

**Your Reference:**

**Our Reference:** CW: RR: mw: 20-12 (FID87066, MCU004-20/21, 13665-00000-000, ID1577891)

**Contact:** Rentia Robertson

15 December 2020

Theodore Home & Garden Cafe  
Jessica Stevens  
PO Box 388  
THEODORE QLD 4719

Dear Sir/Madam

**Decision Notice – Approval**

*(Given under section 63 of the Planning Act 2016)*

**Application Number:** MCU004-20/21  
**Description:** Food Premises (Cafe, Garden Centre & Gift Shop)  
**Level of Assessment:** Code Assessable  
**Site Address:** 55 THE BOULEVARD, THEODORE  
**Lot & Plan Details:** Lot 702 on T7762

On 15 December 2020, under delegated authority, the above development application was approved in full subject to conditions. The conditions of this approval are set out in Attachment 1. These conditions are clearly identified to indicate whether the assessment manager or a concurrence agency imposed them.

**1. Details of Approval**

The following approval is given:

	<b>Planning Regulation 2017 reference</b>	<b>Development Permit</b>	<b>Preliminary Approval</b>
Making a Material Change of Use assessable under the planning scheme	s20	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## 2. Approved Plans

The approved plans and document for this development approval are listed in the following table:

Plan/Document number	Plan/Document name	Date
N/A	Site Plan	Received 17 November 2020
N/A	Proposed Amenities Area	Received 17 November 2020
N/A	Theodore Home and Garden Café Flood Emergency Management Plan	22.09.2020

## 3. Further Development Permits

Please be advised that the following development permits are required to be obtained before the development can be carried out:

- Building Works
- Plumbing & Drainage

## 4. Conflict with relevant instrument and reasons for the decision despite the conflict.

The assessment manager does not consider that the assessment manager's decision conflicts with a relevant instrument.

## 5. Submissions

Not applicable (Public Notification not required)

## 6. Currency Period for the Approval

This development approval will lapse at the end of the period set out in section 85 of the *Planning Act 2016*.

## 7. Statement of Reasons

<b>Description of the development</b>	Material change of use for a Food Premises (Cafe, Garden Centre and Gift Shop) exceeding 100sqm of total use area.
<b>Assessment Benchmarks</b>	Village Zone Code Development Standard Code Commercial Code Economic Resources Overlay Code
<b>Reasons for Decision</b>	<u>Village Zone Code</u> The development complies or has been conditioned to comply with all applicable Acceptable Outcomes.

	<p><u>Development Standard Code</u> The development complies or has been conditioned to comply with all applicable Acceptable Outcomes.</p> <p><u>Commercial Code</u> The development complies or has been conditioned to comply with all applicable Acceptable Outcomes.</p> <p><u>Economic Resources Overlay Code</u> The development complies or has been conditioned to comply with all applicable Acceptable Outcomes.</p>
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## 8. Appeal rights

The rights of an applicant to appeal to a tribunal or 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. For particular applications, there may also be a right to make an application for a declaration by a tribunal (see chapter 6, part 2 of the Planning Act 2016).

### Appeal by an applicant

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.

An applicant may also have a right to appeal to the Development tribunal. For more information, see schedule 1 of the Planning Act 2016.

The timeframes for starting an appeal in the Planning and Environment Court are set out in section 229 of the Planning Act 2016.

Attachment 2 is an extract from the Planning Act 2016 that sets down the applicant's appeal rights and the appeal rights of a submitter.

The Planning and Environment Court appeals database lists all the appeals lodged in the Planning and Environment Court since 15 March 2008, which the department has been notified of. It contains information about the appeal, including the appeal number, site address, local government area, and a copy of the appeal notice, including grounds for the appeal. The appeal database is an easy way for anyone to obtain information about an appeal or check if an appeal has been lodged for a specific development application or approval.

The appeal database is available at <https://planning.dsdmip.qld.gov.au/planning/our-planning-system/dispute-resolution>.

Should you require further assistance in relation to this matter, please do not hesitate to contact Council's Development Services section on (07) 4992 9500, quoting you application number of MCU004-20/21.

Yours Sincerely



Chris Welch  
**DIRECTOR COUNCIL SERVICES**

Enc    Attachment 1 – Part A Conditions imposed by the Assessment Manager  
         Attachment 1 – Part B Assessment Manager Notes  
         Attachment 2 – Appeal Rights  
         Attachment 3 – Approved Drawings  
         Attachment 4 – Infrastructure Charges

# MCU004-20/21 Attachment 1

## Part A - Conditions imposed by the Assessment Manager

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### General

- 1 The proposed Material Change of Use is to be completed and carried out generally in accordance with the following approved plans and reports submitted with the Development Application, except where modified by the conditions of this Development Approval –

Plan/Document number	Plan/Document name	Date
N/A	Site Plan	Received 17 November 2020
N/A	Proposed Amenities Area	Received 17 November 2020
N/A	Theodore Home and Garden Café Flood Emergency Management Plan	22.09.2020

- 2 Comply with all of the conditions of this Development Approval prior to the commencement of the use, unless otherwise stated within this Decision Notice, and maintain compliance for the duration of the approved use.
- 3 Exercise the approval and complete all associated works, including any relocation or installation of services, at no cost to Council.
- 4 Alterations to public utilities, mains and services made necessary in connection with any of the works arising from this approval including works to restore and reinstate all roads are to be completed at no cost to Council.

### Approved Use

- 5 The approved use of the premises is for a Food premises including a garden centre, and gift shop exceeding 100m<sup>2</sup> of total use area.

### Building works

- 6 The applicant shall obtain a development permit for building work associated with the demolition/new work associated with the approval.
- 7 The applicant shall obtain a development permit for all plumbing and drainage work including the removal of redundant pipework.

### **Road and access**

- 8 Any damage to the existing road surface, services or furniture as a result of construction work is to be repaired to the pre-existing condition or better condition at no cost to Council.

### **Water and Sewerage Infrastructure**

- 9 Construction works in the vicinity of Councils water or sewerage infrastructure must not adversely affect the integrity of that infrastructure. Any work associated with the repair, replacement or alteration to the infrastructure is to be completed at no cost to Council.
- 10 The applicant shall obtain a Trade Waste Permit prior to commencement of use.

### **Waste Management**

- 11 Waste must not be burned at the premises.
- 12 Waste must be recycled where recycling services are feasibly available.

### **Flood Emergency Management Plan**

- 13 Implement and maintain the approved Flood Emergency Management Plan.

### **Infrastructure Contributions**

- 14 Prior to the commencement of use, all infrastructure charges associated with this approval must be paid to Banana Shire Council. Refer to the Adopted Infrastructure Charges Notice associated with this Development Permit for details of Infrastructure Contributions.

**END OF CONDITIONS**

# MCU004-20/21 Attachment 1

## Part B – Assessment Manager Notes

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- A** The approval to which these conditions attach may also be subject to an *adopted infrastructure charges notice*. See s121 of the *Planning Act 2016*.
- B** The approved development must also comply with Council's current Local Laws under the *Local Government Act 2009*.
- C** Failure to ensure ongoing compliance with the conditions of this Development Approval including conditions relating to the ongoing use of the premise, and the design and layout of the development may constitute an offence under the *Planning Act 2016*.
- D** The applicant is responsible for ensuring Queensland Fire Services requirements are met with respect to this development which may include but not be limited to the installation/upgrade of holding tanks or pumps as necessary to meet flow and pressure requirements.
- E** Where further development is proposed it is the applicant's / developer's responsibility to ensure further approvals are sought as required by the Banana Planning Scheme.
- F** In carrying out the activity or works associated with the development, all reasonable and practical measures are to be taken to minimise releases and the likelihood of releases of contaminants to the environment, except as otherwise provided by the conditions of this development approval.
- G** The applicant and or owner/s of the land and the person/s responsible for the management of the premise is/are to ensure ongoing compliance with conditions of this Development Permit including Conditions relating to the ongoing use of the premise, and the design and layout of the development.
- H** Pursuant to section 75 of the *Local Government Act 2009*, Council's written approval is required to carry out works on a road, or interfere with a road or its operation. This requirement applies to all Council-controlled roads within its local government area. The process for obtaining approval is set out in Council's *Local Law No. 1 (Administration) 2011*. Approval must be obtained prior to the commencement of the works.
- I** Contact is to be made with "Dial Before You Dig" before construction of any of the work commences in order to determine the location of any underground services adjoining the premises. Any damage to any services are to be repaired at no cost to Council.

## **Waste service**

- A** Applicant may apply for an additional garbage bin/service by submitting an 'Application to Amend Wheelie Bin Service' form, should they require so. Additional fees apply for this service and are charged on their rates notice. Bins are to be clearly marked with a "55" (street number) to avoid confusion on collection day.

## **Food premises**

- A** The food premises is required to meet the requirements of the *Food Act 2006* and it's subordinate legislation. A Food Business License Application is to be submitted to Council for approval and an approved Food Business License is required prior to commencement of trade from this premises.

## **Sewerage Infrastructure**

- A** The owners are responsible for maintenance of the private sewer lines within the site. Council's responsibility ends at the inspection opening close to the boundary.

## **Waste Management**

- A** It is an offence under the *Waste Reduction and Recycling Act 2011* to leave litter behind or allow litter to blow from site. All waste must be appropriately contained on site prior to removal.
- B** All waste to be removed from site should be collected by a licensed contractor and taken to an approved waste disposal facility by an approved transporter.
- C** Trap Gully Landfill is the only approved waste facility within the Banana Shire for the disposal of commercial waste. No commercial waste is to be deposited at other Banana Shire landfills or transfer stations without prior written approval from Council.
- D** Council is keen to encourage recycling and recovery of as much material as possible from the waste stream. As such –
- additional disposal fees will apply to unsorted waste disposed of at Trap Gully Landfill; and
  - Recycling materials are free to dispose at Council waste facilities when placed in the correct locations, with the exception of tyres and commercial loads of clean concrete. Further information in relation to recycling options is available on Council's website [www.banana.qld.gov.au/waste](http://www.banana.qld.gov.au/waste)
- E** It is an offence under the *Environmental Protection Regulation 2019* to fail



to comply with signage or directions at a waste facility.

- F Council will not enter onto private property to service wheelie bins, any bins to be serviced by Council will be required to be placed at the kerbside for collection.

### **Cultural Heritage**

- A This development approval does not authorise any activity that may harm Aboriginal cultural heritage. Under the *Aboriginal Cultural Heritage Act 2003* you have a duty of care in relation to such heritage. Section 23(1) provides that, "A person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage".

Council does not warrant that the approved development avoids affecting Aboriginal cultural heritage. It may therefore be prudent for you to carry out searches, consultation, or a cultural heritage assessment to ascertain the presence or otherwise of Aboriginal cultural heritage. The Act and the associated duty of care guidelines explain your obligations in more detail and should be consulted before proceeding.

### **Declared Pests/Plants**

- A A landowner has an obligation to take reasonable steps to keep their land free of invasive plants and animals in accordance with the *Biosecurity Act 2014*. Consideration should be given to appropriate treating of invasive plants, where necessary, in the construction and operational phases of the proposed development to meet the obligations under this Act.

### **Mosquito breeding**

- A The site is required to be appropriately drained so that water is not allowed to accumulate or pond in a manner that may allow mosquito breeding, as required under the *Public Health Regulation 2005*.

**END OF NOTES**

## **Attachment 2**

# **Planning Act 2016 Extract on Appeal Rights**

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### **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—

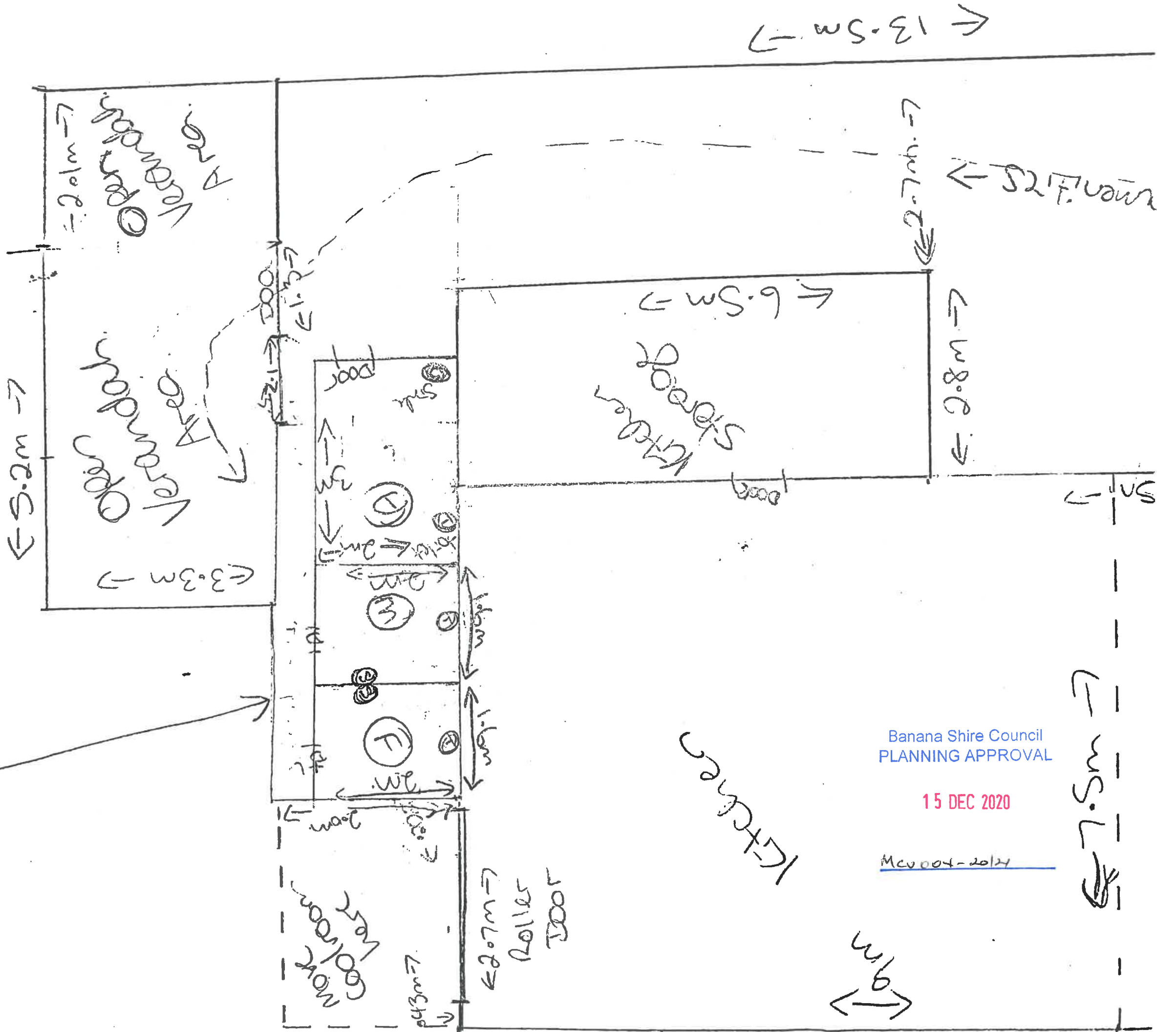
(i) the establishment cost of trunk infrastructure identified in a LGIP; or

(ii) The cost of infrastructure decided using the method included in the local government's charges resolution.

**Attachment 3**  
**Approved Drawings**

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SITING  
AREA  
CROSS SECTION  
CROSS SECTION



Banana Shire Council  
PLANNING APPROVAL

15 DEC 2020

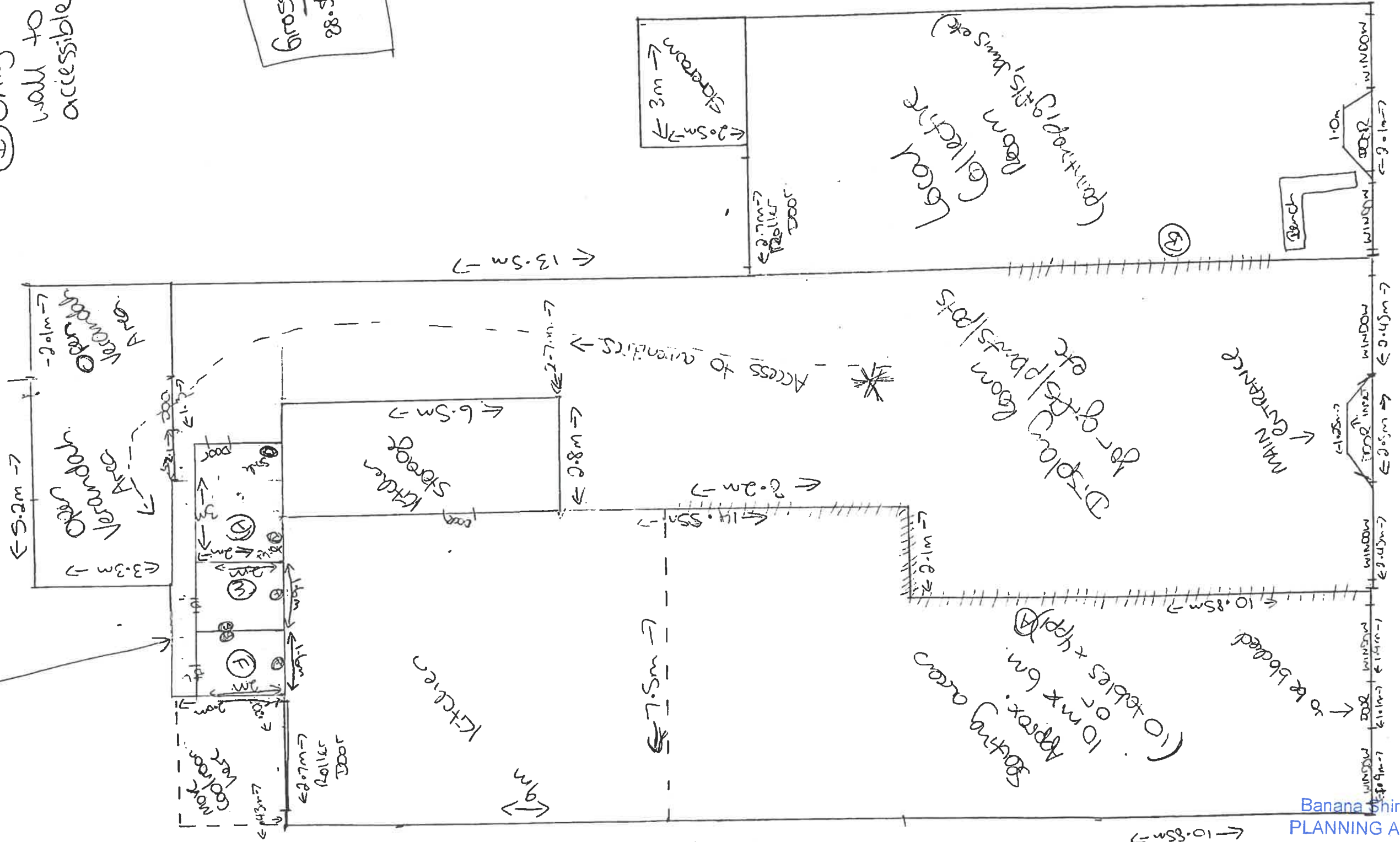
MCV004-2024

7.5m

- Remove walls for access
- Have infrastructure in place to do so
- Only removing some of wall to make it accessible.

GROSS FLOOR AREA  
 28.50 + 342.90  
 = 471.40

Proposed Amenity Area (TBA)



1:100

Banana Shire Council  
 PLANNING APPROVAL

15 DEC 2020

M/02-100314

entire building → 25.4m

Garage Section → 14.55m

Woodsen Section → 10.85m

→ 5.5m →

→ 8m →

→ 6.15m →

1 DC-5

1 DC-5

1 DC-5

← 14.4m →

← 13.5m →

← 10.85m →

← 9.05m →

← 9.05m →

← 10.85m →

← 10.85m →

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← 10.85m →

← 10.85m →

← 10.85m →



# THEODORE HOME & GARDEN CAFE FLOOD EMERGENCY MANAGEMENT PLAN

Created by Jessica Stevens, Owner / Manager  
55 The Boulevard, Theodore QLD 4719  
ABN: 19 404 200 511

Date: 22.09.2020

Person responsible for emergency response procedures &  
systems:  
Jessica Stevens

Banana Shire Council  
PLANNING APPROVAL

15 DEC 2020

MCW 004.21/21

## **SCOPE & OBJECTIVE**

The purpose of this document is to meet new governmental regulations regarding commercial infrastructure planning and development in regards to flooding / potential flooding in the Theodore township.

## **SITUATION**

Due to the 2010/2011 floods there has been many surveys and discussions on flood management in the Theodore region in the event that we ever get a major flood in the future. The 2010 flood was the largest seen in the region for many years and that is the working model for flood heights that the council is currently using as a benchmark.

The flooding that we experience in this area is NOT flash flooding and there is plenty of warning given to evacuate areas when necessary to do so. We manage smaller floods throughout the year with roads becoming not accessible for periods of up to a week in some cases on a generic basis. This document will mostly be for 'in the event of a major flood'.

## **RISK ASSESSMENT**

The risk of there being a flood similar to the 2010 floods is low but still a possibility with the right weather and river conditions but overall is highly unlikely.

The building that is under discussion – 55 The Boulevard, Theodore – did not have flood water enter the building.

Risks associated with a major flood could include but are not limited to: electrical outages, perishable goods, infrastructure damage (minimal), contaminants from the flood water.

### **Building Inundation Risk**

There are a couple of lower areas in the building that are a higher risk of inundation in the event of a major flood but the flooring is cement so the damage would be minimal. Infrastructure to be assessed after such an event before recommencing work.

### **Flash Flooding due to Castle Creek**

While our creeks and rivers can come up fast at times, the risk that there could be a 'flash flood' are minimal. There are emergency management groups in the region that have access to data from the river height readings along the river that can tell what heights the river is currently at in that particular area, so they are able to reliably predict a timeline for evacuations etc.

### **Electricity Outages**

The 2010 major floods did get to a stage where they had to shut down parts of the electricity systems due to the flooding and the lines being under water. This is an issue with stock loss for perishable goods but at this point in a major flood, all shops would be closed and in theory all perishable goods would have been moved to another location. Electricity areas in shop to be assessed after such an event before commencing work.

### **Contaminants in the Flood Water**

Flood water, whilst mostly water, is not water that has been treated so there is the potential to transfer contaminants from the water to the inundated areas. All areas would need to be thoroughly cleaned and decontaminated to make sure that the areas are clean and useable again.

### **Risk to onsite staff**

The risk to onsite staff in the event of a major flood will be minimal due to the fact that the emergency group in Biloela will have already shut down all of the roads and put in place an emergency plan for the area and the shop will already be closed due to no patronage and flood preparations.

### **Increased burden placed on emergency services**

In the event of a major flood, the shop will be closed due to no patronage so no extra burden on emergency services personnel – roads closed due to flooding mean people can't get to the shop to buy things.

### **Evacuation routes from the site**

During a major flood event – Not applicable as shop closed.

## **PREVENTION, PROTECTION & PREPARATION**

In the event that there is a major flood predicted there are a number of actions that can be taken to protect against flooding & prepare for flooding.

### **Action Plan**

1. Keep updated with the emergency management announcements that are made available for the area in the event of a major flood to ascertain the risk level to the building.
2. If a major flood is predicted, make the necessary adjustments to all electrical items and furniture in the building that could potentially be inundated with water and move to



higher within the building (on benches etc) Make the building as safe as possible in the case of a flood and make it as flood proof as possible (sandbags if necessary), move or get rid of perishable goods in case of power outage, advise people of closure of the shop due to temporary flooding of the area and post updates on timeframes online for customer knowledge.

3. Evacuate if necessary.

## FLOOD WARNINGS

Flood warnings are managed by the local emergency management groups within the Shire and are updated frequently during a flooding emergency with estimated flood warnings and updates on road closures and evacuations.

## SITE RE-OCCUPATION

In the event of a major flood and evacuation of said area, site re-occupation will be given initially by the local disaster / emergency management groups. Assessment of the building and all associated risks to be carried out before beginning operations again.

## BRIEFING

Initial briefing of staff upon employment and updated every 5 years or as changes are made to the document.

## OUT OF HOURS WARNING / FLOOD

In the event that major flooding occurs out of hours, Jess Stevens is to be notified and in turn notify the staff of the current flooding situation.

Jess Stevens to arrange for the power, water & gas to be turned off at the facility prior to evacuation.

## EMERGENCY CONTACT LIST

Jess Stevens, Owner / Manager – 0408 710 442

**Attachment 4**  
**Infrastructure Charges**

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## Attachment 4 Infrastructure Charges Notice

<b>ADOPTED INFRASTRUCTURE CHARGES NOTICE</b>			
<i>Planning Act 2016 and Local Government Act 2009</i>			
<b>TO: Theodore Home &amp; Garden Centre</b>			
<b>Applicant:</b>	Jessica Stevens	<b>File Number:</b>	MCU004-20/21
<b>Address:</b>	55 The Boulevard Theodore QLD	<b>Date of Issue:</b>	11 December 2020
<b>LAND TO WHICH THE INFRASTRUCTURE CHARGE APPLIES</b>			
Planning Scheme:	Banana Planning Scheme 2005		
RPD:	Lot 702 on T7762		
<b>DEVELOPMENT TO WHICH THE ADOPTED INFRASTRUCTURE CHARGE APPLIES</b>			
The adopted infrastructure charge applies to the following development type:			
<b>Material Change of Use for a Food premises (Café, Garden Centre and Gift Shop)</b>			
<b>AMOUNT OF THE ADOPTED INFRASTRUCTURE CHARGE</b>			
The adopted infrastructure charge has been calculated in accordance with an adopted infrastructure charge under the <i>Planning Act 2016</i> .			
<b>Commercial: Retail</b>			
<b>Development Type</b>	<b>Units Payable</b>	<b>Current Unit Charge</b>	<b>Charge</b>
Commercial: Food and Drink outlet	8.58m <sup>2</sup>	\$34.10 (including PPI)	\$292.58
			<b>Total Infrastructure Charges: \$292.58</b>

### ADJUSTMENTS TO THE CHARGE

The charge rates included in this notice are valid until 30 June 2021, after which they will be subject to index adjustment. Please contact Banana Shire Council's Development & Environmental Services Department – Planning Section prior to payment for a review or reissue of this notice if applicable.

### DUE DATE FOR PAYMENT

Charges are payable as follows:

- (a) if the charge applies to reconfiguring a lot – prior to the signing of the Survey Plan;
- (b) if the charge applies to building work – prior to the issue of a certificate of classification; or
- (c) if the charge applies to a material change of use – before the change of use happens.

### PAYMENT DETAILS

Charges are payable to **Banana Shire Council**.

Payment can be made at Council's Chambers:

62 Valentine Plains Road, VALENTINE PLAINS, BILOELA

or by mail with your cheque or money order to **Banana Shire Council, PO Box 412, BILOELA QLD 4715**. Cheques must be made payable to Banana Shire Council and marked 'Not Negotiable'. Acceptance of a cheque is subject to collection of the proceeds. Post dated cheques will not be accepted.

### GOODS AND SERVICES TAX

The Federal Government has determined that rates and utility charges levied by local government will be GST free. Accordingly, no GST is included in this infrastructure charges notice.

### FAILURE TO PAY CHARGE

An adopted infrastructure charge levied by a local government is, for the purposes of recovery, taken to be a rate within the meaning of the *Local Government Act 2009*. Compound annual interest at 11% calculated daily is to be applied to an overdue charge.

**This notice will lapse if the development approval stops having effect.**

**APPEAL RIGHTS**

Attached is an extract from the *Planning Act 2016*, which details the appeal rights in relation to this notice.

Authorised by: \_\_\_\_\_



Chris Welch  
**DIRECTOR COUNCIL SERVICES**

Enquiries regarding this Adopted Infrastructure Charges Notice should be directed to Banana Shire Council's Development & Environmental Services Department - Planning Section on (07) 4992 9500 or by email [enquiries@banana.qld.gov.au](mailto:enquiries@banana.qld.gov.au) and by quoting the relevant development application number.

**Chapter 4, Part 4, Division 2, Subdivision 5**

**124 Application of this subdivision**

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

**125 Representations about infrastructure charges notice**

- (1) During the appeal period for the infrastructure charges notice, the recipient may make representations to the local government about the infrastructure charges notice.
- (2) The local government must consider the representations.
- (3) If the local government—
  - (a) agrees with a representation; and
  - (b) decides to change the infrastructure charges notice;
 the local government must, within 10 business days after making the decision, give a new infrastructure charges notice (a **negotiated notice**) to the recipient.
- (4) The local government may give only 1 negotiated notice.
- (5) A negotiated notice—
  - (a) must be in the same form as the infrastructure charges notice; and
  - (b) must state the nature of the changes; and
  - (c) replaces the infrastructure charges notice.
- (6) If the local government does not agree with any of the representations, the local government must, within 10 business days after making the decision, give a decision notice about the decision to the recipient.
- (7) The appeal period for the infrastructure charges notice starts again when the local government gives the decision notice to the recipient.

**126 Suspending relevant appeal period**

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

**Schedule 1, Table 1, Item 4**

Infrastructure charges notices

An appeal may be made against an infrastructure charges notice on 1 or more of the following grounds—

- (a) the notice involved an error relating to—
  - (i) the application of the relevant adopted charge; or*Examples of errors in applying an adopted charge—*
  - the incorrect application of gross floor area for a non-residential development
  - applying an incorrect 'use category', under a regulation, to the development- (ii) the working out of extra demand, for section 120; or
- (iii) an offset or refund; or
- (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	—	—