



Our Ref: DA/32/2017 FM7.2

23 October 2017

Mr T P Lawry  
C/- Mr Stephen Enders  
Zone Planning Group  
PO Box 5332  
GLADSTONE QLD 4680

Dear Sir

**ADOPTED INFRASTRUCTURE CHARGE NOTICE**  
**DA/32/2017**  
**MATERIAL CHANGE OF USE - CODE - NATURE BASED TOURISM**  
**2546 ROUND HILL ROAD, ROUND HILL QLD 4677**  
**LOT 19 RP 616664, UXBRIDGE**

Reference is made to Council's Decision Notice for Nature Based Tourism at 2546 Round Hill Road, ROUND HILL QLD 4677 which was approved under Delegated Authority on 16 October 2017.

Please find attached an Adopted Infrastructure Charge Notice which details the infrastructure charges applicable for the above mentioned development.

Please note, if paying by credit card a surcharge will apply.

Should you have any queries in relation to this matter, please contact Council's Senior Technical Officer, Mrs Juanita Rodwell on (07) 4977 6830.

Yours faithfully

**JORGE EL-KHOURI**  
**MANAGER TECHNICAL SERVICES**



GLADSTONE  
REGIONAL COUNCIL

## ADOPTED INFRASTRUCTURE CHARGE NOTICE

### Sustainable Planning Act 2009 S637 and s638 State Planning Regulatory Provision (adopted charges)

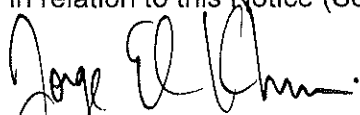
This Adopted Infrastructure Charge Notice relates to Development Application Number: DA/32/2017 approved on 16 October 2017, for Nature Based Tourism (74 sites in 3 Stages) located at 2546 Round Hill Road, ROUND HILL QLD 4677 (Lot 19 RP 616664, Uxbridge), calculated in accordance with the Gladstone Regional Council Adopted Infrastructure Charge Resolution (No. 1) - 2015 - Amendment No. 2.

ISSUED TO (APPLICANT):	Mr T P Lawry C/- Mr Stephen Enders Zone Planning Group PO Box 5332 GLADSTONE QLD 4680
LAND TO WHICH THE CHARGE RELATES:	Lot 19 RP 616664, Uxbridge
LAND OWNER:	Agnes Street Developments Pty Ltd
CALCULATION BREAKDOWN:	<ul style="list-style-type: none"><li>• Charge Area 6</li><li>• 74 sites – 24 @ \$8,900 + 1 @ \$6,350</li><li>• Credit \$17,800 (Stage 1)</li></ul>
AMOUNT OF THE CHARGE:	\$202,150  Stage 1 - \$106,800 Stage 2 - \$53,400 Stage 3 - \$41,950  (indexation will be applied as per Section 629 of the <i>Sustainable Planning Act 2009</i> ).
OFFSET:	Not Applicable to this development.
WHEN THE CHARGE IS PAYABLE:	The charge is payable before the abovementioned authorised use commences on the land (as per Section 638 of SPA).
PAYMENT OF CHARGE:	Payment of this charge must be made to:-  Gladstone Regional Council. PO Box 29 GLADSTONE DC QLD 4680  Note: If paying by credit card a surcharge will apply.

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 your appeal rights in relation to this Notice (Sections 478, 535, 640-644).



**JORGE EL-KHOURI**  
**MANAGER TECHNICAL SERVICES**

23 October 2017

**639 Agreements about payment or provision instead of payment**

- (1) The recipient of an infrastructure charges notice and the local government that gave it may agree about either or both of the following—
  - (a) whether the levied charge under the notice may be paid other than as required under section 638 including whether it may be paid by instalments;
  - (b) whether infrastructure may be provided instead of paying part or all of the levied charge.
- (2) If the levied charge is subject to an automatic increase provision, the agreement must state how increases in the charge are payable under the agreement.

**Subdivision 5 Changing charges during relevant appeal period**

**640 Application of sdiv 5**

This subdivision applies to the recipient of an infrastructure charges notice (the *original notice*) given by a local government.

**641 Submissions for infrastructure charges notice**

During the relevant appeal period, the recipient may make submissions to the local government about the original notice.

**642 Consideration of submissions**

The local government must consider the submissions.

**643 Decision about submissions**

- (1) If the local government decides it agrees with a submission, it must, within 5 business days after making the decision, give

the recipient a new infrastructure charges notice (a *negotiated notice*).

- (2) The local government may give only 1 negotiated notice.
- (3) A negotiated notice—
  - (a) must be in the same form as the original notice; and
  - (b) must state the nature of the changes; and
  - (c) replaces the original notice.
- (4) If the local government decides it does not agree with any of the submissions, it must, within 5 business days after making the decision, give the recipient a notice stating the decision.
- (5) Despite another provision of this Act, the relevant appeal period for the infrastructure charges notice starts again when the recipient is given the notice under subsection (4).

#### **644 Suspension of relevant appeal period**

- (1) If the recipient needs more time to make submissions, the recipient may give the local government a notice (a *suspension notice*) suspending the relevant appeal period.
- (2) The recipient may give only 1 suspension notice.
- (3) If the submissions are not made within 20 business days after the giving of the suspension notice, the balance of the relevant appeal period restarts.
- (4) If submissions are made within the 20 business days and the recipient gives the local government a notice withdrawing the suspension notice, the balance of the relevant appeal period restarts the day after the local government receives the notice of withdrawal.

- (3) An appeal under subsection (1)(b) may be started at any time after the last day a decision on the matter should have been made.

#### **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—*
- the incorrect application of gross floor area for a non-residential development
  - 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.

#### **479 Appeals from building and development committees**

- (1) A party to a proceeding decided by a building and development committee may appeal to the court against the committee's decision, but only on the ground—
  - (a) of an error or mistake in law on the part of the committee; or
  - (b) that the committee had no jurisdiction to make the decision or exceeded its jurisdiction in making the decision.
- (2) An appeal against a building and development committee's decision must be started within 20 business days after the day notice of the committee's decision is given to the party.

- (a) a work, if the enforcement notice states the entity believes the work is a danger to persons or a risk to public health; or
- (b) stopping the demolition of a work; or
- (c) clearing vegetation on freehold land; or
- (d) the removal of quarry material allocated under the *Water Act 2000*; or
- (e) extracting clay, gravel, rock, sand or soil, not mentioned in paragraph (d), from Queensland waters; or
- (f) development the assessing authority reasonably believes is causing erosion or sedimentation; or
- (g) development the assessing authority reasonably believes is causing an environmental nuisance.

## Division 7 Appeals about particular charges

### 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—*

- the incorrect application of gross floor area for a non-residential development



- 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.