



Infrastructure Charges Notice

PLANNING ACT 2016, SECTION 121

Application number:	D/168-2022	Contact:	Declan Cox
Date of Decision:	8 September 2023	Contact Number:	07 4936 8099

1. APPLICANT DETAILS

Name:	Nationwide Machinery Sales & Hire		
Postal address:	C/- Capricorn Survey Group (Cq) Pty Ltd PO BOX 1391 ROCKHAMPTON QLD 4700		
Phone no:	07 4927 5199	Mobile no:	0407 581 850
Email:	reception@csgcq.com.au		

2. PROPERTY DESCRIPTION

Street address:	71 Foster Street, Gracemere
Property description:	Lot 28 on RP604012

3. OWNER DETAILS

Name:	N K Schwarz and P M Schwarz
Postal address:	35 Hewill Drive GRACEMERE QLD 4702

4. DEVELOPMENT APPROVAL

Development Permit for a Material Change of Use for Outdoor Sales

5. INFRASTRUCTURE CHARGE

Charges Resolution (No. 1) of 2022 for **non-residential development** applies to the application.

As at the date of the Decision, it is determined the charge for Outdoor Sales under the Charges Resolution, when automatic indexation is applied in accordance with section 3.1, exceeds the prescribed amount (maximum charge) under Schedule 16 of the *Planning Regulation 2017* (the Planning Regulation). Therefore, the maximum charge under Schedule 16 of the Planning Regulation is reflected herein –

The Infrastructure Charges are as follows:

- (a) A charge of \$16,604.49 for Gross Floor Area being 106.85 square metres (site office, shipping containers and living area of dwelling house); and
- (b) A charge of \$7,703.40 for Impervious Area being 712 square metres (hard stand area, office, mechanical igloo and wash pad area).

No credit applies to the development as the lot credit is consumed by the retention of the Dwelling house use.

The below table reflects the prescribed amounts in Schedule 16 of the Planning Regulation rather than the Charges Resolution:

Column 1 Use Schedule	Column 1A Use	Column 2 Adopted Infrastructure Charge for non-residential development (\$)		Column 3 Calculated Charge
		(a) per m² of Gross Floor Area (GFA)	(b) per m² Impervious to Stormwater	
Commercial	Outdoor Sales	155.40		\$16,604.49
			11.10	\$7,903.20
Total Base Charge				\$24,507.69
Less Credit				Nil
TOTAL CHARGE				\$24,507.69

Therefore, a total charge of **\$24,507.69** is payable for the development.

No offsets or refunds are applicable for the development.

This charge is subject to automatic increases from when the charges are levied until when they are paid in accordance with section 114 of the *Planning Act 2016* and Council's *Infrastructure Charges Resolution No. 1 of 2022*.

6. WHEN CHARGE IS PAYABLE

The infrastructure charges of **\$24,507.69** must be paid when the change of use happens.

7. LAPSING OF INFRASTRUCTURE CHARGES NOTICE

This Infrastructure Charges Notice lapses if the development approval to which it pertains ceases to have effect in accordance with section 85 of the *Planning Act 2016*.

8. RIGHTS OF APPEAL

This Decision Notice may be appealed in accordance with the following sections of the PA:

- (i) Chapter 6 (Dispute Resolution), Part 1 (Appeal Rights); and
- (ii) Schedule 1 (Appeals).

Appeals against an Infrastructure Charges Notice

The person given an infrastructure charges notice may appeal the infrastructure charges notice on 1 or more of the following grounds —

- (a) the notice involved an error relating to —
 - (i) the application of the relevant adopted charge; or
 - Examples of errors in applying an adopted charge —
 - The incorrect application of gross floor area for a non-residential development.
 - Applying an incorrect 'use category', under a regulation, to the development.
 - (ii) the working out of extra demand, for section 120 of PA; or
 - (iii) an offset or refund; or
- (b) there was no decision about an offset or refund; or

- (c) if the infrastructure charges notice states a refund will be given—the timing for giving the refund; or
- (d) the amount of the charge is so unreasonable that no reasonable relevant local government could have imposed the amount.

To remove any doubt, it is declared that the appeal against an infrastructure charges notice must not be about —

- (a) the adopted charge itself; or
- (b) for a decision about an offset or refund —
 - (i) the establishment cost of infrastructure identified in an LGIP; or
 - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

The appeal must be started within 20 business days after the day the recipient is given the relevant infrastructure charges notice.

Appeals to the Planning and Environment Court

Information about how to proceed with an appeal to the Planning and Environment Court may be found on the Court's website:


<http://www.courts.qld.gov.au/courts/planning-and-environment-court>

Appeals to the Development Tribunal

Information about how to proceed with an appeal to the Development Tribunal may be found on the Department of Housing and Public Works' website:

<http://www.hpw.qld.gov.au/construction/BuildingPlumbing/DisputeResolution/Pages/DevelopmentTribunals.aspx>

9. ASSESSMENT MANAGER

Name: Amanda O'Mara COORDINATOR <u>DEVELOPMENT ASSESSMENT</u>	Signature: 	Date: 14 September 2023
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PAYMENT METHODS

An invoice for the Infrastructure Charge amount, including automatic increase, can be requested by contacting Council on telephone 07 4932 9000 or via email enquiries@rrc.qld.gov.au.

Payment methods will be detailed in an invoice and include paying in person, by credit card or BPAY.