

1. Policy Intent

To establish the circumstances where Council may accept a limited extension of time for the payment of levied infrastructure charges and the conditions which apply to such deferment.

2. Scope

This policy details the circumstances when Council, at its discretion, may agree to the payment of levied infrastructure charges for reconfiguration of a lot at a later date than those otherwise established under section 122 of the *Planning Act 2016* ('the Act').

3. Background & Supporting Information

Council levies infrastructure charges by issuing Infrastructure Charges Notices under the Act for development. The timing for the payment triggers for infrastructure charges are set out under section 122 of the Act (the "Statutory Payment Date").

The recipient of an Infrastructure Charges Notice, and the Council may agree whether the levied charge may be paid other than as required under section 122 of the Act. Section 150 of the Act provides that an Infrastructure Agreement (IA) give effect to matters stated in section 123 of the Act. An IA can set out the terms for deferred payment of infrastructure charges.

The recipient of an Infrastructure Charges Notice may approach Council to enter into an IA for the deferred payment of levied charges. Council is not obliged to enter into an IA and is entitled to protect its legal and financial position. Council will only enter into an IA where the legal and financial risks are appropriately mitigated via the standard terms contained in the Council's IA template.

4. DEFINITIONS

The terms used in this policy are extracted from the Act. Their meaning is therefore derived from the Act.

5. CONDITIONS FOR INFRASTRUCTURE CHARGE DEFERRALS

For proposals to defer the payment of levied infrastructure charges, Council will only consider deferral arrangements in accordance with this policy where all of the following criteria are established:

- a) A development approval has taken effect.
- b) An Infrastructure Charges Notice has been given for the development approval.
- c) The Applicant must submit evidence of the individual's/entity's credit worthiness including disclosure of information that a reasonable person or entity has that may prevent the individual or entity from meeting the financial obligations under the IA. (NB: Council may take reasonable steps to verify the consumer's financial situation).
- d) An Application for Deferred Payment of Infrastructure Charges must be made prior to lodging an application seeking Council endorsement of the relevant survey plan (NB: The deferral request must be submitted to Council at least 30 business days prior to seeking survey plan endorsement to allow sufficient time for processing).

- e) The deferred payment date by which the levied charge will be payable is no longer than 6 months from the Statutory Payment Date.
- f) On application and thereafter, the Applicant/Developer and Landowner agree to the terms of Council's Infrastructure Agreement for Deferred Payment of Infrastructure Charges (template).
- g) The Applicant/Developer acknowledges that, until the levied charges are paid to Council, the Council may, pursuant to section 144 of the *Planning Act 2016* and section 105 of the *Local Government Regulation 2012*, include the amount of the levied charges on any Rate Notice for the Land as an amount payable to Council.
- h) The Applicant/Developer and/or the owner of the land the subject of the development approval, are willing to enter into an IA reflecting Council's agreement to apply this policy for deferred payment of the levied infrastructure charges.

For any deferral proposal not meeting the above conditions, the matter will be decided by the full Council.

6. DECISION MAKING PROCESS

- a) Requests for deferred payment of levied infrastructure charges are to be made prior to lodging an application seeking Council endorsement of the relevant survey plan.
- b) The Council's delegated officers may request additional information at any time to assist in the decision-making process.
- c) Requests for the deferred payment of levied infrastructure charges that are compliant with this policy will be decided within 30 business days of the request being made or extended as appropriate to align with Council's meeting dates.

NB: The decision-making process for agreements to defer the payment of levied charges will be in accordance with the delegations and formal processes applicable at the time the request is made.

7. Responsibility

Council is responsible for the adoption, amendment and repeal of the policy and the Chief Executive Officer is responsible for the development and amendment of any associated procedures and guidelines relevant to the policy.

8. Review

It is the responsibility of the Manager Planning and Environment to monitor the adequacy of this policy and recommend appropriate changes. This policy will be formally reviewed every three years or as required by Council.

This policy is to remain in force until otherwise amended or repealed by resolution of Council.