Mareeba SHIRE COUNCIL

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25 January 2023

Council Ref: RAL/22/0019
Our Ref: BM:CE:nj
Your Ref: F22/23

BTM & S Stankovich Pty Ltd
C/- Freshwater Planning Pty Ltd
17 Barronview Drive
FRESHWATER QLD 4870

Dear Applicants,

Adopted Infrastructure Charges Notice

Planning Act 2016

I wish to advise that the attached Infrastructure Charges Notice for the above approved development has been issued by Council.

APPLICATION DETAILS

Application No:	RAL/22/0019
Street Address:	Emerald End Road, Mareeba
Real Property Description:	Lot 500 on SP336235
Planning Scheme:	Mareeba Shire Council Planning Scheme 2016

DECISION DETAILS

Type of Decision:	Approval
Type of Approval:	Development Permit for Reconfiguring a Lot - Subdivision (1 into 45 Lots) in 3 stages (Stages 13A, 13B and 14A)
Date of Decision:	25 January 2023

Rights of Appeal

Attached is an extract from the *Planning Act 2016* which details your appeal rights regarding the issue of this Notice.

Should you require any further information, please contact Council's **Senior Planner, Brian Millard**, on the above telephone number.

Yours faithfully

B. Millard

BRIAN MILLARD
SENIOR PLANNER

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Adopted Infrastructure Charges Notice

To:	BTM & S Stankovich Pty Ltd
Date of Issue:	25 January 2023
Application Number:	RAL/22/0019
Type of Approval:	Development Permit for Reconfiguring a Lot - Subdivision (1 into 45 Lots) in 3 stages (Stages 13A, 13B and 14A)

This infrastructure charges notice is levied by Mareeba Shire Council.

The charge levied under this infrastructure charges notice has been worked out by applying the Adopted Infrastructure Charges Resolution (No. 1) 2022 which took effect on 1 July 2022. The charge was calculated as follows:

Development Type	Rate	Measure	Charge	Credit Detail	Balance
	$ per Lot	*Lots*		*Lots*	
Stage 13A - Residential	$20,260.00	**15 Lots**	**$303,900.00**	Nil	**$303,900.00**
Stage 13B - Residential	$20,260.00	**18 Lots**	**$364,680.00**	Nil	**$364,680.00**
Stage 14A - Residential	$20,260.00	**12 Lots**	**$243,120.00**	Nil	**$243,120.00**
TOTAL CURRENT AMOUNT OF CHARGE					**$911,700.00**

Enquiries regarding this infrastructure charges notice can be made by contacting Council's Senior Planner on (07) 4086 4657.

Land to which the levied charge applies	**Site Address**	Emerald End Road, Mareeba
	Real Property Description	Lot 500 on SP336235

Current amount of the levied charge	**Total adopted infrastructure charge**	**$911,700.00**

Automatic increase provision	The amount of the levied charge will be escalated from the date of the notice to the payment date in accordance with the Adopted Infrastructure Charges Resolution (No. 1) of 2022 which took effect on 1 July 2022.

Payment date pursuant to section 122 of the Planning Act 2016	The levied charge here applies for reconfiguring a lot. As such the levied charge becomes payable when Council approves the plan of subdivision for the reconfiguration.

Offset/refund	Not applicable

Information Notice

In accordance with section 121 of the *Planning Act* 2016, the following is the information notice about the Council's decision to give this infrastructure charges notice.

A development approval has been given in relation to the land the subject of this infrastructure charges notice, for which an adopted charge applies for providing the trunk infrastructure for the development. Council is entitled to levy a charge and has decided to do so here as there will be additional demand placed upon the trunk infrastructure that will be generated by the development.

Planning Act 2016

Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

(1) Schedule 1 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.

(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