



Infrastructure Charges Notice (Amended)

PLANNING ACT 2016, SECTION 121

Application number:	D/170-2022	Contact:	Kathy McDonald
Date of Decision:	21 January 2025	Contact Number:	07 4936 8099

1. APPLICANT DETAILS

Name:	Gemstone Lifestyle No 3 Pty Ltd				
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:	192 Dean Street, Berserker
Property description:	Lot 8 on RP607712 and Lot 24 on RP607814, Parish of

3. OWNER DETAILS

Name:	Kele Property Group (Qld) Pty Ltd
Postal address:	PO BOX 449, ROCKHAMPTON QLD 4700

4. DEVELOPMENT APPROVAL

'Other Change' to Development Permit for Material Change of Use for a staged Retirement Facility (57 Dwellings)

5. CHANGES TO INFRASTRUCTURE CHARGES NOTICES

Changed	27 August 2024
Changed	21 January 2025

6. INFRASTRUCTURE CHARGE

Charges Resolution (No. 1) of 2022 for **accommodation (short and long term)** applies to the application. The Infrastructure Charges are as follows:

- A charge of \$1,249,246.20 for 57 x two (2) bedroom dwelling suites (retirement facility); and
- An Infrastructure Credit of \$61,355.30, applicable for the existing two (2) allotments.

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.

As at the date of the Decision, it is determined the charge for a **Retirement Facility** 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 –

Column 1	Column 1A	Column 2	Column 3	Column 4
		Adopted Infrastructure Charge	3	Calculated

Use Schedule	Use	for residential development			Unit	Charge
		(\$)				
		(a)	(b)	(c)		
		2 or less b'room	3 or more b'room	Not part of suite		
Accommodation (Long Term)	Retirement Facility	24,609.05	N/A	N/A	Per b'room or suite	\$1,402,715.85
					Total Max Charge	\$1,402,715.85
					Total Max Credit	\$68,905.30
					TOTAL CHARGE	\$1,333,810.55

The Infrastructure Charge is payable in stages:

- A charge of \$246,090.50 for ten (10) dwellings (Stage One); and
An Infrastructure Credit of \$68,905.30 applicable for two (2) existing allotments.
Therefore, a total charge of \$177,185.20 is payable for Stage one.
- A charge of \$246,090.50 for ten (10) dwellings is payable for Stage two;
- A charge of \$246,090.50 for ten (10) dwellings is payable for Stage three;
- A charge of \$196,872.40 for eight (8) dwellings is payable for Stage four;
- A charge of \$467,571.95 for nineteen (19) dwellings is payable for Stage five;
- No charge for Stage six (club house and outdoor open space and recreation).

Therefore, a total charge of **\$1,333,810.55** is payable for the development.

7. WHEN CHARGE IS PAYABLE

The infrastructure charges of **\$1,333,810.55** 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:

- Chapter 6 (Dispute Resolution), Part 1 (Appeal Rights); and
- 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 —

- the notice involved an error relating to —
 - 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.
 - the working out of extra demand, for section 120 of PA; or
 - 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: Amanda O'Mara <u>COORDINATOR</u> <u>DEVELOPMENT ASSESSMENT</u>	Date: 3 September 2024
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11. ASSESSMENT MANAGER

Name: Kathy McDonald <u>ACTING COORDINATOR</u> <u>DEVELOPMENT ASSESSMENT</u>	Signature: 	Date: 28 January 2025
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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.