



# Amended Infrastructure Charges Notice

PLANNING ACT 2016, SECTION 121

Application number:	D/83-2017	Contact:	Kathy McDonald
Date of Decision:	18 September 2022	Contact Number:	07 4936 8099

## 1. APPLICANT DETAILS

Name:	Crab Investments No. 3 Pty Limited		
Postal address:	C/- Vision Surveys (Qld) Pty Ltd PO BOX 1337 ROCKHAMPTON QLD 4700		
Phone no:	4948 3781	Mobile no:	Email: <a href="mailto:andrea@vsqld.com.au">andrea@vsqld.com.au</a>

## 2. PROPERTY DESCRIPTION

Street address:	1 Nagle Drive, Norman Gardens
Real property description:	Lot 203 on SP316282, Parish of Murchison

## 3. OWNER DETAILS

Name:	Crab Investments No. 3 Pty Limited Tte
Postal address:	PO BOX 220 BANKSTOWN NSW 1885

## 4. DEVELOPMENT APPROVAL

Development Permit for Material Change of Use for a Child Care Centre

## 5. CHANGES TO INFRASTRUCTURE CHARGES NOTICES

Changed	20 June 2022
Changed	18 September 2023

## 6. 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 the proposed use 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 for each land use is reflected herein –

- (a) A charge of \$157,575.60 for Gross Floor Area being 1,014 square metres (Child Care Centre);
- (b) A charge of \$34,709.70 for Impervious Area being 3,127 square metres (roof area, hardstand areas, access, and parking areas); and
- (c) An Infrastructure Credit of \$31,080.00, applicable for the existing allotment.

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)	(b)	
		per m <sup>2</sup> of Gross Floor Area (GFA)	per m <sup>2</sup> Impervious to Stormwater	
Educational Facility	Child Care Centre	155.40		\$157,575.60
			11.10	\$34,709.70
Total Charge				\$192,285.30
Total Credit				\$31,080.00
<b>TOTAL CHARGE</b>				<b>\$161,205.30</b>

Therefore, a total charge of \$161,205.30 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*.

## 7. WHEN CHARGE IS PAYABLE

The infrastructure charges of **\$161,205.30** must be paid when the change of use happens.

## 8. 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*.

## 9. 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>

#### **10. ORIGINAL ASSESSMENT MANAGER**

Name: <b>Amanda O'Mara</b> <b><u>COORDINATOR DEVELOPMENT ASSESSMENT</u></b>	Date: 23 June 2022
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#### **11. ASSESSMENT MANAGER**

Name: <b>Amanda O'Mara</b> <b><u>COORDINATOR</u></b> <b><u>DEVELOPMENT ASSESSMENT</u></b>	Signature: 	Date: 25 September 2023
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