



# Amended Infrastructure Charges Notice

PLANNING ACT 2016, SECTION 121

Application number:	<b>D/299-2014</b>	Contact:	Declan Cox
Date of Decision:	<b>20 July 2023</b>	Contact Number:	07 4936 8099

## 1. APPLICANT DETAILS

Name:	<b>Apollo Care Properties Pty Ltd Tte</b>		
Postal address:	Level 2 16 O'Connell Street SYDNEY NSW 2000		
Mobile no:	0418 689 599	Email:	barry.ashcroft@apollocare.com.au

## 2. PROPERTY DESCRIPTION

Street address:	20 Withers Street, Kawana
Real property description:	Lot 101 on SP329781

## 3. OWNER DETAILS

Name:	Presbyterian Church of Qld-Department for Social Mission		
Postal address:	C/- Prescare PO BOX 771 TOOWONG BC QLD 4066		

## 4. DEVELOPMENT APPROVAL

<b>Development Permit for Material Change of Use for Aged Care Accommodation</b>
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## 5. CHANGES TO INFRASTRUCTURE CHARGES NOTICES

Changed	20 July 2023
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## 6. INFRASTRUCTURE CHARGE

As a consequence of the change representations, Council is required to amend the infrastructure charges notice as follows:

Charges Resolution (No. 1) of 2022 for **non-residential development** applies to the application. The Infrastructure Charges are as follows:

- (a) A charge of \$1,180,106.20 for Gross Floor Area being 7,693 square metres (80 Bed RAC Facility, Activities Hall, 44 Bed Special Care Facility, Kitchen and Laundry, and Grounds/Maintenance Shed) (Based on area/building schedule of approved plans);
- (b) A charge of \$78,020.94 for Impervious Area being 7,125.2 square metres (roof area, hardstand areas, access, and parking areas) (refer to ECM# 40524996)
- (c) An Infrastructure Charge Credit as follows:
  - (i) A credit of \$447,467.80 for Gross Floor Area being 2,917 square meters (Cottages and Jasmine Court)

In accordance with section 3.1 of *Charges Resolution (No.1) of 2022*, the base charge will be automatically increased using the Producer Price Index (PPI), adjusted according to the three (3) yearly PPI average quarterly percentage change between financial quarters; and

The automatic increase and development incentive calculations are reflected in the below table:

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	
Essential Services	Residential Care Facility	153.40		\$1,180,106.20
			10.95	78,020.94
Total Base Charge				\$1,258,127.14
Charge (including PPI)				\$1,302,141.07
Total Base Credit				\$447,467.80
Credit (including PPI)				\$463,121.87
TOTAL CHARGE				\$839,019.20

Therefore, a total charge of \$839,019.20 is payable for the development. As the development is staged, Infrastructure Charges will need to appear for each stage as follows:

Stage	GFA (m <sup>2</sup> )	Impervious Area (m <sup>2</sup> )	Charge (\$)		Total (\$)
			GFA	Impervious	
1	2,912	7,125.2	462,328.40	80,750.40	TBC*
2	4,781		759,062.62		TBC*

\* The infrastructure charge for each stage of development will be recalculated upon confirmation from the Applicant of the impervious area increase at each stage.

No refunds or offsets are applicable to 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 **\$839,019.20** 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>Tarnya Fitzgibbon</b> <b><u>MANAGER DEVELOPMENT AND BUILDING</u></b>	Date: 9 June 2015
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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: 28 July 2023
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