing of Works Internal

8.2.1 The total cost of works internal shall generally be the responsibility of the Developer.

8.2.2 Council may enter into an agreement with the Developer under which the capacity of certain works internal is increased to enable them to also serve other developments in the vicinity. Any such agreement shall provide for Council to reimburse the Developer for the additional construction cost attributable to the increased capacity of such works, as determined by Council.

For Council's purposes in recovering from other Developers such amounts reimbursed, once ownership of the relevant works has passed to Council they may be redesignated as headworks and

included in the extent of headworks defined in accordance with Clause 6.3, prior to or at the next review of the extent and cost of headworks as provided for in Clauses 6.3.6 and 6.5.10 respectively.

Only Council's contribution to the cost of such works shall be included in the revised cost of headworks.

8.2.3 For clarity it is reaffirmed that, except as provided in Clause 7.2.2, Council is not responsible for construction or the cost of any part of the works internal.

8.3 Cost of Works Internal

8.3.1 Where Council enters into an agreement with the Developer pursuant to Clause 8.2.2, the cost of works internal and its apportionment shall be determined by Council with regard to the planned population of the area to be served, according to the general principles outlined in Clause 6.5 of the Policy.

8.3.2 Where applicable, the cost of works internal and the Developer's contribution towards works internal shall be indexed annually by applying the appropriate Brisbane Building Price Index published in Rawlinsons Australian Construction Handbook and periodically reviewed, taking account of any new works internal required.

8.4 Design and Construction of Works Internal

8.4.1 Works internal shall be designed and constructed by the Developer to the satisfaction of Council so as to conform to Council's construction standards, as set out in its Subdivision and Engineering Works Code, and to serve fully the area of land capable of being developed. In this regard:

(i) at the time part of any land is developed in accordance with an approval issued pursuant to the Act or Council's Planning Scheme, the works internal in that part of the land must be

designed and constructed to meet the reasonably anticipated level, nature and intensity of development capable of being established upon full development, even though the development approved by the relevant development approval does not require works internal to that extent; and

(ii) Council may require the submission by the Developer lodging a development application of reasonable information as specified by Council where the existing information is insufficient for Council to determine the reasonably anticipated level, nature and intensity of development for the purposes of Clause 8.4.1.i).

8.4.2 Council may permit or require the Developer to construct temporary works internal, at the Developer's cost and in accordance with Clause 9.0 of the Policy, until such time as permanent works are constructed.

9.0 Temporary Works

9.1 It is Council's practice to minimise the incidence of temporary water supply and sewerage works within the City and such works will be required or permitted only in exceptional circumstances.

9.2 The construction of temporary works by a Developer in order to allow the subject development to proceed pending provision of permanent works may be permitted or required by Council as a condition of approval of the development application, in accordance with Clauses 7.4.4 and 8.4.2 of the Policy.

9.3 All capital costs of temporary works shall be borne by the Developer.

9.4 Where Council approves the construction of temporary works, the costs of operation and maintenance of any temporary works shall be borne as follows:

(i) all operation costs during the maintenance period shall be paid by Council;

(ii) all maintenance costs during the maintenance period shall be paid by the Developer;

(iii) all operation and maintenance costs following expiry of the maintenance period shall be paid by the Developer.

9.5 Where approvals are required for temporary works from other Statutory Bodies and/or other landholders, these shall be the sole responsibility of the Developer.

10.0 Agreements

10.1 Agreements may be required as determined by Council. Such agreements may be confined to requirements for water supply and sewerage for the development or could encompass all aspects of the development including water supply and sewerage.

10.2 Where an agreement is required, details to be assessed and covered by the agreement shall include those matters listed in Section 6.3(1) of the repealed Act, including and in addition (as applicable):

a) The equivalent population applying to the development.
b) The required headworks contributions dissected into each headworks category.
c) The date by which headworks contributions are to be paid.
d) Nature and amount of any security to be lodged and details of the use and release of such security.
e) Details of any works to be constructed by Council and/or the Developer, including programming of such works.
f) Details of responsibility for financing, design and construction of any works, including land acquisition.
g) Provision for any reimbursement of the Developer for additional construction cost attributable to increased capacity of works external or works internal.
h) Details of any contribution required of the Developer towards the cost of works external funded by Council, in accordance with Clause 7.2.3 of the Policy.

i) Details of any approved temporary works, including programming of such works.

j) Any other details deemed appropriate by Council.

10.3 Any agreement required under this Clause shall be in writing and shall be prepared by Council at the Developer's cost, or by the Developer at the Developer's cost subject to such agreement being to the satisfaction of Council.

11.0 Register Of Infrastructure Contributions

11.1 All infrastructure contributions paid to Council by Developers shall be subject to procedures prescribed under the Integrated Planning Act, Local Government Act, and Local Government Finance Standard.

11.2 Council shall maintain a register, in such form as Council reasonably determines, and in respect of each separate parcel of land for which Council has determined infrastructure contributions, in which shall be recorded at least the following:

- all infrastructure contributions payable;
- all infrastructure contributions received; and
- all securities lodged with Council in respect of payment of such infrastructure contributions.

11.3 On application and payment of a fee fixed by Council resolution, Council shall supply to the applicant details of all contributions paid in respect of the subject land, whether such contributions were determined and/or paid before or after adoption of the Policy.