



**LATE AGENDA FOR ORDINARY MEETING  
TO BE HELD IN COUNCIL CHAMBERS, BUNDABERG  
ON TUESDAY 22 NOVEMBER 2016, COMMENCING AT 10.00 AM**

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**Development Assessment**

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**Item**

**22 November 2016**

<b>Item Number:</b>	<b>File Number:</b>	<b>Part:</b>
K4	321.2016.45023.2	DEVELOPMENT ASSESSMENT

**Portfolio:**

Infrastructure & Planning Services

**Subject:**

53 Greathead Road, Kepnock - Request to Change Development Approval - 3 Lots into 66 Lots

**Report Author:**

Erin Clark, Senior Planning Officer - Major Projects

**Authorised by:**

Michael Ellery, Group Manager Development

**Link to Corporate Plan:**

Governance - 4.4.6 A commonsense approach to planning, coordination and consultation

**Summary:**

<b>APPLICATION NO</b>	321.2016.45023.2
<b>PROPOSAL</b>	Request to Change development approval
<b>APPLICANT</b>	DE Wilson
<b>OWNER</b>	DE Wilson
<b>PROPERTY DESCRIPTION</b>	Lot 1 on RP58858
<b>ADDRESS</b>	53 Greathead Road, Kepnock
<b>PLANNING SCHEME</b>	Planning Scheme for Bundaberg City
<b>DATE OF ORIGINAL DECISION</b>	22 March 2016
<b>DATE PERMISSABLE CHANGE REQUEST RECIEVED</b>	16 September 2016
<b>STATUS</b>	The 30 business day decision period ends on 28 October 2016
<b>LEVEL OF DELEGATION</b>	Level 3

**1. NATURE/DESCRIPTION OF REQUESTED CHANGES**

The original application, being 321.2016.45023.001 and approving a 3 into 66 lots subdivision for low density residential lots, was considered as an assessment under a superseded planning scheme, being the Bundaberg City Plan (following approval on 13 January 2016 in this regard). A deemed approval was issued on 22 March 2016 for the original application subject to the Minister’s standard conditions.

As an appendix to the approval, Council attached without prejudice advice that contained a set of draft conditions; the development conditions that would have accompanied an Officer report had the development application been presented to a formal meeting of Council for determination.

The purpose of the request to change the development approval is to allow the draft conditions attached to the deemed approval to formally form part of the approval and thereby better guide the future stages of the development. The changed approval will also negate the need for the applicant to enter into an infrastructure agreement to receive an offset against charges for trunk infrastructure works.

The site works for the first stage of development are now well advanced. Following pre-lodgement discussion held with Council officers on the 14 September 2016, the applicant includes the following points relevant to the request for changed approval which were discussed at the meeting -

1. A \$100,000 bond to be paid as part of the first stage of development to contribute to a catchment wide solution for stormwater quality in the locality;
2. All available trunk offsets to be deducted from the adopted infrastructure charges payable in the first stage (Council's development engineer and applicant's consulting engineer to agree on offset amount prior to issue of amended approval). This will prevent the need for further applications for the re-establishment of costs under the provisions of the SPA section 657;
3. A credit for two (2) x \$25,200 will be received in the first stage for two (2) existing fully serviced lots, the remaining credit will be attached to the balance parcel;
4. There will be no charge incurred for the allotment that will be dedicated as reserve for the purposes of a stormwater detention basin;
5. The applicant will accept all draft conditions provided as part of the deemed approval appendix, aside from the following condition that will replace condition 17 of the appendix conditions package-

*17. Catchment Wide Solution*

*a. provide a construction bond until a catchment wide stormwater quality solution is fully considered by Council. If Council chooses to construct a catchment wide solution, the option to contribute a lump sum amount to that solution (followed by per lot fee) will be offered to the Developer (the Lump Sum Alternative). If the Lump Sum Alternative is not accepted by the Developer within three (3) months of the date of offer, then the developer must provide a drainage system that incorporates Stormwater Quality Improvements in accordance with the State Planning Policy July 2014 and the Bundaberg Regional Council Stormwater Management Strategies to be completed with nine (9) months of that date; and*

*b. subject to acceptance of the Lump Sum Alternative, contribute to a catchment wide solution on a cost per remaining lot basis to be calculated in accordance with delivery of stages of development.*

## **2. ASSESSMENT**

The request is for a complete replacement of the Minister's standard conditions with development conditions that, save for Condition 17 relating to Stormwater, reflect the advice conditions provided by Council as an appendices to the development approval.

The following is a summary of the Assessment Manager's comments:

### Permissible change

In accordance with section 367 of SPA, it is considered that the proposed changes may be regarded as "Permissible changes" as the changes will not:

- (a) Result in a substantially different development;
- (b) If the application for the approval were re-made including the change, require referral to additional concurrence agencies.

When considering the 'substantially different' concept, specifically the proposed change will not:

- (a) Remove a component that is integral to the operation of the development;
- (b) Impact on infrastructure provision;
- (c) Result in additional parcels or uses included in the development;
- (d) Cause development to which the approval relates to include any prohibited development; or
- (e) Dramatically change the built form or the ability of the proposal to operate as intended.

The approved development is not proposing to change the number and configuration of lots, meaning that the proposed change will not result in a substantially different development. Rather, the change aims to introduce a more detailed conditions package which are site specific and will better guide the staged development of the estate in accordance with Council's standards.

The original application was Code Assessable and did not attract submissions. The proposed change does not alter the level of assessment and would be unlikely to cause a person to make a properly made submission objecting to the proposed changes, if the circumstances allowed. The approved subdivision is a logical extension of the surrounding subdivision pattern and a natural consequence of the zoning of the land. Being that the approval is for compliant infill development that connects existing streets in the locality and also provides upgrades to trunk infrastructure it is highly unlikely that submissions would be made if the opportunity were allowed.

### Infrastructure

As detailed earlier in this Report the site works for the first stage of development are now well advanced, supported by an Operational Works approval, and a variety of detailed discussions between the applicant and officers of Council. The applicants request to change conditions of a development approval referenced also detailed agreements between Council and the applicant, around infrastructure charging, agreed trunk infrastructure offsets, credits for existing lots, and land dedications for the stormwater detention area.

Aside from revision of the agreed trunk infrastructure offset associated with roadworks in the Adopted Infrastructure Charges Notice, and the referenced agreed modification to Condition 17 of the advice conditions relating to Stormwater, no broader changes are required to be made to the revised conditions of approval.

### **3 REFERRALS**

#### **3.1 Referral Agency**

Not Applicable

Any significant issues have been addressed in section 2.

#### **3.2 Internal Referral Agencies**

Advice was received from the following internal departments:

<b>Internal department</b>	<b>Referral Comments Received</b>
Development Assessment - Engineering	31 October 2016
Water and Wastewater	28 October 2016

Any significant issue raised in the internal referrals have been addressed in section 2.

#### **Communication Strategy:**

Communications Team consulted. A Communication Strategy is:

- Not required  
 Required

#### **Attachments:**

- 1 Site Plan
- 2 Locality Plan
- 3 Plan of Development
- 4 Minister's Standard Conditions
- 5 AICN

#### **Recommendation:**

**That the request to Change a Development Approval made on 16 September 2016 for Development Application 321.2016.45023.2 be determined as follows.**

#### **DECISION**

- Approved in full

The approved changes are set out as follows:

- Replace the entire condition package of standard Minister's conditions to include the attached new conditions 1 – 35 and Property Note P1.

A copy of the new decision notice for the application is included within Schedule 1.

**The application was considered against a Superseded planning scheme. This request to change notice replaces the Minister’s Standard Conditions issued on 22 March 2016 as a Decision Notice could not be issued at this time.**

**DESCRIPTION OF PROPOSAL**

Reconfiguring of a Lot for Subdivision (Three Lots into Sixty-Six Lots) - Superseded Application

**SUBJECT SITE**

53 Greathead Road, 19 Lucas Street and 4 Marles Street, Kepnock described as Lot 1 on RP58858, Lot 17 on RP182667 and Lot 4 on RP133909.

**DECISION**

Approved in full subject to conditions

The conditions of this approval are set out in **Schedule 1**. These conditions are clearly identified to indicate whether the assessment manager or concurrence agency imposed them.

**1. DETAILS OF APPROVAL**

The following approvals are given:

	<b>Sustainable Planning Regulation 2009, schedule 3 reference</b>	<b>Development Permit</b>	<b>Preliminary Approval</b>
Reconfiguring a lot	Part 1, table 3, item 1	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Deemed Approval**

Section 331 of the *Sustainable Planning Act 2009* (SPA) is applicable to this decision.

**2. PRELIMINARY APPROVAL AFFECTING THE PLANNING SCHEME**

Not Applicable.

**3. OTHER NECESSARY DEVELOPMENT PERMITS AND/OR COMPLIANCE PERMITS**

Listed below are other development permits and/or compliance permits that are necessary to allow the development to be carried out:

- All Operational Work

**4. CODES FOR SELF ASSESSABLE DEVELOPMENT**

The following codes must be complied with for self-assessable development related to the development approved.

The relevant codes identified in the:

- Planning Scheme for Bundaberg City and Associated Planning Scheme Policies

**5. DETAILS OF ANY COMPLIANCE ASSESSMENT REQUIRED FOR DOCUMENTS OR WORK IN RELATION TO THE DEVELOPMENT**

Compliance assessment is required under chapter 6, part 10 of SPA for the following documents or works in relation to the development

Documents or works requiring compliance assessment	Matters or things against which the document or work must be assessed	Compliance assessor	When the request for compliance assessment must be made
Subdivision Plan	The matters or things listed in Schedule 19, Table 1 of the <i>Sustainable Planning Regulation 2009</i>	Bundaberg Regional Council	In the time stated in Schedule 19, Table 1 of the <i>Sustainable Planning Regulation 2009</i>

**6. SUBMISSIONS**

Not Applicable

**7. CONFLICT WITH A RELEVANT INSTRUMENT AND REASONS FOR THE DECISION DESPITE THE CONFLICT**

The assessment manager does not consider that the assessment manager’s decision conflicts with a relevant instrument.

**8. REFERRAL AGENCY**

Not Applicable

**9. APPROVED PLANS**

The approved plans and/or document/s for this development approval are listed in the following table:

Plan/Document number	Plan/Document name	Date
Z13-565	Plan of Proposed Boundary Reconfiguration	Jan 2016

**10. WHEN APPROVAL LAPSES IF DEVELOPMENT NOT STARTED**

Pursuant to section 341 of the Sustainable Planning Act 2009, this approval will lapse four (4) years from the date that the approval takes effect unless the relevant period is extended pursuant to section 383.

**11. REFUSAL DETAILS**

Not Applicable

**12. CONDITIONS ABOUT INFRASTRUCTURE**

The following conditions about infrastructure have been imposed under Chapter 8 of the Sustainable Planning Act 2009:

Condition/s	Provision under which the Condition was imposed
10, 14, 16, 17, 19a, 19b, 19c, 19d	Section 665 – Non-trunk Infrastructure
19e	Section 646 – Identified Trunk Infrastructure
N/A	Section 647 – Other Trunk Infrastructure

## **SCHEDULE 1 CONDITIONS AND ADVICES IMPOSED BY THE ASSESSMENT MANAGER**

### **PART 1A – CONDITIONS IMPOSED BY THE ASSESSMENT MANAGER**

#### **General**

1. Meet the full cost of all works and any other requirements associated with this development, unless specified in a particular condition.
2. Where there is any conflict between Conditions of this Decision Notice and details shown on the Approved Plans, the Conditions prevail.
3. Comply with all of the conditions of this Development permit prior to the submission of a Plan of Subdivision for compliance assessment and signing, unless otherwise stated within this notice.

#### **Landscaping**

4. A landscape plan must be submitted to and approved by the Assessment Manager for all proposed landscaped areas including street plants and on site detention facilities (proposed lot 1) where works will revert to public ownership as part of an application for Operational Works. The plan must be generally in accordance with the Approved Plan/s, have regard to the conditions of this approval and include, but not be limited to, the following features:
  - a. The area or areas set aside for landscaping;
  - b. A plan and schedule of all proposed trees, shrubs and ground covers provides for the road reserves and any other reserves:
    - i. The location, spacing and sizes at planting and at maturity of all plants;
    - ii. The utilisation of species indigenous to the area (the Plant Species List contained within Council's Landscaping Planning Scheme Policy is a guide to species selection; the botanical and common names of plants must be provided). No exotic plants are to be specified;
  - c. Details of any landscaping structures, including entrance statements;
  - d. Details of cutting and filling and all retaining structures and fences and associated finishes; and
  - e. Inclusion of a controlled underground or drip irrigation system. Any such system is to be fitted with an approved backflow water prevention device.



5. Landscaping is to be completed in accordance with the Approved Plans prior to the development being placed on maintenance (where a public asset) for that particular stage of development.

### **New Street Names**

6. Street names must be submitted to and approved by the Assessment Manager prior to the commencement of Operational Works associated with this approval. A written request for the proposed naming of streets must be submitted that includes three (3) suggested road names for each new street in the development that:
  - a. Reflect aspects of the area in which the streets are located, including historical names, unless otherwise determined by the Assessment Manager. The order of preference in allocating street names will be:
    - i. Historical persons / Historical place names;
    - ii. Other relevant aspects (eg local flora and fauna); and
    - iii. Themed street names. Where 'themed' names are proposed, a list of street names for the entire development must be submitted as part of the Operational Works application for Stage One of the development;
  - b. Are nouns and generally contain one (1) word. Composite words may be acceptable when they supplement the primary name; and
  - c. Are unique and unambiguous to the Bundaberg Regional Council local government area.

(Note: where a street is extended, the new section created will retain the name of the street extended.)
7. Supply and erect all necessary street signs and posts.

### **Staging**

8. The development may be staged in accordance with the stage boundaries shown on the Approved Plans. If staged, the development need not be completed sequentially in the stage order indicated on the Approved Plans provided that:
  - a. Dedication of the drainage reserve for the detention facility (shown as proposed lot 1) occurs with the first stage of the development.
  - b. Any road access and infrastructure services required to service the particular stage are constructed with that stage.
  - c. The intersection with Greathead Road and the New Road is to be constructed with Stage 1 or Stage 2, whichever is undertaken first.
  - d. Any open channel stormwater drains to the detention basin must be contained within a drainage easement.
9. Comply with the conditions of each respective stage of this Development Permit prior to the endorsement of a Plan of Subdivision for that stage unless otherwise stated within this notice.

**Water**

10. Provide a reticulated water supply service to each lot by supplying all necessary materials, including structures and equipment, and performing all necessary works. The works must include all necessary upgrades of Council infrastructure to ensure that downstream properties are not adversely affected by the increased demand of the development. Works must include network modelling with main sizing to be finalised as part of an application for Operational Works.
11. The Developer should engage an appropriately qualified hydraulic consultant to assess the suitability of the water supply system to cater for the proposed development, including firefighting requirements in accordance with AS2419.
12. Connection to Council's water and sewer infrastructure is subject to further approvals. For further information about these requirements, contact Council's Water and Wastewater Infrastructure Planning Technical Support Section on 1300 883 699.
13. In order for agreed Council work to be performed on existing live water and sewer infrastructure:
  - a. ensure a detailed design proposal is submitted to the Assessment Manager, marked 'For Construction';
  - b. complete and return the 'Application for Water & Sewer' forms available from the Assessment Manager;
  - c. pay the applicable lodgment fee;
  - d. if necessary, a quote will be prepared by Council's Water and Wastewater Operations & Maintenance Department once the detailed design proposal is approved; and
  - e. follow instructions provided with the quotation and pay the quoted fee.

Note: The 'Application for Water & Sewer' forms can cater for both water and sewer connection requirements in the one application. The applicable lodgment fee will be adjusted at the time of lodgment according to the features requested.

**Sewerage**

14. Make provision for new sewerage connections suitable to meet the requirements of the development. All live sewer work, including the point of connection, must be undertaken by Council.
15. Except where perpendicular to or intersecting with a property boundary, a sewer main must not be situated closer than 1.5 metres to a property boundary, unless otherwise approved by the Assessment Manager.

**Stormwater**

16. Install a stormwater drainage system connecting to a lawful point of discharge. The works must be undertaken in accordance with an Operational Works approval, and must include in particular:

- a. the works described in Empire Engineering Site Based Stormwater Management Plan dated November 2015, with the exception of the following:
    - i. Section 3.7 envisages handover 2 years after the bio-retention system is constructed with the initial stage. Council will not consider accepting the bio-retention facility until a minimum of 2 years after the final lot is sealed and expects the developer to maintain the system for the entire interim period.
  - b. Provision of Level III inter-allotment drainage for contributing external lots identified by detailed terrain modelling
  - c. Shape the surface of each lot to drain directly to either a Road or Drainage Reserve as no inter-allotment drainage will be permitted for any new lot. The drainage specifics must be determined as part of an application for Operational Works;
  - d. Stormwater drainage must be designed and constructed in accordance with the requirements of the Queensland Urban Drainage Manual and Bundaberg Regional Council;
  - e. Detention storage must be provided to cater for increased stormwater runoff as a result of this development. Stormwater discharge from the subject land must be limited to pre-development generated peak levels up to and including Q100 ARI flows via the provision of on-site detention storage. The detention storage must be visually integrated into the surrounding landscape and designed with a high level of visual amenity;
- 17.** The drainage system for the development must incorporate Stormwater Quality Improvements in accordance with the State Planning Policy July 2014 and the Bundaberg Regional Council Stormwater Management Strategies. A Site Based Stormwater Management Plan and Erosion and Sediment Control Management Plan, inclusive of long term maintenance measures, must be submitted as part of an application for Operational Works outlining how the Stormwater Quality Improvements in both the construction and operational phases of the development will be achieved.

Should the developer not wish to provide an onsite Stormwater Drainage solution for the development, condition requirements for a Catchment Wide Solution is detailed below:

- a. provide a construction bond until a catchment wide stormwater quality solution is fully considered by Council. If Council chooses to construct a catchment wide solution, the option to contribute a lump sum amount to that solution (followed by per lot fee) will be offered to the Developer (the Lump Sum Alternative). If the Lump Sum Alternative is not accepted by the Developer within three (3) months of the date of offer, then the developer must provide a drainage system that incorporates Stormwater Quality Improvements in accordance with the State Planning Policy July 2014 and the Bundaberg Regional Council Stormwater Management Strategies to be completed with nine (9) months of that date;

- b. subject to acceptance of the Lump Sum alternative, contribute to a catchment wide solution on a cost per lot basis to be calculated in accordance with delivery of stages of development.

18. The land containing the detention facility (proposed lot 1) must be dedicated to Council with the first stage of development.

### **Roadworks and Access**

19. Construct all new roads in accordance with the following requirements:

- a. All roadways must be sealed with asphaltic concrete;
- b. Provide concrete kerb and channelling on each side of all roadways to the relevant standard;
- c. The extension of Lucas Street to Haupt Street must be of a minimum dedication width of seventeen and one half (17.5) metres and must be paved to a width of 8.5 metres measured from lip of kerb line to lip of kerb line matching existing kerb alignments;
- d. The link road to Greathead Road must be of a minimum dedication width of twenty (20) metres and must be paved to a minimum width of eight and one half (8.5) metres measured from lip of kerb line to lip of kerb line;
- e. The frontage of Greathead Road must be a minimum dedication width of twenty (20) metres and must be paved to a width of ten (10) metres measured from lip of kerb line to lip of kerb line including the unconstructed frontage of neighbouring lot 19 on RP182667 (51 Greathead Road) matching existing kerb alignments;
- f. The cul-de-sacs must be of a minimum dedication width of fifteen (15) metres and must be paved to a width of seven (7) metres measured from nominal kerb line to nominal kerb line; and
- g. Cul-de-sac bulbs must be provided with a minimum twenty (20) metre turning circle measured from the nominal kerb line.

20. Where the staged road layout does not allow a commercial vehicle to manoeuvre within the roadway in a forward gear, provide a temporary sealed turn-around facility. The temporary turn-around facilities must be in accordance with an Operational Works approval and provide a minimum twenty (20) metre turning circle, measured from the edge of the pavement.

### **Property access and driveways**

21. Access strip and driveway to proposed lot 28 must comply with the standards specified in the planning scheme policy for development works – driveways and access to developments. The specific requirements must be determined as part of the Operational Works application.

### **Electricity, Street lighting and Telecommunications**

22. Enter into an agreement with an approved electricity provider, to ensure that underground electricity will be available to each lot under standard tariff conditions and without further capital contributions.

Provide evidence of such an agreement, along with associated bonding arrangements, to the Assessment Manager prior to the approval of the relevant Plan of Subdivision.

- 23.** Padmount transformers must be located within the road reserve fronting proposed or existing park or drainage reserves, unless otherwise agreed in writing by the Assessment Manager.
- 24.** Street lighting to new roads, multi-modal pathways and intersections must be by way of provision of underground conduits and cables, poles and street lights. The design and provision of street lighting must be in accordance with Australian Standard 1158:2005. The applicable lighting category is P4 for all roadways.
- 25.** Enter into an agreement with the Telecommunications Authority or Cable Service provider (whichever is applicable) to ensure that telecommunication/cable services will be available to each lot. Provide evidence of such an agreement to the Assessment Manager prior to the approval of the Plan of Subdivision.
- 26.** Telecommunication conduits (ducts) and pits, including trenching and design, must be provided to service the development in accordance with 'Fibre-Ready' standards or the NBN Co Installing Pit and Conduit Infrastructure - Guidelines for Developers, to the satisfaction of the Assessment Manager.

#### **Existing Services and Structures**

- 27.** The existing shed (domestic storage) structure on Proposed Lot 52 is to be demolished prior to the sealing of the survey plan for that stage.
- 28.** Ensure all existing and proposed utility services and connections (eg. electricity, telecommunications, water and sewerage) are wholly located within the lot they serve.
- 29.** All existing effluent disposal areas must be removed in association with Stage 4 of development.
- 30.** Certification must be submitted to the Assessment Manager from an appropriately qualified surveyor which certifies that:
  - a.** the boundary clearances for any existing buildings remaining on the site comply with the relevant provisions of the planning scheme and the Building Act 1975, unless varied by this Decision Notice;
  - b.** all constructed access and roadworks (including associated fill batters and retaining walls) are fully contained within a dedicated reserve or registered easement;
  - c.** all existing and proposed utility services and connections (eg electricity, telecommunications, water, sewerage) are wholly located within the lot they serve, or alternatively included within an easement where location within the lot is not possible;
  - d.** all retaining walls and structures are fully contained within the lot they retain; and

- e. any fill, including fill batters, are wholly contained within the subject site and not on adjacent properties.

**Amalgamation**

31. Lodge for registration at the office of the Land Registry the following amalgamation plan:

- a. The first survey plan lodged (Stage 1) must amalgamate Lot 17 on RP182667 (19 Lucas Street vacant land) and Lot 4 on RP133909 (4 Marles Street exiting house) into the balance lot.

**Easements**

32. Lodge for registration at the office of the Land Registry the following easement(s):

- a. a stormwater drainage easement having a minimum width of three (3) metres to the benefit of Council that includes:
  - i. all stormwater overland flow paths traversing the land;
  - ii. Q100 ARI stormwater overland flow paths traversing the site;
  - iii. any stormwater main existing or proposed to traverse the land located within the easement and a minimum of one (1) metre from the easement boundary;
  - iv. all Q<sub>100</sub> ARI stormwater overland flow paths downstream of the land to an agreed lawful point of discharge;
- b. a sewerage easement having a minimum width of 3m to the benefit of Council that includes any sewerage main existing or proposed traversing the land located within the easement and a minimum of one (1) metre from the easement boundary;

33. Draft easement documentation must be submitted to the Assessment Manager for endorsement.

**Rates and Charges**

34. In accordance with the Sustainable Planning Act 2009, all rates, charges or any expenses being a charge over the subject land under any Act must be paid prior to the Plan of Subdivision being endorsed by the Assessment Manager.

**Lawful Point of Discharge**

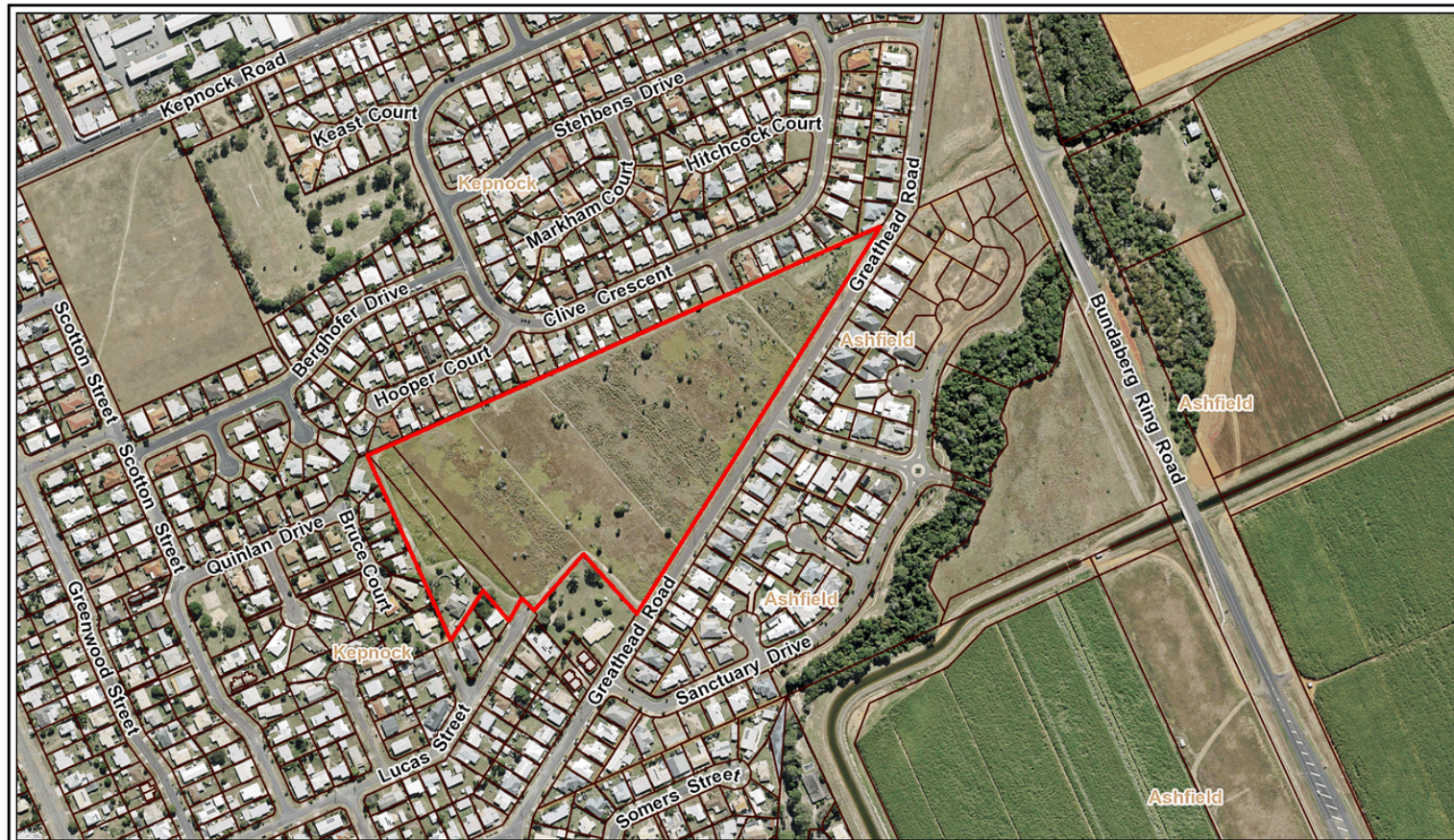
35. The Lawful Point of Discharge for the development is immediately downstream of the proposed bio-retention facility within reserve Lot 202 on SP219795.

**PROPERTY NOTES**

P1. Development Approval 321.2016.45023.001 – Access

The following notation applies to approved Lots 11, 12, 15, 17, 25, 37, 38, 55, 60 & 61 (corner lots):

“Access driveway should maintain a minimum 6 metre separation to truncations.”



Site Plan - 321.2016.45023.2

Projection: GDA\_1994\_MGA\_Zone\_56

Date: 14/11/2016 10:53 AM

Scale 1:5,143.27

on A4 Sheet

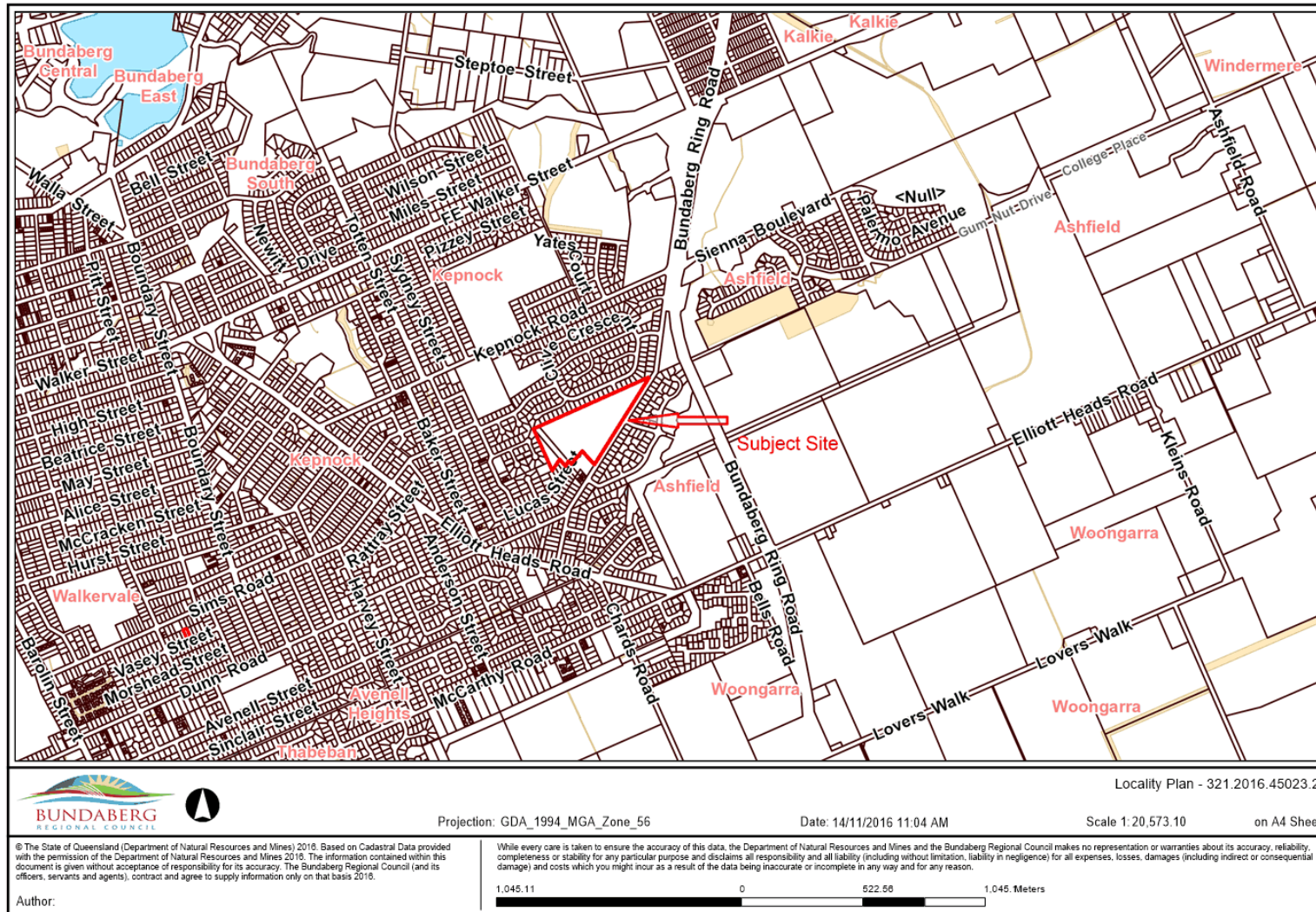
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Author:





Locality Plan - 321.2016.45023.2

Projection: GDA\_1994\_MGA\_Zone\_56

Date: 14/11/2016 11:04 AM

Scale 1:20,573.10

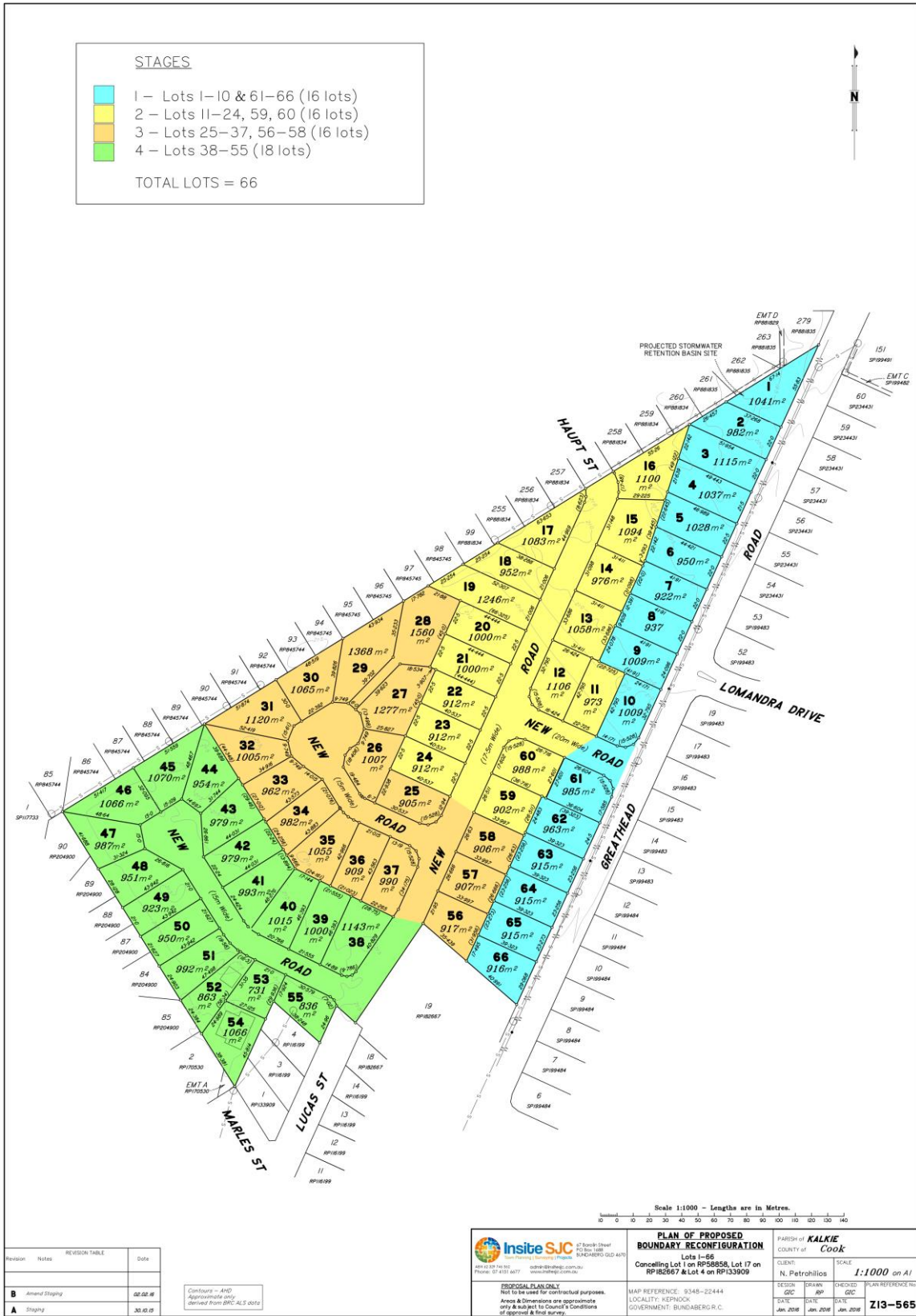
on A4 Sheet

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Author:





## Department of Infrastructure and Planning

Standard conditions for deemed approvals





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## Purpose

This document sets out the standard conditions made by the Minister under section 332 of the *Sustainable Planning Act 2009* (SPA).

The standard conditions apply to a development application that is deemed to be approved under section 331 of SPA and for which the assessment manager does not give a decision notice.

## Definitions

Terms used in the standard conditions have the meaning given in SPA or the *Sustainable Planning Regulation 2009*.

### 1.0 Standard conditions for material change of use—general

These standard conditions apply to a deemed approval for a material change of use (or any part of the approval that is for a material change of use), if standard conditions 4, 5, 6, 7 or 8 do not apply to the approval or part of the approval.

Condition type
<b>Approved plans</b> <ol style="list-style-type: none"> <li>The proposed development must be carried out generally in accordance with the plans as lodged with the application or, if there are any subsequent plans submitted to the assessment manager during the assessment process, the latest of those subsequent plans.</li> </ol>
<b>Works during construction</b> <ol style="list-style-type: none"> <li>Hours of construction must be in accordance with the provisions of any relevant local law or, in the absence of any relevant local law, the hours of construction must be limited to 0630–1830 Monday to Saturday and not at all on Sunday and public holidays.</li> <li>Construction works must occur so they do not cause unreasonable interference with the amenity of adjoining premises by reason of noise, vibration, electrical or electronic interference, smell, fumes, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or otherwise.</li> <li>During construction the site must be kept in a clean and tidy state at all times.</li> <li>The <i>Workplace Health and Safety Act 1995</i> and <i>AS 1742 Manual of Uniform Traffic Control Devices</i> must be complied with in carrying out any construction works, and to ensure safe traffic control and safe public access in respect of works being constructed on a road.</li> <li>Implement drainage, erosion and sediment control measures and maintain these measures in accordance with the <i>Draft State Planning Policy for Healthy Waters 2009</i> (or as amended).</li> </ol>
<b>General development works</b> <ol style="list-style-type: none"> <li>Unless otherwise stated, all work must be designed, constructed and maintained in accordance with the relevant local government policies, guidelines and standards.</li> <li>Undertake and meet the cost of all works reasonably associated with the development including any necessary alteration, relocation or damage of services, public utility mains and installation costs.</li> <li>Repair any damage to existing kerb and channel, footpath, roadway or other infrastructure that may occur during any works carried out in association with the development.</li> </ol>
<b>Infrastructure contributions</b> <ol style="list-style-type: none"> <li>Where the development is subject to local government policies about infrastructure, pay the relevant amount to the local government prior to the commencement of the use. Contributions are to be paid in accordance with the policies as at the date of payment.</li> </ol>
<b>Water supply</b> <ol style="list-style-type: none"> <li>Connect to the local government's reticulated water supply system prior to commencement of the use or, where the site is outside the local government's planned reticulated water supply system area, an alternative potable water supply is to be provided in accordance with relevant local government standards.</li> <li>Each individual tenancy or dwelling unit must be provided with a separate system for the metering of water consumption.</li> </ol>



<b>Sewerage</b>
<p>13. Connect to the local government's reticulated sewerage system prior to commencement of the use or, where the site is outside of the local government's planned sewerage network area, an alternative on-site sewerage treatment and effluent disposal system is to be provided in accordance with relevant local government standards.</p> <p>14. Obtain separate permission from the local government in respect of any building over or within 2 metres of a local government sewer.</p>
<b>Car parking/traffic</b>
<p>15. Car parking, manoeuvring areas, vehicular access, service vehicle provision and all other relevant associated matters are to be provided in accordance with any relevant local government policy or standard or, where no relevant local government policy or standard exists, in accordance with AS 1428 <i>Design for access and mobility</i> and AS 2890 <i>Parking facilities</i>.</p>
<b>Stormwater drainage</b>
<p>16. No ponding, concentration or redirection of stormwater may occur on adjoining land unless specifically agreed to with any relevant adjoining land owner.</p> <p>17. Construct a stormwater drainage system to service the development in accordance with any relevant local government policy or standard or, where no relevant local government policy or standard exists, in accordance with the <i>Queensland Urban Drainage Manual (2007)</i> as amended from time to time.</p> <p>18. Prior to the commencement of the use, the development is to be connected to a lawful point of discharge.</p>
<b>Flooding</b>
<p>19. All habitable floor levels are located above the defined flood event (DFE) flood level in accordance with any relevant local government policy or standard or, where no relevant local government policy or standard exists, as per the default DFE identified in State Planning Policy 1/03 - <i>Mitigating the adverse impacts of flood, bushfire and landslide</i> as amended from time to time.</p>
<b>Fencing</b>
<p>20. Where the use is not for a residential purpose and the site adjoins the boundary of a site used for a residential purpose, an acoustic fence is to be provided along the common boundary in accordance with any relevant local government policy or standard. In the absence of a relevant local government policy or standard, a 1.8 metre high timber screen fence is to be provided along the common boundary.</p>
<b>Lighting</b>
<p>21. External lighting is to be designed and installed in accordance with any relevant local government policy or standard or, where no relevant local government policy or standard exists, in accordance with AS4282-1997 <i>Control of the Obtrusive Effects of Outdoor Lighting</i> so as not to cause nuisance to nearby residents or passing motorists.</p>
<b>Noise</b>
<p>22. All noise emissions resulting from the use are to comply with any relevant local government policy or standard or, where no relevant local government policy or standard exists, are to be in accordance within the <i>Environmental Protection Regulation 2008</i> (Chapter 5, Part 3 - Noise) and the <i>Environmental Protection (Noise) Policy 2008</i> so as not to cause any unreasonable interference with the amenity to any surrounding noise sensitive uses.</p>
<b>Refuse storage and waste</b>
<p>23. All refuse storage, removal and collection methods must be in accordance with any relevant local government policy or standard or, where no relevant local government policy or standard exists, are to be in accordance with the <i>Environmental Protection (Waste Management) Regulation 2000</i> and the <i>Environmental Protection (Waste Management) Policy 2000</i> so as not to cause any unreasonable interference with the amenity to the surrounding area and to provide an acceptable level of amenity for future users of the site.</p>



<b>Compliance with conditions</b>
24. Unless otherwise stated, all conditions must be completed prior to the commencement of the use.
<b>Advice note</b>
25. Please note that any concurrence agency conditions will apply in addition to these standard conditions.

## 2.0 Standard conditions for reconfiguring of a lot

These standard conditions apply to a deemed approval for reconfiguring a lot (or any part of the approval for reconfiguring a lot) if standard condition 4 does not apply to the approval or part of the approval.

<b>Condition type</b>
<b>Approved plans</b>
1. The proposed development must be carried out generally in accordance with the plans as lodged with the application or, if there are any subsequent plans submitted to the assessment manager during the assessment process, the latest of those subsequent plans.
<b>Works during construction</b>
2. The <i>Workplace Health and Safety Act 1995</i> and <i>AS 1742 Manual of Uniform Traffic Control Devices</i> must be complied with in carrying out any construction works, and to ensure safe traffic control and safe public access in respect of works being constructed on a road. 3. Implement drainage, erosion and sediment control measures and maintain those measures in accordance with the <i>Draft State Planning Policy for Healthy Waters 2009</i> (or as amended).
<b>General development works</b>
4. Unless otherwise stated, all work must be designed, constructed and maintained in accordance with any relevant local government policies, guidelines and standards. 5. Undertake and meet the cost of all works reasonably associated with the development including any necessary alteration, relocation or damage of services, public utility mains and installation costs. 6. Repair any damage to existing kerb and channel, footpath, roadway or other infrastructure that may occur during any works carried out in association with the development.
<b>Infrastructure contributions</b>
7. Where the development is subject to local government policies about infrastructure, pay the relevant amount to the local government prior to the endorsement of the survey plan. Contributions are to be paid in accordance with the policies as at the date of payment. 8. All outstanding rates and charges are required to be paid in full prior to the endorsement of the survey plan.
<b>Water supply</b>
9. Connect to the local government's reticulated water supply system prior to the endorsement of the survey plan or, where the site is outside the local government's planned reticulated water supply system area, an alternative potable water supply must be provided in accordance with any relevant local government standards. 10. Each individual tenancy or dwelling unit must be provided with a separate system for the metering of water consumption.
<b>Sewerage</b>
11. Connect to the local government's reticulated sewerage system prior to the endorsement of the survey plan or, where the site is outside of the local government's planned sewerage network area, an alternative on-site sewerage treatment and effluent disposal system must be provided in accordance with any relevant local government standards. 12. Obtain separate permission from the local government with regard to any building over or within 2 metres of a local government sewer.



<b>Park contribution</b>
13. Provide a contribution to the provision of public parkland in accordance with any relevant local government policy prior to the endorsement of the survey plan. If a monetary contribution is to be provided, the contribution amount is to be at the rate current at the time of payment.
<b>Electricity services</b>
14. Enter into an agreement with a relevant electricity supplier to provide services to any new lots.
<b>Telecommunications</b>
15. Enter into an agreement with a relevant telecommunications supplier to provide services to any new lots.
<b>Stormwater drainage</b>
16. No ponding, concentration or redirection of stormwater may occur onto adjoining land or roads unless otherwise specifically approved by the local government.
17. The development must comply with any relevant local government policy or standard about stormwater drainage or, where no relevant local government policy or standard exists, must be in accordance with the <i>Queensland Urban Drainage Manual (2007)</i> as amended from time to time.
18. Prior to the endorsement of the survey plan, the development must be connected to the lawful point of discharge.
<b>Compliance with conditions:</b>
19. Unless otherwise stated, all conditions must be completed prior to the endorsement of the survey plan.
<b>Advice note</b>
20. Please note that any concurrence agency conditions will apply in addition to these standard conditions.

### 3.0 Standard conditions for operational works—general

These standard conditions apply to a deemed approval for operational works (or any part of the approval for operational works), if standard conditions 4, 9, 10, 11 or 12 do not apply to the approval or part of the approval.

<b>Condition type</b>
<b>Approved plans</b>
1. The proposed development must be carried out generally in accordance with the plans as lodged with the application or, if there are any subsequent plans submitted to the assessment manager during the assessment process, the latest of those subsequent plans.
<b>Works during construction</b>
2. Hours of construction must be in accordance with the provisions of any relevant local law or, in the absence of any relevant local law, the hours of construction must be limited to 0630–1830 Monday to Saturday and not at all on Sunday and public holidays.
3. Construction works must occur so they do not cause unreasonable interference with the amenity of adjoining premises by reason of noise, vibration, electrical or electronic interference, smell, fumes, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or otherwise.
4. During construction the site must be kept in a clean and tidy state at all times.
5. The <i>Workplace Health and Safety Act 1995</i> and <i>AS 1742 Manual of Uniform Traffic Control Devices</i> must be complied with in carrying out any construction works, and to ensure safe traffic control and safe public access in respect of works being constructed on a road.
6. Implement drainage, erosion and sediment control measures and maintain those measures in accordance with the <i>Draft State Planning Policy for Healthy Waters 2009</i> (or as amended).





PO Box 3130, BUNDABERG QLD 4670  
 Local Call **1300 883 699** | Fax **(07) 4150 5410**  
 ABN 72 427 835 198

**AMENDED ADOPTED INFRASTRUCTURE CHARGES NOTICE**

Resolution (No. 1) 2015

To: David Edgar Wilson  
 C/- InsiteSJC, Shane Booth

Date of Issue: 31/10/2016  
 Register No.: 331.2016.808.1

**Land to which the Charge Applies**

Address: 53 Greathead Road, 19 Luca Street, 4 Marles Street  
 Property Description: Lot 1 on RP58858, Lot 17 on RP182667, Lot 4 on RP133909

**Development to which the Adopted Infrastructure Charge Applies**

The adopted infrastructure charge applies to the following development type: Reconfiguring a Lot  
 Development Approval No.: 321.2016.45023.2

**Current Amount of the Adopted Infrastructure Charge**

The adopted infrastructure charge has been calculated in accordance with the method outlined in the Bundaberg Regional Council Adopted Infrastructure Changes Resolution (No.1) 2015 and Chapter 8 of the Sustainable Planning Act 2009. Please see Schedule 1 of this notice for the detailed calculation of the current amount.

**Current Amount of Adopted Infrastructure Charge =** **\$1,562,400.00**  
(as at date of issue)

**Offsets**

Please see Schedule 1 of this notice for the detailed calculation of any offsets.

**Total offsets applicable to this development =** **\$205,995.00**

**Refunds**

Please see Schedule 1 of this notice for the detailed calculation of any refunds.

**Total refunds applicable to this development =** **n/a**

**Automatic Increase**

The charges are subject to an automatic increase in accordance with Bundaberg Regional Council Adopted Infrastructure Changes Resolution (No.1) 2015. Council's adopted infrastructure charge is to automatically increase from the time the charge is levied to the time the charge is paid. As per section 631 of SPA this automatic increase provision is calculated as follows:

- (a) If the duration of time between the date the charge is levied to the date the charge is paid is less than or equal to one calendar year, then there is no automatic increase. Therefore the adopted infrastructure charge payable is equal to the charge amount at the time the charge is levied; or
- (b) If the duration of time between the date the charge is levied to the date the charge is paid is greater than one calendar year, then the automatic increase provision is an amount representing the increase in the PPI index. The increase in PPI index is calculated for the period starting on the day the charge is levied and ending on the day the charge is paid, adjusted by reference to the 3-yearly PPI index average. Where the 3- yearly PPI index average means the PPI index smoothed in accordance with the 3-year moving average quarterly percentage change between quarters. Therefore the automatic increase provision is calculated as shown in equation 1 below:

$$\text{automatic increase provision} = \frac{\text{Smoothed PPI (paid date)}}{\text{Smoothed PPI (levied date)}} \dots\dots\dots(1)$$

Where: *Smoothed PPI (paid date)* = 3 yearsly smoothed PPI at time the charge is paid  
 = average (12 previously published PPI figures relative to paid date)  
*Smoothed PPI (levied date)* = 3 yearsly smoothed PPI at time the charge is levied  
 = average (12 previously published PPI figures relative to levied date)



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The *adopted infrastructure charge* payable is equal to the charge amount at the time the charge is levied multiplied by the automatic increase provision amount as shown in equation 2 below:

$$\text{adopted infrastructure charge payable} = \text{levied charge} \times \text{automatic increase provision} \dots(2)$$

Finally, if after applying the automatic increase provision the *adopted infrastructure charge payable* is:

- (a) more than the maximum adopted charge that Council could have levied for the development at the time the charge is paid, then the adopted infrastructure charge payable is the maximum adopted charge for the development; or
- (b) less than the charge amount at the time the charge is levied, then the *adopted infrastructure charge* payable is the charge amount at the time the charge is levied.

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### Payment of the Adopted Infrastructure Charge

- The **due date for payment** of the *adopted infrastructure charge* is:
  - before the local government approves the plan of subdivision for the reconfiguration of each stage
- Interest at 11% per annum, calculated daily, will be applied to overdue payments.
- The charge is to be paid to **Bundaberg Regional Council**. Please contact Bundaberg Regional Council, Development Assessment Team, prior to making payment.
- Please include a copy of this Notice with payment.

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### Other Important Information

#### 1. PAYMENT

This notice is due and payable by the due date shown. Cheques, money orders or postal notes should be made payable to Bundaberg Regional Council and crossed "Not Negotiable". Change cannot be given on cheque payments. Property owners will be liable for any dishonour fees.

#### 2. GOODS AND SERVICES TAX

The federal government has determined that rates and utility charges levied by a local government will be GST exempt. Accordingly, no GST is included in this infrastructure charges notice.

#### 3. INFRASTRUCTURE CHARGES ENQUIRIES

Enquiries regarding this infrastructure charges notice should be directed to Council's Development Assessment Team on telephone 1300 883 699 during office hours or e-mail: [duty\\_planner@bundaberg.qld.gov.au](mailto:duty_planner@bundaberg.qld.gov.au)

Notice is hereby given under the *Sustainable Development Act 2009* and the *Local Government Act 2009* that the adopted infrastructure charges notice is levied by the Bundaberg Regional Council on the described land. The adopted infrastructure charge is DUE AND PAYABLE BY THE ABOVE DUE DATE. The adopted infrastructure charge plus any arrears and interest may be recovered by legal process without further notice if unpaid after the expiration of the DUE DATE as the charge is deemed to be overdue. PETER BYRNE, CHIEF EXECUTIVE OFFICER

Richard Jenner  
 Development Assessment Manager



**AMENDED ADOPTED INFRASTRUCTURE CHARGES NOTICE**  
 SCHEDULE 1 – Calculation of Current Charges, Offsets and Refunds

PO Box 3130, BUNDABERG QLD 4670  
 Local Call 1300 883 699 | Fax (07) 4150 5410  
 ABN 72 427 835 198

**Applicant:** David Edgar Wilson  
**Applicant address:** C/- InsiteSJC, Shane Booth  
**Site address:** 53 Greathead Road, 19 Luca Street, 4 Marles Street  
**Plan/Lot:** Lot 1 on RP58858, Lot 17 on RP182667, Lot 4 on RP133909

**Development Type:** Reconfiguring a Lot  
**Due date for payment:** before the local government approves the plan of subdivision for the reconfiguration of each stage  
**Dev Approval No.:** 321.2016.45023.2  
**Register No.:** 331.2016.808.1

**Prepared by:** Leonard Strub  
**Authorising Officer:** Richard Jenner  
**Inside PIA:** Yes

**Adopted Infrastructure Charges:** \$ 1,562,400.00  
**Offset:** \$ 205,995.00  
**Refund:** n/a  
**AICN - Amount Payable:** \$ 1,356,405.00

**Summary of the Adopted Infrastructure Charges**

Stage	Development Type	Charge Type	Infrastructure Charge Area	Use category	Use	Charge category	Charge per dwelling or lot or bedroom or tent or cabin	Charge per m <sup>2</sup> GFA	Charge per m <sup>2</sup> impervious area	Dwellings or lots or bedrooms or tents or cabins	GFA (m <sup>2</sup> )	Impervious Area (m <sup>2</sup> )	Discount category	Discount	Subtotal
All	ROL	New	Fully Serviced	Residential	Dwelling house	\$ per 3 or more bedroom dwelling	\$ 25,200.00	n/a	n/a	65	0	0	n/a	0%	\$ 1,638,000.00
All	ROL	Existing credit	Fully Serviced	Residential	Dwelling house	\$ per 3 or more bedroom dwelling	\$ (25,200.00)	n/a	n/a	3	0	0	n/a	0%	\$ (75,600.00)
All	MCU	New	Fully Serviced	Minor uses	Park	Nil charge	n/a	\$ -	\$ -	1	0	0	n/a	0%	\$ -

**Adopted Infrastructure Charges Total:** \$ 1,562,400.00

**Stage Breakdown of Adopted Infrastructure Charges**

Stage	Development Type	Charge Type	Infrastructure Charge Area	Use category	Use	Charge category	Charge per dwelling or lot or bedroom or tent or cabin	Charge per m <sup>2</sup> GFA	Charge per m <sup>2</sup> impervious area	Dwellings or lots or bedrooms or tents or cabins	GFA (m <sup>2</sup> )	Impervious Area (m <sup>2</sup> )	Discount category	Discount	Subtotal
All	ROL	New	Fully Serviced	Residential	Dwelling house	\$ per 3 or more bedroom dwelling	\$ 25,200.00	n/a	n/a	13	0	0	n/a	0%	\$ 327,600.00
All	ROL	New	Fully Serviced	Residential	Dwelling house	\$ per 3 or more bedroom dwelling	\$ 25,200.00	n/a	n/a	16	0	0	n/a	0%	\$ 403,200.00
All	ROL	New	Fully Serviced	Residential	Dwelling house	\$ per 3 or more bedroom dwelling	\$ 25,200.00	n/a	n/a	16	0	0	n/a	0%	\$ 403,200.00
All	ROL	New	Fully Serviced	Residential	Dwelling house	\$ per 3 or more bedroom dwelling	\$ 25,200.00	n/a	n/a	17	0	0	n/a	0%	\$ 428,400.00

**Stage Breakdown Total:** \$ 1,562,400.00



**ADOPTED INFRASTRUCTURE CHARGES NOTICE**  
 SCHEDULE 1 – Calculation of Conditioned Trunk Infrastructure Costs

PO Box 3130, BUNDABERG QLD 4670  
 Local Call 1300 883 699 | Fax (07) 4150 5410  
 ABN 72 427 835 198

Conditioned Trunk Infrastructure Details

Stage	Infrastructure Type	PIP Reference	Item Description	Quantity	Unit	Rate	Amount	
1	Roads	RD.0659	Linking existing kerbs with pavement widening & nominal drainage	465	lin.m	\$ 443.00	\$ 205,995.00	
<b>Trunk Infrastructure Total:</b>								<b>\$205,995.00</b>



PO Box 3130, BUNDABERG QLD 4670  
 Local Call **1300 883 699** | Fax **(07) 4150 5410**  
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## ADOPTED INFRASTRUCTURE CHARGES NOTICE INFORMATION NOTICE

### 1. REASON FOR DECISION

This notice has been issued pursuant to the Bundaberg Regional Council Adopted Infrastructure Changes Resolution (No. 1) 2015 and Chapter 8 of the Sustainable Planning Act 2009.

### 2. APPEAL RIGHTS

The recipient of the infrastructure charge may appeal to the Planning and Environment Court in accordance with section 478 of the Sustainable Planning Act 2009.

#### **478 Appeals about infrastructure charges notice**

- (1) The recipient of an infrastructure charges notice may appeal to the court about the decision to give the notice.
- (2) However, the appeal may be made only on 1 or more of the following grounds—
  - (a) the charge in the notice is so unreasonable that no reasonable relevant local government could have imposed it;
  - (b) the decision involved an error relating to—
    - (i) the application of the relevant adopted charge; or
    - (ii) the working out, for section 636, of additional demand; or
    - (iii) an offset or refund;
  - (c) there was no decision about an offset or refund;
 

Examples of possible errors in applying an adopted charge—

    - (i) the incorrect application of gross floor area for a non-residential development;
    - (ii) applying an incorrect 'use category' under an SPRP (adopted charges) to the development.
  - (d) if the infrastructure charges notice states a refund will be given—the timing for giving the refund.
- (3) To remove any doubt, it is declared that the appeal 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.
- (4) The appeal must be started within 20 business days after the day the recipient is given the relevant infrastructure charges notice.

#### **478A Appeals against refusal of conversion application**

- (1) The applicant for a conversion application may appeal to the court against a refusal, or deemed refusal, of the application.
- (2) The appeal must be started within the following period—
  - (a) if the applicant is given written notice of the refusal—20 business days after the day the applicant is given the notice;
  - (b) otherwise—20 business days after the end of the required period under section 660(5) for the application.

The recipient of the infrastructure charge may appeal to a building and development committee in accordance with section 535 of the Sustainable Planning Act 2009.



PO Box 3130, BUNDABERG QLD 4670  
Local Call **1300 883 699** | Fax **(07) 4150 5410**  
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**535 Appeals about infrastructure charges decisions**

- (1) The recipient of an infrastructure charges notice may appeal to a building and development committee about the decision to give the notice.
- (2) However, the appeal may be made only on 1 or more of the following grounds—
  - (a) the decision involved an error relating to—
    - (i) the application of the relevant adopted charge; or
    - (ii) the working out, for section 636, of additional demand; or
    - (iii) an offset or refund;
  - (b) there was no decision about an offset or refund;  
Examples of possible errors in applying an adopted charge—
    - (i) the incorrect application of gross floor area for a non-residential development;
    - (ii) applying an incorrect 'use category' under an SPRP (adopted charges) to the development;
  - (c) if the infrastructure charges notice states a refund will be given—the timing for giving the refund.
- (3) To remove any doubt, it is declared that the appeal 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 in an LGIP; or
    - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.
- (4) The appeal must be started within 20 business days after the day the recipient is given the relevant infrastructure charges notice.

**535A Appeals against refusal of conversion application**

- (1) The applicant for a conversion application may appeal to a building and development committee against a refusal, or deemed refusal, of the application.
- (2) The appeal must be started within the following period—
  - (a) if the applicant is given written notice of the refusal—20 business days after the day the applicant is given the notice;
  - (b) otherwise—20 business days after the end of the required period under section 660(5) for the application.