



HINCHINBROOK SHIRE COUNCIL

Your Ref: RC18\0009
Our Ref: AG; GV: RFP

7 February 2019

Kristy Gilvear
Gilvear Planning Pty Ltd
PO Box 228
BABINDA QLD 4861

Email: kristy@gilvearplanning.com.au

NEGOTIATED DECISION NOTICE ***S83 Planning Act 2016***

Development application: Reconfiguration of land - Subdivision
Property address: Mount Cudmore Road (via Manda Road), Bemerside
Property description: Lot 32 on CWL74
Application proposal: Negotiated Decision

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 (290119-17) and the applicable Adopted Infrastructure Charges Notice which was Approved by Council on 29 January 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



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

Application Number: RC18\0009
Property ID Number: 100524
Applicant Details: Gilvear Planning Pty Ltd for Norcomm Pty Ltd
PO Box 228
BABINDA QLD 4861
Owner Details: Mark L Everett (As Trustee)
PO Box 380
INGHAM QLD 4850
Property Description: Mount Cudmore Road (via Manda Road), Bemerside, Queensland, 4850
Lot 32 on CWL74, Parish of Cordelia
Proposal:
and Reconfiguration of Land – Subdivision of One (1) Lot into Two (2) Lots
Access Easement(s)
Level of Assessment: Code Assessment
Assessment Benchmarks: Reconfiguring a Lot Code;
Rural Zone Code;
Environmental Significance Overlay Code; and
Bushfire Risk Analysis Overlay (Medium & High Risk)Code.

DECISION

Deemed Approval: The application is not deemed to be approved under s.64 of the *Planning Act 2016*.
Decision: Approved in full subject to conditions
Decision Date: 29 January 2019
Decision Type: Negotiated Decision
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

Private Works in a Road Reserve



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 negotiated decision application was found to have merit and was decided upon as set out hereunder:

Approve the deletion of conditions 6, 7, 8 and 9 for the following reasons:-

- (i) that no sewerage or water network will be provided to the site; and
- (ii) that the site is an unmanned site; and
- (iii) contractual arrangements will be entered into between the communication facility owners and any contractors to supply firefighting equipment and potable water when working on the site.

Approve the deletion of condition 22 for the following reason:-

- (i) the applicant provided confirmation that Electricity & Generated Power has been provided to the proposed Lot 320.

Not approve the deletion of condition 15 for the following reasons:-

- (i) that there is currently no formally constructed access from Mount Separation Road to the proposed easement; and
- (ii) that there is inadequate drainage infrastructure at the intersection of the proposed easement access point with Mount Separation Road.



CONDITIONS OF APPROVAL

RECONFIGURATION OF A LOT NEGOTIATED DECISION CONDITIONS OF APPROVAL – LOT 32 ON CWL74								
Conditions		Compliance timing						
Administration								
(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"> a. The specifications, facts and circumstances as set out in the application submitted to Council, including recommendations and findings confirmed within the technical reports; b. The development must unless otherwise stated, be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards c. The conditions of approval, the requirements of Council's Planning Scheme and best practice engineering. d. The conditions of the Infrastructure Charges Notice. 		At all times						
Currency Period								
(2) The currency period applicable to this approval. <ul style="list-style-type: none"> • MCU/ROL – 6 years until 03 December 2024 		At all times						
Approved plans								
(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 plan to reconfigure Lot 32 on CWL74, Mt Separation Road, Bemerside</td><td>File 8139 63 30 813950.DXF 18/139.dwg</td><td>Sep 18</td></tr> </tbody> </table>		Plan / Document Name	Number	Date	Proposed plan to reconfigure Lot 32 on CWL74, Mt Separation Road, Bemerside	File 8139 63 30 813950.DXF 18/139.dwg	Sep 18	
Plan / Document Name	Number	Date						
Proposed plan to reconfigure Lot 32 on CWL74, Mt Separation Road, Bemerside	File 8139 63 30 813950.DXF 18/139.dwg	Sep 18						
(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						
Internal works								
Water								
(6) Provide proposed Lot 320 with a potable water supply and Fire Fighting supply.		Prior to the Approval of Survey Plan						
(7) Water supply must be designed and installed in accordance with The Plumbing and Drainage Act 2002 and the Water Act 2000 (applies to developments which will be reconfigured by Building Format Plan);		Prior to the Approval of Survey Plan						
Sewerage								
(8) Provide proposed Lot 320 with on-site sewerage system;		Prior to the Approval of Survey Plan						
Plumbing								
(9) All plumbing and sanitary drainage works must be in accordance with regulated work under the Plumbing and Drainage Act and Council Plumbing and Drainage Policies and must be completely separate for each dwelling unit		Prior to the Approval of Survey Plan						



**RECONFIGURATION OF A LOT
NEGOTIATED DECISION
CONDITIONS OF APPROVAL – LOT 32 ON CWL74**

Conditions	Compliance timing
Drainage	
(10) 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.	Prior to the Approval of Survey Plan
(11) 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.	At all times
(12) That any works as a result of the reconfiguration must not interfere with stormwater flow over or through the land.	At all times
Access	
(13) An access easement (EMT B) is created from Mount Separation Road over proposed Lot 32 to proposed Lot 320.	Prior to the Approval of Survey Plan
(14) An access easement (EMT A) in favour of the Council over Manda Road.	Prior to the Approval of Survey Plan
(15) Professional engineering design, certified by a suitably qualified RPEQ Engineer, of the easement be provided to council for approval showing: (i) Road design of the access point (EMT B) onto Mount Separation Road (ii) Stormwater drainage assessment and design to ascertain that the access easement does not adversely affect Mount Separation Road.	Prior to the Approval of Survey Plan
(16) Access provision to the proposed development must be provided to the satisfaction of the Council. Future maintenance of all accesses is the responsibility of the lessee.	Prior to commencement of the use
Private Works in a Road Reserve	
(17) Works in a Road Reserve must be approved by Council through a Private Works in a road Reserve application.	At all times
External Works	
Lawful Point of Discharge	
(18) 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.	Prior to the Approval of Survey Plan
Other	
Existing Services	
(19) 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.	Prior to the Approval of Survey Plan
Construction	
(20) 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 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.	At all times



**RECONFIGURATION OF A LOT
NEGOTIATED DECISION
CONDITIONS OF APPROVAL – LOT 32 ON CWL74**

Conditions	Compliance timing
Damage to Infrastructure (21) 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
Electricity (22) 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



File Ref: RC18\0009

For visual purposes only



Site Location



Data Sources & Acknowledgements

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File Ref: RC18\0009

For visual purposes only



-  Proposed Easement(s)
-  Proposed Lot 320 (819m²)
-  Site Location



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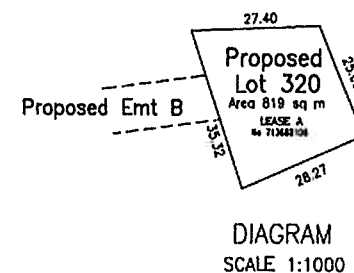
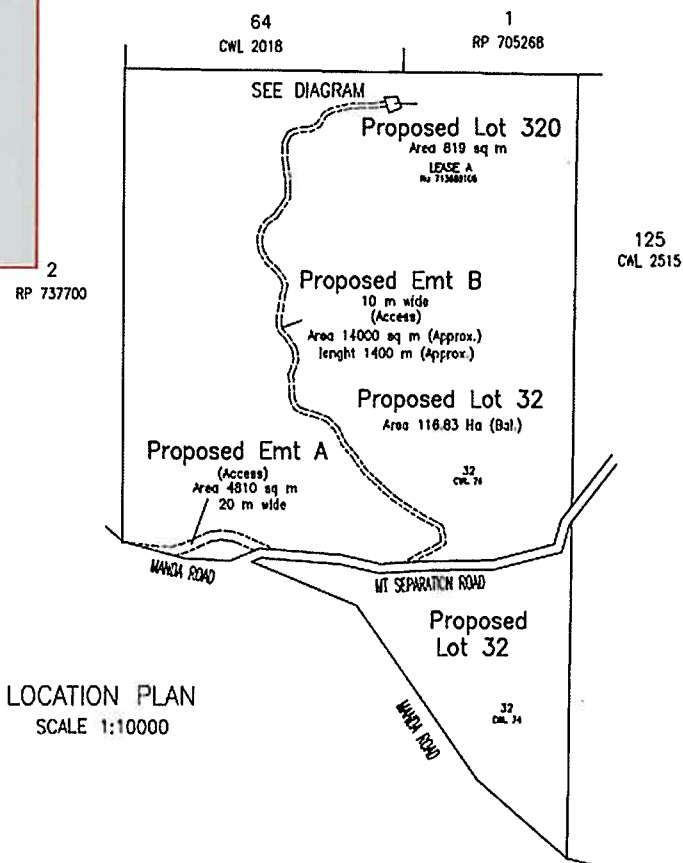
HINCHINBROOK SHIRE COUNCIL

Reconfiguration of Land Application
APPROVED

Resolution No: 290119-17

Rosemary Pennisi

Rosemary Pennisi
7 February 2019



LOCATION PLAN
SCALE 1:10000

ver A date 10/09/2018 Initial version

Note: Distances, Bearings and Area's subject to final survey.

title: PROPOSAL PLAN TO RECONFIGURE LOT 32 on CWL 74 MT SEPARATION ROAD, BEMERSIDE	LOCAL AUTH. HINCHINBROOK SHIRE		G.T.POZZI Bach.App.Sc.(Surv.) Cadastral Surveyor	SCALE	SEE PLAN				
	SURVEYED	DATE		FILES REF.	8139 63 30 813950.DXF				
	DRAWN ADLF	DATE SEP 18		PROPERTY DESC.	Lot 32 on CWL 74 MT SEPARATION ROAD BEMERSIDE				
	SURVEY EXAMINED	DATE							
client: NORCOMM	PLAN EXAMINED G E HOPKINS	DATE SEP 18	11 Kavieng Street, Trinity Beach 4879. P.O. Box 152 Trinity Beach. Phone: 0740 577 177 Mob: 0408 772 213 Fax: 0740 577 089 Email: gpozzi@bigpond.net.au	DWG	18/139	SHEET	1/1	VER	A

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 (NEGOTIATED DECISION)*Planning Act 2016***LAND TO WHICH THE INFRASTRUCTURE CHARGE APPLIES**

This Adopted Infrastructure Charge Notice relates to Development Application RC18\0009 approved on 27 November 2018 for Reconfiguration of Land – Subdivision of One (1) Lot into Two (2) Lots and Access Easement(s) at Lot 32 on CWL74, Parish of Cordelia and Negotiated Decision of Adopted Infrastructure Charges was Approved on 29 January 2019.

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 - \$1,126.66 + annual adjustments and/or reviews

CHARGE CALCULATION

ADOPTED CHARGE FOR NON-RESIDENTIAL DEVELOPMENT				
Column 1	Column 2	Column 3	Column 4	Column 5
Development Category	Adopted Charge – Water, Sewerage & Transport	Adopted Infrastructure Charge	Adopted infrastructure charge - Stormwater	
Charge Category	(\$)	Unit Per m ² GFA	(\$)	TOTAL (\$)
Specialised Uses	20.00 (\$/m ² of GFA)	493m ² (new developable area)		9,860.00
		655m ² (impervious area)	10.00 (\$/m ² - Impervious GFA)	6,550.00
Total Adopted Infrastructure Charge				\$16,410.00

EXISTING CHARGE CREDITS			
Column 1	Column 2	Column 3	Column 4
Charge Reduction Network(s)	Charge Reduction Percentage	Adopted Infrastructure Charge	Adopted Infrastructure Charge Reduction
Network(s)	(%)	(\$)	TOTAL (\$)
Sewerage	33.3	4,366.67	4,366.67
Water	33.3	4,366.67	4,366.67
Stormwater	100	6,550.00	6,550.00
Total Adopted Infrastructure Charge Credit(s)			\$15,283.34

* No Water or Sewerage Services are available to the site

* Stormwater Services are not provided to the site, site stormwater will not impact on Council Stormwater Services

NET CHARGE SUMMARY		
Gross Charge Amount	Applied Credit Amount	Net Charge Amount
\$16,410.00	\$15,283.34	\$1,126.66

REASONS FOR DECISION

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

- (i) Based on the applicants submissions the water and sewerage network will not be provided on the site as the site is unmanned and all contractors servicing the site will be required if they are



expected to work longer than 6 hours to transport toilet facilities and potable water to the site; and

- (ii) The current site coverage is calculated at approximately 24.73% (162m²) with a potential future expansion to 655m². The previous calculation has been amended to take into consideration the existing development envelope.

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	\$1126.66	Receipt Code	211
				TOTAL	\$1,126.66		



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.

