



# Building Works and Associated Infrastructure Charges



## Self-Assessable Building Works and associated Infrastructure Charges

This fact sheet provides information to certifiers, the building industry and the public who undertake building works which are self-assessable development under the *Fraser Coast Planning Scheme 2014*, and may be liable for infrastructure charges.

This fact sheet provides information on:

- Types of infrastructure charges;
- The legislation that applies;
- The process Council will take to identify applications that fall under the process for payment of infrastructure charges;
- Who is responsible for payment; and
- Responsibilities of the industry.

## Types of Infrastructure Charges

Council's Adopted Infrastructure Charges Resolution establishes and prescribes infrastructure charges for water; sewerage; transport; parks and community land; and stormwater networks. In line with the Fraser Coast Planning Scheme, the resolution also outlines the use types to which infrastructure charges apply (use categories can be residential or non-residential).

## What legislative requirements affect houses and structures in Queensland?

The *Queensland Building Act 1975* (the Building Act) and the *Planning Act 2016* set out legal requirements for 'building works' in Queensland.

The *Planning Act 2016* sets out that Infrastructure Charges are payable "...if the charge applies to building work – when the certificate of classification or final inspection certificate for the building work is given."

## What type of Building Works may be affected?

The following building application types will be assessed for possible infrastructure charges:

- Commercial Industry
- Commercial Other
- Commercial Tenancy
- Commercial Building
- Multiple Dwellings (including dual occupancy)

## Process Implementation

**Stage 1** - Upon receipt by Council of the "Notice of Engagement" from a private certifier, Council will, within 10 working days, send a letter to the land owner and the certifier, notifying infrastructure charges may apply. Upon receipt of this letter, plans can be submitted to Council to provide an infrastructure charges quote.

**Stage 2** - Upon receipt of a Building Approval and associated plans, Council will formally assess the application against Council's Adopted Infrastructure Charges Resolution and the SPRP (State Planning Regulatory Provisions) to determine if Infrastructure Charges apply, and if necessary, issue an Infrastructure Charges Notice detailing the applicable charges. If it is deemed that infrastructure charges do not apply, a letter will be sent with this advice.

**Stage 3** - Should charges not be paid at the time of a final certificate of classification being issued, a letter will be issued advising charges have been transferred as an outstanding rate on the land.

## Important Facts

- Under the *Queensland Building Act 1975* - Certifiers are responsible for lodging a notice of engagement, and separately lodging a Building Approval including plans, prior to issuing a Certificate of Final Classification.
- Infrastructure charges are payable prior to issuance of final classification by a certifier.
- Land owners are responsible for payment of infrastructure charges, and these are payable prior to commencement of use or final classification.
- If use occurs or classification is given prior to infrastructure contributions being paid, these will automatically become an outstanding charge.

## Recovery of Unpaid Charges

An adopted 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 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 amounts (compound annual interest at 11% calculated daily is to be applied on an overdue charge); and
- d. If charges remain unpaid for a further three years (from the due date outlined in the charges notice), the land can be sold to recover the outstanding charges.

## Further Information

Council's Adopted Infrastructure Charges Resolution and Infrastructure Charges Incentives Administrative Policy can be found on Council's website in the Development (Infrastructure Charges and Incentives section) at [www.frasercoast.qld.gov.au](http://www.frasercoast.qld.gov.au).

## Further Assistance

For further information or assistance, please contact Council's Development and Planning Department on 1300 79 49 29.

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