ABN: 21 627 796 435
PO Box 3226 LOGAN CITY DC QLD 4114
Ph: 3412 3412
Email: council@logan.qld.gov.au
Web Address: www.logan.qld.gov.au

INFRASTRUCTURE CHARGES DECISION NOTICE - PLANNING ACT 2016

CHARGES NOTICE NUMBER	**LCC/439/2023**
APPLICATION NUMBER	**MCUI/24/2023**
PROPERTY ADDRESS	**3303 & 3305 Logan Road, UNDERWOOD QLD 4119**
PROPERTY DESCRIPTION	**Lot 36 SL 10904, Lot 37 SL 10904**

1. DECISION DATE

21 September 2023

2. DECISION

This Infrastructure Charge Notices (ICN) has been approved by Logan City Council and is attached to the abovementioned development application. The decision was made by Logan City Council on the date listed in Item 1 of this Decision Notice.

3. ISSUING AN INFRASTRUCTURE CHARGES NOTICE UNDER CHAPTER 4 OF THE PLANNING ACT 2016

Infrastructure charges are triggered and issued on development approvals as a contribution towards the cost of trunk infrastructure provided to service development throughout the City of Logan. For development approved from 3 July 2017, adopted infrastructure charges are governed by local government charges resolutions in accordance with the Planning Act 2016 (PA) and the Planning Regulation 2017 (PR).

The PA:

(a) authorises local governments to do either or both of the following for development approvals in relation to trunk infrastructure:
  (i) adopt, by resolution, charges for development infrastructure and levy the charges;
  (ii) impose particular conditions about development infrastructure; and
(b) authorises local government, for non-trunk infrastructure, to impose particular conditions about development infrastructure; and
(c) provides for a regulation to govern local government adopted charges for trunk infrastructure. Logan City Council levies infrastructure charges on development under its adoption of the Logan Charges Resolution (No.11) 2023.

The triggers for levying infrastructure charges are outlined in the PA and are generally triggered by the issue of a development permit, if development is—

(a) a material change of use;
(b) reconfiguring a lot; or
(c) building work

for a use as stated in Schedule 16, Column 1 of the PR.

Under the PA, infrastructure charges are not imposed by condition on a development permit - they are an action that follows the issue of a permit.

A levied charge under an infrastructure charges notice—

(a) is subject to sections 120 and 129 of the PA; and
(b) is payable by the applicant; and
(c) attaches to the premises; and
(d) becomes payable as provided for under Chapter 4 subdivision 4 of the PA; and
(e) is subject to an agreement under section 123(1) of the PA.

4. EFFECT OF INFRASTRUCTURE CHARGES NOTICE (LEVIED CHARGE TAKEN TO BE RATES)

An infrastructure charge levied by a local government is, for the purposes of recovery, taken to be a rate within the meaning of the Local Government Act 1993. This means:

(a) an infrastructure charge may be recovered by court action for a debt;
(b) an infrastructure charge may be recovered from the current owner of the relevant land, regardless of who the owner or other person upon whom the charge was imposed;
(c) interest is payable on overdue payments; and
(d) if charges are unpaid, the land can be sold to recover the outstanding charges.

5. CHANGING CHARGES DURING RELEVANT APPEAL PERIOD

Prior to making an appeal about an infrastructure charges notice, the recipient should first make representations to the infrastructure charges notice in accordance with Chapter 4, Subdivision 5 of the PA.

6. 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—

(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

7. DEFERRALS, OFFSETS AND/OR REFUNDS

Information about Council's policies regarding incentives and offsets and/or refunds can be found in the following sections of the Logan Charges Resolution:
• Section 8 - Incentives;
• Section 9 - Conversion criteria; and
• Section 10 - Offset and refund for trunk infrastructure.

8. FURTHER INFORMATION

For further information about this ICN please contact the Infrastructure Charges Unit on:
Phone (07) 3412 3412; or
Email: ICUGeneral@logan.qld.gov.au

ABN: 21 627 796 435
PO Box 3226 LOGAN CITY DC QLD 4114
Ph: 3412 3412
Email : council@logan.qld.gov.au
Web Address: www.logan.qld.gov.au

Logan City Council Infrastructure Charges Notice (ICN)

To:
Evangelical Formosan Church Of Rohi Inc
C/- Jerome Fang
505/77 Victoria St
WEST END QLD 4101

Date of Calculation:	15 August 2023
Charge Notice No:	LCC/439/2023
Document ID:	16879915
File No:	1329716-1

	Development to which the infrastructure charges in this notice apply:
Type of Development Approval:	Material Change of Use
Application Number:	MCUI/24/2023 **Stage No:** 0
Application Description:	Place of Worship
	Land to which the infrastructure charges in this notice apply:
Property Key(s):	**186880, 186881**
Property Description:	Lot 36 SL 10904, Lot 37 SL 10904
Property Address:	3303 & 3305 Logan Road, UNDERWOOD QLD 4119
Adopted Infrastructure Charge:	**$75,930.35**
Applicable Reduction:	**$0.00**
Discount:	**$47,821.46**
Offset Amount:	**$0.00**
Incentive:	**$0.00**
Refund Amount:	**$0.00**
Nett Charge Payable:	**$28,108.89**
Trigger/Due Date for Payment:	**When the change happens**
Adjustment to Charge:	The total charge on this notice is current as at the date of issue, and an automatic increase provision applies. The total charge is subject to automatic increases in accordance with section 3.11 and 3.12 of the Logan Charges Resolution (No.11) 2023.
Related payments:	The total infrastructure charge may be reduced having regard to any infrastructure charge paid under a different infrastructure charge notice given in respect of the premises.
Payment by provision of infrastructure:	Part of or the entire charge amount on this notice may be offset by provision of infrastructure (including constructed assets or transfer of land to Logan City Council). Details of an applicable offset or refund is attached.
Charged under:	The Logan Charges Resolution (No.11) 2023, the Planning Act 2016, and the Planning Regulation 2017.
Authority for charge:	The infrastructure charges in this notice are payable in accordance with Section 119 of the Planning Act 2016.
Payment Details:	Payment must be made at trigger for payment in this notice and must accompany an invoice for payment. Payment of the charges must be made to **Logan City Council**. Payment can be made at any Council Customer Service Centre, electronically or by cheque to: **Logan City Council PO Box 3226, Logan City DC, Qld, 4114**

Failure to pay charge:	Logan City Council will pursue its legal remedies to recover the charge in accordance with legislation.
Effect of subdivision:	If the property description (lot and plan number) identified in this notice changes (for example if the land is subdivided) before payment of the charge: (a) the charge will apply to all newly created lot(s); and (b) the charge will be apportioned Details of the apportionment between each new lot will be available from the Council after the property description changes.
GST:	The Federal Government has determined that contributions made by developers to Government for infrastructure and services are GST exempt.
Enquiries:	Enquiries relating to this Infrastructure Charges Notice should be directed to the Infrastructure Charges Unit. Phone **(07) 3412 3412** during office hours - **8:00am to 5:00pm Monday to Friday** or via e-mail **council@logan.qld.gov.au.**

Stuart Smith
Infrastructure Coordination Senior Planner
Logan City Council

IMPORTANT NOTES:
PAYMENT CANNOT BE MADE ON THIS NOTICE.
AN INVOICE WILL BE RAISED WHEN THE TRIGGER FOR PAYMENT HAS BEEN REACHED.
The infrastructure charge amounts included in the charge calculation are subject to an automatic increase provision.
The total charge due at the date of payment is subject to change.

CITY OF LOGAN

DETAILS OF CHARGES ON INFRASTRUCTURE CHARGES NOTICE (ICN)

Charge Notice No:	LCC/439/2023	0
Date of Calculation:	15 August 2023	

Adopted Infrastructure Charge					
Defined Use	**Charging Category**	**Quantity**	**Unit**	**Charge per Unit ($)**	**Infrastructure Charge Payable**
Place of worship	Places of assembly	571.00	m2	$ 77.75	**$ 44,395.25**
Non Residential Impervious Area	Non Residential Impervious Area	2,841.00	m2 impervious area	$ 11.10	**$ 31,535.10**
Total Adopted Charge					**$75,930.35**

Reduction			
Charge Area	**Reduction Applicable**	**Charge Reduction**	**Infrastructure Reduction**
Water supply area	NO	12%	**$ -**
Sewerage area	NO	33%	**$ -**
Stormwater quantity area	NO	4%	**$ -**
Total Reduction			**$0.00**

Discount Applicable					
Defined Use	**Charging Category**	**Quantity**	**Unit**	**Charge per Unit ($)**	**Infrastructure Discount**
Office	Commercial (office)	96.00	m2	$ 155.40	**$ 14,918.40**
Non Residential Impervious Area	Non Residential Impervious Area	2,964.24	m2 impervious area	$ 11.10	**$ 32,903.06**
Total Discount					**$ 47,821.46**

Discount Reduction			
Charge Area	**Reduction Applicable**	**Charge Reduction**	**Infrastructure Discount Reduction**
Water supply area	NO	12%	**$ -**
Sewerage area	NO	33%	**$ -**
Stormwater quantity area	NO	4%	**$ -**
Total Reduction			**$ -**

Adopted Infrastructure Charge	**$75,930.35**
Charge Reduction (if applicable)	**$0.00**
Discount	**$47,821.46**
Nett Infrastructure Charge Payable	**$28,108.89**