



## Development Tribunal – Decision Notice

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### *Planning Act 2016, section 255*

<b>Appeal number:</b>	<b>25-046</b>
<b>Appellant:</b>	Body Corporate for Eden Corner CTS 47903
<b>Respondent:</b>	Gold Coast City Council
<b>Site address:</b>	Unit 1-9, 3 Michigan Drive, Oxenford and described as Lots 12-20 on SP263474

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### **Appeal**

Appeal under section 229 and Schedule 1, Table 1, Item 4(a) of the *Planning Act 2016* against an infrastructure charges notice given by the Gold Coast City Council on the grounds the notice involved an error relating to the application of the relevant adopted charge or the working out of extra demand.

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<b>Date and time of hearing:</b>	On the papers
<b>Place of hearing:</b>	N/A
<b>Tribunal:</b>	Travis Schmitt – Chair Stewart Somers – Member

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### **Decision**

The Development Tribunal, in accordance with section 254(2)(b) of the *Planning Act 2016*, changes the decision of the Council to give the Infrastructure Charges Notice in the amount of \$163,779.60 such that the total infrastructure charge is \$117,863.40, as calculated in accordance with the Amended Infrastructure Charges Notice annexed hereto and marked “Annexure A”.

### **Background**

1. The Appellant is the Body Corporate for a community title scheme over premises at Unit 1-9, 3 Michigan Drive, Oxenford and described as Lots 12-20 on SP263474 (**the Premises**). Relevant to this appeal, the Appellant sought to introduce new non-residential uses at the Premises including Shop, Office, and Health Care services. The Appellant therefore lodged a Change application with the Gold Coast City Council (**Council**) with respect to same.
2. The Council approved the Change application (**Change Approval**) and issued an infrastructure charges notice on or about 27 October 2025 (**the ICN**). The ICN calculated the infrastructure charge applicable to the approved development as follows:

<b>Charges Resolution No. 1 of 2025</b>					
	Qty			Rate	Gross Charge Amount
Commercial (retail)	626	sq m Gross Floor Area	@	\$ 238.60	\$ 149,363.60
Impervious area	1,088	Square Metres	@	\$ 13.25	\$ 14,416.00
					<b>\$ 163,779.60</b>
<b>Net Charge Summary</b>					
Gross Charge Amount		Applied Credit Amount		Net Charge Amount	
\$ 163,779.60		\$ 0.00		\$ 163,779.60	

3. In this appeal the Appellant challenged the Council's treatment of the Gross Floor Area (in respect of the new Commercial uses) and the Impervious area.
4. This Tribunal was established on or about 2 February 2026. On 4 February 2026, the Council (with the consent of the Appellant) wrote to the Registry seeking that the listing of the hearing be deferred so as to allow the parties the opportunity to engage in without prejudice discussions in an attempt to narrow or resolve the issues in dispute.
5. On 19 February 2026, the Appellant wrote to the Registry and advised that the parties had reached an agreement and indicated that the Council would prepare an amended infrastructure charges notice that reflected that agreement. On 23 February 2026, the Council (with the Appellant's consent) provided an amended infrastructure charges notice (**the Amended ICN**) to the Registry. The parties ask that the Tribunal make orders giving effect to the Amended ICN in disposition of the appeal.

### **Conduct of appeal**

6. Given the above background, the appeal has been heard on the papers.
7. The Appellant was represented by Nicole Webb of Strategic Urban (consultant town planner). The Council was represented by its officer Curtis Luck (Coordinator Planning Appeals).
8. The Tribunal has considered the following material in determining the appeal:
  - (a) Form 10 – Notice of Appeal and attachments - including the Appellant's submissions of 22 December 2025.
  - (b) Amended ICN.
  - (c) *City of Gold Coast Charges Resolution (No. 1) of 2025 (Charges Resolution)*.

### **Jurisdiction**

9. The Tribunal finds that the appeal was made within the appeal period prescribed by sections 126 and 229(3)(e) of the *Planning Act*.
10. The Tribunal finds it has jurisdiction to hear the appeal pursuant to section 229 of the *Planning Act*.<sup>1</sup>
11. The appeal is by way of a reconsideration of the evidence that was before the Council.<sup>2</sup> It is for the Appellant to establish that the appeal should be upheld.<sup>3</sup>

<sup>1</sup> *Planning Act 2016*, Schedule 1, Table 1, Item 4(a).

<sup>2</sup> *Planning Act 2016*, s.253(4).

<sup>3</sup> *Planning Act 2016*, s.253(5).

## Findings and reasons

12. It is not in dispute that the Council was empowered pursuant to section 119 of the *Planning Act* to give to the Appellant an infrastructure charges notice in respect of the Change approval. The dispute merely concerned the working out of extra demand the changed development placed on Council's trunk infrastructure.
13. The Amended ICN varies the calculation of the infrastructure charge applicable to the approved development as follows:

<b>Charges Resolution No. 1 of 2025</b>					
	Qty			Rate	Gross Charge Amount
Commercial (retail)	434	sq m Gross Floor Area	@	\$ 242.72	\$ 105,340.48
Impervious area	929	Square Metres	@	\$ 13.48	\$ 12,522.92
					<b>\$ 117,863.40</b>
<b>Net Charge Summary</b>					
	Gross Charge Amount			Applied Credit Amount	Net Charge Amount
	\$ 117,863.40			\$ 0.00	\$ 117,863.40

14. The Tribunal notes the above represents a significant reduction in the quantity of the Gross Floor Area in respect of the Commercial use.
15. Having regard to the Appellant's submissions and the Amended ICN, the Tribunal is satisfied that the proposed infrastructure charge has been calculated consistent with the methodology prescribed by the Charges Resolution.

## Disposition

16. In the premises above, the Tribunal is satisfied that the appeal should be allowed.
17. The decision of the Council to give the ICN in the amount of \$163,779.60 is changed such that the total infrastructure charge is \$117,863.40, as calculated in accordance with the Amended ICN annexed hereto and marked "Annexure A".

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**Travis Schmitt**  
**Development Tribunal Chair**  
**Date: 19 March 2026**

## **Appeal rights**

Schedule 1, table 2, item 1 of the *Planning Act 2016* provides that an appeal may be made against a decision of a Tribunal to the Planning and Environment Court, other than a decision under section 252, on the ground of -

- (a) an error or mistake in law on the part of the Tribunal; or
- (b) jurisdictional error.

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

The following link outlines the steps required to lodge an appeal with the Court.

<http://www.courts.qld.gov.au/courts/planning-and-environment-court/going-to-planning-and-environment-court/starting-proceedings-in-the-court>

## **Enquiries**

All correspondence should be addressed to:

The Registrar of Development Tribunals  
Department of Housing and Public Works  
GPO Box 2457  
Brisbane Qld 4001

**Telephone 1800 804 833**

**Email: [registrar@hpw.qld.gov.au](mailto:registrar@hpw.qld.gov.au)**

## Amended Infrastructure Charge Notice

To: Body Corporate For Eden Corner CTS 47903  
C/- Barker Ryan Sewart, U74a Victoria Square  
15 Victoria Avenue  
BROADBEACH QLD 4218

Cc: Futureworld Management Pty Ltd  
Unit 8 / 3 Michigan Drive  
OXENFORD QLD 4210

Shuping Zhang  
Unit 4 / 3 Michigan Drive  
OXENFORD QLD 4210

Collins Bare Pty Ltd  
2 Purnawilla Court  
MIDDLE RIDGE QLD 4350

Sean Barry O'Neill  
20 Parkwater Point  
HELENSVALE QLD 4212

Sally O'Neill  
20 Parkwater Point  
HELENSVALE QLD 4212

Bon Choix Property Pty Ltd  
7 Clapman Road  
HUGHESDALE VIC 3166

Shu Fen Hillier  
Unit 4 / 3 Michigan Drive  
OXENFORD QLD 4210

Paul Jason Lazarus  
2 Maty Place  
PACIFIC PINES QLD 4211

Zeal Orb Pty Ltd  
PO BOX 505  
HELENSVALE QLD 4212

Stephen John Zanker  
14A Park Terrace  
ENFIELD SA 5085

<b>Land to which charges apply</b>	<p>The land to which the charges in this notice apply is.</p> <p>Property description    LOT0 SP263466, LOT 12 - 20 SP263474</p> <p>Property address        UNIT 1 - 9 3 Michigan Drive OXENFORD</p>				
<b>Triggering application</b>	<p>Issue of this infrastructure charge notice has been triggered by approval of the following application.</p> <p>Application number    OTH/2025/20</p>				
<b>Nature of changes made</b>	<p>The original MCU/2013/608 approved Attached Dwellings and Home Occupation.</p> <p>Infrastructure Charges have been levied for 20 x Attached Dwellings ( 2bed ) under Adopted Infrastructure Charges Resolution No.1 of 2011(Version 1.3) and have been paid in full.</p> <p>The current Other Change OTH/2025/20 proposes the new land use of Shop, Office and Healthcare Services.</p> <p>Infrastructure Charges were levied for 626sqm of Commercial (retail) GFA and 1,088sqm of Impervious area under Charges Resolution No.1 of 2025.</p> <p>An Infrastructure Charge Notice (ICN) was previously issued dated 27 October 2025</p> <p>A request for review by the applicant has resulted in an amended ICN being issued.</p> <p>Gross Floor Area (GFA) reduced in recognition of car parking spaces internal to the building.</p> <p>Impervious area reduced to remove any associated areas for the exclusive use of the residential component of the development approval.</p>				
<b>Charges amount</b>	<p>The table below summarises charges payable in respect of the development approval as amended by change application approval (as specified in ‘triggering application’). The table indicates which charging regime the charges were calculated under and gives the total amount payable.</p>				
<b>Due date for payment</b>	<p><b><i>Charges Resolution No. 1 of 2025</i></b></p> <table border="0"> <tr> <td>Total payable prior to the earliest of the following events: when the change happens or final plumbing inspection being undertaken or issue of a certificate of classification/certificate of occupancy or final inspection certificate for building work being issued.</td> <td style="text-align: right;">\$ 117,863.40</td> </tr> </table>	Total payable prior to the earliest of the following events: when the change happens or final plumbing inspection being undertaken or issue of a certificate of classification/certificate of occupancy or final inspection certificate for building work being issued.	\$ 117,863.40		
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<table border="0" style="width: 100%;"> <tr> <td style="width: 70%;"><b>Total levied charge payable</b></td> <td style="text-align: right; border-top: 1px solid black;"><b>\$ 117,863.40</b></td> </tr> <tr> <td></td> <td style="text-align: right; border-top: 3px double black;"><b>+ADJUSTMENTS</b></td> </tr> </table>		<b>Total levied charge payable</b>	<b>\$ 117,863.40</b>		<b>+ADJUSTMENTS</b>
<b>Total levied charge payable</b>	<b>\$ 117,863.40</b>				
	<b>+ADJUSTMENTS</b>				
<b>Payment details</b>	<p>Payment of charges must be made in accordance with the “How to pay methods” section of this notice.</p>				

**Adjustments to charge**

The levied charge under *Charges Resolution No.1 of 2025* will automatically increase in accordance with section 4.7 of that instrument by the lesser of the following amounts:

- (a) The amount that is the difference between the levied charge for the development and the amount of the maximum adopted charge Council could have levied for the development at the time the charge is paid; and
- (b) An amount representing the increase in the PPI index for the period starting on the day the charge was levied and ending on the day the charge is paid adjusted by reference to the 3-yearly PPI index average.

'3-yearly PPI index average' and 'PPI Index' have the meanings given in the *Sustainable Planning Act 2009*.

As the levied charge amount is current at the date of issue, the total charges due at the date of payment may be greater.

**Offsets and/or Refunds**

Offsets (if applicable) will be provided consistent with the provisions of the *Planning Act 2016* and Council's *Charges Resolution*. If applicable, details of the offset are provided on this *Infrastructure Charge Notice*.

**Failure to pay charge**

A levied charge is, for the purposes of recovery, taken to be rates of the local government that levied it.

**Authority for charge**

The charges in this notice are payable in accordance with the *Planning Act 2016*.

**GST**

GST does not apply to payments or contributions made by developers to Government which relate to, or relates to, an application for the provision, retention, or amendment of a permission, exemption, authority or licence (however described) under the *Planning Act 2016*.

**Enquiries**

Enquiries regarding this infrastructure charge notice should be directed to the Developer Contribution Group on Ph: (07) 5582 **9030**, during office hours, 9.00am to 5.00pm, Monday to Friday or e-mail [dcg@goldcoast.qld.gov.au](mailto:dcg@goldcoast.qld.gov.au).

## Amended Infrastructure Charge Notice

Monday, 23 February 2026

Application	<b>PN127248/01/DA1</b>
Site address	<b>UNIT 1 - 9 3 Michigan Drive, OXFORD</b>
Application number & code	<b>OTH/2025/20</b>
Application description	<b>OTHER CHANGE OTH/2025/20 AMENDING MCU/2013/608 - 20 X MULTIPLE DWELLINGS, SHOP, OFFICE AND HEALTHCARE SERVICES</b>
Officer name	<b>Megan Nott</b>

### Charge calculation

Charges Resolution No. 1 of 2025					
	Qty			Rate	Gross Charge Amount
Commercial (retail)	434	sq m Gross Floor Area	@	\$ 242.72	\$ 105,340.48
Impervious area	929	Square Metres	@	\$ 13.48	\$ 12,522.92
					\$ 117,863.40
Net Charge Summary					
Gross Charge Amount	Applied Credit Amount			Net Charge Amount	
\$ 117,863.40	\$ 0.00			\$ 117,863.40	

Office Use Only		
\$ 70,987.06		DC011
\$ 35,392.70		DC013
\$ 11,483.64		DC020
<b>\$ 117,863.40</b>		

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# DECISION NOTICE

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## DECISION TO GIVE AN INFRASTRUCTURE CHARGES NOTICE

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Pursuant to section 119 of the *Planning Act 2016*, on 23<sup>rd</sup> February 2026, Council decided to give this infrastructure charges notice.

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### APPEAL RIGHTS

You have appeal rights in relation to this notice. 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 of the *Planning Act 2016*; 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 Planning and Environment Court – the amount of the charge is so unreasonable that no reasonable relevant local government could have imposed the amount.

To remove any doubt, the *Planning Act 2016* declares 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 local government infrastructure plan; or
  - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

An appeal must be started within 20 business days after the infrastructure charges notice is given to you.

An appeal may be made to the Planning and Environment Court or to a development tribunal.

An appeal is started by lodging a notice of appeal with the registrar of the Planning and Environment Court or a development tribunal, as applicable. The notice of appeal must be in the

approved form, succinctly state the grounds of the appeal and be accompanied by the required fee.

An appellant to the Planning and Environment Court must give a copy of the notice of appeal, within 10 business days after the appeal is started, to the persons identified in section 230(3) of the *Planning Act 2016*. A person who is appealing to the Planning and Environment Court must comply with the rules of the court that apply to the appeal.

Chapter 6, Part 1 and Schedule 1 of the *Planning Act 2016* sets out further information about appeal rights.

## How to pay methods



### Pay by mail

#### Ordinary mail

Simply enclose this Notice and your cheque or money order made payable to Gold Coast City Council in an envelope and post it to this address:

**Council of the City of Gold Coast  
PO Box 5042 GCMC QLD 9726**



### Customer Service Centre in person

Pay at any Customer Service Centre with cheque, debit card, MasterCard or Visa.

Payments by credit card over \$50,000 not accepted

*Payment by credit card will incur a surcharge.*

*Cash is not accepted.*

There have been changes to our centres, for locations and opening hours please visit

**[cityofgoldcoast.com.au/contactus](http://cityofgoldcoast.com.au/contactus)**

## How to contact us



07 5582 9030 or 1300 69 4222  
(7am to 6pm, Monday to Friday), or from outside of Australia call +61 7 5582 8866



Council of the City of Gold Coast  
PO Box 5042, GOLD COAST MC QLD 9726



There have been changes to our centres, for locations and opening hours please visit  
**[cityofgoldcoast.com.au/contactus](http://cityofgoldcoast.com.au/contactus)**



**[goldcoast.qld.gov.au](http://goldcoast.qld.gov.au)**