

**INFRASTRUCTURE CHARGE NOTICE**  
(Section 119 of the Planning Act 2016)

**ISAAC REGIONAL COUNCIL CHARGES RESOLUTION (NO. 3) 2021**

Date of Issue of Decision Notice: 18 November 2021

Attention: Justin Peel

Jen Ash Investments Pty Ltd  
C/- Justin Peel  
PO Box 4499  
MACKAY QLD 4740

Dear Sir/Madam

**APPROVED DEVELOPMENT:** Material Change of Use (Development Permit) for Outdoor Sales

**APPLICATION NUMBER:** MCU21/0015

**APPLICANT:** Jen Ash Investments Pty Ltd  
C/- Justin Peel

**OWNER:** Jen Ash Investments Pty Ltd

**LAND TO WHICH CHARGE APPLIES:** Lot 11 on M97339

**SITE ADDRESS:** 7 Bacon Lane, Moranbah

**PLANNING SCHEME:** *Isaac Regional Planning Scheme 2021*

**THE INFRASTRUCTURE CHARGE**

*(Details of how these charges were calculated are shown overleaf)*

GROSS LEVIED CHARGE	\$84,335.50
OFFSETS APPLIED GROSS	Nil
REFUNDS APPLIED	Nil
CREDITS (DISCOUNTS) APPLIED	-\$26,971.30
INFRASTRUCTURE AGREEMENT IN PLACE AT TIME OF ISSUE OF THIS INFRASTRUCTURE CHARGES NOTICE	Nil
<b>LEVIED CHARGE</b>	<b>\$57,364.20</b>

## **TIME OF PAYMENT (Sec 122(1) (a) *Planning Act 2016*)**

Prior to commencing use for each relevant stage.

### **1. ADJUSTMENTS TO THE INFRASTRUCTURE CHARGE**

#### **1.1. AUTOMATIC INCREASE PROVISION**

An infrastructure charge levied by Council is to be increased by the difference between the Producer Price Index (PPI) applicable at the time the infrastructure charge was levied, and PPI Index applicable at the time of payment of the levied charge, adjusted by reference to the 3-yearly PPI Index average<sup>1</sup>.

If the levied charge is increased using the method described above, the charge payable is the amount equal to the sum of the charge as levied and the amount of the increase. The total sum levied for any of the infrastructure networks can not exceed the maximum adopted charge rate for that infrastructure network calculated for the additional demand of the approved development.

Upon request Council shall provide the indexation amount that needs to be added to the levied charge and confirm the total amount outstanding.

#### **1.2. INFRASTRUCTURE AGREEMENT**

An Infrastructure Agreement may apply in respect of this Infrastructure Charges Notice. The Infrastructure Agreement may be entered into before or after the Decision Notice is issued for the approved development. An agreement about either or both of the following may be entered into:

- a. payment other than as provided by Section 122 of the *Planning Act 2016*, for instance payment by instalment;
- b. provision of infrastructure instead of paying all or part of the levied charge.

In the event of an inconsistency between an Infrastructure Agreement and this Infrastructure Charges Notice, the Infrastructure Agreement may prevail pursuant to Section 157 of the *Planning Act 2016*.

#### **1.3. FAILURE TO PAY**

A levied charge for infrastructure fixed by a local government is, for the purposes of recovery, as per Section 144(1) of the *Planning Act 2016*. This is taken to be a rate within the meaning of the *Local Government Act 2009*. This means:

- a. an adopted infrastructure charge may be recovered by court action for a debt;
- b. an adopted infrastructure charge may be recovered from the person for the time being owning the relevant land, regardless of who was the owner or other person upon whom the charges was imposed;
- c. interest is payable on overdue payments (Compound annual interest at 11% calculated daily is to be applied on an overdue charge); and
- d. if a levied charge is unpaid for 3 years, the land can be sold to recover the outstanding charges.

### **2. PAYMENT OF THE INFRASTRUCTURE CHARGE**

#### **2.1. PAYMENT BY MAIL**

Confirm the current levied charge applicable and obtain an updated payment notice from Council's Planning Department.

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<sup>1</sup> 3-yearly PPI index average is defined in schedule 2 of the *Planning Act 2016* and means the PPI index smoothed in accordance with the 3-year moving average quarterly percentage change between quarters. PPI Index is the producer price index for construction 6427.0 (ABS PPI) index number 3101 – Road and Bridge construction index for Queensland published by the Australian Bureau of Statistics.

Mail this updated payment notice immediately with your payment to: ISAAC REGIONAL COUNCIL,  
PO Box 97, MORANBAH QLD 4744.

**NOTE:** Cheques must be made payable to ISAAC REGIONAL COUNCIL

## **2.2. PAYMENT AT COUNCIL OFFICES**

Confirm the current levied charge applicable.

Present written confirmation of charges with your payment to an Isaac Regional Council Office.  
Please see Council's website for locations.

**NOTE:** Cheques must be made payable to ISAAC REGIONAL COUNCIL

## **2.3. PAYMENT MADE BY CREDIT CARD**

Credit Cards accepted: Mastercard or Visa

## **2.4. PAYMENT MADE BY ELECTRONIC FUND TRANSFER (EFT)**

BSB: 014-550  
Account No: 485 702 245  
Account Name: ISAAC REGIONAL COUNCIL  
Reference: ICN Notice Number

Provide Council with a copy of the EFT transfer receipt or remittance advice and copy of the confirmed current applicable levied charge.

## **3. OTHER MATTERS**

### **3.1. LAPSING OF INFRASTRUCTURE CHARGES NOTICE**

This Infrastructure Charges Notice stops having effect to the extent the approved development stops having effect.

### **3.2. GOODS AND SERVICES TAX**

The Federal Government has determined that rates and utility charges levied by a Local Government will be GST free. Accordingly, no GST is included in this Infrastructure Charges Notice.

### **3.3. RATIONALE FOR ISSUE OF INFRASTRUCTURE CHARGES NOTICE**

Isaac Regional Council has issued this Infrastructure Charges Notice as a result of additional demand placed upon trunk infrastructure that will be generated by the approved development.

### **3.4. CONTACT**

For further information please contact your local Council:

**Phone: 1300 ISAACS (1300 47 22 27)**  
**or +617 4846 3500 if phoning from overseas**  
**or 07 4846 3500 (alternative phone number)**

Write to:  
The Chief Executive Officer  
Isaac Regional Council  
PO Box 97  
MORANBAH QLD 4744

E-mail: [records@isaac.qld.gov.au](mailto:records@isaac.qld.gov.au)  
(In order for us to receive your email, please ensure it is no larger than 10MB)

Send a message on our 'Contact' located on the web page:

<https://www.isaac.qld.gov.au/contact-us/home>

This web page also lists all of our office locations if you would prefer to visit your nearest Council office, open Monday to Friday, 8.30 am to 5 pm.

### 3.5. APPEAL RIGHTS

Should you wish to appeal an Infrastructure Charges Notice, you may make representations to Isaac Regional Council within twenty (20) business days after receipt of the Infrastructure Charges Notice, under section 125 of the *Planning Act 2016*.

Isaac Regional Council may only give one (1) negotiated infrastructure charge notice in respect of section 125 of the *Planning Act 2016*.

Attached is an extract from the *Planning Act 2016* which details the appeal rights in relation to the Infrastructure Charges Notice, 'Planning Act 2016 – Appeals Information'.

### GROSS CHARGE SUMMARY

**Table 1: Water Supply Adopted Charges**

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Outdoor Sales	250	Per m <sup>2</sup> of Gross Floor Area	\$36.00	Table 2.2	\$9,000.00
Other industry (Service centre)	862	Per m <sup>2</sup> of Gross Floor Area	\$13.00	Table 2.2	\$11,206.00
<b>Total Gross Levy Charge</b>					<b>\$20,206.00</b>

**Table 2: Water Supply Credit Land Use (Discount)**

\* Highest value of (a), (b), (c) or (d) or (e) is to be applied as the discount.

\*\* If site is located where it will not to be serviced or planned to be serviced by Council trunk sewerage and water supply then those components shall be deducted from the total adopted charge payable).

\*\*\* A discount calculated in this table will not be higher than the levied charge for proposed development and surplus discount will not be refunded, unless it forms part of an infrastructure agreement.

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
Existing Office (demolished)	142	Per m <sup>2</sup> of Gross Floor Area	\$36.00	Table 2.2	-\$5,112.00
Other industry (Existing Workshop)	102	Per m <sup>2</sup> of Gross Floor Area	\$13.00	Table 2.2	-\$1,326.00
<b>Total Discount</b>				Section3.1(c)	<b>-\$6,438.00</b>

**Table 3: Sewerage Adopted Charges**

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Outdoor Sales	250	Per m <sup>2</sup> of Gross Floor Area	\$35.00	Table 2.2	\$8,750.00
Other industry (Service centre)	862	Per m <sup>2</sup> of Gross Floor Area	\$12.00	Table 2.2	\$10,344.00
<b>Total Gross Levy Charge</b>					<b>\$19,094.00</b>

**Table 4: Sewerage Credit Land Use (Discount)**

\* Highest value of (a), (b), (c) or (d) or (e) is to be applied as the discount.

\*\* If site is located where it will not to be serviced, or planned to be serviced by Council trunk sewerage and water supply then those components shall be deducted from the total adopted charge payable).

\*\*\* A discount calculated in this table will not be higher than the levied charge for proposed development and surplus discount will not be refunded, unless it forms part of an infrastructure agreement.

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
Existing Office (demolished)	142	Per m <sup>2</sup> of Gross Floor Area	\$35.00	Table 2.2	-\$4,970.00
Other industry (Existing Workshop)	102	Per m <sup>2</sup> of Gross Floor Area	\$12.00	Table 2.2	-\$1,224.00
<b>Total Discount</b>				Section3.1(c)	<b>-\$6,194.00</b>

**Table 5: Transport Adopted Charges**

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Outdoor Sales	250	Per m <sup>2</sup> of Gross Floor Area	\$80.15	Table 2.2	\$20,037.50
Other industry (Service centre)	862	Per m <sup>2</sup> of Gross Floor Area	\$29.00	Table 2.2	\$24,998.00
<b>Total Gross Levy Charge</b>					<b>\$45,035.50</b>

**Table 6: Transport Credit Land Use (Discount)**

\* Highest value of (a), (b), (c) or (d) or (e) is to be applied as the discount.

\*\* If site is located where it will not to be serviced, or planned to be serviced by Council trunk sewerage and water supply then those components shall be deducted from the total adopted charge payable).

\*\*\* A discount calculated in this table will not be higher than the levied charge for proposed development and surplus discount will not be refunded, unless it forms part of an infrastructure agreement.

Description	Number of Units	Units of Measure	Discount Rate	Reference	Amount
Existing Office (demolished)	142	Per m <sup>2</sup> of Gross Floor Area	\$80.15	Table 2.2	-\$11,381.30
Other industry (Existing Workshop)	102	Per m <sup>2</sup> of Gross Floor Area	\$29.00	Table 2.2	-\$2,958.00
<b>Total Discount</b>				Section3.1(c)	<b>-\$14,339.30</b>

**Table 7: Total Adopted Infrastructure Charge**

Development Description	Water Supply	Sewerage	Transport	Public Parks & Community Land	Stormwater	Total
Outdoor sales and Other industry	\$20,206.00	\$19,094.00	\$45,035.50	N/A	N/A	<b>\$84,335.50</b>
Less Discount	-\$6,438.00	-\$6,194.00	-14,339.30	N/A	N/A	<b>-\$26,971.30</b>
<b>Total Infrastructure Charges</b>	<b>\$13,768.00</b>	<b>\$12,900.00</b>	<b>\$30,696.20</b>			<b>\$57,364.20</b>

## **Application of an offset or refund**

### 1. APPLICABLE OFFSETS AND REFUNDS

Infrastructure offsets and refunds apply when developers are required to provide trunk infrastructure. These may be physical works (such as a sewer main) or land to accommodate infrastructure (for a future road upgrade). The infrastructure (or land) requirement will be conditioned as part of a development approval. In those circumstances, the cost of that trunk infrastructure will be offset against any infrastructure charges payable under the development approval (as an Infrastructure Charges Notice will still be issued where adopted infrastructures apply).

Where the cost of providing the trunk infrastructure is greater than the infrastructure charges, a refund will be paid to the developer.

There are no offsets or refunds associated with this approved development.



**MICHAEL ST CLAIR**  
**Manager Liveability and Sustainability**  
(On behalf of Jeff Stewart-Harris, Chief Executive Officer)

Encl: Appeal Rights

## Planning Act 2016 – Appeals Information

### Chapter 6: Part 1 Appeal Rights

#### 229 Appeals to tribunal or P&E Court

- (1) Schedule 1 states—
  - (a) matters that may be appealed to—
    - (i) either a tribunal or the P&E Court; or
    - (ii) only a tribunal; or
    - (iii) only the P&E Court; and
  - (b) the person—
    - (i) who may appeal a matter (the appellant); and
    - (ii) who is a respondent in an appeal of the matter; and
    - (iii) who is a co-respondent in an appeal of the matter; and
    - (iv) who may elect to be a co-respondent in an appeal of the matter.
- (2) An appellant may start an appeal within the appeal period.
- (3) The **appeal period** is—
  - (a) for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency; or
  - (b) for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
  - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or
  - (d) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
  - (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given—30 business days after the applicant gives the deemed approval notice to the assessment manager; or
  - (f) for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

*Note—See the P&E Court Act for the court’s power to extend the appeal period.*
- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency’s response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt, it is declared that an 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 trunk infrastructure identified in a LGIP; or
    - (ii) the cost of infrastructure decided using the method included in the local government’s charges resolution.

#### 230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that—
  - (a) is in the approved form; and
  - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar, must, within the service period, give a copy of the notice of appeal to—
  - (a) the respondent for the appeal; and
  - (b) each co-respondent for the appeal; and
  - (c) for an appeal about a development application under schedule 1, table 1, item 1—each principal submitter for the development application; and
  - (d) for an appeal about a change application under schedule 1, table 1, item 2—each principal submitter for the change application; and
  - (e) each person who may elect to become a co-respondent for the appeal, other than an eligible submitter who is not a principal submitter in an appeal under paragraph (c) or (d); and
  - (f) for an appeal to the P&E Court—the chief executive; and

- (g) for an appeal to a tribunal under another Act—any other person who the registrar considers appropriate.
- (4) The **service period** is—
  - (a) if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or
  - (b) otherwise—10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent by filing a notice of election, in the approved form, within 10 business days after the notice of appeal is given to the person.
- (7) Despite any other Act or rules of court to the contrary, a copy of a notice of appeal may be given to the chief executive by emailing the copy to the chief executive at the email address stated on the department's website for this purpose.

### 231 Other appeals

- (1) Subject to this chapter, schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.
- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section—
  - decision** includes—
    - (a) conduct engaged in for the purpose of making a decision; and
    - (b) other conduct that relates to the making of a decision; and
    - (c) the making of a decision or the failure to make a decision; and
    - (d) a purported decision; and
    - (e) a deemed refusal.
  - non-appealable**, for a decision or matter, means the decision or matter—
    - (a) is final and conclusive; and
    - (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the *Judicial Review Act 1991* or otherwise, whether by the Supreme Court, another court, any tribunal or another entity; and
    - (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, any tribunal or another entity on any ground.

### 232 Rules of the P&E Court

- (1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.
- (2) However, the P&E Court may hear and decide an appeal even if the person has not complied with rules of the P&E Court.