



Infrastructure Charges Notice (Amended)

PLANNING ACT 2016, SECTION 121

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|---------------------|-------------------|-----------------|----------------|
| Application number: | D/2-2023 | Contact: | Kathy McDonald |
| Date of Decision: | 10 September 2024 | Contact Number: | 07 4936 8099 |

1. APPLICANT DETAILS

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|-----------------|--|------------|--------------|
| Name: | B R Brewery Pty Ltd | | |
| Postal address: | 111 Bottlebrush Drive LAMMERMOOR QLD 4703 | | |
| Phone no: | N/A | Mobile no: | 0401 666 031 |
| Email: | bigrocksbrewing@hotmail.com | | |

2. PROPERTY DESCRIPTION

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|-----------------------|-----------------------------------|
| Street address: | 304 Quay Street, Rockhampton City |
| Property description: | Lot 1 on RP608441 |

3. OWNER DETAILS

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|-----------------|--|
| Name: | Bare Stable Pty Ltd Tte |
| Postal address: | 111 Bottlebrush Drive, LAMMERMOOR QLD 4703 |

4. DEVELOPMENT APPROVAL

Development Permit for Material Change of Use for Special Industry (Microbrewery), Hotel and Shop

5. CHANGES TO INFRASTRUCTURE CHARGES NOTICES

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|---------|-------------------|
| Changed | 10 September 2024 |
|---------|-------------------|

6. INFRASTRUCTURE CHARGE

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

- (a) A charge of \$12,847.95 for Gross Floor Area being 167.40 square metres (Special Industry/Microbrewery);
- (b) A charge of \$133,651.00 for Gross Floor Area being 610 square metres (Hotel - non accommodation);
- (c) A charge of \$3,865.12 for Gross Floor Area being 19.6 square metres (Shop);
- (d) No charge for Impervious Area being 809 square metres (existing roof area); and
- (e) An Infrastructure Credit of \$84,227.60 made up as follows:
 - (i) \$84,227.60 - Infrastructure Credit applicable for the existing warehouse structure (1,537 square metres x \$54.80).

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

In accordance with Development Incentives Policy, section 3.5 of the *Charges Resolution (No. 1) of 2022*, the levied charge will be 85 per cent of the total charge calculated.

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) per m ² of Gross Floor Area (GFA) | (b) per m ² Impervious to Stormwater | |
| High Impact Industry or Special Industry | Special Industry | 76.75 | 10.95 | \$12,847.95 |
| Commercial (retail) | Shop | 197.20 | 10.95 | \$3,865.12 |
| Entertainment | Hotel | 219.10 | 10.95 | \$133,651.00 |
| Total Base Charge | | | | \$150,364.07 |
| Charge (including PPI) | | | | \$168,135.23 |
| Total Base Credit | | | | \$84,227.60 |
| Credit (including PPI) | | | | \$94,182.25 |
| TOTAL CHARGE | | | | \$73,952.98 |
| LEVIED CHARGE (15% discount applied) | | | | \$62,860.03 |

The Infrastructure Charges are payable in stages:

- No charge for Stage One (Special Industry - Microbrewery and Shop); and
- A charge of \$62,860.03 is payable for Stage Two (Hotel).

Therefore, a total charge of \$62,860.03 is payable 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 **\$62,860.03** must be paid when the change of use happens for Stage 2.

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

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| Name: | Amanda O'Mara COORDINATOR DEVELOPMENT ASSESSMENT | Date: | 11 July 2023 |
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11. ASSESSMENT MANAGER

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| Name: | Amanda O'Mara COORDINATOR DEVELOPMENT ASSESSMENT | Signature: |  | Date: | 18 September 2024 |
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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.