

**PRACTICE DIRECTION NUMBER 7 OF 2013**

**PLANNING AND ENVIRONMENT COURT**

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**EARLY RESOLUTION OR DETERMINATION OF INFRASTRUCTURE CHARGES AND DEVELOPMENT APPROVAL CONDITIONS DISPUTES**

Sec 491B (2) of the *Sustainable Planning Act 2009*

Rule 4 and Part 5 of the *Planning and Environment Court Rules 2010*

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1. This practice direction:
  - (a) applies to a proceeding involving only –
    - (i) infrastructure charges; or
    - (ii) conditions of a development approval.
  - (b) supersedes Practice Direction 1 of 2011.
2. The purpose of this Practice Direction is to ensure that such a proceeding is subject to a dispute resolution process or a hearing and determination at an early stage.
3. Unless an application has been made for a direction that a proceeding to which this Practice Direction applies be heard and decided by the ADR Registrar, then –
  - (a) within one month after commencement of the proceeding to which this Practice Direction applies, the parties by agreement shall participate in or fix a date and time with the ADR Registrar for them to participate in –
    - (i) a mediation conducted by the ADR Registrar;
    - (ii) a without prejudice conference chaired by the ADR Registrar; or
    - (iii) a case management conference chaired by the ADR Registrar.
  - (b) Where the parties do not comply with paragraph 3(a) of this Practice Direction, the ADR Registrar shall list the proceeding forthwith for review by a Judge, so that the Judge may make orders or issue directions for the prompt resolution or determination of the proceeding.

**Chief Judge PM Wolfe**

29 May 2013