



## **HINCHINBROOK SHIRE COUNCIL**

Your Ref: RC18\_0007  
Our Ref: AG: GV; RFP

7 February 2019

Milford Planning Consultants Pty Ltd  
PO Box 5463  
TOWNSVILLE QLD 4810

Email: [info@milfordplanning.com.au](mailto:info@milfordplanning.com.au)

### **DECISION NOTICE** **S83 Planning Act 2016**

Development application: Reconfiguration of land - Subdivision  
Property address: 1693 Hawkins Creek Road, Hawkins Creek  
Property description: Lot 6 on RP840949  
Application proposal: Reconfiguration of Land – Subdivision of One (1) Lot into Two (2) Lots

With reference to the above mentioned Development Application, please find attached the relevant Decision Notice which was Approved subject to conditions by Council on 29 January 2019 (290119-16) and the applicable Adopted Infrastructure Charges Notice which was Approved under Instrument of Delegation on 7 February 2019.

The notice includes extracts from the Act with respect to making representations about conditions, negotiated decisions, suspension of the appeal period, and lodging an Appeal.

Should you require any further information or clarification concerning the matter, please don't hesitate to contact Council's Development, Planning and Environmental Services on 4776 4609 at your earliest convenience.

Yours sincerely

Rosemary Pennisi  
Executive Manager Development, Planning & Environmental Services

Encl- Decision Notice  
Approved Plans/Documents  
Decision Notice Appeal Rights  
Adopted Infrastructure Charges  
Infrastructure Charges Appeal Rights



**DECISION NOTICE**  
***Planning Act 2016*****APPLICATION DETAILS**

Application Number:	RC18\0007
Property ID Number:	104691
Applicant Details:	Milford Planning Consultants Pty Ltd PO Box 5463 TOWNSVILLE QLD 4810
Owner Details:	Ian W Venables & Kerry A Venables 1693 Hawkins Creek Road INGHAM QLD 4850
Property Description:	1693 Hawkins Creek Road, Hawkins Creek, Queensland, 4850 Lot 6 on RP840949, Parish of Marathon
Proposal:	Reconfiguration of Land – Subdivision of One (1) Lot into Two (2) Lots
Level of Assessment:	Code Assessment
Assessment Benchmarks:	Reconfiguring a Lot Code; Rural Zone Code; Agricultural Land Overlay Transport Network Overlay Bushfire Hazard Overlay Code Flood Hazard Overlay Code; and Environmental Significance Overlay Code.

**DECISION**

Deemed Approval:	The application is not deemed to be approved under s.64 of the <i>Planning Act 2016</i> .
Decision:	Approved subject to conditions
Decision Date:	29 January 2019
Planning Instrument:	Hinchinbrook Shire Planning Scheme 2017
Submissions:	Not Applicable

**CONDITIONS OF APPROVAL**

The conditions of this approval are set out in the Schedule of Conditions. The conditions are identified to indicate whether the Assessment Manager or a referral agency (if any) imposed them.

**REFERRAL AGENCIES**

Not Applicable

**PROPERTY NOTES**

Not Applicable

**FURTHER DEVELOPMENT PERMITS REQUIRED**

Not Applicable



**RIGHTS OF APPEAL**

You may appeal against any matter stated in the Decision Notice. Chapter 6, Part 1 and Part 2 of the *Planning Act 2016* detail appeal rights afforded to the applicant and submitter/s (if any) to the Planning and Environment Court or Building and Development Dispute Resolution Committee. Attached are the relevant provisions of the *Planning Act 2016* relating to the Rights of Appeal.

**APPROVAL CURRENCY PERIOD**

s.85 of the *Planning Act 2016* indicates when an approval lapses, unless otherwise indicated within the conditions of approval.

**APPROVED PLANS & SPECIFICATIONS**

In accordance with the *Planning Act 2016*, a copy of the approved plans and specifications (if relevant) are attached.

**FURTHER INFORMATION**

The development must be carried out in accordance with the approved plans and specifications and the requirements of all relevant laws, and any deviation there from must have the prior approval of the Chief Executive Officer.

**NOTICE ABOUT DECISION – STATEMENT OF REASONS***PLANNING ACT 2016 & THE PLANNING REGULATION 2017*

This Notice is prepared in accordance with s.63(5) and s.83(7) of the *Planning Act 2016* to inform the public about a decision that has been made in relation to a development application. The purpose of the Notice is to enable a public understanding of the reasons for the planning decision, specifically having regard to:

- the relevant parts of the Planning Scheme and Assessment Benchmarks against which the application was assessed; and
- any other information, documents or other material Council was either required to, or able to, consider in its assessment.

All terms used in this Notice have the meanings given them in the *Planning Act 2016*.

**REASONS FOR THE DECISION**

The proposed development is considered to be consistent with the relevant overall outcomes of the planning scheme, in particular:

- The development is not considered to result in an incompatible land use intruding on (or compromising) the development and continuation of the primary use of the lots;
- The development will not compromise riparian vegetation and stream bank stability, remnant areas of native vegetation;
- The development provides allotments that facilitate the existing uses at an intensity appropriate to the existing use of the land and local area;
- The risks associated with natural hazards are avoided protecting persons and property enhancing the community's resilience to natural hazards; and
- Water Quality of high ecological value waters, freshwaters, estuaries, rivers, creeks, bays, groundwater, and the Great Barrier Reef will not be unduly impacted upon.



**CONDITIONS OF APPROVAL**

<b>RECONFIGURATION OF A LOT - SUBDIVISION CONDITIONS OF APPROVAL - LOT 6 ON RP840949</b>								
<b>Conditions</b>		<b>Compliance timing</b>						
<b>Administration</b>								
(1) The developer is responsible to carry out the approved development and comply with relevant requirements in accordance with: <ul style="list-style-type: none"> <li>a. The specifications, facts and circumstances as set out in the application submitted to Council, including recommendations and findings confirmed within the technical reports;</li> <li>b. The development must unless otherwise stated, be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards;</li> <li>c. The conditions of approval, the requirements of Council's Planning Scheme and best practice engineering;</li> <li>d. The conditions of the Infrastructure Charges Notice; and</li> <li>e. The conditions of the Referral Authority Advices 1809-7319 SRA dated 7 December 2018.</li> </ul>		At all times						
<b>Currency Period</b>								
(2) The currency period applicable to this approval. <ul style="list-style-type: none"> <li>• MCU/ROL – 4 years until 5 February 2023</li> </ul>		At all times						
<b>Approved plans</b>								
(3) The development of the site is to be generally in accordance with the following plans that are to be the approved Plans of Development, except as altered by any other condition of this approval:		At all times						
<table border="1"> <thead> <tr> <th>Plan / Document Name</th><th>Number</th><th>Date</th></tr> </thead> <tbody> <tr> <td>Proposed Reconfiguration Lots 1 and 2 Cancelling Lot 6 on RP840949</td><td>M1360-SK-01</td><td>21/08/2018</td></tr> </tbody> </table>		Plan / Document Name	Number	Date	Proposed Reconfiguration Lots 1 and 2 Cancelling Lot 6 on RP840949	M1360-SK-01	21/08/2018	
Plan / Document Name	Number	Date						
Proposed Reconfiguration Lots 1 and 2 Cancelling Lot 6 on RP840949	M1360-SK-01	21/08/2018						
(4) Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail.		At all times						
(5) Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for endorsement by Council.		At all times						
<b>Internal works</b>								
<b>Water</b>								
(6) <del>Written confirmation of the provision of adequate potable water supply to residences must be provided by the applicant to the Council;</del>		Prior to the Approval of Survey Plan						
<b>Sewerage</b>								
(7) On Site Sewer Treatment Plants must be provided in accordance to the requirements of the Plumbing and Drainage Act 2002 and Australian Standards 1547 if and when applicable;		At all times						
<b>Plumbing</b>								
(8) All plumbing and sanitary drainage works must be in accordance with regulated work under the Plumbing and Drainage Act 2002 and Council Plumbing and Drainage Policies.		At all times						





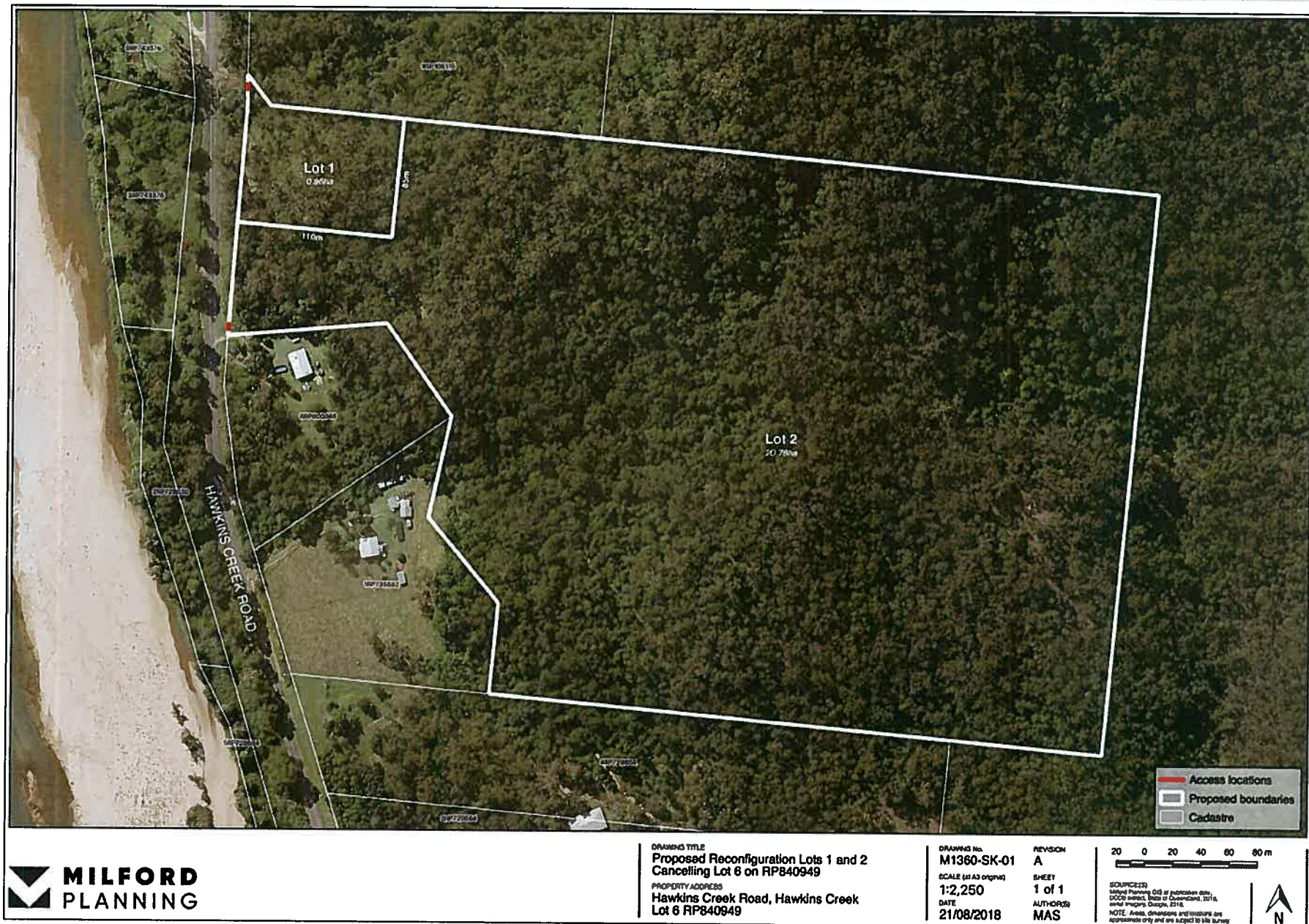
**RECONFIGURATION OF A LOT - SUBDIVISION**  
**CONDITIONS OF APPROVAL - LOT 6 ON RP840949**

<b>Conditions</b>	<b>Compliance timing</b>
<b>Drainage</b> (9) The surface drainage on the property must be managed on site. (i) surface drainage must be catered for in a manner that lessens possible impacts in receiving areas.  (10) All existing creek systems and drainage areas must be left in their current state, including no channel alterations and no removal of vegetation, unless consented to in writing by the Chief Executive Officer.  (11) That any works as a result of the reconfiguration must not interfere with stormwater flow over or through the land.	<p>At all times</p> <p>At all times</p> <p>At all times</p>
<b>External Works</b>	
<b>Lawful Point of Discharge</b> (12) A All stormwater from the property must be directed to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream from the development, all to the requirements and satisfaction of the Chief Executive Officer.  That any works as a result of the reconfiguration must not interfere with stormwater flow over or through the land.  <b>Access</b> (13) Access provision to all proposed allotments must be provided/constructed in accordance with Council's standard engineering specifications and to the satisfaction of the Chief Executive Officer or demonstrate that such is already in existence. Future maintenance of all accesses is the responsibility of the landowner.  (14) Driveway access to Lot 2 must be constructed on the northern side of the natural overland drain currently discharging from the property onto the road reserve and ensure any works constructed takes into account this flow path and the adjacent property access to minimise future erosion and damage to the road corridor and neighbouring existing access.	<p>At all times</p>   <p>Prior to the Approval of Survey Plan</p> <p>Prior to the Approval of Survey Plan</p>
<b>Private Works in a Road Reserve</b> (15) Works in a Road Reserve must be approved by Council through a Private Works in a road Reserve application.	<p>At all times</p>
<b>Other</b>	
<b>Existing Services</b> (16) Written confirmation of the location of existing electrical and telecommunication services for the land must be provided by either the applicant or a licensed surveyor. In any instance where existing services are contained within another lot, relocate the services to be contained within the respective lot or to within a reciprocal services easements.  <b>Construction</b> (17) Any construction work associated with this development shall be carried out in accordance with sound engineering practice. In particular, no nuisance is to be caused to adjoining residents by way of smoke, dust, stormwater discharge or siltation of drains, at any time, including non-working hours. Where material is to be carted to or from the site, loads are to be covered to	<p>Prior to the Approval of Survey Plan</p>  <p>At all times</p>

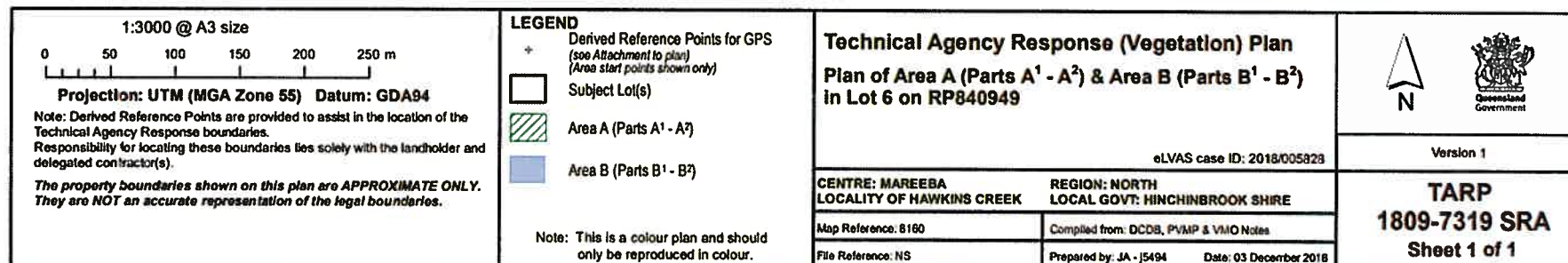
<b>RECONFIGURATION OF A LOT - SUBDIVISION</b> <b>CONDITIONS OF APPROVAL – LOT 6 ON RP840949</b>	
<b>Conditions</b>	<b>Compliance timing</b>
prevent dust or spillage. Where material is spilled or carried on to existing roads, it is to be removed forthwith so as to restrict dust nuisance and ensure traffic safety.	
<b>Damage to Infrastructure</b> <b>(18)</b> In the event that any part of Council's infrastructure is damaged as a result of work associated with the development, Council must be notified immediately of the affected infrastructure and have it repaired or replaced by Council, at no cost to Council. All works must be completed prior to the issue of a Compliance Certificate for the Plan of Survey.	At all times
<b>Electricity</b> <b>(19)</b> Provide evidence that adequate electricity supply standard or renewable energy will be supplied and is supported/approved by relevant authority.	Prior to the Approval of Survey Plan
<b>Telecommunication</b> <b>(20)</b> Provide evidence that adequate electricity supply standard or renewable energy will be supplied and is supported/approved by relevant authority.	Prior to the Approval of Survey Plan
<b>Refuse Storage</b> <b>(21)</b> Provide refuse storage areas that are not visible from the street or public areas; and are readily accessible by waste collection vehicles.	At all times
<b>Sediment Management/ Reef Protection</b> <b>(22)</b> Relevant mitigation measures must be undertaken during construction to minimize the rates of soil loss and sediment movement impacts to the Barrier Reef.	At all times













**APPEAL RIGHTS***PLANNING ACT 2016 & THE PLANNING REGULATION 2017***Chapter 6 Dispute resolution****Part 1 Appeal rights****229 Appeals to tribunal or P&E Court**

(1) Schedule 1 of the Planning Act 2016 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.

(Refer to Schedule 1 of the Planning Act 2016)

(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 has 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.



### 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 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, a tribunal or another entity; and
  - (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, a 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 the rules of the P&E Court



**ADOPTED INFRASTRUCTURE CHARGES NOTICE***Planning Act 2016***LAND TO WHICH THE INFRASTRUCTURE CHARGE APPLIES**

This Adopted Infrastructure Charge Notice relates to Development Application RC18\0007 approved on 29 January 2019 for Reconfiguration of Land – Subdivision of One (1) Lot into Two (2) Lot 6 on RP840949, Parish of Marathon.

**AMOUNT OF THE ADOPTED INFRASTRUCTURE CHARGE**

The adopted infrastructure charge has been calculated in accordance with an Adopted Infrastructure Charges Resolution under the *Planning Act 2016*.

**NET CHARGE AMOUNT - \$2,600.00+ annual adjustments and/or reviews**

**CHARGE CALCULATION**

ADOPTED INFRASTRUCTURE CHARGE CR1-2018				
RESIDENTIAL DEVELOPMENT				
Column 1	Column 2	Column 3		Column 4
Development Category	Networks	1 or 2 bedroom dwelling	3 or more bedroom dwelling	Unit
Residential	5			
Charge Category		\$4,500.00	\$6,500.00	
Development			2	\$13,000.00
Total Adopted Infrastructure Charge				\$13,000.00

ADOPTED INFRASTRUCTURE CHARGE CR1-2018				
EXISTING DEVELOPMENT CREDIT				
Column 1	Column 2	Column 3		Column 4
Charge Reduction Existing Development Rights	1 or 2 bedroom dwelling	3 or more bedroom dwelling	Calculated Credit(s)	Unit
		1	\$6,500.00	
SUBTOTAL				\$6,500.00
Charge Reduction Network(s)	Network Provided	Charge Reduction Percentage	Calculated Credit(s)	Unit
Transport	Yes	0.00%	\$0.00	\$0.00
Water	No	20.00%	\$1,300.00	\$1,300.00
Sewerage	No	20.00%	\$1,300.00	\$1,300.00
Stormwater	No	20.00%	\$1,300.00	\$1,300.00
Parks & Land for Community Facilities	Yes	0.00%	\$0.00	\$0.00
Total Adopted Infrastructure Charge Credit(s)				\$10,400.00

NET ADOPTED INFRASTRUCTURE CHARGE CR1-2018		
Gross Charge	Applied Credit	Net Charge
\$13,000.00	\$10,400.00	\$2,600.00

**REASONS FOR DECISION**

A revised Infrastructure charge calculated based on one (1) network service only (i.e. Transport Network) for the following reasons-





- (i) As per the indexation listed within CR1-2018 the proposal is considered creating a separate allotment that will allow a separate dwelling to be constructed. The property being in a rural area is only serviced by two (2) infrastructure networks.

### ADJUSTMENTS TO THE CHARGE

The amount of the adopted infrastructure charge is subject to escalation in accordance with the relevant legislation from the date of the notice to the date of payment.

### DUE DATE FOR PAYMENT

Payment of the total charge must be made to Council prior to the commencement of the use.

### PAYMENT DETAILS

Payment of the Adopted Infrastructure Charges must be made to the Hinchinbrook Shire Council. Payments can be made:

**In person:** 25 Lannercost Street, Ingham; or  
**Cheque sent to:** PO Box 366, Ingham, 4850

### GOODS AND SERVICES TAX

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

### FAILURE TO PAY CHARGE

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*. Compound annual interest at 10% calculated daily is to be applied to an overdue charge.

**This notice will lapse if the development approval stops having effect.**

### APPEAL RIGHTS

Attached is an extract from the *Sustainable Planning Act 2009*, which details the appeal rights in relation to this notice (sections 478, 535 and 675 to 680)

### PLEASE NOTE:

That under the provisions of the *Planning Act 2016* you the Applicant may:-

- (i) Make representation to Council to discuss the adopted infrastructure charges notice by contacting, Council's Chief Executive Officer. You must make these representations within 20 business days after the day you receive this notice. If Council alters the decision, you will be given a 'negotiated adopted infrastructure charges notice; or
- (ii) Appeal to the Planning and Environment Court within 20 business days after the day you receive this notice.

### OFFICE USE ONLY

Receipt No.		Date Received		Fee Paid	\$1300.00	Receipt Code	209
					\$1300.00		211
				TOTAL	\$2,600.00		



**APPEAL RIGHTS (Infrastructure Charges)**

The following is an extract from the *Sustainable Planning Act 2009*, Chapter 7 Appeals, offences and enforcement – Part 1 Planning and Environment Court, Division 10 Appeal to court about particular matters

**478 Appeals about particular charges for infrastructure**

1. This section applies to a person who has been given, and is dissatisfied with-
  - (a) an infrastructure charges notice, regulated infrastructure charges notice, adopted infrastructure charges notice or regulated State infrastructure charges notice; or
  - (b) a negotiated infrastructure charges notice, negotiated regulated infrastructure charges notice, negotiated adopted infrastructure charges notice or negotiated regulated State infrastructure charges notice.
2. The person may appeal to the court against the notice.
3. An appeal against a notice mentioned in subsection (1) must be started within 20 business days after the day the notice is given to the person.
4. An appeal under this section may only be about—
  - (a) whether a charge in the notice is so unreasonable that no reasonable relevant local government, State infrastructure provider or coordinating agency could have imposed it; or
  - (b) an error in the calculation of the charge.
5. To remove any doubt, it is declared that an appeal under this section can not be about the methodology used to establish an adopted infrastructure charge or the charge in a relevant infrastructure charges schedule, regulated infrastructure charges schedule or regulated State infrastructure charges schedule.

The following is an extract from the *Sustainable Planning Act 2009*, Chapter 7 Appeals, offences and enforcement – Part 2 Building & Development dispute resolution committees – Division 7 Appeals about particular charges

**535 Appeals against charges for infrastructure**

1. This section applies to a person who -
  - (a) has been given-
    - (i) an infrastructure charges notice, regulated infrastructure charges notice, adopted infrastructure charges notice or regulated State infrastructure charges notice; or
    - (ii) a negotiated infrastructure charges notice, negotiated regulated infrastructure charges notice, negotiated adopted infrastructure charges notice or negotiated regulated State infrastructure charges notice; and
  - (b) is dissatisfied with the calculation of a charge in the notice
2. The person may appeal to a building and development committee about an error in the calculation of the charge.
3. An appeal against a notice mentioned in subsection (1) must be started within 20 business days after the day the notice is given to the person.
4. To remove any doubt, it is declared that an appeal under this section can not be about the methodology used to establish an adopted infrastructure charge or the charge in a relevant infrastructure charges schedule, regulated infrastructure charges schedule or regulated State infrastructure charges schedule.

The following is an extract from the *Sustainable Planning Act 2009*, Chapter 8 Infrastructure Part 4 Changing Notices

**Section 675 Definition for Pt 4**

In this part—

**relevant appeal period**, for a person who has been given an infrastructure charges notice, regulated infrastructure charges notice, adopted infrastructure charges notice or regulated State infrastructure charges notice, means the period within which the person may appeal against the notice to the court or a building and development committee under section 478 or 535.

**Section 676 Application of Pt 4**

This part applies to a person who has been given an infrastructure charges notice, regulated infrastructure



charges notice, adopted infrastructure charges notice or regulated State infrastructure charges notice only during the person's relevant appeal period.

#### **Section 677 Representations about notice**

The person may make representations about the notice to the entity that gave the notice.

#### **Section 678 Consideration of representations**

The entity that gave the infrastructure charges notice, regulated infrastructure charges notice, adopted infrastructure charges notice or regulated State infrastructure charges notice must consider any representations made to the entity under section 677.

#### **Section 679 Decision about representations**

1. If the entity agrees with any of the representations, the entity must give to the person
  - (a) for representations about an infrastructure charges notice—a new infrastructure charges notice (the *negotiated infrastructure charges notice*); or
  - (b) for representations about a regulated infrastructure charges notice—a new regulated infrastructure charges notice (the *negotiated regulated infrastructure charges notice*); or
  - (c) for representations about an adopted infrastructure charges notice—a new adopted infrastructure charges notice (the *negotiated adopted infrastructure charges notice*); or
  - (d) for representations about a regulated State infrastructure charges notice—a new regulated State infrastructure charges notice (the *negotiated regulated State infrastructure charges notice*).
2. The entity may give only 1 negotiated infrastructure charges notice, negotiated regulated infrastructure charges notice, negotiated adopted infrastructure charges notice or negotiated regulated State infrastructure charges notice
3. The negotiated infrastructure charges notice, negotiated regulated infrastructure charges notice, negotiated adopted infrastructure charges notice or negotiated regulated State infrastructure charges notice—
  - (a) must be given within 5 business days after the day the entity agrees with the representations; and
  - (b) must be in the same form as the notice previously given; and
  - (c) must state the nature of the changes; and
  - (d) replaces the notice previously given.
4. If the entity does not agree with any of the representations, the entity must, within 5 business days after the day the entity decides not to agree with any of the representations, give a written notice to the person stating the decision about the representations.

#### **Section 680 Suspension of relevant appeal period**

1. If the person given the infrastructure charges notice, regulated infrastructure charges notice, adopted infrastructure charges notice or regulated State infrastructure charges notice needs more time to make the written representations, the person may, by written notice given to the entity that gave the notice, suspend the person's relevant appeal period.
2. The person may act under subsection (1) only once.
3. If the written representations are not made within 20 business days after the day written notice was given to the entity, the balance of the person's relevant appeal period restarts.
4. If the written representations are made within 20 business days after the day written notice was given to the entity—
  - (a) if the person gives the entity a notice withdrawing the notice under subsection (1)—the balance of the person's relevant appeal period restarts the day after the entity receives the notice of withdrawal; or
  - (b) if the entity gives the person a notice under section 679(4)—the balance of the person's relevant appeal period restarts the day after the person receives the notice; or
  - (c) if the entity gives the person a negotiated infrastructure charges notice, negotiated regulated infrastructure charges notice, negotiated adopted infrastructure charges notice or negotiated regulated State infrastructure charges notice (the *negotiated notice*)—the person's relevant appeal period starts again the day after the person receives the negotiated notice

