



Building and Development Dispute Resolution Committees—Decision

Sustainable Planning Act 2009

Appeal Number: 21/2010

Applicant: Building Suncoast Green

Assessment Manager: Gold Coast City Council

Concurrence Agency:
(if applicable)

Site Address: 106 Bundall Road, Bundall, Gold Coast and described as Lot 9 on SP 135108— the subject site

Appeal

Appeal under section 554 of the *Sustainable Planning Act 2009* (SPA) about an error in the calculation of a charge in an infrastructure charges notice under the Gold Coast City Council Priority Infrastructure Plan.

Date of hearing: 25 July 2011

Place of hearing: Gold Coast City Council chambers

Committee: Chairperson - Peter McDermott

Present: Debbie Johnson for the Applicant
Rachel Duncan representative for Gold Coast City Council
Grant McDonough representative for Gold Coast City Council
Ray Hallgarth – representative for Allconnex

Decision:

The Committee, in accordance with section 564 of the SPA, makes the decision that the infrastructure charges notice under the Gold Coast Priority Infrastructure Plan is amended to provide as follows:

1. The net demand after allowing for credits, for the calculation of water supply and wastewater infrastructure charges is 2ET; and
2. A Water Incentive Conservation Agreement (WICA) agreement is not required since a portion of the assessed demand has been allowed for growth and variability in consumption over time.

Background

The appeal is about an error in the calculation of a charge in an infrastructure charges notice under the Gold Coast Priority Infrastructure Plan.

Material Considered

The material considered in arriving at this decision comprises:

1. 'Form 10 – Appeal Notice', grounds for appeal and correspondence accompanying the appeal lodged with the Registrar on 6 April 2010.
2. Infrastructure charges notice no. 19614 dated 30/06/2011 and Infrastructure charges notice no. 19606 dated 30/06/2011.
3. The parties agreed to the following charges: (which were itemised in an 'Advice of Amended Charges' dated 4 May 2010):-
 - PIP: Recreation Facilities Network 0.16146 ET
 - PIP: Transport Network (Local and State) each being 38.2 Trip Ends per Day.
 - PIP: Wastewater Category 1 3.955 ET
 - PIP: Wastewater Category 2 3.955 ET
 - PIP: Water Category 1 3.955 ET
 - PIP: Water Category 2 3.955 ET.

Reasons for the Decision

By consent the parties have agreed to the decision.

Peter McDermott
Building and Development Committee Chair
Date: 4 August 2011

Appeal Rights

Section 479 of the *Sustainable Planning Act 2009* provides that a party to a proceeding decided by a Committee may appeal to the Planning and Environment Court against the Committee's decision, but only on the ground:

- (a) of 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.

The appeal must be started within 20 business days after the day notice of the Committee's decision is given to the party.

Enquiries

All correspondence should be addressed to:

The Registrar of Building and Development Dispute Resolution Committees
Building Codes Queensland
Department of Infrastructure and Planning
PO Box 15009
CITY EAST QLD 4002
Telephone (07) 3237 0403 Facsimile (07) 3237 1248