

Our Ref.: MCU24/0011

9 October 2024

**SENT BY EMAIL TO:** [rgumina@urbis.com.au](mailto:rgumina@urbis.com.au)

Dyno Nobel Moranbah Pty Ltd  
C/- Urbis  
Level 32,  
300 George Street  
Brisbane QLD 4000

Attention: Rueben Gumina

Dear Sir

**INFRASTRUCTURE CHARGE NOTICE (AMENDED)**

**SECTION 121 OF THE PLANNING ACT 2016**

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

**APPLICATION DETAILS**

APPLICATION TYPE:	Request to Make a Minor Change to a Development Approval
APPLICATION NUMBER:	MCU24/0011
APPLICANT:	Dyno Nobel Moranbah Pty Ltd C/- Urbis
OWNER:	Dyno Nobel Moranbah Pty Ltd
SITE ADDRESS:	667 Goonyella Road, Moranbah
PROPERTY DESCRIPTION:	Lot 13 on SP191679
PLANNING INSTRUMENT:	Isaac Regional Planning Scheme 2021, Version 1.1

## APPROVAL DETAILS

DECISION DATE:	9 September 2024
NATURE OF APPROVAL:	Approved
TYPE OF APPROVAL:	Minor Change to Development Approval

## THE INFRASTRUCTURE CHARGE

Date of Issue of Infrastructure Charge Notice:	8 October 2024
Timing of Payment:	In accordance with Section 122 of the <i>Planning Act 2016</i> :  If the charge applies for a material change of use — When the change happens.

GROSS LEVIED CHARGE	\$20,137.60
CREDITS APPLIED	NIL
NET LEVIED CHARGE	\$20,137.60
APPLICABLE OFFSETS	NIL
APPLICABLE REFUNDS	NIL
INFRASTRUCTURE AGREEMENT IN PLACE AT TIME OF ISSUE OF THIS INFRASTRUCTURE CHARGES NOTICE	NIL
LEVIED CHARGE PAYABLE	\$20,137.60 (+ Annual Adjustments)

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

## ADJUSTMENTS TO THE INFRASTRUCTURE CHARGE

### 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>.

<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.

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 cannot 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.

## **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*.

## **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.

## **PAYMENT OF THE INFRASTRUCTURE CHARGE**

### **1. PAYMENT BY MAIL**

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

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. 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

**3. PAYMENT MADE BY CREDIT CARD**

Credit Cards accepted: Mastercard or Visa

**4. PAYMENT MADE BY ELECTRONIC FUND TRANSFER (EFT)**

BSB:	084-789
Account No:	71 664 4960
Account Name:	ISAAC REGIONAL COUNCIL
Reference:	ICN MCU24/0011

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

**OTHER MATTERS**

**1. LAPSING OF INFRASTRUCTURE CHARGES NOTICE**

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

**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. 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.

**4. 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. The levied charge has been calculated in accordance with Isaac Regional Council Charges Resolution (No.3) 2021, the Planning Act 2016 and the Planning Regulation 2017.

## 5. 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.

## 6. APPEAL RIGHTS

This Decision Notice may be appealed in accordance with the following sections of the *Planning Act 2016*:

- (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.

## 7. HOW THE LEVIED CHARGE WAS WORKED OUT – CALCULATION SUMMARY

### A. Charges – Extra Demand

**Table 1: Water Supply Adopted Charges**

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Special industry	496	Per m <sup>2</sup>	\$18.00	Table 2.2	\$0.00

**Table 2: Sewerage Adopted Charges**

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Special industry	496	Per m <sup>2</sup>	\$17.00	Table 2.2	\$0.00

**Table 3: Transport Adopted Charges**

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Special industry	496	Per m <sup>2</sup>	\$40.60	Table 2.2	\$20,137.60

**Table 4: Parks and Land for Community Facilities Adopted Charges**

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Special industry	496	Per m <sup>2</sup>	\$0.00	Table 2.2	\$0.00

**Table 5: Stormwater Adopted Charges**

Development Description	Number of Units	Units of Measure	Charge Rate	Reference	Amount
Special industry	496	Per m <sup>2</sup>	\$0.00	Table 2.2	\$0.00

**Table 6: All Networks Levied Charges**

<b>Development Description</b>	<b>Water Supply</b>	<b>Sewerage</b>	<b>Transport</b>	<b>Parks &amp; Land for Community Facilities</b>	<b>Stormwater</b>	<b>Total</b>
Special industry	\$0.00	\$0.00	\$20,137.60	\$0.00	\$0.00	\$20,137.60
<b>Total</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$20,137.60</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$20,137.60</b>

**B. Credits**

No credits applicable. The charge is for additional GFA only. No charge has been applied to existing lawful use that is remaining on the site.

**8. OFFSET OR REFUND**

No offsets or refunds are applicable to this application or calculation of applicable levied charges.

If you have any further queries in relation to the above, please do not hesitate to contact Paul Hanly via email [liveability.sustainability@isaac.qld.gov.au](mailto:liveability.sustainability@isaac.qld.gov.au) quoting reference no. MCU24/0011.

Yours faithfully



**KENT WORSLEY**  
**Acting Manager Liveability and Sustainability**  
(on behalf of Cale Dendle, Chief Executive Officer)