

APPLICATION FOR DEFERRED PAYMENT OF LEVIED CHARGES

Purpose

The purpose of this form is to:

a) assist applicants in providing sufficient information and justification for a request for an Infrastructure Agreement (IA) for the Deferred Payment of Levied Charges under Council's General Policy for Deferred Payment of Levied Charges.

Note: Applications must be made at least 60 business days prior to the Statutory Payment Date. The Statutory Payment Date is the date the Levied Charges are required to be paid under section 122 of the Planning Act 2016.

Council manages requests for Deferred Payment of Levied Charges under its General Policy for the Deferred Payment of Levied Charges.

Applicants are required to meet the Conditions for Deferred Payment of Levied Charges as set out in the Policy and this Approved Form.

The recipient of an infrastructure charges notice may approach Council to enter into an infrastructure agreement 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 through:

- For Applicants meeting the conditions for deferred payment of levied charges and requests to defer payment of levied charges for up to 60 business days – enforceable terms of an IA that protect Council's and the community's interests.
- For Applicants meeting the conditions for deferred payment of levied charges and exceeding 60 business days but no longer than 250 business days – enforceable terms of an IA that protect Council's and the community's interests and the provision of appropriate 'security'.

Note: It is strongly recommended that you obtain independent legal advice prior to entering into an Infrastructure Agreement.

1. Applicant Details

Name of Applicant

Name of Company

Phone Numbers

Postal Address

Email Address

Applicant Reference

2. Property Details

Property Address

Suburb

Lot and Plan

3. Landowner Details

Landowner Name/s

4 Development Approval Details

Application:	Number:	Date:
Infrastructure Charges Notice:	Number:	Date:
Levied Charges Amount:	\$	
Statutory Payment Date:	Date:	

5 Complete this section for proposals to defer payment of levied charges for up to 60 business days from the Statutory Payment Date.

Note: Council will only consider the deferred payment of levied charges where all of the following criteria are established:

Condition No.	Criteria	Yes	No
1. a	Has a development approval taken effect?		
1. b	Has an infrastructure charges notice been given for the development approval		
1. c.i.	Has the Applicant submitted evidence of the individuals or 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. Example: Current CreditorWatch Report for companies or public register of bankruptcy search for individuals. Note: Council may take reasonable steps to verify the consumer's financial situation).		
1. d	Has the Application been made at least 60 business days prior to the Statutory Payment Date?		
1. e	Is the deferred payment date by which the levied charge will be payable no longer than 60 business days from the Statutory Payment Date?		
1. f	Does the Applicant agree to the terms of the <u>Council's Infrastructure Agreement for Deferred Payment of Levied Charges</u> ? Note: If you answered No to this Question please proceed to Q7.		
1. g	Is the applicant and/or the owner of the land the subject of the development approval, willing to enter into an IA reflecting the Council's agreement to apply this policy and defer the payment of the levied infrastructure charges?		

Note: For proposals to defer payment of levied charges that do not meet the conditions for deferred payment of levied charges, the matter may be eligible for consideration by the full Council on a case by case basis.

Note: It is strongly recommended that you obtain independent legal advice prior to enter into an Infrastructure Agreement.

6 Complete this section for proposals to defer payment of levied charges for a period exceeding 60 business days and not longer than 250 business days from the Statutory Payment Date.

Note: Council will only consider the deferred payment of levied charges where all of the following criteria are established:

Condition No.	Criteria	Yes	No
1. a	Has a development approval taken effect?		
1. b	Has an infrastructure charges notice been given for the development approval		

Condition No.	Criteria	Yes	No
6	1. c. i.	Has the Applicant submitted evidence of the individuals or 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. Example: <i>Current CreditorWatch Report for companies or public register of bankruptcy search for individuals.</i> Note: <i>Council may take reasonable steps to verify the consumer's financial situation).</i>	
	1. d)	Has the Application been made at least 60 business days prior to the Statutory Payment Date?	
	1. e)	Is the deferred payment date by which the levied charge will be payable more than 60 business days but no longer than 250 business days from the Statutory Payment Date?	
	1. f)	Does the Applicant agree to the terms of the <u>Council's Infrastructure Agreement for Deferred Payment of Levied Charges</u> ? <i>Click here to view the Infrastructure Agreement Template</i> Note: <i>If you answered No to this Question please proceed to Q7.</i>	
	1. g) i. – ii.	The Applicant confirms that appropriate 'security' will be provided in the form of an irrevocable and unconditional bank guarantee or insurance bond: i. upon which Council will be entitled to rely upon in order to cover the levied charge; and ii. to at least the amount of the levied charge (in accordance with the automatic increase provision of the Act, where applicable).	
	1. h)	Is the applicant and/or the owner of the land the subject of the development approval, willing to enter into an IA reflecting the Council's agreement to apply this policy and defer the payment of the levied infrastructure charges?	
Note: <i>For proposals to defer payment of levied charges that do not meet the conditions for deferred payment of levied charges, the matter may be eligible for consideration by the full Council on a case by case basis.</i>			
Note: <i>It is strongly recommended that you obtain independent legal advice prior to enter into an Infrastructure Agreement.</i>			

7 Proposed Variation to the terms of Council's Infrastructure Agreement for Deferred Payment of Levied Charges

7.1 Please identify any clauses / terms of the template that you do not agree with, the reasons why, and their proposed alternative drafting below or as an attachment

Note: *For proposals to defer payment of levied charges that do not meet the conditions for deferred payment of levied charges, the matter may be eligible for consideration by the full Council on a case by case basis.*

Note: *It is strongly recommended that you obtain independent legal advice prior to enter into an Infrastructure Agreement.*

8 Development Commencement

8.1 When is the development likely to commence?

9 Supporting Information

9.1 Insert list of supporting information

10 Applicant declaration

I the applicant listed below confirm that the above information is true and correct.

Name of Applicant

Name of Company

Phone numbers

Date

Signature

Privacy collection statement

Cairns Regional Council collects and manages personal information in the course of performing its activities, functions and duties. We respect the privacy of the personal information held by us. The way in which Council manages personal information is governed by the *Information Privacy Act 2009*. We are collecting your personal information in accordance with the *Planning Act 2016* and the *Planning Regulation 2017*. The information will be used to process this request, update our records, and undertake compliance related activities as necessary. Generally, we will not disclose your personal information outside of Council unless we are required to do so by law, or unless you give your consent to this disclosure. For further information about how we manage your personal information please see our Information Privacy Policy.

Submit the form



Cairns Regional Council
Att: Executive Manager, Development & Planning
PO Box 359, CAIRNS QLD 4870



Present your application at a Customer Service Centre located at:
119-145 Spence Street, Cairns
This office is open from 8:30am to 4:30pm weekdays (excluding public holidays)



You may email your documentation to planningadmin@ Cairns.qld.gov.au