

Enquiries to: Planning Department
Our Reference: MCU25/0014
Your Reference: -

2 October 2025

Peter Hall
C/- Post Office
Claredale QLD 4807
Via email: iacjacfarms@hotmail.com

Dear Peter,

Development Application No. MCU25/0014

Decision Notice – Development Permit for Material Change of Use for Cropping (Ancillary Class 7b Farm Shed) on land located at Mitchell Road, Clare (Lot 252 on GS1071).

I refer to your development application made on behalf of Peter Hall, seeking a Development Permit for Material Change of Use for Cropping (Ancillary Class 7b Farm Shed), on land as described above.

Your development application was assessed by relevant officers and Council approved the proposed development on **26 September 2025**, subject to reasonable and relevant conditions. Council's Decision Notice is **enclosed**.

This notice outlines the aspects of the development's condition of approval, currency period, approved plans and includes extracts from the Planning Act 2016, with respect to the making of representations about conditions, suspension of the appeal period, negotiated decisions and lodgement of an appeal, should you wish to do so.

Yours sincerely,



Kellie Galletta

Manager Planning and Development

Enc: **Decision Notice**
Appeal Rights

Decision Notice

Planning Act 2016

Address all communications to
The Chief Executive Officer

PO Box 974, Ayr Qld 4807
T (07) 4783 9800 | F (07) 4783 9999
planning@burdekin.qld.gov.au
www.burdekin.qld.gov.au

2 October 2025

This decision notice is given under Section 63 of the *Planning Act 2016*.

Application Details

This Decision Notice relates to the below Development Application:

Application Number:	MCU25/0014
Applicant Details:	Peter Hall C/- Post Office Claredale QLD 4807 Via email: lacjacfarms@hotmail.com
Owner Details:	Peter Hall and Amanda Hall
Street Address:	Mitchell Road, Clare
Real Property Description:	Lot 252 on GS1071
Proposal:	Material Change of Use – Cropping (Ancillary Class 7b Farm Shed)
Planning Scheme:	<i>Burdekin Shire Council Planning Scheme 2022</i>
Level of Assessment:	Code

Decision Details

The information below outlines the specifics of any approval or refusal issued by the Assessment Manager resulting from development assessment as per the provision of the *Planning Act 2016*.

Type of Decision:	Approval with conditions
Date of Decision:	26 September 2025
Decision Type:	Development Permit
Deemed Approval:	The Development Permit is not a deemed approval under Section 64 of the <i>Planning Act 2016</i>
Submissions:	Not applicable

Conditions of Approval

The Conditions of Approval are set out in **Attachment A** of this Decision Notice. The conditions are identified to indicate whether the Assessment Manager or a Referral Agency imposed them.

Approved Plans and Documents

The approved development must be completed and maintained generally in accordance with the approved plans and documents, except as amended by the conditions of this permit. The approved plans are included in **Attachment B** of this Decision Notice.

Referral Agencies

Not applicable.

Further Approvals Required

Refer to **Attachment A** - Conditions of Approval.

Infrastructure Charges

The proposal is a development type that triggers infrastructure charges to be applied, as per Council's Charges Resolution. The full Infrastructure Charges Notice is **attached**.

Rights of Appeal

The rights of an applicant to appeal to the Planning and Environment Court against a decision about a Development Application are set out in Chapter 6, Part 1 of the *Planning Act 2016*. There may also be the right to make an application for a declaration by Tribunal (refer Chapter 6, Part 2 of the Planning Act 2016).

An applicant for a development application may appeal to the Planning and Environment Court against the following:

- the refusal of all or part of the development application
- a provision of the development approval
- the decision to give a preliminary approval when a development permit was applied for
- a deemed refusal of the development application.

The timeframes for starting an appeal in the Planning and Environment Court are set out in Section 229 of the *Planning Act 2016*. A copy of the relevant appeal provisions from the *Planning Act 2016* is **attached**.

Approval Currency Period

Pursuant to Section 85 of the *Planning Act 2016*, the Material Change of Use component of the Development Approval will lapse six (6) years after the approval starts to have effect, unless otherwise conditioned. The currency period can only be extended if the request is received before the approval lapses.

Notice About Decision – Statement of Reasons

This notice is prepared in accordance with s63(5) of the *Planning Act 2016* to inform the public about a decision that has been made in relation to a development application. The purpose of the notice is to enable a public understanding of the reasons for the planning decision, specifically having regard to:

- the relevant parts of the planning scheme and assessment benchmarks against which the application was assessed; and
- any other information, documents or other material council was either required to, or able to, consider in its assessment.

All terms used in this notice have the meanings given them in the *Planning Act 2016*.

Assessment Benchmarks

The following assessment benchmark applied to the proposed development:

- Rural Zone Code – PO1/ AO1 (a) only.

Compliance with Assessment Benchmarks

The proposed development was assessed against the assessment benchmark listed above, reasons for approval despite non-compliance are listed below.

Assessment Benchmarks	Reason for approval despite non-compliance with Benchmark
Rural Zone Code	
Site Layout	
PO1 Any non-residential buildings, structures and open use areas are setback from site boundaries to ensure that the amenity of adjoining land and the rural character of the locality are maintained.	The proposed farm shed is setback more than 10.0m from all other site boundaries and 100.0m from any existing dwelling on an adjacent property, therefore complying with AO1 (b) and (c).
AO1 Non-residential buildings, structures and open use areas are setback not less than: (a) 20m from any road frontage of the site; (b) 10m from all other site boundaries; and (c) 100m from any existing dwelling on an adjacent property.	However, it is only setback 1.0m from the Mitchell Road frontage boundary which is a 10.0m encroachment to the 20.0m setback prescribed in AO1 (a). Despite the non-compliance with AO1 (a), the 10.0m encroachment is considered acceptable in this location and is not considered to reduce or negatively impact on the rural character of the locality already experienced.

Council exercises its discretion to approve the application even though the development may not strictly comply with an aspect of the assessment benchmarks, as the proposed development generally complies with the Rural Zone Code.

Reasons for the Decision

Under the *Burdekin Shire Council Planning Scheme 2022*, the land is zoned Rural and the proposal is considered consistent development.

The new Class 7b farm shed to be located a minimum of 10.0m from the Mitchell Road frontage, rather than the required 20m setback, as:

- The proposed shed will be used for agricultural purposes associated with the cane farm on the same lot, maintaining the rural character of the locality; and
- There is minimum 30.0 separation between the property boundary to the sealed portion of Mitchell Road.

Properly Made Submissions

Not applicable.

Appeal Rights

Planning Act 2016 & The Planning Regulation 2017

Chapter 6 Dispute resolution

Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

- (1) Schedule 1 of the [Planning Act 2016](#) 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.

(Refer to Schedule 1 of the Planning Act 2016)

- (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 a decision of the Minister, under [chapter 7, part 4](#), to amend the registration of premises to include additional land in the affected area for the premises—20 business days after the day a notice is published under [section 269A\(2\)\(a\)](#); or
 - (e) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
 - (f) 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
 - (g) for an appeal relating to the [Plumbing and Drainage Act 2018](#)—
 - a. for an appeal against an enforcement notice given because of a belief mentioned in the [Plumbing and Drainage Act 2018, section 143\(2\)\(a\)\(i\), \(b\) or \(c\)](#)—5 business days after the day the notice is given; or
 - b. for an appeal against a decision of a local government or an inspector to give an action notice under the [Plumbing and Drainage Act 2018](#)—5 business days after the notice is given; or
 - c. for an appeal against a failure to make a decision about an application or other matter under the [Plumbing and Drainage Act 2018](#)—at anytime after the period within which the application or matter was required to be decided ends; or
 - d. otherwise—20 business days after the day the notice is given; or
 - (h) 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.

230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that-
 - (a) is in the approved form; and
 - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar, must, within the service period, give a copy of the notice of appeal to –

- (a) the respondent for the appeal; and
 - (b) each co-respondent for the appeal; and
 - (c) for an appeal about a development application under [schedule 1, section 1](#), table 1, item 1—each principal submitter for the application whose submission has not been withdrawn; and
 - (d) for an appeal about a change application under [schedule 1, section 1](#), table 1, item 2—each principal submitter for the application whose submission has not been withdrawn; and
 - (e) each person who may elect to be a co-respondent for the appeal other than an eligible submitter for a development application or change application the subject of the appeal; and
 - (f) for an appeal to the P&E Court – the chief executive; and
 - (g) for an appeal to a tribunal under another Act – any other person who the registrar considers appropriate.
- (4) The *service period* is –
- (a) if a submitter or advice agency started the appeal in the P&E Court – 2 business days after the appeal has started; or
 - (b) otherwise – 10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent to an appeal by filing a notice of election in the approved form—
- a. if a copy of the notice of appeal is given to the person—within 10 business days after the copy is given to the person; or
 - b. otherwise—within 15 business days after the notice of appeal is lodged with the registrar of the tribunal or the P&E Court.
- (7) Despite any other Act or rules of court to the contrary, a copy of a notice of appeal may be given to the chief executive by emailing the copy to the chief executive at the email address stated on the department's website for this purpose.

231 Non-appealable decisions and matters

- (1) Subject to this chapter, [section 316\(2\)](#), [schedule 1](#) and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.
- (2) The [Judicial Review Act 1991, part 5](#) applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the [Judicial Review Act 1991](#) in relation to the decision or matter, may apply under [part 4](#) of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section –
 - decision* includes–
 - (a) conduct engaged in for the purpose of making a decision; and
 - (b) other conduct that relates to the making of a decision; and
 - (c) the making of a decision or failure to make a decision; and
 - (d) a purported decision; and
 - (e) a deemed refusal.
 - non-appealable*, for a decision or matter, means the decision or matter–
 - (a) is final and conclusive; and
 - (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the Judicial Review Act 1991 or otherwise, whether by the Supreme Court, another court, any tribunal or another entity; and
 - (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, any tribunal or another entity on any ground.

232 Rules of the P&E Court

- (1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.
- (2) However, the P&E Court may hear and decide an appeal even if the person has not complied with the rules of the P&E Court.

Attachment A – Conditions of Approval

Condition	Reason	Timing
1 General and Administration <u>Compliance with Conditions</u> 1.1 The Applicant (and any contractor, agent, employee or invitee of the applicant) is responsible for carrying out the approved development and ensuring compliance with this development approval, the conditions of the approval and the relevant requirements in accordance with: 1.1.1 The specifications, facts and circumstances as set out in the application submitted to Council, including recommendations and findings confirmed within the relevant technical reports. 1.1.2 The development must comply in full with all conditions of this approval, and is to be designed, constructed and maintained in accordance with relevant Planning Scheme requirements, Council policies, guidelines and standards (except as otherwise specified by any condition) to Council's satisfaction, and best practice engineering. 1.2 Where a discrepancy or conflict exists between the written condition(s) of the approval and the approved plans, the requirements of the written condition(s) of the development approval will prevail. 1.3 Where these conditions refer to 'Council' in relation to requiring Council to approve or be satisfied, the role of the Council may be fulfilled in whole or in part by an officer acting under appropriate delegation. <u>Works – Applicant's Responsibility/Expense</u> 1.4 The cost of all works associated with the development and construction of the development including services, facilities and/or public utility alterations required are met by the applicant, at no cost to the Council. 1.5 The applicant must repair any damage to existing infrastructure (e.g. kerb and channel, footpath or roadway) that may occur during any works undertaken as part of the development. Any damage that is deemed to create a hazard to the community must be repaired immediately. <u>Infrastructure Conditions</u> 1.6 All development conditions contained in this development approval relating to infrastructure under Chapter 4 of the <i>Planning Act 2016 (the Act)</i> , should be read as being non-trunk infrastructure conditioned under section 145 of the Act, unless otherwise stated.		At all times.
2 Approved Plans and Documents <u>Approved Plans & Documents</u> 2.1 The proposed development and use of the site must be completed, comply with and maintained generally in accordance with drawings/documents identified in the table below, except as otherwise specified and/or amended by any condition of this approval.	The approved development must be completed and maintained generally in accordance with the approved drawings and documents.	At all times.

Attachment A – Conditions of Approval

Condition		Reason	Timing
2.2	The development must generally accord with the position and at the levels identified on the approved plans or as stipulated by a condition of this approval, noting that all boundary setback measurements are taken from the real property boundary and not from such things as road bitumen or fence lines.		
Approved Plans			
Drawing/ Plan Title		Number/ Issue	Date
Site Plan for a Shed - 23M x 16M		-	08/08/2025
Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail.			
3	Notice of Intention to Commence the Use		
3.1	A minimum of two (2) weeks prior to the commencement of the use on the land the subject of the application, written notice must be given to Council that the use (development and/or works) fully complies with the decision notice issued in respect of the use.		
4	Outstanding Charges		
4.1	All rates and charges, in arrears in respect of the land, subject of the application, are paid in full prior to the commencement of the proposed use.		
5	Limitations of the Approval		
5.1	This approval is for Material Change of Use – Cropping (Ancillary Class 7b Farm Shed) only, permitting the new Class 7b farm shed to be located a minimum of 10m from the Mitchell Road frontage. <i>Note: Development Permit for Building Works is to be given before commencing any Building Works and the structure is to be erected as per the conditions detailed therein.</i>	The development must comply with all planning scheme requirements and definitions as approved, and as conditioned by this development permit.	At all times.
5.2	The building or structure is not to be used for habitable purposes.		
5.3	The approved use is to remain in accordance with the scale and intensity provided in the development application and as set out on the approved proposal plans listed in the table forming part of Condition 2.		
5.4	No other operations and/or activities are allowed other than that approved by this permit.		
5.5	The Council and its officers make no representations and provide no warranties as to the accuracy of the information contained in the		

Attachment A – Conditions of Approval

Condition	Reason	Timing
<p>development application including its supporting material provided to it by the Applicant.</p> <p>5.6 The Council and its officers rely upon the applicant concerning the accuracy and completeness of the application and its supporting material and accepts the development application and supporting material as constituting a representation by the applicant as to its accuracy and completeness.</p>		
Lighting		
<p>6 Lighting</p> <p>6.1 The vertical illumination resulting from direct, reflected or incidental light coming from a site does not exceed 8 lux when measured at any point 1.5m outside of the boundary of the property at any level from ground level up.</p>	To ensure lighting does not cause undue disturbance.	At all times.
Infrastructure		
<p>7 Stormwater and Flooding</p> <p>7.1 The approved development and use(s) must not interfere with the natural flow of stormwater in the locality in such a manner as to cause ponding or concentration of stormwater on adjoining land or roads.</p> <p>7.2 Any external catchments discharging to the premises must be accepted and accommodated within the development's stormwater drainage system.</p>	To ensure the premises appropriately manage and convey stormwater legally and in an environmentally responsible manner in accordance with relevant standards, code/s and policy direction.	At all times.
<p>8 Roadworks</p> <p>8.1 The construction of any additional crossovers to give access to the land is to be the owner's responsibility and to the satisfaction of the Chief Executive Officer.</p>	To provide appropriate access in accordance with relevant code/s and policy direction.	At all times.

Advice
<p>1 Infrastructure Charges</p> <p>An Infrastructure Charges Notice outlining the estimated infrastructure contributions payable relevant to the development permit is attached for your information.</p>
<p>2 Further Approvals Required</p> <p>2.1 <u>Development Permit for Building Works</u></p> <p>A Development Permit for Building Works to carry out building works is required prior to works commencing on site.</p>

Attachment A – Conditions of Approval

3 Soil Erosion Minimisation, Sediment Control

Should any works that involve the exposure of earth occur on site, appropriate erosion and sediment control management must be undertaken (including installation of site-specific stormwater treatment devices) and maintained to the satisfaction of the Council.

4 Environmental Health – Construction Phase

To ensure compliance with the *Environmental Protection Act 1994*:

- a) Do not undertake any construction work during the following hours:
 - i. on a Sunday or public holiday, at any time; or
 - ii. on a Saturday or business day, before 6.30 am or after 6.30 pm. unless otherwise approved in writing by Council.
- b) Remove any spills of soil or other material from the road or gutter immediately during construction. These material spills and accumulated sediment deposits must be managed in a way that minimises environmental harm and/or damage to public and private property.
- c) Take all reasonable and practical measures to prevent pollutants from cutting, cleaning activities and waste concrete from entering gutters, drains and waterways.
- d) Confine dust and other emissions, such as fumes, sediments, light, or odour from the building work on - site and take all reasonable steps to prevent a release to neighbouring properties.
- e) Contain all litter, building waste and sediments on the building site by the use of a skip and take any other reasonable steps during construction to prevent release to a neighbouring property or road.
- f) Carry out construction activities in accordance with the approved Construction Management Plan.
- g) Implement drainage, erosion and sediment control measures and maintain them in a proper and efficient working order to ensure dirt and sediment remains on the construction site. Stormwater must not be contaminated by erosion and sediment runoff.
- h) Dispose of building construction and demolition waste only at an approved waste disposal facility.
- i) Dust control measures should be implemented on - site during the construction phase to prevent an environmental nuisance from affecting the occupiers and users of nearby premises.

5 General Safety of Public During Construction

- a) It is the Project Manager's responsibility to ensure compliance with the Work Health and Safety Act 2011. It states that the Project Manager is obliged to ensure construction work is planned and managed in a way that prevents or minimises risks to the health and safety of members of the public at or near the workplace during construction work.
- b) It is the Principal Contractor's responsibility to ensure compliance with the Work Health and Safety Act 2011. It states that the Principal Contractor is obliged on a construction workplace to ensure that work activities at the workplace prevent or minimise risks to the health and safety of the public at or near the workplace during the work.
- c) It is the responsibility of the person in control of the workplace to ensure compliance with the Work Health and Safety Act 2011. It states that the person in control of the workplace is obliged to ensure there is appropriate, safe access to and from the workplace for persons other than the person's workers.

6 Storage of Materials and Machinery

Attachment A – Conditions of Approval

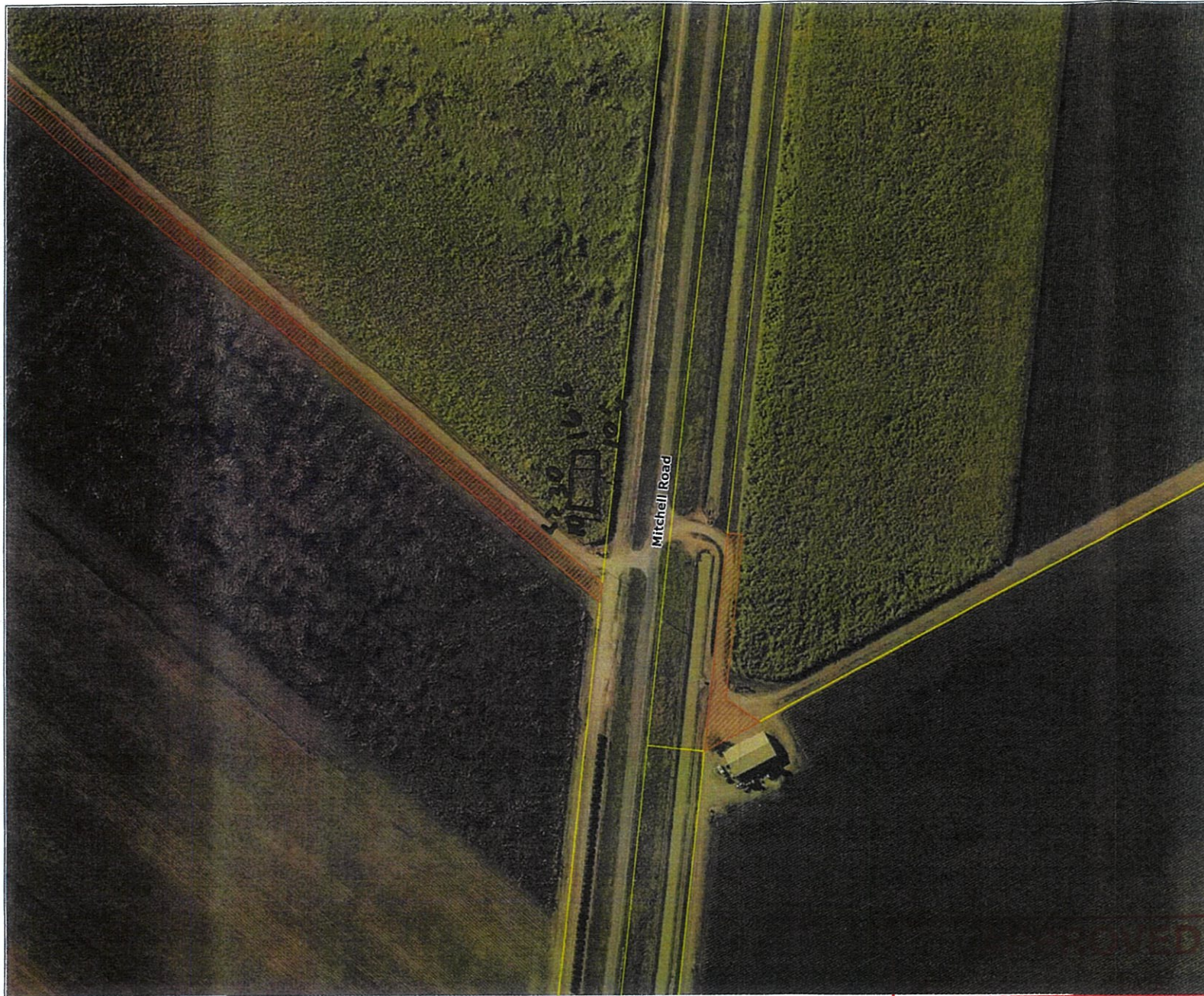
All materials and machinery to be used during the construction period are to be wholly stored on the site, unless otherwise approved by council.

7 Acid Sulfate Soils Management

Should the presence of acid sulfate soils or potential acid sulfate soils be detected, an Acid Sulfate Soils Management Plan may be required to be prepared and submitted to Council for approval.

8 Miscellaneous

- a) If any item of cultural heritage is identified during site works, all work must cease, and the relevant State Agency must be notified. Work can resume only after State Agency clearance is obtained.
 The Applicant is reminded of their obligations under the Aboriginal Cultural Heritage Act, 2003 and the Torres Strait Islander Cultural Heritage Act 2003. Further information and databases are available from the Department of Aboriginal and Torres Strait Islander Partnerships at: www.datsip.qld.gov.au
- b) All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site. No storage of materials, parking of construction machinery or contractors' vehicles will be permitted outside the site, on road reserves or adjoining land unless written permission from the owner of that land and Council is provided.
- c) It is the developer's responsibility for the full rectification of any damage caused to neighbouring public infrastructure (such as footpaths, driveways, fences, gardens, trees and the like) caused by contractors, including clean-up of any litter or waste that is a result of the subject Development.



Burdekin Shire Council
145 Young Street
Ayr Qld 4807
PO Box 974, Ayr, Qld 4807
Telephone (07) 4783 9800
E-mail: enquiries@burdekin.qld.gov.au

LEGEND

- Burdekin Shire Local Government Area
- Burdekin Shire Locality Boundaries
- Animals
- Defined Green Waste Area
- Garbage and Green Waste Areas
- Waste Collection Days
 - Mon Recycle Wk 1
 - Wed Recycle Wk 2
 - Mon Recycle Wk 2
 - Thurs Recycle Wk 1
 - Tues Recycle Wk 1
 - Thurs Recycle Wk 2
 - Tues Recycle Wk 2
 - Fri Recycle Wk 1
 - Wed Recycle Wk 1
 - Fri Recycle Wk 2
- Strata Title
- Easements
- Property Tenure
 - Freehold
 - Leasehold
 - Reserve
 - State Land
 - National Park
 - Housing Land
 - Water Resource
- Property Parcels
- Road Parcels
- Water Parcels

APPROVED

REF: *MC425/0014* DATE: *26.9.25*

Site Plan for a Shed - 23M x 16M

L. Galt

Disclaimer
No warranty given in relation to the data (including accuracy, reliability, completeness, or suitability) and no liability accepted (including without limitation, liability in negligence) for any loss, damage, or costs (including consequential damage) relating to any use of the data. Data must not be used for direct marketing or be used in breach of the privacy laws. External contributors to data listed at www.resources.qld.gov.au/data-mapping OR www.burdekin.qld.gov.au.

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Version: 1, Version Date: 26/09/2025

INFRASTRUCTURE CHARGES NOTICE

(Section 119 of the Planning Act 2016)

APPLICANT:	Peter Hall
APPLICATION:	Material Change of Use for Cropping (Ancillary Class 7b Farm Shed)
Notice Number:	ICN2025-015
DATE:	26 September 2025
FILE REFERENCE:	MCU25/0014
AMOUNT OF THE LEVIED CHARGE: <i>(Details of how these charges were calculated are shown overleaf)</i>	\$ 2,988.00 Total
	\$ - Water Supply Network
	\$ - Sewerage Network
	\$ 2,988.00 Transport Network
	\$ - Public Parks and Community Land Network
	\$ - Stormwater Network
AUTOMATIC INCREASE OF LEVIED CHARGE:	The amount of the levied charge is subject to an automatic increase. Refer to the General Information attached to this notice for more information on how the increase is worked out.
LAND TO WHICH CHARGE APPLIES:	Lot 252 on GS1071
SITE ADDRESS:	Mitchell Road, Clare
PAYABLE TO:	Burdekin Shire Council
WHEN PAYABLE: <i>(In accordance with the timing stated in Section 122 of the Planning Act 2016)</i>	Material Change of Use – Prior to the commencement of the use
OFFSETS OR REFUNDS:	Not Applicable.

This charge is made in accordance with Council's **Charges Resolution (No. 2) 2018**

DETAILS OF CALCULATION

Transport

Adopted Charges

Development Description	No.	Units of Measure	Charge Rate	Reference	Amount
High Impact Rural	498	Per m ²	\$6.00	CR Table 2.2	\$2,988.00

Discounts*

Description	No.	Units of Measure	Discount Rate	Reference	Amount
-	-	-	-	CR Table 2.1	-

Levied Charges

Development Description	Water Supply	Sewerage	Transport	Public Parks & Land for Community Facilities	Stormwater	Total
High Impact Rural	-	-	\$2,988.00	-	-	\$2,988.00
Less Credits	-	-	-	-	-	-
Total	-	-	\$2,988.00	-	-	\$2,988.00

** In accordance with Section 3.3 of the Charges Resolution, the discount may not exceed the adopted charge. Any surplus discounts will not be refunded, except at Council's discretion.*

Yours faithfully,



Kellie Galletta

MANAGER PLANNING AND DEVELOPMENT

INFORMATION NOTICE

Authority and Reasons for Charge	This Infrastructure Charges Notice has been given in accordance with section 119 of the <i>Planning Act 2016</i> to support the Local government's long-term infrastructure planning and financial sustainability.
Appeals	Pursuant to section 229 of the <i>Planning Act 2016</i> a person may appeal an Infrastructure Charges Notice. Attached is an extract from the <i>Planning Act 2016</i> that details your appeal rights.
Automatic Increase Provision of charge rate (\$)	<p>An infrastructure charge levied by Council is to be increased by the difference between the Producer Price Index (PPI) applicable at the time the infrastructure charge was levied, and PPI Index applicable at the time of payment of the levied charge, adjusted by reference to the 3-yearly PPI Index average¹. If the levied charge is increased using the method described above, the charge payable is the amount equal to the sum of the charge as levied and the amount of the increase.</p> <p>However, the sum of the charge as levied and the amount of the increase is not to exceed the maximum adopted charge the Council could have levied for the development at the time the charge is paid.</p>
GST	The Federal Government has determined that contributions made by developers to Government for infrastructure and services under the <i>Planning Act 2009</i> are GST exempt.
To whom the charge must be paid	<p>Payment of the Charge must be made payable to BURDEKIN SHIRE COUNCIL, PO Box 974, Ayr, Qld 4807.</p> <p>The Infrastructure Charge has been calculated in accordance with the charges stated in Council's Charges Resolution. This notice will be escalated to time of payment to the extent permitted under legislation in force at that time.</p>

¹ 3-yearly PPI index average is defined in section 114 of the *Planning Act 2016* and means the PPI index smoothed in accordance with the 3-year moving average quarterly percentage change between quarters. PPI Index is the producer price index for construction 6427.0 (ABS PPI) index number 3101 – Road and Bridge construction index for Queensland published by the Australian Bureau of Statistics.

It is requested that you contact Council's Town Planning Department to confirm that amount payable prior to making payment.

Payment

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

Overseas Payees

Please forward your infrastructure charges payment by way of a bank draft for the required amount in Australian dollars.

Method of Payment**PAYMENT BY MAIL**

Confirm the current Infrastructure Charge applicable and obtain an updated payment notice from Council's Town Planning Department.

Mail this updated payment notice immediately with your payment to: BURDEKIN SHIRE COUNCIL, PO Box 974, Ayr, Qld 4807.

NOTE: Cheques must be made payable to BURDEKIN SHIRE COUNCIL

PAYMENT AT COUNCIL OFFICES

Confirm the current Infrastructure Charge applicable.

Present written confirmation of charges with your payment to Burdekin Shire Council Chambers, 145 Young Street, Ayr.

NOTE: Cheques must be made payable to BURDEKIN SHIRE COUNCIL

PAYMENT MADE BY CREDIT CARD

Credit Cards accepted: Mastercard or Visa

Enquiries

Enquiries regarding this Infrastructure Charges Notice should be directed to the BURDEKIN SHIRE COUNCIL, Town Planning Department, during office hours, Monday to Friday by phoning (07) 4783 9800 or email at planning@burdekin.qld.gov.au

Schedule 1 Appeals

section 229

1 Appeal rights and parties to appeals

- (1) Table 1 states the matters that may be appealed to—
 - (a) the P&E court; or
 - (b) a tribunal.
- (2) However, table 1 applies to a tribunal only if the matter involves—
 - (a) the refusal, or deemed refusal of a development application, for—
 - (i) a material change of use for a classified building; or
 - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
 - (b) a provision of a development approval for—
 - (i) a material change of use for a classified building; or
 - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
 - (c) if a development permit was applied for—the decision to give a preliminary approval for—
 - (i) a material change of use for a classified building; or
 - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
 - (d) a development condition if—
 - (i) the development approval is only for a material change of use that involves the use of a building classified under the Building Code as a class 2 building; and
 - (ii) the building is, or is proposed to be, not more than 3 storeys; and
 - (iii) the proposed development is for not more than 60 sole-occupancy units; or
 - (e) a decision for, or a deemed refusal of, an extension application for a development approval that is only for a material change of use of a classified building; or
 - (f) a decision for, or a deemed refusal of, a change application for a development approval that is only for a material change of use of a classified building; or
 - (g) a matter under this Act, to the extent the matter relates to the Building Act, other than a matter under that Act that may or must be decided by the Queensland Building and Construction Commission; or
 - (h) a decision to give an enforcement notice—
 - (i) in relation to a matter under paragraphs (a) to (g); or
 - (ii) under the Plumbing and Drainage Act; or
 - (i) an infrastructure charges notice; or
 - (j) the refusal, or deemed refusal, of a conversion application; or
 - (l) a matter prescribed by regulation.
- (3) Also, table 1 does not apply to a tribunal if the matter involves—
 - (a) for a matter in subsection (2)(a) to (d)—
 - (i) a development approval for which the development application required impact assessment; and
 - (ii) a development approval in relation to which the assessment manager received a properly made submission for the development application; or
 - (b) a provision of a development approval about the identification or inclusion, under a variation approval, of a matter for the development.

- (4) Table 2 states the matters that may be appealed only to the P&E Court.
- (5) Table 3 states the matters that may be appealed only to the tribunal.
- (6) In each table—
 - (a) column 1 states the appellant in the appeal; and
 - (b) column 2 states the respondent in the appeal; and
 - (c) column 3 states the co-respondent (if any) in the appeal; and
 - (d) column 4 states the co-respondents by election (if any) in the appeal.
- (7) If the chief executive receives a notice of appeal under section 230(3)(f), the chief executive may elect to be a co-respondent in the appeal.
- (8) In this section—
storey see the Building Code, part A1.1.

Table 1
Appeals to the P&E Court and, for certain matters, to a tribunal

<p>4. Infrastructure charges notices</p> <p>An appeal may be made against an infrastructure charges notice on 1 or more of the following grounds –</p> <ol style="list-style-type: none"> (a) The notice involved an error relating to – <ol style="list-style-type: none"> i) The application of the relevant adopted charge; or <p><i>Examples of errors in applying an adopted charge –</i></p> <ul style="list-style-type: none"> • The incorrect application of gross floor area for a non-residential development • Applying an incorrect ‘use category’, under a regulation, to the development <ol style="list-style-type: none"> ii) The working out of extra demand, for section 120; or iii) An offset or refund; or <ol style="list-style-type: none"> (b) There was no decision about an offset or refund; or (c) If the infrastructure charges notice states a refund will be given – the timing for giving the refund; or (d) For an appeal to the P&E Court – the amount of the charge is so unreasonable that no reasonable relevant local government could have imposed the amount. 			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The person given the infrastructure charges notice	The local government that gave the infrastructure charges notice	-	-