



Building and Development Tribunals—Decision

Integrated Planning Act 1997

Appeal Number:	3—09—074
Applicant:	TGB Projects
Assessment Manager:	Gold Coast City Council
Concurrence Agency: (if applicable)	N/A
Site Address:	10 Sickle Avenue, Hope Island and described as Lot 88 on RP902260 — the subject site

Appeal

Appeal under section 4.2.7 (2)(b) of the *Integrated Planning Act 1997* about an error in the calculation of a charge in an infrastructure charges notice under the Gold Coast City Council (Council) Priority Infrastructure Plan.

Date of hearing:	5 February 2010
Place of hearing:	The subject site
Tribunal:	Peter McDermott – Chair Rami Hughes – General Referee
Present:	Stephen Enders – Applicant’s representative Rachel Duncan – Council’s representative

Decision:

The Building and Development Tribunal, by consent, **sets aside** the decision appealed against and instead makes a decision in terms of the below paragraph:

5.1 Council seeks the following orders:

- (a) That the reconfiguration of lot infrastructure charge notice is lawful and the chargeable demand for each network set out in that notice remain unchanged.
- (b) That the infrastructure charge notice issued for a material change of use for Aged Person Accommodation be set aside and replace with an ICN which imposes charges based on the following chargeable demand (charge rates current as at 2 February 2010):

Infrastructure Network	Demand Units	Charge
Recreation Facilities	55.35 ET's	\$403,952.60

(c) That provided the appellant has dedicated to the Council the 5m strip of land along the canal frontage and the embellishments required under the Approval prior to the payment of the infrastructure charges for the recreation facilities network imposed under the infrastructure charge notice in paragraph (b) Council must offset the recreation facilities charge by 22 ET in accordance with the Land Notice.

(d) That provided the appellant has dedicated the balance of the land required under the approval (the 4m wide strip along the southern boundary and the 3m strip within the canal) Council must offset the recreation facilities charge with a further 8.5 ET. This is to be confirmed in writing via an exchange of correspondence.

The representatives for the appellant, TGB Projects (Stephen Enders) and the respondent, Gold Coast City Council (Rachel Duncan) consented to this order on 5 February 2010.

Peter McDermott
Building and Development Tribunal Chair
Date: 12 March 2010

Appeal Rights

Section 4.1.37 of the *Integrated Planning Act 1997* provides that a party to a proceeding decided by a Tribunal may appeal to the Planning and Environment Court against the Tribunal's decision, but only on the ground:

- (a) of error or mistake in law on the part of the Tribunal or
- (b) that the Tribunal 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 Tribunal's decision is given to the party.

Enquiries

All correspondence should be addressed to:

The Registrar of Building and Development Tribunals
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