



# Negotiated Infrastructure Charges Notice

PLANNING ACT 2016, SECTION 121

Application number:	<b>D/22-2024</b>	Contact:	Aidan Murray
Date of Decision:	<b>29 April 2024</b>	Contact Number:	07 4936 8099

## 1. APPLICANT DETAILS

Name:	<b>Z D Bennetts</b>				
Postal address:	<b>C/- Capricorn Survey Group (CQ) Pty Ltd PO BOX 1391 ROCKHAMPTON QLD 4700</b>				
Phone no:	07 4927 5199	Mobile no:	0407 581 850	Email:	reception@csgcq.com.au

## 2. PROPERTY DESCRIPTION

Street address:	362 and 360 Salamanca Street, Frenchville
Property description:	Lot 79 and 80 on RP602339

## 3. OWNER DETAILS

Name:	Z D Bennetts
Postal address:	14 Berserker Street, BERSERKER QLD 4701

## 4. DEVELOPMENT APPROVAL

<b>Development Permit for Reconfiguring a Lot for a Subdivision (two lots into four lots) and Access Easements</b>
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## 5. INFRASTRUCTURE CHARGE

Charges Resolution (No. 1) of 2022 for **Reconfiguring a Lot** applies to the application. The Infrastructure Charges are as follows:

- (a) A charge of \$122,710.60 for four (4) new allotments; and
- (b) An Infrastructure Credit of \$122,710.60 for four dwellings with three or more bedrooms.

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.

The calculations are reflected in the below table:

Column 1 Use	Column 2 Infrastructure Charge (\$)	Column 3 Unit	Column 4 Calculated Charge
Reconfiguring a lot	30,677.65	per lot	\$122,710.60

Total Base Charge	\$122,710.60
Charge (including PPI)	\$134,993.37
Total Base Credit	\$122,710.60
Credit (including PPI)	\$134,993.37
<b>LEVIED CHARGE</b>	<b>\$0</b>

Therefore, a total charge of **\$0.00** is payable for the development.

No offsets or refunds are applicable for the development.

#### **6. 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*.

#### **7. 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>

#### **8. ASSESSMENT MANAGER**

Name: **Amanda O'Mara**  
**COORDINATOR**  
**DEVELOPMENT ASSESSMENT**

Signature:



Date: 31 May 2024