DEVELOPMENT APPLICATION

RECONFIGURATION OF A LOT
2 LOTS INTO 9 LOTS, DRAINAGE LOT & BALANCE LOT
239 NEBO ROAD, MACKAY
LOT 20 ON M915 & LOT 1 ON RP720042

Prepared by: RPS
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Prepared for: Old Sugar Research Institute

Report No: 1182061
Version/Date: July 2013

Smart eDA# 1373508329496
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1.0 SUMMARY

This development application is for a Development Permit for a Reconfiguration of a Lot for 2 Lots into 9 lots, a drainage lot plus balance parcel. The lots are located at 239 Nebo Road, Mackay, formally described as Lot 20 on M915 and, Lot 1 on RP720042.

Under the Mackay City Planning Scheme, the land is located within the Mackay City Frame Locality within the Pioneer River (Urban) Precinct, and is included in the Public Purpose Zone. The proposal is consistent with the intent of the locality and zone, being identified within the planning scheme as Code Assessable. It is considered that the proposal provides an appropriate form of development as it proposes to align the lot boundaries with the approved development (DA-2008-614 & DA-2011-42).

DEHP & DTMR are only triggered as referral agencies for the application as the ‘Parent Lots’ (Lot 1 on RP720042 & Lot 20 on M915) form the subject site for the application. The 9 lots are proposed to ultimately be created from Lot 3 on SP255623, which was approved by Council under DA-2011-42 but is yet to be endorsed and registered. The subject area does not contain land listed on the heritage or environmental management registers and is well over 100m from a State controlled road. As such DEHP & DTMR are not expected to have an interest in the application;

An assessment of the proposal has been undertaken against the Acceptable/Probable solutions of the applicable planning scheme codes. The proposal is generally consistent with these Acceptable/Probable solutions, however, where it does not comply alternative solutions have been provided to meet the intent of the specific outcomes.

The development has been designed to accommodate and/or mitigate all site constraints to produce a result which is the logical progression of the surrounding developments.

Approval for this development is sought on the basis that:

- The proposal is consistent with the Mackay City Frame Locality intent;
- The proposal complies with the relevant Codes of the Mackay City Planning Scheme; and
- The application achieves the desired intent for the precinct in which it is located.
- The application has previously been discussed with Council, and is supported in principle.
### 2.0 SITE DETAILS AND CHARACTERISTICS

<table>
<thead>
<tr>
<th>Description</th>
<th>Lot 20</th>
<th>Lot 1</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Street Addresses</strong></td>
<td>239 Nebo Road, Mackay</td>
<td></td>
</tr>
<tr>
<td><strong>Real Property Description</strong></td>
<td>Lot 20 on M915</td>
<td>Lot 1 on RP720042</td>
</tr>
<tr>
<td><strong>Owner</strong></td>
<td>Sugar King 2 Pty Ltd, Sugarmiltz Pty Ltd, Flynnjack Pty Ltd</td>
<td></td>
</tr>
<tr>
<td><strong>Site Areas</strong></td>
<td>2.023ha</td>
<td>1.819ha</td>
</tr>
<tr>
<td><strong>Locality</strong></td>
<td>Mackay Frame</td>
<td></td>
</tr>
<tr>
<td><strong>Precinct</strong></td>
<td>Pioneer River (Urban)</td>
<td></td>
</tr>
<tr>
<td><strong>Zoning</strong></td>
<td>Public Purpose</td>
<td></td>
</tr>
<tr>
<td><strong>Overlays</strong></td>
<td>Image Corridor</td>
<td>Image Corridor</td>
</tr>
<tr>
<td></td>
<td>Flood and Inundation</td>
<td></td>
</tr>
<tr>
<td><strong>Current use of the sites</strong></td>
<td>Old Sugar Research Institute and House</td>
<td></td>
</tr>
<tr>
<td><strong>Road Frontages</strong></td>
<td>500.6m to Nebo Road</td>
<td>430m to Nebo Road</td>
</tr>
<tr>
<td></td>
<td>500.6m to Field Street</td>
<td>359.8m to Thorning Street</td>
</tr>
<tr>
<td></td>
<td>430m to Nebo Road</td>
<td>430m to Field Street</td>
</tr>
<tr>
<td><strong>Surrounding Land Uses</strong></td>
<td>The two allotments are located along a main thoroughfare of Mackay,</td>
<td></td>
</tr>
<tr>
<td></td>
<td>near the city gates. The area is bordered by urban residential to the</td>
<td></td>
</tr>
<tr>
<td></td>
<td>east, south and west.</td>
<td></td>
</tr>
<tr>
<td><strong>Topography</strong></td>
<td>The subject land is relatively flat.</td>
<td></td>
</tr>
<tr>
<td><strong>Significant Vegetation or Natural Features</strong></td>
<td>There are no natural features or areas of significant vegetation contained within the subject sites.</td>
<td></td>
</tr>
<tr>
<td><strong>Existing Approvals</strong></td>
<td>DA-2008-614 – MCU for full site development</td>
<td></td>
</tr>
<tr>
<td></td>
<td>DA-2011-42 - RoL for 4 base lots</td>
<td></td>
</tr>
<tr>
<td></td>
<td>DA-2012-213 – RoL for 6 lots</td>
<td></td>
</tr>
<tr>
<td><strong>Existing Infrastructure/Works</strong></td>
<td>The subject site is connected to Council’s infrastructure networks including sewerage, reticulated water and electricity.</td>
<td></td>
</tr>
<tr>
<td><strong>Easements/Leases</strong></td>
<td>There are two leases over the site to CQ Nurse Pty Ltd and Parklands</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Mackay Business Hub Pty Ltd</td>
<td></td>
</tr>
</tbody>
</table>
3.0 THE PROPOSAL

This application seeks a Development Permit for Reconfiguration of 2 lots into 9 lots, drainage lot plus balance parcel.

A similar reconfiguration has been approved by Council (DA-2012-213) which generally had the same outcomes of this application.

The proposal seeks to create smaller housing lots, suitable for the mixed use development. The proposal includes
- 9 house lots with areas ranging from 350sqm to 563sqm. These lots will mostly gain access via a new internal access place off Field Street.
- A 2092sqm allotment used for drainage purposes
- A balance lot 22 with an area of 2.572ha for future development

Works and infrastructure associated with the proposed subdivision are proposed to be provided in accordance with detailed engineering designs to be prepared at the time of operational work and include:
- Earthworks for the construction of the new house lots;
- Construction of new internal Access Road;
- Connection of each proposed house lot to reticulated sewerage and water supply networks including extensions of the existing water and sewer mains;
- Connection of each proposed house lot to stormwater drainage network including extension of the existing external stormwater drainage network;
- Connection of each proposed house lot to the electricity and telephone network including extension of the existing networks in Field Street;
- Road and drainage works in Field Street to the extent relevant to the proposed subdivision; and
- Landscaping works for the verge treatment including street trees where relevant

Please note that no works associated with the proposed subdivision are proposed within the parts of the parent lots affected by the Queensland Heritage Register listing or the Environmental Management Register listing.
4.0 APPLICATION DETAILS

Development Approval Sought
Development Permit seeking Reconfiguring a Lot
(2 lots into 9 lots, drainage lot plus balance)

Level of Assessment
Code Assessment

Applicant
Old Sugar Research Institute

Contact Person(s)
Stephen Wallace
RPS
PO Box 1895
Mackay Qld 4740
T: 07 4969 0800
F: 07 4969 0899

Referral Agencies
Assessment of Schedule seven (7) of Sustainable Planning Regulations 2009 indicates that the proposed development will trigger referral to the following government agencies:
- Department of Transport and Main Roads (State Controlled Road: Table 2, Item 2)
- Department of Environment and Heritage Protection (Contaminated Land: Table 2, Item 22)

State Planning Policies
The subject site and proposed development trigger separate assessment against the following current or draft State Planning Policies as these considerations have not been incorporated into Council’s Planning Scheme:
- SPP4/10 Healthy Waterways
5.0 PLANNING ASSESSMENT

Mackay, Isaac & Whitsunday Regional Plan

The site is included within the Urban Footprint designation within the Mackay area of the Mackay, Isaac and Whitsunday Regional Plan 2012 (Map 8), and is therefore consistent with the outcomes sought by the plan.

Mackay City Planning Scheme

In accordance with Part 5 (Table 5-2) and Part 8 of the Planning Scheme, the applicable Codes for assessment of the proposed development comprise the following:

- Mackay Frame Locality Code
- Public Purpose Zone Code
- Reconfiguring a Lot Code
- Environment & Infrastructure Code
- Landscape Character Overlay Code (Image Corridor)
- Flood and Inundation Overlay Code
  In accordance with Table 8-2 of Part 8 of the Planning Scheme, the proposed development is not exempt from the provisions of this code, however the overlay is considered generally irrelevant to development of the site given the very small portion of land identified.

- Development in the Vicinity of the Mackay Airport Overlay Code
  In accordance with Table 8-7 of Part 8 of the Planning Scheme the proposed development is exempt from the provisions of this code.

Matters that warrant specific attention include:

The proposed development is expected to be able to be conditioned to avoid any conflict with SPP4/10 Healthy Waterways. A site based stormwater management plan is yet to be prepared for the proposed development.

Specific Outcomes

A full assessment against each of the applicable codes is included in Appendix D of the report.

State Development Assessment Provisions

The proposed development does not conflict with DTMR’s State Provisions.

The proposed development does not conflict with DEHPs State Provisions for Contaminated Land and is only triggered as the parent lot contains diesel storage which is not located in the developed area. The existing RoL approval and DEHP’s conditions are included in Appendix F.
The application does not require referral to DEHP for a Heritage Place as a Heritage Place is clearly defined in the Heritage Act to mean only the designated area on the Heritage Map. This developable area is outside that area. See maps included in Appendix B.
6.0 CONCLUSION

This report has been provided in support of a Development Application for a Development Permit for Reconfiguring a Lot for land located on Lot 1 on RP720042 and Lot 20 on M915.

All constraints and potential issues associated with the development of the site have been identified and addressed within this report and the attached appendices.

The proposal is generally in accordance with Council intentions and provisions of the Mackay City Council Planning Scheme and presents a justifiable opportunity to improve the use of the land, guided by sound planning principles.

Overall, it is considered that the proposed development is a positive outcome for the development of the subject site and it is recommended for approval subject to reasonable and relevant conditions.
APPENDIX A

IDAS Application Forms & Consent
Company owner’s consent to the making of a development application under the Sustainable Planning Act 2009

I, ________________________________ [insert name in full] Director of the below mentioned company and

I, ________________________________ [insert name in full]

__________________ [insert position in full—i.e. another director, or a company secretary. Delete the above name and company position if not applicable, i.e. for a proprietary company that has a sole director who is also the sole company secretary, only that director needs to complete the owner’s consent]

of ________________________________ [insert name of company] as owner of premises identified as follows:

LOT 1 ON RP720042; 239 NEBO ROAD, MACKAY

[insert street address, lot on plan description, or coordinates of the premises the subject of the application]

consent to the making of a development application under the Sustainable Planning Act 2009 by

__________________ [insert name of applicant]

on the premises described above for the purposes of

__________________ [insert name of company]

OLD SUGAR RESEARCH INSTITUTE

RECONFIGURING A LOT

[insert details of the proposed development e.g. material change of use for three storey apartment building]

__________________ [signature of Director]
signed on the ________________________________ day of ________________________________ 20_____

__________________ [signature of Director/company secretary]
signed on the ________________________________ day of ________________________________ 20_____

Company seal [if used]
Company owner’s consent to the making of a development application under the Sustainable Planning Act 2009

I, .......................................................... [insert name in full]  
Director of the below mentioned company and  

I, .......................................................... [insert name in full]  

[insert position in full— i.e. another director, or a company secretary. Delete the above name and company position if not applicable, i.e. for a proprietary company that has a sole director who is also the sole company secretary, only that director needs to complete the owner’s consent]

of .......................................................... [insert name of company]

as owner of premises identified as follows:

LOT 20 ON M915; 239 NEBO ROAD, MACKAY

[insert street address, lot on plan description, or coordinates of the premises the subject of the application]

consent to the making of a development application under the Sustainable Planning Act 2009 by

OLD SUGAR RESEARCH INSTITUTE

[insert name of applicant]

on the premises described above for the purposes of

RECONFIGURING A LOT

[insert details of the proposed development e.g. material change of use for three storey apartment building]

.......................................................... [signature of Director]

signed on the .................................................. day of ........................................ 20    

.......................................................... [signature of Director/company secretary]

signed on the .................................................. day of ........................................ 20    

Company seal [if used]
Company owner’s consent to the making of a development application under the *Sustainable Planning Act 2009*

I, ____________________________________________________________________________ [insert name in full]
Director of the below mentioned company and

I, ____________________________________________________________________________ [insert name in full]

[insert position in full—i.e. another director, or a company secretary. Delete the above name and company position if not applicable, i.e. for a proprietary company that has a sole director who is also the sole company secretary, only that director needs to complete the owner’s consent]

of ____________________________________________________________________________ [insert name of company]

as owner of premises identified as follows:

LOT 1 ON RP720042; 239 NEBO ROAD, MACKAY

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consent to the making of a development application under the *Sustainable Planning Act 2009* by

OLD SUGAR RESEARCH INSTITUTE

[insert name of applicant]

on the premises described above for the purposes of

RECONFIGURING A LOT

[insert details of the proposed development e.g. material change of use for three storey apartment building]

________________________________________________________________________ [signature of Director]

signed on the _____________________________ day of _____________________________ 20________

________________________________________________________________________ [signature of Director/company secretary]

signed on the _____________________________ day of _____________________________ 20________

Company seal [if used]

*The Sustainable Planning Act 2009 is administered by the Department of Infrastructure and Planning, Queensland Government.*
Company owner’s consent to the making of a development application under the *Sustainable Planning Act 2009*

I, ___________________________________________ [insert name in full]  
Director of the below mentioned company and

I, ___________________________________________ [insert name in full]

[insert position in full—i.e. another director, or a company secretary. Delete the above name and company position if not applicable, i.e. for a proprietary company that has a sole director who is also the sole company secretary, only that director needs to complete the owner’s consent]

of ___________________________________________ [insert name of company]

as owner of premises identified as follows:

LOT 20 ON M915; 239 NEBO ROAD, MACKAY

[insert street address, lot on plan description, or coordinates of the premises the subject of the application]

consent to the making of a development application under the *Sustainable Planning Act 2009* by

____________________________ [insert name of applicant]

on the premises described above for the purposes of

____________________________ [insert name of applicant]

____________________________ [insert name of applicant]

[insert details of the proposed development e.g. material change of use for three storey apartment building]

____________________________ [signature of Director]

signed on the ________________________ day of ________________________ 20__

____________________________ [signature of Director/company secretary]

signed on the ________________________ day of ________________________ 20__

Company seal [if used]
Company owner’s consent to the making of a development application under the Sustainable Planning Act 2009

I, ____________________________ [insert name in full] Director of the below mentioned company and

I, ____________________________ [insert name in full]

[insert position in full—i.e. another director, or a company secretary. Delete the above name and company position if not applicable, i.e. for a proprietary company that has a sole director who is also the sole company secretary, only that director needs to complete the owner’s consent]

of ____________________________ [insert name of company]

as owner of premises identified as follows:

LOT 1 ON RP720042; 239 NEBO ROAD, MACKAY

[insert street address, lot on plan description, or coordinates of the premises the subject of the application]

consent to the making of a development application under the Sustainable Planning Act 2009 by

______________________________ [insert name of applicant]

OLD SUGAR RESEARCH INSTITUTE

on the premises described above for the purposes of

RECONFIGURING A LOT

[insert details of the proposed development e.g. material change of use for three storey apartment building]

______________________________ [signature of Director]

signed on the ____________________________ day of ____________________________ 20

______________________________ [signature of Director/company secretary]

signed on the ____________________________ day of ____________________________ 20

Company seal [if used]
Company owner’s consent to the making of a development application under the *Sustainable Planning Act 2009*

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I, ________________________________ [insert name in full]

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of ________________________________ [insert name of company]
as owner of premises identified as follows:

______________________________ [insert street address, lot on plan description, or coordinates of the premises the subject of the application]

consent to the making of a development application under the *Sustainable Planning Act 2009* by

______________________________ [insert name of applicant]
on the premises described above for the purposes of

______________________________ [insert name of applicant]
RECONFIGURING A LOT

[insert details of the proposed development e.g. material change of use for three storey apartment building]

______________________________ [signature of Director]
signed on the ____________________ day of ____________________ 20________

______________________________ [signature of Director/company secretary]
signed on the ____________________ day of ____________________ 20________

Company seal [if used]
IDAS form 1—Application details

(Sustainable Planning Act 2009 version 3.0 effective 1 July 2013)

This form must be used for ALL development applications.

You MUST complete ALL questions that are stated to be a mandatory requirement unless otherwise identified on this form.

For all development applications, you must:
• complete this form (IDAS form 1—Application details)
• complete any other forms relevant to your application
• provide any mandatory supporting information identified on the forms as being required to accompany your application.

Attach extra pages if there is insufficient space on this form.

All terms used on this form have the meaning given in the Sustainable Planning Act 2009 (SPA) or the Sustainable Planning Regulation 2009.

This form and any other IDAS form relevant to your application must be used for development applications relating to strategic port land and Brisbane core port land under the Transport Infrastructure Act 1994 and airport land under the Airport Assets (Restructuring and Disposal) Act 2008. Whenever a planning scheme is mentioned, take it to mean land use plan for the strategic port land, Brisbane core port land or airport land.

PLEASE NOTE: This form is not required to accompany requests for compliance assessment.

This form can also be completed online using MyDAS at www.dsdip.qld.gov.au/MyDAS

Mandatory requirements

**Applicant details** (Note: the applicant is the person responsible for making the application and need not be the owner of the land. The applicant is responsible for ensuring the information provided on all IDAS application forms is correct. Any development permit or preliminary approval that may be issued as a consequence of this application will be issued to the applicant.)

<table>
<thead>
<tr>
<th>Name/s (individual or company name in full)</th>
<th>Old Sugar Research Institute C/- RPS Mackay</th>
</tr>
</thead>
<tbody>
<tr>
<td>For companies, contact name</td>
<td>Stephen Wallace</td>
</tr>
<tr>
<td>Postal address</td>
<td>PO Box 1895</td>
</tr>
<tr>
<td>Suburb</td>
<td>Mackay</td>
</tr>
<tr>
<td>State</td>
<td>QLD</td>
</tr>
<tr>
<td>Postcode</td>
<td>4740</td>
</tr>
<tr>
<td>Country</td>
<td>Australia</td>
</tr>
<tr>
<td>Contact phone number</td>
<td>07 4953 3577</td>
</tr>
<tr>
<td>Mobile number (non-mandatory requirement)</td>
<td></td>
</tr>
<tr>
<td>Fax number (non-mandatory requirement)</td>
<td></td>
</tr>
</tbody>
</table>
1. **What is the nature of the development proposed and what type of approval is being sought?**

**Table A**—Aspect 1 of the application (If there are additional aspects to the application please list in Table B—Aspect 2.)

<table>
<thead>
<tr>
<th>a) What is the nature of the development? (Please only tick one box.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>☑ Reconfiguring a lot</td>
</tr>
<tr>
<td>☐ Material change of use</td>
</tr>
<tr>
<td>☐ Building work</td>
</tr>
<tr>
<td>☐ Operational work</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>b) What is the approval type? (Please only tick one box.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>☑ Development permit</td>
</tr>
<tr>
<td>☐ Preliminary approval under s241 of SPA</td>
</tr>
<tr>
<td>☐ Preliminary approval under s241 and s242 of SPA</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>c) Provide a brief description of the proposal, including use definition and number of buildings or structures where applicable (e.g. six unit apartment building defined as a <em>multi-unit dwelling</em>, 30 lot residential subdivision etc.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reconfiguring a Lot - 2 lots into 9 Lots, drainage lot + balance parcel</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>d) What is the level of assessment? (Please only tick one box.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>☑ Code assessment</td>
</tr>
<tr>
<td>☐ Impact assessment</td>
</tr>
</tbody>
</table>

**Table B**—Aspect 2 of the application (If there are additional aspects to the application please list in Table C—Additional aspects of the application.)

<table>
<thead>
<tr>
<th>a) What is the nature of development? (Please only tick one box.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ Material change of use</td>
</tr>
<tr>
<td>☐ Reconfiguring a lot</td>
</tr>
<tr>
<td>☐ Building work</td>
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<th>d) What is the level of assessment?</th>
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</thead>
<tbody>
<tr>
<td>☐ Impact assessment</td>
</tr>
<tr>
<td>☑ Code assessment</td>
</tr>
</tbody>
</table>

**Table C**—Additional aspects of the application (If there are additional aspects to the application please list in a separate table on an extra page and attach to this form.)

| ☐ Refer attached schedule |
| ☑ Not required |
2. Location of the premises (Complete Table D and/or Table E as applicable. Identify each lot in a separate row.)

**Table D**—Street address and lot on plan for the premises or street address and lot on plan for the land adjoining or adjacent to the premises (Note: this table is to be used for applications involving taking or interfering with water). (Attach a separate schedule if there is insufficient space in this table.)

<table>
<thead>
<tr>
<th>Lot</th>
<th>Street address and lot on plan (All lots must be listed.)</th>
<th>Local government area (e.g. Logan, Cairns)</th>
</tr>
</thead>
<tbody>
<tr>
<td>i)</td>
<td>239 Nebo Road, Mackay 4740 1 RP720042 Mackay Regional Council</td>
<td></td>
</tr>
<tr>
<td>ii)</td>
<td>239 Nebo Road, Mackay 4740 20 M915 Mackay Regional Council</td>
<td></td>
</tr>
<tr>
<td>iii)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Planning scheme details** (If the premises involves multiple zones, clearly identify the relevant zone/s for each lot in a separate row in the below table. Non-mandatory)

<table>
<thead>
<tr>
<th>Lot</th>
<th>Applicable zone / precinct</th>
<th>Applicable local plan / precinct</th>
<th>Applicable overlay/s</th>
</tr>
</thead>
<tbody>
<tr>
<td>i)</td>
<td>Frame - Public Purposes</td>
<td>Pioneer River (Urban)</td>
<td>Image Corridor</td>
</tr>
<tr>
<td>ii)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>iii)</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Table E**—Premises coordinates (Appropriate for development in remote areas, over part of a lot or in water not adjoining or adjacent to land e.g. channel dredging in Moreton Bay.) (Attach a separate schedule if there is insufficient space in this table.)

<table>
<thead>
<tr>
<th>Coordinates</th>
<th>Zone reference</th>
<th>Datum</th>
<th>Local government area (If applicable)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Easting</td>
<td>Northing</td>
<td>Latitude</td>
<td>Longitude</td>
</tr>
<tr>
<td></td>
<td></td>
<td>✔ GDA94</td>
<td>Mackay Regional Council</td>
</tr>
<tr>
<td></td>
<td></td>
<td>□ WGS84</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>□ other</td>
<td></td>
</tr>
</tbody>
</table>

3. Total area of the premises on which the development is proposed (indicate square metres)

3.839ha

4. Current use/s of the premises (e.g. vacant land, house, apartment building, cane farm etc.)

Old Sugar Research Institute and House, and approval for Parklands Mixed Use Development
5. Are there any current approvals (e.g. a preliminary approval) associated with this application? (Non-mandatory requirement)

- No
- Yes—provide details below

<table>
<thead>
<tr>
<th>List of approval reference/s</th>
<th>Date approved (dd/mm/yy)</th>
<th>Date approval lapses (dd/mm/yy)</th>
</tr>
</thead>
</table>

6. Is owner’s consent required for this application? (Refer to notes at the end of this form for more information.)

- No
- Yes—complete either Table F, Table G or Table H as applicable

**Table F**

<table>
<thead>
<tr>
<th>Name of owner/s of the land</th>
</tr>
</thead>
<tbody>
<tr>
<td>I/We, the above-mentioned owner/s of the land, consent to the making of this application.</td>
</tr>
<tr>
<td>Signature of owner/s of the land</td>
</tr>
<tr>
<td>Date</td>
</tr>
</tbody>
</table>

**Table G**

<table>
<thead>
<tr>
<th>Name of owner/s of the land</th>
<th>Flynnjack Pty Ltd, Sugar King 1 Pty Ltd, Sugarmiltz Pty Ltd</th>
</tr>
</thead>
<tbody>
<tr>
<td>✔ The owner’s written consent is attached or will be provided separately to the assessment manager.</td>
<td></td>
</tr>
</tbody>
</table>

**Table H**

<table>
<thead>
<tr>
<th>Name of owner/s of the land</th>
</tr>
</thead>
<tbody>
<tr>
<td>By making this application, I, the applicant, declare that the owner has given written consent to the making of the application.</td>
</tr>
</tbody>
</table>

7. Identify if any of the following apply to the premises (Tick applicable box/es.)

- Adjacent to a water body, watercourse or aquifer (e.g. creek, river, lake, canal)—complete Table I
- On strategic port land under the *Transport Infrastructure Act 1994*—complete Table J
- In a tidal water area—complete Table K
- On Brisbane core port land under the *Transport Infrastructure Act 1994* (No table requires completion.)
- On airport land under the *Airport Assets (Restructuring and Disposal) Act 2008* (No table requires completion.)

**Table I**

<table>
<thead>
<tr>
<th>Name of water body, watercourse or aquifer</th>
</tr>
</thead>
</table>

**Table J**

<table>
<thead>
<tr>
<th>Lot on plan description for strategic port land</th>
<th>Port authority for the lot</th>
</tr>
</thead>
</table>
### Table K

<table>
<thead>
<tr>
<th>Name of local government for the tidal area (if applicable)</th>
<th>Port authority for the tidal area (if applicable)</th>
</tr>
</thead>
</table>

### 8. Are there any existing easements on the premises? (e.g. for vehicular access, electricity, overland flow, water etc)

- [ ] No
- ✔ Yes—ensure the type, location and dimension of each easement is included in the plans submitted

### 9. Does the proposal include new building work or operational work on the premises? (Including any services)

- [ ] No
- ✔ Yes—ensure the nature, location and dimension of proposed works are included in plans submitted

### 10. Is the payment of a portable long service leave levy applicable to this application? (Refer to notes at the end of this form for more information.)

- ✔ No—go to question 12
- [ ] Yes

### 11. Has the portable long service leave levy been paid? (Refer to notes at the end of this form for more information.)

- [ ] No
- ✔ Yes—complete Table L and submit with this application the yellow local government/private certifier’s copy of the receipted QLeave form

### Table L

<table>
<thead>
<tr>
<th>Amount paid</th>
<th>Date paid (dd/mm/yy)</th>
<th>QLeave project number (6 digit number starting with A, B, E, L or P)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### 12. Has the local government agreed to apply a superseded planning scheme to this application under section 96 of the Sustainable Planning Act 2009?

- ✔ No
- [ ] Yes—please provide details below

<table>
<thead>
<tr>
<th>Name of local government</th>
<th>Date of written notice given by local government (dd/mm/yy)</th>
<th>Reference number of written notice given by local government (if applicable)</th>
</tr>
</thead>
</table>
13. List below all of the forms and supporting information that accompany this application (Include all IDAS forms, checklists, mandatory supporting information etc. that will be submitted as part of this application. Note: this question does not apply for applications made online using MyDAS)

<table>
<thead>
<tr>
<th>Description of attachment or title of attachment</th>
<th>Method of lodgement to assessment manager</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development Application Report</td>
<td>Smart eDA</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

14. Applicant’s declaration

☐ By making this application, I declare that all information in this application is true and correct (Note: it is unlawful to provide false or misleading information)

Notes for completing this form

- Section 261 of the Sustainable Planning Act 2009 prescribes when an application is a properly-made application. Note, the assessment manager has discretion to accept an application as properly made despite any non-compliance with the requirement to provide mandatory supporting information under section 260(1)(c) of the Sustainable Planning Act 2009

Applicant details

- Where the applicant is not a natural person, ensure the applicant entity is a real legal entity.

Question 1

- Schedule 3 of the Sustainable Planning Regulation 2009 identifies assessable development and the type of assessment. Where schedule 3 identifies assessable development as “various aspects of development” the applicant must identify each aspect of the development on Tables A, B and C respectively and as required.

Question 6

- Section 263 of the Sustainable Planning Act 2009 sets out when the consent of the owner of the land is required for an application. Section 260(1)(e) of the Sustainable Planning Act 2009 provides that if the owner’s consent is required under section 263, then an application must contain, or be accompanied by, the written consent of the owner, or include a declaration by the applicant that the owner has given written consent to the making of the application. If a development application relates to a state resource, the application is not required to be supported by evidence of an allocation or entitlement to a state resource. However, where the state is the owner of the subject land, the written consent of the state, as landowner, may be required. Allocation or entitlement to the state resource is a separate process and will need to be obtained before development commences.

Question 11

- The Building and Construction Industry (Portable Long Service Leave) Act 1991 prescribes when the portable long service leave levy is payable.
- The portable long service leave levy amount and other prescribed percentages and rates for calculating the levy are prescribed in the Building and Construction Industry (Portable Long Service Leave) Regulation 2002.
Question 12

- The portable long service leave levy need not be paid when the application is made, but the Building and Construction Industry (Portable Long Service Leave) Act 1991 requires the levy to be paid before a development permit is issued.

- Building and construction industry notification and payment forms are available from any Queensland post office or agency, on request from QLeave, or can be completed on the QLeave website at www.qleave.qld.gov.au. For further information contact QLeave on 1800 803 481 or visit www.qleave.qld.gov.au.

Privacy—The information collected in this form will be used by the Department of State Development, Infrastructure and Planning (DSDIP), assessment manager, referral agency and/or building certifier in accordance with the processing and assessment of your application. Your personal details should not be disclosed for a purpose outside of the IDAS process or the provisions about public access to planning and development information in the Sustainable Planning Act 2009, except where required by legislation (including the Right to Information Act 2009) or as required by Parliament. This information may be stored in relevant databases. The information collected will be retained as required by the Public Records Act 2002.

OFFICE USE ONLY

Date received  Reference numbers

NOTIFICATION OF ENGAGEMENT OF A PRIVATE CERTIFIER

To Council. I have been engaged as the private certifier for the building work referred to in this application

<table>
<thead>
<tr>
<th>Date of engagement</th>
<th>Name</th>
<th>BSA Certification license number</th>
<th>Building classification/s</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

QLEAVE NOTIFICATION AND PAYMENT (For completion by assessment manager or private certifier if applicable.)

<table>
<thead>
<tr>
<th>Description of the work</th>
<th>QLeave project number</th>
<th>Amount paid ($)</th>
<th>Date paid</th>
<th>Date receipted form sighted by assessment manager</th>
<th>Name of officer who sighted the form</th>
</tr>
</thead>
</table>

The Sustainable Planning Act 2009 is administered by the Department of State Development, Infrastructure and Planning. This form and all other required application materials should be sent to your assessment manager and any referral agency.
IDAS form 7—Reconfiguring a lot

(Sustainable Planning Act 2009 version 3.0 effective 1 July 2013)

This form must be used for development applications or requests for compliance assessment for reconfiguring a lot.

You MUST complete ALL questions that are stated to be a mandatory requirement unless otherwise identified on this form.

For all development applications, you must:
- complete IDAS form 1—Application details
- complete any other forms relevant to your application
- provide any mandatory supporting information identified on the forms as being required to accompany your application.

For requests for compliance assessment, you must:
- complete IDAS form 32—Compliance assessment
- Provide any mandatory supporting information identified on the forms as being required to accompany your request

Attach extra pages if there is insufficient space on this form.

All terms used on this form have the meaning given in the Sustainable Planning Act 2009 (SPA) or the Sustainable Planning Regulation 2009.

This form can also be completed online using MyDAS at www.dsdip.qld.gov.au/MyDAS

Mandatory requirements

1. What is the total number of existing lots making up the premises? Two

2. What is the nature of the lot reconfiguration? (Tick all applicable boxes.)
- subdivision—complete questions 3–6 and 11
- creating an easement giving access to a lot from a constructed road—complete questions 10 and 11
- dividing land into parts by agreement—please provide details below and complete questions 7 and 11

3. Within the subdivision, what is the number of additional lots being created and their intended final use?

<table>
<thead>
<tr>
<th>Intended final use of new lots</th>
<th>Residential</th>
<th>Commercial</th>
<th>Industrial</th>
<th>Other—specify Drainage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of additional lots created</td>
<td>9</td>
<td></td>
<td></td>
<td>1</td>
</tr>
</tbody>
</table>

4. What type of approval is being sought for the subdivision?
- Development permit
- Preliminary approval
- Compliance permit
5. **Are there any current approvals associated with this subdivision application or request?**
   (E.g. material change of use.)
   - [ ] No
   - [x] Yes—provide details below

<table>
<thead>
<tr>
<th>List of approval reference/s</th>
<th>Date approved (dd/mm/yy)</th>
<th>Date approval lapses (dd/mm/yy)</th>
</tr>
</thead>
</table>

6. **Does the proposal involve multiple stages?**
   - [x] No—complete Table A
   - [ ] Yes—complete Table B

### Table A

<table>
<thead>
<tr>
<th>a) What is the total length of any new road to be constructed? (metres)</th>
<th>17.12m</th>
</tr>
</thead>
<tbody>
<tr>
<td>b) What is the total area of land to be contributed for community purposes? (square metres)</td>
<td>Nil</td>
</tr>
<tr>
<td>c) Does the proposal involve the construction of a canal or artificial waterway?</td>
<td>☑ No</td>
</tr>
<tr>
<td>d) Does the proposal involve operational work for the building of a retaining wall?</td>
<td>☑ No</td>
</tr>
</tbody>
</table>

### Table B—complete a new Table B for every stage if the application involves more than one stage

<table>
<thead>
<tr>
<th>a) What is the proposed estate name? (if known and if applicable)</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>b) What stage in the development does this table refer to?</td>
<td></td>
</tr>
<tr>
<td>c) If a development permit is being sought for this stage, will the development permit result in additional residential lots?</td>
<td>☑ No</td>
</tr>
<tr>
<td>d) What is the total area of land for this stage? (square metres)</td>
<td></td>
</tr>
<tr>
<td>e) What is the total length of any new road to be constructed at this stage? (metres)</td>
<td></td>
</tr>
<tr>
<td>f) What is the total area of land to be contributed for community purposes at this stage? (square metres)</td>
<td></td>
</tr>
<tr>
<td>g) Does the proposal involve the construction of a canal or artificial waterway?</td>
<td>☑ No</td>
</tr>
<tr>
<td>h) Does the proposal involve operational work for the building of a retaining wall?</td>
<td>☐ No</td>
</tr>
</tbody>
</table>

7. **Lease/agreement details—how many parts are being created and what is their intended final use?**

<table>
<thead>
<tr>
<th>Intended final use of new parts</th>
<th>Residential</th>
<th>Commercial</th>
<th>Industrial</th>
<th>Other—specify</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of additional parts created</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*IDAS form 7—Reconfiguring a lot  
Version 3.0—1 July 2013*
8. **What are the current and proposed dimensions following the boundary realignment for each lot forming the premises?**

<table>
<thead>
<tr>
<th>Current lot</th>
<th>Proposed lot</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot plan description</td>
<td></td>
</tr>
<tr>
<td>Area (square metres)</td>
<td></td>
</tr>
<tr>
<td>Length of road frontage</td>
<td></td>
</tr>
<tr>
<td>Lot number</td>
<td></td>
</tr>
<tr>
<td>Area (square metres)</td>
<td></td>
</tr>
<tr>
<td>Length of road frontage</td>
<td></td>
</tr>
</tbody>
</table>

9. **What is the reason for the boundary realignment?**


10. **What are the dimensions and nature of the proposed easement?** (If there are more than two easements proposed please list in a separate table on an extra page and attach to this form.)

<table>
<thead>
<tr>
<th>Width (m)</th>
<th>Length (m)</th>
<th>Purpose of the easement (e.g. pedestrian access)?</th>
<th>What land is benefitted by the easement?</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Mandatory supporting information**

11. **Confirm that the following mandatory supporting information accompanies this application or request**

<table>
<thead>
<tr>
<th>Mandatory supporting information</th>
<th>Confirmation of lodgement</th>
<th>Method of lodgement</th>
</tr>
</thead>
<tbody>
<tr>
<td>All applications and requests for reconfiguring a lot</td>
<td>✔ Confirmed</td>
<td>Smart eDA</td>
</tr>
</tbody>
</table>

Site plans drawn to an appropriate scale (1:100, 1:200 or 1:500 are the recommended scales) which show the following:

- the location and site area of the land to which the application or request relates (relevant land)
- the north point
- the boundaries of the relevant land
- any road frontages of the relevant land, including the name of the road
- the contours and natural ground levels of the relevant land
- the location of any existing buildings or structures on the relevant land
- the allotment layout showing existing lots, any proposed lots (including the dimensions of those lots), existing or proposed road reserves, building envelopes and existing or proposed open space (note: numbering is required for all lots)
- any drainage features over the relevant land, including any watercourse, creek, dam, waterhole or spring and any land subject to a flood with an annual exceedance probability of 1%
- any existing or proposed easements on the relevant land and their function
- all existing and proposed roads and access points on the relevant land
- any existing or proposed car parking areas on the relevant land
- the location of any proposed retaining walls on the relevant land and their height
- the location of any stormwater detention on the relevant land
- the location and dimension of any land dedicated for community
### Purposes
- the final intended use of any new lots.

#### For a development application
- A statement about how the proposed development addresses the local government's planning scheme and any other planning documents relevant to the application.

#### For a request for compliance assessment
- A statement about how the proposed development addresses the matters or things against which the request must be assessed.

#### A statement addressing the relevant part(s) of the State Development Assessment Provisions (SDAP).

<table>
<thead>
<tr>
<th>Confirmed</th>
<th>Not applicable</th>
</tr>
</thead>
</table>

#### For an application involving assessable development in a wild river area
- Documentation that:
  - describes how the development to which the application relates is not prohibited development and
  - demonstrates how the proposed development will meet the requirements set out in the relevant wild river declaration and any applicable code mentioned in the relevant wild river declaration under the *Wild Rivers Act 2005*.

- A map showing the proposed location of the development in relation to any nominated waterways under the *Wild Rivers Act 2005* and wild river management areas. (a map may be produced digitally at [www.ehp.qld.gov.au/wildrivers/wildrivers-map.php](http://www.ehp.qld.gov.au/wildrivers/wildrivers-map.php)).

**Wild river management area** means any of the following areas under the *Wild Rivers Act 2005*:
- special floodplain management area
- preservation area
- high preservation area
- floodplain management area
- subartesian management area
- designated urban area.

**Editor's note:** A floodplain management area, subartesian management area or designated urban area may be over all or part of a high preservation area or preservation area. A subartesian management area or designated urban area may be over all or part of a special floodplain management area.

<table>
<thead>
<tr>
<th>Confirmed</th>
<th>Not applicable</th>
</tr>
</thead>
</table>

### Notes for completing this form
- For supporting information requirements for requests for compliance assessment, please refer to the relevant matters for which compliance assessment will be carried out against. To avoid an action notice, it is recommended that you provide as much of the mandatory information listed in this form as possible.

**Privacy**—Please refer to your assessment manager, referral agency and/or building certifier for further details on the use of information recorded in this form.

### OFFICE USE ONLY

Date received

Reference numbers

The *Sustainable Planning Act 2009* is administered by the Department of State Development, Infrastructure and Planning. This form and all other required application materials should be sent to your assessment manager and any referral agency.
IDAS form 24—Contaminated land

(Sustainable Planning Act 2009 version 3.0 effective 1 July 2013)

This form must be used for development applications for:

• a material change of use that is assessable development relating to contaminated land matters under the Sustainable Planning Regulation 2009, schedule 3, part 1, table 2, items 6 to 7
• reconfiguring a lot relating to contaminated land or residual unexploded ordnance (UXO) risks that requires referral under the Sustainable Planning Regulation 2009, schedule 7, table 2, item 22
• a material change of use that is assessable development relating to residual UXO risks under the Sustainable Planning Regulation 2009, schedule 7, table 3, item 11.

You MUST complete ALL questions that are stated to be a mandatory requirement unless otherwise identified on this form.

For all development applications you must:

• complete IDAS form 1—Application details
• complete any other forms relevant to your application
• provide any mandatory supporting information identified on the forms as being required to accompany your application.

Attach extra pages if there is insufficient space on this form.

All terms used on this form have the meaning given in the Sustainable Planning Act 2009 (SPA) or the Sustainable Planning Regulation 2009.

This form can also be completed online using MyDAS at www.dsdip.qld.gov.au/MyDAS

Mandatory requirements

1. What is the nature of the application? (Tick all applicable boxes.)

[ ] Material change of use [✓] Reconfiguring a lot

2. What is the nature of the contamination or potential contamination? (Tick all applicable boxes.)

All or part of the premises:

[✓] (i) is on the Environmental Management Register (EMR)
[ ] (ii) is on the Contaminated Land Register (CLR)
[ ] (iii) has a notifiable activity which is currently taking place or has previously taken place
[ ] (iv) is currently used for, or has previously been used for, an industrial activity and the proposed use is for a potentially sensitive material change of use
[ ] (v) in an area where an area management advice (AMA) has been given for natural mineralisation or industrial activity and the proposed use is for a potentially sensitive material change of use
[ ] (vi) is in an area for which an AMA has been given for unexploded ordnance (UXO).
## Confirm the following mandatory requirements accompany this application

<table>
<thead>
<tr>
<th>Mandatory requirements</th>
<th>Confirmation of lodgement</th>
<th>Method of lodgement</th>
</tr>
</thead>
<tbody>
<tr>
<td>In regard to 2(i) to 2(v)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>If the application involves a material change of use from an industrial use to a potentially sensitive material change of use</td>
<td></td>
<td></td>
</tr>
<tr>
<td>A detailed site history outlining previous potentially contaminating uses on the premises</td>
<td>Not applicable</td>
<td></td>
</tr>
<tr>
<td>In regard to 2(vi)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Where applicable, any existing report on prior investigation or remediation of the premises by a UXO contractor or consultant accredited by the Department of Defence</td>
<td>Not applicable</td>
<td></td>
</tr>
</tbody>
</table>

## Mandatory supporting information

<table>
<thead>
<tr>
<th>Mandatory supporting information</th>
<th>Confirmation of lodgement</th>
<th>Method of lodgement</th>
</tr>
</thead>
<tbody>
<tr>
<td>For all applications</td>
<td></td>
<td></td>
</tr>
<tr>
<td>A statement addressing the relevant part(s) of the State Development Assessment Provisions (SDAP).</td>
<td>Confirmed</td>
<td>Smart eDA</td>
</tr>
<tr>
<td>In regard to 2(i) to 2(v)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Plans showing where any notifiable activities, hazardous contaminant or potentially contaminating activity has occurred on the premises</td>
<td>Confirmed</td>
<td>Smart eDA</td>
</tr>
<tr>
<td>In regard to 2(vi)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Plans showing where excavation, earthworks or other disturbance of land associated with this development will occur relative to any part of the premises categorised by the Department of Defence as having a ‘substantial’ UXO potential</td>
<td>Not applicable</td>
<td></td>
</tr>
</tbody>
</table>

Privacy—Please refer to your assessment manager, referral agency and/or building certifier for further details on the use of information recorded in this form.

OFFICE USE ONLY

Date received  |  Reference numbers

The Sustainable Planning Act 2009 is administered by the Department of State Development, Infrastructure and Planning. This form and all other required application materials should be sent to your assessment manager and any referral agency.
APPENDIX B

Site Context Information

Planning Scheme Property Report
CTS’s
SmartMap
Survey Plans
Map of Adjoining Land
Zoning/Overlay maps
Contours
State Mapping
SEARCH RESPONSE
ENVIRONMENTAL MANAGEMENT REGISTER (EMR)
CONTAMINATED LAND REGISTER (CLR)

RPS
106965-2
PO Box 1895
Mackay QLD 4740

Transaction ID: 48984198  EMR Site Id: 25241  27 June 2012
Client Reference: 1772464
Cheque Number:

This response relates to a search request received for the site:
Lot: 1  Plan: RP720042

EMR RESULT

The above site IS included on the Environmental Management Register.
Lot: 1  Plan: RP720042
Address: 239-255 NEBO ROAD
        MACKAY  4740

The site has been subject to the following Notifiable Activity pursuant to section 374 of the
Environmental Protection Act 1994.
PETROLEUM PRODUCT OR OIL STORAGE - storing petroleum products or oil -
(a) in underground tanks with more than 200L capacity; or
(b) in above ground tanks with -
   (i) for petroleum products or oil in class 3 in packaging groups 1 and 2 of the dangerous goods code - more than 2, 500L capacity; or
   (ii) for petroleum products or oil in class 3 in packaging groups 3 of the dangerous goods code - more than 5,000L capacity; or
   (iii) for petroleum products that are combustible liquids in class C1 or C2 in Australian Standard AS1940, 'The storage and handling of flammable and combustible liquids' published by Standards Australia - more than 25,000L capacity.

CLR RESULT

The above site is NOT included on the Contaminated Land Register.

ADDITIONAL ADVICE

From the 1st August 2011, the price of an EMR/CLR search will increase to $40.15 per lot for internet based searches and $47.20 per lot for EMR/CLR searches done by means other than the internet.

If you have any queries in relation to this search please phone 13QGOV (13 74 68)

Registrar
CURRENT TITLE SEARCH
DEPT OF NATURAL RESOURCES AND MINES, QUEENSLAND

Request No: 16442211
Search Date: 27/06/2013 08:24
Title Reference: 20684185
Date Created: 12/07/1965

Previous Title: 20222061

REGISTERED OWNER

Dealing No: 715087928  16/05/2013

SUGAR KING 2 PTY LTD A.C.N. 161 973 646
TRUSTEE
UNDER INSTRUMENT 715087928
1/3

SUGARMILTZ PTY LTD A.C.N. 161 965 439
TRUSTEE
UNDER INSTRUMENT 715087928
1/3

FLYNNJACK PTY LTD A.C.N. 161 983 795
TENANT IN COMMON
1/3

AS TENANTS IN COMMON

ESTATE AND LAND

Estate in Fee Simple

LOT 1
REGISTERED PLAN 720042
County of CARLISLE
Parish of HOWARD
Local Government: MACKAY

EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by
   Deed of Grant No. 10073200 (POR 19)

2. LEASE No 714027164  25/08/2011 at 11:33
   CQ NURSE PTY LTD A.C.N. 119 260 856
   OF PART OF THE FIRST FLOOR (LEASE H)
   TERM: 04/04/2011 TO 03/04/2016 OPTION 5 YEARS

3. LEASE No 714027171  25/08/2011 at 11:35
   PARKLANDS MACKAY BUSINESS HUB PTY LTD A.C.N. 128 869 072
   OF PART OF THE GROUND FLOOR (LEASES A & B)
   TERM: 04/04/2011 TO 03/04/2016 OPTION 5 YEARS

4. MORTGAGE No 715087929  16/05/2013 at 14:30
   WESTPAC BANKING CORPORATION A.B.N. 33 007 457 141

ADMINISTRATIVE ADVICES

Dealing    Type                        Lodgement Date       Status
713678908  HERITAGE SITE               24/01/2011 11:53 CURRENT
QUEENSLAND HERITAGE ACT 1992

UNREGISTERED DEALINGS  - NIL

CERTIFICATE OF TITLE ISSUED  - No
Caution - Charges do not necessarily appear in order of priority

** End of Current Title Search **

COPYRIGHT THE STATE OF QUEENSLAND (DEPT OF NATURAL RESOURCES AND MINES) [2013]
Requested By: D APPLICATIONS ABR
QLD DEPARTMENT OF ENVIRONMENT AND RESOURCE MANAGEMENT

ENVIRONMENTAL MANAGEMENT REGISTER (EMR)
CONTAMINATED LAND REGISTER (CLR)

Transaction ID: 1276386  EMR Site Id: 02 December 2010
This response relates to a search request received for the site:
Lot: 20  Plan: M915

EMR RESULT

The above site is NOT included on the Environmental Management Register.

CLR RESULT

The above site is NOT included on the Contaminated Land Register.

ADDITIONAL ADVICE

EMR/CLR Searches may be conducted online through the State Government Website www.smartservice.qld.gov.au or Citec Confirm www.confirm.com.au.

If you have any queries in relation to this search please phone (07) 3330 5685.

Darryl Byers
Registrar, Contaminated Land Unit
CURRENT TITLE SEARCH
DEPT OF NATURAL RESOURCES AND MINES, QUEENSLAND

Request No: 16442187
Search Date: 27/06/2013 08:22

Title Reference: 20222057
Date Created: 28/11/1923

Previous Title: 20009227
20009228

REGISTERED OWNER

Dealing No: 715087928  16/05/2013

SUGAR KING 2 PTY LTD A.C.N. 161 973 646
TRUSTEE 1/3
UNDER INSTRUMENT 715087928

SUGARMILTZ PTY LTD A.C.N. 161 965 439
TRUSTEE 1/3
UNDER INSTRUMENT 715087928

FLYNNJACK PTY LTD A.C.N. 161 983 795
TENANT IN COMMON 1/3
AS TENANTS IN COMMON

ESTATE AND LAND

Estate in Fee Simple

LOT 20    CROWN PLAN M915
County of CARLISLE  Parish of HOWARD
Local Government: MACKAY

EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by
   Deed of Grant No. 10073201 (FOR 20)

2. LEASE No 714027164  25/08/2011 at 11:33
   CQ NURSE PTY LTD A.C.N. 119 260 856
   OF PART OF THE FIRST FLOOR (LEASE H)
   TERM: 04/04/2011 TO 03/04/2016 OPTION 5 YEARS

3. LEASE No 714027171  25/08/2011 at 11:35
   PARKLANDS MACKAY BUSINESS HUB PTY LTD A.C.N. 128 869 072
   OF PART OF THE GROUND FLOOR (LEASE B)
   TERM: 04/04/2011 TO 03/04/2016 OPTION 5 YEARS

4. MORTGAGE No 715087929  16/05/2013 at 14:30
   WESTPAC BANKING CORPORATION A.B.N. 33 007 457 141

ADMINISTRATIVE ADVICES

<table>
<thead>
<tr>
<th>Dealing</th>
<th>Type</th>
<th>Lodgement Date</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>713678908</td>
<td>HERITAGE SITE</td>
<td>24/01/2011 11:53</td>
<td>CURRENT QUEENSLAND HERITAGE ACT 1992</td>
</tr>
</tbody>
</table>

UNREGISTERED DEALINGS  - NIL
CERTIFICATE OF TITLE ISSUED - No

Caution - Charges do not necessarily appear in order of priority

** End of Current Title Search **

COPYRIGHT THE STATE OF QUEENSLAND (DEPT OF NATURAL RESOURCES AND MINES) [2013]
Requested By: D APPLICATIONS ABR
THE DIMENSIONS SHOWN HEREIN WERE NOT MeASURED AT THE TIME OF SURVEY.

THE DESIGNER DECLARED THAT THEY HAD BEEN FitterED FROM A COMBINATION OF
FIELD SURVEY AND AUTHORITY RECORDS AND ARE INELIGIBLE ONLY. THE RELATIVELY
AUTHORITIES MAY BE CONSTRUCTED PORE TO ANY EXCITATION TO CONFIRM THE
LOCATION OF ALL SERVICES.

FOR REASONS OF PLAN PRESENTATION, NOT ALL OF THE INFORMATION CAN BE SHOWN ON THE PLAN.
PENDING IES TO THE ACCOMPANYING DIGITAL DATA FOR ALL SURVEY INFORMATION AND ATTRIBUTES.
HERITAGE BOUNDARY LOCATION FITTED FROM COORDINATES PROVIDED BY COORDINATE PROVIDERS.

Conics (Mackay) Pty Ltd
A.C.N. 117 672 170
ABN 19 117 672 170
24 Sydney Street
PO Box 1935
MACKAY QLD 4740
Telephone 07 4933 3277
Facsimile 07 4935 3522
e-mail: mackay@conics.com.au
web: www.conics.com.au

Scale 1:1500 – Lengths are in Metres.

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exclusive property of Conics (Mackay) Pty Ltd and may not be used, copied or reproduced wholly or in part without the written permission of Conics (Mackay) Pty Ltd. A.C.N. 117 672 170
MACKAY REGIONAL COUNCIL
PLANNING SCHEME PROPERTY REPORT

Note: The document links below refer to the Mackay City Planning Scheme of 24th March 2006. These links will be updated, incorporating amendments 1,2,3 of 2007, after adoption of the Consolidated Planning Scheme.

Property Address  239 Nebo Road MACKAY
Real Property Description  Lot: 1 Plan: RP720042  Area: 1.81900 Ha
Zone Code  PP  Zone Description  Public Purposes
Planning Locality  Frame  Planning Precinct  Pioneer River (Urban)

Affected by Overlay Codes
- Bushfire Management
- Development on Steep Land
- Wetland Communities
- Landscape Character
- Image Corridors
- Character and Heritage Protection
- Acid Sulfate Soils
- Good Quality Agricultural Land
- Airport Safety Zone
- Aviation Facilities Buffer Area
- Airport Noise Exposure
- Airport Obstacle Limitation Surface
- Airport Development Distances
- Flood and Inundation

Affected by Development Codes
- Key Resource Areas
- Commercial and Residential Interface
- High Impact Areas
- Tourist Areas
- Residential Character Areas

Refer to Erosion Prone Sections if the Property is generally within 500m of the indicative coastline or generally within 50m of a TIDAL creek or waterway

Planning Scheme Document

DIAGRAM
Not to Scale

Mackay City Planning Scheme
Mackay Regional Council

This Property Report identifies Mackay City Planning Scheme zones and overlays that may affect the property. It is intended that this Report be used as a guide only, as part of the Development Application process. The information contained in the Property Report is not a legal description of the property and should not be relied upon.

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© Mackay Regional Council


26/06/2013
MACKAY REGIONAL COUNCIL
PLANNING SCHEME PROPERTY REPORT
Note: The document links below refer to the Mackay City Planning Scheme of 24th March 2006. These links will be updated, incorporating amendments 1,2,3 of 2007, after adoption of the Consolidated Planning Scheme.

Property Address  239 Nebo Road MACKAY
Real Property Description  Lot: 20 Plan: M915  Area: 2.02300 Ha
Zone Code  PP  Zone Description  Public Purposes
Planning Locality  Framed  Planning Precinct  Pioneer River (Urban)

Affected by Overlay Codes
- Bushfire Management
- Development on Steep Land
- Wetland Communities
- Landscape Character
- Image Corridors
- Character and Heritage Protection
- Acid Sulfate Soils
- Good Quality Agricultural Land
- Airport Safety Zone
- Aviation Facilities Buffer Area
- Airport Noise Exposure
- Airport Obstacle Limitation Surface
- Airport Development Distances
- Flood and Inundation

Affected by Development Codes
- Key Resource Areas
- Commercial and Residential Interface
- High Impact Areas
- Tourist Areas
- Residential Character Areas

Erosion Prone Areas
Refer to Erosion Prone Sections if the Property is generally within 500m of the indicative coastline or generally within 50m of a TIDAL creek or waterway

Planning Scheme Document
DIAGRAM
Not to Scale

Mackay City Planning Scheme
Mackay Regional Council
Generated 26/6/2013

This Property Report identifies Mackay City Planning Scheme zones and overlays that may affect the property. It is intended that this Report be used as a guide only, as part of the Development Application process. The information contained in the Property Report is not a legal description of the property and should not be relied upon.
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© Mackay Regional Council

Infrastructure Networks
Flood and Inundation
Airport Development Distances
REGROWTH VEGETATION MAP - Version 2.1

Requested By: MONIQUE.FINN@PBSPGROUP.COM.AU
Date: 26 Jun 13 Time: 16:23:27
Centered on Lot on Plan: 1R720042

Labels for Vegetation Management Act Essential Regrowth Habitat are centred on the subject lot.
Labels co-relate to the label field in the attached essential regrowth habitat database.

The high value regrowth, regrowth watercourse, other watercourse, Great Barrier Reef wetland protection area and essential regrowth habitat data shown on this map are representations of the preliminary data.

Some watercourse areas are derived from Geoscience Australia 1:250,000 mapping.

For further information go to the website:
http://www.qmrh.dilr.qld.gov.au or contact Vegetation Management, Department of Natural Resources and Mines.

Areas covered by a Property Map of Assessable Vegetation (PMAV) are represented on the map attached as Page 2 to this Regrowth Vegetation Map and provided with it.

Vegetation Management Act Essential Regrowth Habitat with example label number
Great Barrier Reef Wetland Protection Area
High value regrowth vegetation containing Endangered regional ecosystems
High value regrowth vegetation containing Of Concern regional ecosystems
High value regrowth vegetation that is a Least Concern regional ecosystem
Remnant Vegetation
(Refer to the Vegetation Management Act Regional Ecosystem and Remnant Map also available from the Department of Environment and Resource Management website for further information on these areas)
Non-remnant
PMAV Category X area
Regrowth watercourse (Stream order shown as black number against stream)
Other watercourse (Stream order shown as black number against stream where available)
Subject Lot
Roads
Primary Bowen Software 2012
Cadastral Line
Property boundaries shown are provided as a locational aid only.
• Towns

Queensland Government

LOCALITY DIAGRAM

Property Maps of Assessable Vegetation (PMAVs)

Requested By: MONIQUE.SINN@BPGROUP.COM.AU
Date: 26 Jun 13     Time: 16.23.28
Centered on Lot on Plan: 1ISP720042

The PMAV data shown on this map are a representation of the data used to create certified PMAVs. Variations may occur between PMAV boundaries and cadastral boundaries. PMAV data incorporates cadastral boundary data as at the time of certification of the PMAV. The cadastral boundaries shown on this map may have shifted relative to the PMAV boundaries as more accurate cadastral boundary data have become available.

All datasets are updated as they become available to provide the most current information as of the data shown on this map.

For further information go to the website: http://www.dmm.qld.gov.au or contact Vegetation Management, Department of Natural Resources and Mines.

Queensland Government

Property Map of Assessable Vegetation
Vegetation Category Area
- Category A area
- Category B area
- Category C area
- Category X area

Area that is subject to other PMAVs or, if no PMAV exists, a regional ecosystem map, remnant map of regrowth vegetation map

Subject Lot
Roads
Property boundaries shown are provided as a locational aid only.
- Lines

LOCALITY DIAGRAM

Queensland Coastal Plan
Areas of Ecological Significance

This map shows areas where policies of the Queensland Coastal Plan apply. This map is produced at a scale relevant to the size of the lot on plan selected and should be printed as A4 site in portrait orientation.

For further information or assistance with interpretation of this product, please contact the Department of Environment and Heritage Protection at coastal.support@dehp.qld.gov.au.

For Coastal Hazard Areas and other Queensland Coastal Plan mapping please refer to the relevant LUP website area.

Disclaimer: The information presented on this project is distributed by the Queensland Government for land use planning, development assessment and natural resource management purposes. The mapping is derived from a number of data sources of varying scales. Consideration of the effects of mapped scale is necessary when interpreting data. Digital line work should be used as a guide only. Field surveys are recommended to verify feature boundaries prior to making development applications.

Whilst every care has been taken to ensure the accuracy of this product, the Department of Environment and Heritage Protection makes no representations or warranties about its accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damages or any kind incurred as a result of the use of this product being inaccurate or incomplete in any way and for any reason.

Queensland Government

LOCALITY DIAGRAM

This scale bar is approximate only.
Horizontal Datum: Geodetic Datum of Australia 1994 (GDA94)
This product is unprojected and is not suitable for measuring distances.

The State of Queensland, 2013
APPENDIX C

Proposal Plans
APPENDIX D

Development Assessment Tables
### Mackay Frame Locality Code

<table>
<thead>
<tr>
<th>SPECIFIC OUTCOMES</th>
<th>ACCEPTABLE/ PROBABLE SOLUTIONS</th>
<th>COMMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>P1</strong> Commercial development is located in the commercial zone and does</td>
<td>S1 No solution specified.</td>
<td>Not Applicable The proposal is not for commercial development.</td>
</tr>
<tr>
<td>not detract from the network of centres referred to in the Desired Environmental</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Outcomes.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>P2</strong> Residential development where residential use is the predominant</td>
<td>S2 No solution specified.</td>
<td><strong>P2 Complies</strong> The proposed lots are for residential development, in</td>
</tr>
<tr>
<td>activities (as distinct from farming for example) occurs on land located</td>
<td></td>
<td>accordance with the approval over the site.</td>
</tr>
<tr>
<td>within the Village zone, Urban Residential zone and the Rural Residential zone.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>P3</strong> Tourist development sites generally exhibit a number of the following</td>
<td>S3 No solution specified.</td>
<td>Not Applicable The proposal is not for tourist development.</td>
</tr>
<tr>
<td>characteristics:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(i) proximity to infrastructure and services adequate to meet the day-to-day</td>
<td></td>
<td></td>
</tr>
<tr>
<td>needs of the tourist population likely to be generated by development on the</td>
<td></td>
<td></td>
</tr>
<tr>
<td>site; and</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(ii) proximity to a natural attraction without the potential for adverse</td>
<td></td>
<td></td>
</tr>
<tr>
<td>effects upon the attributes or values which give rise to the attractiveness of</td>
<td></td>
<td></td>
</tr>
<tr>
<td>the site; and</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(iii) an area of land sufficient to contain fully the extent of the proposed</td>
<td></td>
<td></td>
</tr>
<tr>
<td>development and the potential impacts likely to flow from it; and</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(iv) land suitable in its physical characteristics to accommodate the form,</td>
<td></td>
<td></td>
</tr>
<tr>
<td>scale and intensity of development proposed without imposing unnecessary or</td>
<td></td>
<td></td>
</tr>
<tr>
<td>unacceptable impacts upon the surrounding area; or</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(v) are not located within established residential areas or accessed only</td>
<td></td>
<td></td>
</tr>
<tr>
<td>via residential street.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>P4</strong> Industrial activities are located within the zoned industrial areas of</td>
<td>S4 No solution specified.</td>
<td>Not Applicable The proposal is not for industrial development.</td>
</tr>
<tr>
<td>the City</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>P5</strong> Land uses adjacent to industrial areas and key extractive resources</td>
<td>S5 No solution specified.</td>
<td>Not Applicable The subject land is not adjacent to industrial areas or</td>
</tr>
<tr>
<td>areas which are incompatible with those areas include a buffer which mitigates</td>
<td></td>
<td>key extractive areas.</td>
</tr>
<tr>
<td>any adverse impacts from the industrial use on the new use.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>P6</strong> Residential development on land zoned for residential uses, adopts or</td>
<td>S6 No solution specified.</td>
<td><strong>P6 Complies</strong> The proposal is for residential development, in accordance</td>
</tr>
<tr>
<td>creates new traffic and transport systems which:</td>
<td></td>
<td>with the existing approval. All road network issues were discussed at that</td>
</tr>
<tr>
<td>(i) are based on the hierarchy of roads;</td>
<td></td>
<td>time and are appropriate for the proposed development.</td>
</tr>
<tr>
<td>(ii) are appropriate to the transport and traffic tasks required by the</td>
<td></td>
<td></td>
</tr>
<tr>
<td>proposed development, having regard to its scale, intensity and character;</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>P7</strong> The proposal is for commercial development, in accordance with the</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Desired Environmental Outcomes.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### SPECIFIC OUTCOMES

<table>
<thead>
<tr>
<th>SPECIFIC OUTCOME</th>
<th>ACCEPTABLE/ PROBABLE SOLUTIONS</th>
<th>COMMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>(iii) are linked efficiently and safely with the existing road network; (iv) promote the safe movement of traffic, cyclists and pedestrians throughout the development area; and (v) minimises the potential for through traffic and local traffic conflicts and for industrial and non-industrial traffic conflicts.</td>
<td>S7 No solution specified.</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>P7 Rail infrastructure corridors in the City are protected from the constraining effects of proximate, sensitive land uses by seeking buffers, acoustic screens or other forms of physical separation. Where development occurs in close proximity to a rail corridor, appropriate mitigation measures in the design and siting of buildings and recreation space are provided.</td>
<td>S8 No solution specified.</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>P8 New uses and development within the rail corridor, including rail freight yards, stations and shunting yards, has regard for the environmental impacts upon adjacent and adjoining properties.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>P9 The network of cane tramways throughout the City is protected from the effects of incompatible development. New estate development for urban residential, rural residential or village purposes is planned to minimise the potential for tramway traffic to conflict with vehicular, bicycle or pedestrian traffic through a combination of careful design and maintaining adequate buffers or separations.</td>
<td>S9 No solution specified.</td>
<td>P9 Complies</td>
</tr>
<tr>
<td>P10 New development is serviced by the full range of urban infrastructure in an orderly, efficient and equitable manner as established in the priority infrastructure plan.</td>
<td>S10 No solution specified.</td>
<td>P10 Complies</td>
</tr>
<tr>
<td>P11 Land fronting the Bruce Highway has limited direct access, if any, to the highway in accordance with the requirements and specifications of the Department of Main Roads.</td>
<td>S11 No solution specified.</td>
<td>P11 Complies</td>
</tr>
<tr>
<td>P12 The route of the possible future Port Access corridor linking the industrial areas of the City with the Mackay seaport is preserved.</td>
<td>S12 No solution specified.</td>
<td>P12 Complies</td>
</tr>
<tr>
<td>P13 The use and development of port land subject to freehold lease or similar title, or land adjacent to the airport, includes mechanisms to minimise, mitigate and manage any environmental impacts on the freehold land which may arise from the port operations.</td>
<td>S13 No solution specified.</td>
<td>Not Applicable</td>
</tr>
</tbody>
</table>

The subject land is not located in close proximity to a rail corridor.

The subject land is not located in close proximity to a rail corridor.

The proposal will not impact the city's cane tramway network.

The existing lot is connected to full infrastructure. The residential components will be connected to full infrastructure in accordance with the existing approval.

The proposal will not gain access via the Bruce Highway, with all additional accesses gained via new roads from Field Street.

The proposal will not affect the future Port Access corridor.

The subject land is not located on port land.
**SPECIFIC OUTCOMES** | **ACCEPTABLE/ PROBABLE SOLUTIONS** | **COMMENTS**
--- | --- | ---
P14 | The operational efficiency of the major road transport routes serving the Mackay seaport, the airport, the railway and the Paget industrial area is maintained by: (i) ensuring adequate buffers or separations between noise and traffic sensitive activities and these major routes; and (ii) planning development according to the road hierarchy illustrated on the Information Map – Key Infrastructure. | S14 No solution specified. | P14 Complies The proposal will not impact the operational efficiency of the major road transport routes.

P15 | Open space areas are protected from the adverse affects of development through: (i) limiting development within open space areas to low impact activities, facilities and works that maintain the value of the area; (ii) locating development on adjoining land in parts of the site less likely to have adverse effects; (iii) providing buffers to open space areas of sufficient width to mitigate any adverse effects; and (iv) adopting impact mitigation and management measures for development likely to cause adverse effects. | S15 No solution specified. | P15 Complies The proposal is for a small scale reconfiguration therefore open space areas are not applicable. Open spaces have been considered with the MCU approval.

P16 | Open space and recreation areas are preserved by providing that development of land in proximity to high use areas (e.g. the racecourse at Ooralea) is designed and sited to take into account: (i) noise; (ii) lighting; and (iii) traffic impacts of activities and major events. | S16 No solution specified. | Not Applicable The subject land is not located within a high use area.
## Public Purpose Zone Code

<table>
<thead>
<tr>
<th>SPECIFIC OUTCOMES</th>
<th>ACCEPTABLE / PROBABLE SOLUTIONS</th>
<th>COMMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>P1 Land included in the Public Purposes zone is developed for Public Purposes and has adequate buffer area to minimise impacts on and from adjoining land uses.</td>
<td>S1 No solution specified.</td>
<td>P1 Complies The proposal is designed to align the lot boundaries with the existing MCU approval. All considerations of the impacts on surrounding uses have been discussed at that time.</td>
</tr>
<tr>
<td>P2 Land included in the Public Purposes zone protects future major infrastructure from inappropriate development which may impede the planning, construction and operations of the proposed major infrastructure.</td>
<td>S2 No solution specified.</td>
<td>P2 Complies The proposal is designed to align the lot boundaries with the existing MCU approval. As such, the development is not considered inappropriate, nor will it facilitate the opportunity for further development.</td>
</tr>
</tbody>
</table>
### Overall Design

**P1** The proposed lot layout facilitates the desired future use of land in accordance with the relevant Locality Code by:

- (i) Establishing an orderly and acceptable land use pattern;
- (ii) Providing a road network consistent with the road hierarchy identified on the Key Infrastructure Maps (A and B);
- (iii) Providing a network, incorporating linkages, of public open space meeting community needs and protecting valuable features; and
- (iv) Providing an integrated drainage system based on natural drainage patterns and ecological processes.

<table>
<thead>
<tr>
<th>SPECIFIC OUTCOMES</th>
<th>ACCEPTABLE / PROBABLE SOLUTIONS</th>
<th>COMMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>S1.</strong> No solution specified</td>
<td><strong>P1 Complies</strong> The proposal is orderly development of surrounding uses whilst considering the future use of the area. It provides a need envisioned by the community, and will align with existing approvals.</td>
<td></td>
</tr>
</tbody>
</table>

### Lot Areas and Dimensions

**P1** Each lot has an area and dimensions such that it:

- (i) is suitable for the range of likely uses;
- (ii) offers a high level of utility and amenity for its subsequent use and the use of adjoining allotments by providing ample opportunity for the separation of uses within adjoining lots;
- (iii) where in the Higher Density Residential zone, is able to be developed to achieve the desired dwelling unit density levels for the zone; and
- (iv) does not prejudice the desired future use of the land such that:
  - a) suitable access is provided for pedestrians, cyclists, and vehicles; and
  - b) adequate provision is made for any other area necessary for the conduct of the intended use for the site;
- (v) takes account of the physical characteristics of the site; and
- (vi) provides efficient servicing of the lot.

<table>
<thead>
<tr>
<th>SPECIFIC OUTCOMES</th>
<th>ACCEPTABLE / PROBABLE SOLUTIONS</th>
<th>COMMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>S1.</strong> No solution specified</td>
<td><strong>P1 Complies</strong> The proposal is suitable for the intended use of the site currently, and in the future. The proposed lots and subsequent developments will have full connections to Council’s infrastructure networks.</td>
<td></td>
</tr>
</tbody>
</table>
## Reconfiguring a Lot Code

<table>
<thead>
<tr>
<th>SPECIFIC OUTCOMES</th>
<th>ACCEPTABLE / PROBABLE SOLUTIONS</th>
<th>COMMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>objectives for the waters;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>any relevant ground water protection plan.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### P2
Each lot is consistent with the minimum area and dimensions as set out in Table 9-18.1 Minimum Area & Dimensions.

<table>
<thead>
<tr>
<th>Zones</th>
<th>Area</th>
<th>Frontage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rural</td>
<td>100 ha</td>
<td></td>
</tr>
<tr>
<td>Rural Residential</td>
<td>1 ha</td>
<td>60m</td>
</tr>
<tr>
<td>Industry (Low Impact)</td>
<td>2,500m²</td>
<td>30m</td>
</tr>
<tr>
<td>Industry (High Impact)</td>
<td>3,500m²</td>
<td>35m</td>
</tr>
<tr>
<td>City Centre Zones (1)</td>
<td>No minimum area or dimension specified</td>
<td></td>
</tr>
<tr>
<td>Commercial</td>
<td>No minimum area or dimension specified</td>
<td></td>
</tr>
<tr>
<td>Public Purposes</td>
<td>No minimum area or dimension specified</td>
<td></td>
</tr>
<tr>
<td>Sport &amp; Recreation</td>
<td>No minimum area or dimension specified</td>
<td></td>
</tr>
<tr>
<td>Open Space</td>
<td>No minimum area or dimension specified</td>
<td></td>
</tr>
<tr>
<td>Special Activities</td>
<td>No minimum area or dimension specified</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Zones</th>
<th>Area</th>
<th>Frontage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Urban Residential</td>
<td>Minimum 300m²</td>
<td>10m</td>
</tr>
<tr>
<td>Higher Density Residential</td>
<td>600m²</td>
<td>20m</td>
</tr>
<tr>
<td>Village</td>
<td>1000m²</td>
<td>20m</td>
</tr>
</tbody>
</table>

(Note: (1) Zones located in the City Centre Locality Code)

**Note:** Proposed involving lots with an area less than the minimum area set out in the acceptable solution must provide lot layout plans for each of with an area less than the minimum. The lot layout plans must demonstrate that the relevant vehicle size (refer to Schedule 2, Table 12-2) can enter and leave each lot in a forward motion after performing no more than a three point turn.

<table>
<thead>
<tr>
<th>S2</th>
<th>No solution specified</th>
</tr>
</thead>
<tbody>
<tr>
<td>P2 Complies</td>
<td>The proposal does not conflict with any lot sizes or dimensions.</td>
</tr>
</tbody>
</table>

### P3
In the Rural Zone, new lots are not created unless:

(i) the result of the reconfiguration is that new lots and the balance lot are above the minimum area stated for the Rural Zone; or

(ii) the result of the reconfiguration is that an equal or lesser number of lots is created and the utility and accessibility of all subject lots is an improvement on the original situation in relation to enhancing or supporting the rural use of the lots.

<table>
<thead>
<tr>
<th>S3</th>
<th>No solution specified</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not Applicable</td>
<td>The proposal is not located with the Rural Zone.</td>
</tr>
</tbody>
</table>

### P4
Irregular shaped lots are designed to have:

(i) a frontage to depth ratio of no more than 1:3;

(ii) for land in the Urban Residential Zone:

a) a minimum frontage of 10m to any cul-de-sac road or along any

<table>
<thead>
<tr>
<th>S4</th>
<th>No solution specified</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not Applicable</td>
<td>The proposed lots are not irregular, and align with the existing MCU approval.</td>
</tr>
</tbody>
</table>
### Reconfiguring a Lot Code

<table>
<thead>
<tr>
<th>SPECIFIC OUTCOMES</th>
<th>ACCEPTABLE / PROBABLE SOLUTIONS</th>
<th>COMMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>curved road alignment; and an area within the lot with the minimum dimensions of 15 by 15m; and (iii) for land in the Higher Density Residential Zone, a minimum width of 20m at a point 6 m in the lot parallel to the longest road frontage.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>P5</strong></td>
<td><strong>S5</strong> No solution specified</td>
<td>Not Applicable</td>
</tr>
</tbody>
</table>

**Battleaxe lots do not occur in any proposal for reconfiguring a lot that creates more than 1 additional lot. Battleaxe lots are provided only where:**

1. There is no increase in the density that is applicable to the zone that the subject land is included in;
2. The lot handle is not less than 5m in width;
3. Both sides of the lot handle are landscaped for the full length of the handle;
4. The maximum length of the lot handle is not greater than the minimum depth specified in Table 9-18.1 Minimum Area and Dimensions;
5. The area of the lot handle is not included in the calculation of the area of the lot for minimum area purposes; and
6. For land in the Urban Residential Zone, two adjacent lots have a combined frontage of 50% of the minimum road frontage for a single lot, and a common access drive is provided between the kerb and the head of the access handle.

**Small Lots in the Urban Residential Zone**

1. Lots having areas less than 450m² or an average width less than 18 m enable the design and siting of buildings such that they do not detract from the amenity or character of the area.

2. Development proposals where lots with areas 450m² or less are proposed are accompanied by a Plan of Development showing at least the following:
   - North Point
   - Access to lots
   - Footprint of buildings on subject lots
   - Footprints of buildings on adjoining lots
   - Building setbacks
   - Existing and proposed services.

3. Lots having areas less than 350m² form part of an integrated residential development of at least 4 lots, except where:
   1. The lot is located in a Residential Character Area; and
   2. There is an existing dwelling of character located on the existing

**Not Applicable**

The proposal will not create any battleaxe allotments.

The proposal will not produce any small lots.
<table>
<thead>
<tr>
<th>SPECIFIC OUTCOMES</th>
<th>ACCEPTABLE / PROBABLE SOLUTIONS</th>
<th>COMMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential lot; In which case, such a lot, less than 350m² will be considered, if the existing dwelling of character is retained.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Road Layout and Design

| P1 | Each road has sufficient reserve and pavement width to cater for all the functions that the road is expected to fulfil, including: (i) the safe and efficient movement of all users, (ii) provision for parked vehicles, (iii) provision of cycle and pedestrian networks; (iv) provision of public utilities landscaping, sound attenuation; and (v) public transport use. | S1 | Road layout and design complies with the Engineering Design Guidelines Planning Scheme Policy. | S1 Complies | The proposed new roads will comply with Council’s policies. Detailed design to be determined at Operational Works stage. |
| P2 | The road layout is designed to have street intersections: (i) as T-junctions, roundabouts or other appropriate means; and (ii) adequately spaced to enable efficient and safe operation. | S2 | The road layout provides corner truncations including: (i) at major intersections, acute angled intersections, not less than a 10m² chord truncation; and (ii) at minor intersections, not less than a 6m² chord truncation. | S2 Complies | The proposed new roads will comply with Council’s policies. Detailed design to be determined at Operational Works stage. |
| P3 | Roads are designed to make provision for adjoining potential development sites. | S3 | The road layout indicates possible connections to external roads and provision to service adjoining development sites. | S3 Complies | The proposed new roads will connect to existing Council roads. |
| P4 | All lots have frontage to a road. | S4 | Lots do not rely on an easement for access to a road. | P4 Complies | The subject lots have legal road frontages. |

### Open Space Requirements

| P1 | In residential, commercial and industrial areas, public open space is provided as part of development involving reconfiguration of a lot; (i) as part of a linked open space system for safe pedestrian and cycling paths linking centres; (ii) in a location, size and shape to satisfy the local, district or regional recreational needs of the community; and (iii) to have a multi-functional role such as for stormwater management or fauna habitat. | S1 | The provision and design of open space complies with the requirements of the Open Space Planning Scheme Policy and the Parks Contributions Planning Scheme Policy. | Not Applicable | The proposal is realigning the lot boundaries in accordance with the existing MCU approval, so open spaces are not applicable. Open Spaces have been considered at the MCU stage. |

### Community Title

| P1 | Community Title Development for a specific use is provided at the same density for that use in the relevant zone and locality codes in which the | S1 | No solution specified | Not Applicable | The proposal does not include any community title development. |
### Infill Development

**P1**
Infill development addresses the social outcomes of IPA.

**S1**
Infill development achieves sustainable development outcomes, and occurs where amenity is addressed and achieves integrated networks of pleasant and safe public areas and cultural, recreational or social interaction are provided within well-serviced communities.

**S1 Complies**
The proposed subdivision is not expected to compromise the achievement of this outcome.
### Environment and Infrastructure Code

<table>
<thead>
<tr>
<th>SPECIFIC OUTCOMES</th>
<th>ACCEPTABLE / PROBABLE SOLUTIONS</th>
<th>COMMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Infrastructure - Infrastructure Provision</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>P1</strong> Adequate infrastructure is provided in time to meet the needs of the development.</td>
<td><strong>S1</strong> The timing for provision of infrastructure for development complies with the standards and contribution requirements detailed in the Engineering Design Guidelines Planning Scheme Policy</td>
<td><strong>S1 Complies</strong> All provision of infrastructure will comply with Council policies.</td>
</tr>
</tbody>
</table>
| **P2** Premises are provided with appropriate areas of private and public open space.  
*Note:* Guidance in regards to the design and provision of open space is provided in the Open Space Planning Scheme Policy and the Contributions Planning Scheme Policy. | **S2** The provision of open space complies with the standards and requirements detailed in the Open Space Planning Scheme Policy and the Contributions Planning Scheme Policy | Not Applicable  
The proposal is realigning the lot boundaries in accordance with the existing MCU approval, so open spaces are not applicable. Open Spaces have been considered at the MCU stage. |
| **P3** Premises have  
(i) an adequate, safe and reliable supply of water, including potable water, and is connected, where possible, to an existing reticulated water supply.  
(ii) the planning and design of potable water infrastructure considers Water Sensitive Urban Design (WSUD) such as water conservation initiatives. | **S3.1** Premises are connected to Council’s reticulated water supply system.  
**S3.2** If connection to Council’s reticulated water supply system is not possible, a potable water supply is provided in accordance with the standards detailed in the Engineering Design guidelines Planning Scheme Policy. | **S3 Complies**  
The subject land is connected to Council’s reticulated water supply system. All lots forming part of the development will be connected to water supply. |
| **P4** Treatment and disposal of waste water ensures:  
(i) no adverse ecological impacts on the environment, particularly nearby receiving environments including surface waters and ground water; and  
(ii) the cumulative impacts of on site waste water treatment will not cause deterioration of environmental conditions;  
(iii) the planning and design of wastewater infrastructure considers Water Sensitive Urban Design (WSUD) such as wastewater management measures. | **S4.1** Connection to Council’s reticulated sewerage treatment system; or.  
**S4.2** Where connection to Council reticulated sewerage system is not possible, and where 20 people or less, Council will refer to the requirements of the Environmental Protection (Water) Policy 1997 and the On Site Sewerage Code (NR&M July 2002) and AS 1547. to ensure the premises are suitable for effluent disposal.  
**S4.3** Where more than 20 people, no solution specified. | **S4 Complies**  
The subject land is connected to Council’s reticulated sewerage system. All lots forming part of the development will be connected to sewerage. |
| **Stormwater Management** | | |
| **P5** Drainage works are planned for and designed to ensure that adjoining land and the existing upstream and downstream drainage systems are not adversely affected by development, taking into account:  
(i) Water Sensitive Urban Design (WSUD) principles such as:  
  a. protect natural systems;  
  b. enhance natural waterway systems within urban development using natural channel design principles;  
  c. detention of stormwater instead of rapid conveyance;  
  d. minimise impervious areas;  | **S5** Drainage works complies with the requirements of the Engineering Design Guidelines Planning Scheme Policy | **S5 Complies**  
The site’s stormwater has previously been discussed at the MCU stage.  
Lot 22 is to be utilised for drainage purposes. |
## Environment and Infrastructure Code

### SPECIFIC OUTCOMES

<table>
<thead>
<tr>
<th>Specific Outcomes</th>
</tr>
</thead>
<tbody>
<tr>
<td>e. utilisation of stormwater to conserve potable water;</td>
</tr>
<tr>
<td>f. integrate stormwater treatment into the landscape;</td>
</tr>
<tr>
<td>g. water efficient landscaping; and</td>
</tr>
<tr>
<td>h. protection of water related environmental values.</td>
</tr>
<tr>
<td>(ii) need for a stormwater system that can be economically maintained;</td>
</tr>
<tr>
<td>(iii) safety of pedestrians and vehicles;</td>
</tr>
<tr>
<td>(iv) location of discharge;</td>
</tr>
<tr>
<td>(v) construction of buildings, structures or paving up to site boundaries which avoid blocking or concentrating natural flow paths²</td>
</tr>
<tr>
<td>(vi) fauna movement is provided for through bridges and culverts.</td>
</tr>
</tbody>
</table>

### ACCEPTABLE / PROBABLE SOLUTIONS

<table>
<thead>
<tr>
<th>Acceptable / Probable Solutions</th>
</tr>
</thead>
<tbody>
<tr>
<td>S6 Premises are provided with kerb and channel in accordance with the Engineering Design Guidelines Planning Scheme Policy.</td>
</tr>
<tr>
<td>S7 Roads are provided in accordance with the Engineering Design Guidelines Planning Scheme Policy.</td>
</tr>
<tr>
<td>S8 Design requirements of the Engineering Design Guidelines Planning Scheme Policy.</td>
</tr>
<tr>
<td>S9 Street lighting and signage comply with the requirements of the</td>
</tr>
</tbody>
</table>

### COMMENTS

<table>
<thead>
<tr>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>S6 Complies Kerb and channel is provided along all road frontages. All new roads will have kerb and channel.</td>
</tr>
<tr>
<td>S7 Complies All proposed roads will meet Council standards.</td>
</tr>
<tr>
<td>S8 Complies The drainage networks have previously been discussed at the MCU stage.</td>
</tr>
<tr>
<td>S9 Complies All of the road frontages are suitably signed and lit. All new roads will be</td>
</tr>
</tbody>
</table>

### External Works

<table>
<thead>
<tr>
<th>External Works</th>
</tr>
</thead>
<tbody>
<tr>
<td>P6 Kerb and channeling is provided to a satisfactory standard and constructed to:</td>
</tr>
<tr>
<td>(i) prevent edge fretting;</td>
</tr>
<tr>
<td>(ii) perform required drainage functions;</td>
</tr>
<tr>
<td>(iii) provide the appropriate level of control for vehicle movement;</td>
</tr>
<tr>
<td>(iv) allow ready access to abutting properties at suitable locations; and</td>
</tr>
<tr>
<td>(v) contribute to the desired streetscape character of the locality.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Complies</th>
</tr>
</thead>
<tbody>
<tr>
<td>S6</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>External Works</th>
</tr>
</thead>
<tbody>
<tr>
<td>S6 Complies</td>
</tr>
</tbody>
</table>

| Premises are provided with kerb and channel in accordance with the Engineering Design Guidelines Planning Scheme Policy. |

### Roads

<table>
<thead>
<tr>
<th>Roads</th>
</tr>
</thead>
<tbody>
<tr>
<td>P7 All proposed road pavement surfaces:</td>
</tr>
<tr>
<td>(i) are of a quality and durability suitable to the intended traffic volumes and loads;</td>
</tr>
<tr>
<td>(ii) provide all-weather access;</td>
</tr>
<tr>
<td>(iii) allow the discharge of rainfall;</td>
</tr>
<tr>
<td>(iv) provide the safe passage of vehicles and pedestrians; and</td>
</tr>
<tr>
<td>(v) provide a reasonable, comfortable riding quality.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Complies</th>
</tr>
</thead>
<tbody>
<tr>
<td>S7</td>
</tr>
</tbody>
</table>

| Roads are provided in accordance with the Engineering Design Guidelines Planning Scheme Policy. |

### Drainage networks

<table>
<thead>
<tr>
<th>Drainage networks</th>
</tr>
</thead>
<tbody>
<tr>
<td>P8 In urban areas, the major drainage network is designed and constructed with the capacity to control stormwater flows under normal and minor system blockage conditions for the DFE applicable to drainage so that:</td>
</tr>
<tr>
<td>(i) floodways are restricted to areas where there is no damage to property or hazards for motorists, and</td>
</tr>
<tr>
<td>(ii) runoff is directed to a lawful point of discharge through competently designed and constructed outlet works.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Complies</th>
</tr>
</thead>
<tbody>
<tr>
<td>S8</td>
</tr>
</tbody>
</table>

| Design requirements of the Engineering Design Guidelines Planning Scheme Policy. |

### Public Utilities

<table>
<thead>
<tr>
<th>Public Utilities</th>
</tr>
</thead>
<tbody>
<tr>
<td>P9 Street lighting and signs are provided to ensure the safety of both</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Complies</th>
</tr>
</thead>
<tbody>
<tr>
<td>S9</td>
</tr>
</tbody>
</table>

| Street lighting and signage comply with the requirements of the |

| All of the road frontages are suitably signed and lit. All new roads will be |
### Environment and Infrastructure Code

<table>
<thead>
<tr>
<th>SPECIFIC OUTCOMES</th>
<th>ACCEPTABLE / PROBABLE SOLUTIONS</th>
<th>COMMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vehicle and pedestrian access and movement.</td>
<td>Engineering Design Guidelines Planning Scheme Policy.</td>
<td>Not Applicable</td>
</tr>
</tbody>
</table>

#### Infrastructure Payments

- **P10**: The costs of providing infrastructure are funded by the development giving rise to the need for the infrastructure.
  - **S10**: The funding of infrastructure complies with the requirements of the Contributions Planning Scheme Policy.
  - **NOT APPLICABLE**: Not applicable given Council's new infrastructure charges.

#### Car Parking and Access

- **P11**: Premises are provided with:
  - (i) adequate vehicle parking spaces to satisfy the anticipated requirements of the activity;
  - (ii) safe and efficient access and manoeuvring areas to meet the anticipated volume and type of traffic;
  - (iii) large vehicles are able to enter and leave the site without prejudicing the safety and efficiency of the road;
  - (iv) access driveways are located and designed to minimise conflicts with traffic and pedestrians; and
  - (v) vehicle crossings from the carriageway to the frontage of the site are constructed and finished to appropriate standards for the expected volume and type of traffic generated by activities on the site.
  - **S11.1**: Vehicle parking on the site is in accordance with the rates specified in Schedule 2.
  - **S11.2**: Vehicles are able to enter and exit the site (with the exception of dwelling house and duplex) in a forward gear.
  - **S11.3**: The design of car parking and access complies with the requirements detailed in the Engineering Design Guidelines Planning Scheme Policy.
  - **S11.1 Complies**: All vehicle parking areas are in accordance with the existing MCU approval.
  - **S11.2 Complies**: The development has been designed to ensure all vehicles can enter and leave in a forward gear.
  - **S11.3 Complies**: The design of access and driveway will be subject to approval by Council at the Operational Works stage.

#### Environmental Amenity - Lighting Management

- **P1**: Outdoor lighting does not cause a loss of amenity to adjacent premises as a result of the light it emits either directly or by reflection.
  - **S1**: No solution specified.
  - **NOT APPLICABLE**: The application does not propose any outdoor lighting.

#### Overshadowing

- **P2**: The amenity of adjacent residential land is not adversely affected by shadows cast by adjoining building or structures.
  - **S2**: Buildings do not cast a shadow over more than 30% of an adjoining residential lot at any time between the hours of 9am and 3pm on 22 June.
  - **NOT APPLICABLE**: The application does not propose any buildings.

#### Building Setbacks

- **P3**: Residential buildings are sited to minimise loss of amenity for residents’ adjacent to cane tram lines.
  - **S3**: Residential buildings are set back a minimum of:
    - (i) 50m from cane tram lines; and
    - (ii) 100m from cane tram line level crossings and sidings.
  - **NOT APPLICABLE**: The proposal is not located with 50m of cane tram lines or 100m from can tram line level crossings or sidings.

- **P4**: Buildings are set back from a road frontage to:
  - (i) complement the existing built form; and
  - (ii) preserve the safety of vehicle movement along adjoining roads.
  - **S4**: No solution specified.
  - **NOT APPLICABLE**: The application does not propose any buildings.
## Environment and Infrastructure Code

<table>
<thead>
<tr>
<th>SPECIFIC OUTCOMES</th>
<th>ACCEPTABLE / PROBABLE SOLUTIONS</th>
<th>COMMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Noise and Vibration Management</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>P1 Noise and vibration do not detract from the amenity of residents or employees of any adjacent premises.</td>
<td>S1 No solution specified.</td>
<td>Not Applicable The proposal is not considered to produce any noise or vibration.</td>
</tr>
<tr>
<td>P2 Premises accommodating uses which are likely to generate noise are designed and constructed with noise attenuation measures to avoid noise nuisance to nearby uses.</td>
<td>S2 No solution specified.</td>
<td>Not Applicable The proposal is not considered to produce any noise or vibration.</td>
</tr>
</tbody>
</table>
| P3 Noise sensitive uses locating adjacent to State controlled transport infrastructure incorporate attenuation, building design and orientation measures.  
*Note:* Development adjacent to State controlled roads complies with the Department of Main Roads – Road Traffic Noise Management Code of Practice. | S3 No solution specified | P3 Complies The proposal does not include any buildings, however the noise issues of the adjacent State Controlled Road were considered at the MCU stage. |
| **Air Quality** | | |
| P1 Premises used for purposes likely to generate emissions such as air pollutants, heat and odours incorporate:  
(i) physical measures for removing pollutants from emissions prior to discharge to the atmosphere;  
(ii) physical measures for reducing the temperature gradient between emissions and the atmosphere prior to discharge; and  
(iii) operational systems, including monitoring systems for major industry and major infrastructure, which maintain emissions within ANZECC guideline standards. | S1 No solution specified. | Not Applicable The proposal is not considered to generate any emissions. |
| **Flooding** | | |
| P1 Premises subject to risk of inundation or damage through flood are provided with immunity to that risk in order to reduce potential property damage and to ensure public safety. | S1.1 Development is sited on land that would not be subject to flooding during a DFE; or  
S1.2 For development comprising a residential element, the floors of all habitable rooms are located 300mm above the DFE; or  
S1.3 For non residential development or development involving temporary or moveable residential structures (e.g. caravan parks):  
(i) buildings are located and designed so that floor levels (except areas used for car parking) are 300mm above the DFE; or  
(ii) there is at least one evacuation route that remains passable for emergency evacuations during all floods up to and including the | Not Applicable A very small portion of land is identified as flood prone however this is too small to be significant. As such, the site is not located on flood prone land. |
## Environment and Infrastructure Code

<table>
<thead>
<tr>
<th>SPECIFIC OUTCOMES</th>
<th>ACCEPTABLE / PROBABLE SOLUTIONS</th>
<th>COMMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>P2</strong> There is no increase in the number of people living or working on a flood prone site, except where the premises are occupied on a short term or intermittent basis.</td>
<td><strong>S2</strong> No solution specified</td>
<td>Not Applicable The site is not located on flood prone land.</td>
</tr>
<tr>
<td><strong>P3</strong> Development does not result in adverse impacts for the safety of people or the capacity to use land within a floodplain and does not involve: (i) Any physical alteration to a watercourse; or (ii) Net filling of 50 cubic metres; or (iii) The proposed works either: a) avoid any reductions of on-site flood storage capacity and contain within the subject site any changes in depth / duration / velocity in flood waters of all floods up to and including the DFE; or b) do not change the flood characteristics at the DFE outside the subject site in ways that result in: - loss of flood storage; - loss of / changes to flow paths; - acceleration or retardation of flows; or - any reduction of flood warning times elsewhere on the floodplain.</td>
<td><strong>S3</strong> No solution specified.</td>
<td>Not Applicable The site is not located on flood prone land.</td>
</tr>
<tr>
<td><strong>P4</strong> Storage and handling of hazardous substances on sites that are subject to risk of inundation or damage through flood, ensures that persons and property are not placed at unreasonable risk.</td>
<td><strong>S4</strong> Storage or handling of substances that may be a hazard to the environment or human safety by the risk of contamination due to flooding: (i) is undertaken in accordance with a risk assessment; and (ii) provides for the storage of any hazardous substances above or securely isolated from the DFE level.</td>
<td>Not Applicable The site is not located on flood prone land.</td>
</tr>
<tr>
<td><strong>P5</strong> The use is designed to minimise the impact of Cyclonic Hazards</td>
<td><strong>S5</strong> No solution specified.</td>
<td>Not Applicable The proposal does not include any buildings.</td>
</tr>
<tr>
<td><strong>Undefined Flood and Inundation Areas</strong></td>
<td></td>
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<tr>
<td><strong>P6</strong> Where flood limits are not identified, development is undertaken such that there is no adverse affects on flood levels or flows on the site or up-stream and down-stream of the site</td>
<td><strong>S6</strong> No solution specified.</td>
<td>Not Applicable The site is not located on flood prone land.</td>
</tr>
<tr>
<td><strong>Water Quality</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>P1</strong> Development does not detract from the maintenance of water quality in the City's watercourses and bulk water storages, in particular its:</td>
<td><strong>S1</strong> No solution specified</td>
<td><strong>P1 Complies</strong> The proposal is not expected to adversely impact the city's water quality as it will adapt the existing drainage patterns and will connect to</td>
</tr>
<tr>
<td>SPECIFIC OUTCOMES</td>
<td>ACCEPTABLE / PROBABLE SOLUTIONS</td>
<td>COMMENTS</td>
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<tr>
<td>(i) environmental values; and (ii) where applicable, potability of the water supply.</td>
<td></td>
<td>Council’s water systems.</td>
</tr>
<tr>
<td><strong>P2</strong> Premises incorporate: (i) physical measures for intercepting and treating surface water drainage and spilled substances prior to their release to the watercourses; and (ii) bunding of sites or areas within sites or integrated drainage systems which include waste water treatment measures, where chemicals, fuels, lubricants or other soluble pollutants are being handled or stored. <strong>Note:</strong> Council will refer to the Environmental Protection Policy (Water) 1997</td>
<td>S2 No solution specified</td>
<td>P2 Complies See above.</td>
</tr>
<tr>
<td><strong>P3</strong> The City’s groundwater resources are maintained by: (i) providing a stormwater system that manages stormwater quantity and quality prior to discharging into receiving waters; (ii) providing non structural source control measures; (iii) providing structural source control measures; (iv) retaining or rehabilitating natural waterway corridors such as natural channels, wetlands and riparian vegetation; (v) providing storage of waste water in secure and sealed storage facilities; (vi) ensuring efficient disposal areas and ground and surface water retrieval areas are buffered from each other; (vii) ensuring that contaminants do not enter the groundwater resources; and (viii) with reuse of reclaimed water, ensuring safe treatment and disposal of contaminated water.</td>
<td>S3 No solution specified.</td>
<td>P3 Complies See above</td>
</tr>
<tr>
<td><strong>P4</strong> The biodiversity and habitat values of coastal areas and associated estuarine systems are protected from: (i) increased nutrient or sediment levels; or (ii) changed flow, inhibited passage, or hydrologic regimes of the natural coastal and marine margins, which may result from development.</td>
<td>S4 No solution specified.</td>
<td>P4 Complies See above</td>
</tr>
<tr>
<td><strong>P5</strong> Sediment and nutrient loadings into a watercourse are minimised through: (i) treated on-site effluent;</td>
<td></td>
<td>P5 Complies See above</td>
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</table>
## Environment and Infrastructure Code

### SPECIFIC OUTCOMES

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<th></th>
<th>ACCEPTABLE / PROBABLE SOLUTIONS</th>
<th>COMMENTS</th>
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<tbody>
<tr>
<td>(ii) adequate stormwater run-off controls; and (iii) on-site and off site erosion and sediment controls.</td>
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</table>

### Erosion and Sediment Control

**P1**

Minimisation of the risk of erosion and sedimentation either on-site or elsewhere, by a comprehensive approach to soil erosion control and sedimentation management, including:

(i) the minimisation of:
   (a) earthworks;
   (b) clearing of land;
   (c) long term stockpiling of excavated materials;
(ii) use of appropriate construction management techniques;
(iii) diverting surface water drainage around disturbed areas; and
(iv) treating and removing sediments from stormwater over disturbed areas prior to release from the site.

**S1**


**S1**

The proposal is for a small scale reconfiguration of a lot and as such, it is considered not applicable. The development as a whole will meet all requirements for erosion and sediment controls during construction.

**P2**

Progressive rehabilitation of disturbed areas occurs within the site through a comprehensive rehabilitation program including:

(i) the grading and reshaping of the disturbed areas to provide controlled and stable drainage flow paths;
(ii) the construction of drainage paths which divert high velocity flows away from disturbed areas;
(iii) the re-spreading of stored top soil stripped from the site; and
(iv) the planting of the disturbed area with native species of grasses, ground covers and trees.

**S2**

No solution specified.

**S1**

The proposal is for a small scale reconfiguration of a lot and as such, it is considered not applicable. The land has been approved for development.

### Coastal Management - Public Access and Roads

**P1**

(i) there is no net loss of public access to the foreshore, or of public useability of coastal waters;
(ii) appropriate location and design is achieved with respect to sensitive coastal resources and their values;
(iii) roads that run parallel to the coast, are set back from erosion prone areas and significant coastal resources, with only smaller access roads running to the coast; and
(iv) minor spur roads to the foreshore and associated car parks provide access to the foreshore at locations that are convenient to the public, have low environmental sensitivity, and avoid locations that may increase storm tide hazard.

**S1**

No solution specified.

**S1**

The site is not located near the coastline.

### Erosion Prone Areas

**P1**

| S1.1 | Not Applicable |
**Specific Outcomes** | **Acceptable / Probable Solutions** | **Comments**
--- | --- | ---
Development and permanent buildings are minimised in erosion-prone areas as defined in this code (apart from temporary or relocatable structures required for safety and recreational purposes). | Reconfiguring a lot within an erosion prone area incorporates erosion prone land as undeveloped open space. **S1.2** Relocatable structures such as picnic tables, barbecues, coastal trails, bikeways, demountable structures, equipment sheds, lookouts, elevated decks, shelter sheds etc are located within erosion prone areas only where they remain relocatable. **S1.3** All other development is: (i) located outside of the erosion prone area; or (ii) as far landward as practical within the lot; and (iii) is coastal dependent development (as defined in this code). **S1.4** All building works (excluding demolition), including extension to existing buildings, on lots wholly or partly within the erosion prone area are: (i) For rural areas and undeveloped urban areas, located landward of the erosion prone area to minimise the extent of permanent building inside the erosion prone area; and (ii) For urban areas, located wholly landward of the alignment of existing neighbouring buildings and of a scale and intensity similar to that of the surrounding development. | The proposal is not located in an erosion prone area. |
### Environment and Infrastructure Code

**SPECIFIC OUTCOMES** | **ACCEPTABLE / PROBABLE SOLUTIONS** | **COMMENTS**
--- | --- | ---

#### Landscaping and Fencing

| 5.1 | Landscaping is provided with adequate and suitable landscaping and screening on the site which ensures:  
(i) an attractive streetscape appearance; and  
(ii) the privacy and amenity of any adjoining residences. | S1 | Landscaping is provided in accordance with the Landscaping Planning Scheme Policy  
Not Applicable  
The proposal does not include any landscaping. All landscaping has been considered during the MCU Approval. |

| 5.2 | Landscaping is designed to prevent encroachment upon electricity infrastructure. | S2 | Landscaping near electricity lines or substations, are designed and developed so that any vegetation at maturity or landscaping structures or works will not exceed 4.0m in height on land:  
(i) in an electric line shadow; or  
(ii) within 5m of an electric line shadow; or  
(iii) within 5m of a substation boundary.  
S2.1 | Not Applicable  
The proposal does not include any landscaping. All landscaping has been considered during the MCU Approval. |

| 5.3 | Landscaping provides a 2m wide landscaped strip adjacent to the road frontage incorporating existing vegetation wherever possible. | S3 | No solution specified  
Not Applicable  
The proposal does not include any landscaping. All landscaping has been considered during the MCU Approval. |

| 5.4 | A landscape strip is provided comprising either a 1.8m high solid fence or 2m wide planted screen adjacent to all side and rear boundaries of a site which adjoins any residential area. | S4 | No solution specified  
Not Applicable  
The proposal does not include any landscaping or fencing. All landscaping has been considered during the MCU Approval. |

| 5.5 | Landscaping around buildings is designed to maximise shade and redirect cooling breezes in summer and to provide a windbreak in winter. | S5 | No solution specified  
Not Applicable  
The proposal does not include any buildings. |

**SPECIFIC OUTCOMES**

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<tbody>
<tr>
<td>P2</td>
<td>Specific Sewerage Treatment Plants meet the following criteria:</td>
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<td></td>
<td></td>
<td>S2</td>
</tr>
<tr>
<td></td>
<td>No solution specified.</td>
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</tbody>
</table>

**PLANT** | **BUFFER DISTANCE**
--- | ---
Mackay Southern Water recycling Facility 97,000 EP | 1.0km | 8.5. | Not Applicable  
The proposal is not located near the sewerage treatment plant. |
### Environment and Infrastructure Code

<table>
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<tbody>
<tr>
<td><strong>P6</strong> Landscaping incorporates planting for shading summer sun, including:</td>
<td><strong>S6</strong> No solution specified</td>
<td><strong>Not Applicable</strong></td>
</tr>
<tr>
<td>(i) tall shade trees to the west and east of the building; and</td>
<td></td>
<td>The proposal does not include any landscaping. All landscaping has been considered during the MCU Approval.</td>
</tr>
<tr>
<td>(ii) trellises or pergolas adjacent to windows to the north of the building.</td>
<td></td>
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</tr>
<tr>
<td><strong>P7</strong> Landscaping is designed to maximise the outdoor shade areas and minimise</td>
<td><strong>S7</strong> No solution specified</td>
<td><strong>Not Applicable</strong></td>
</tr>
<tr>
<td>use of hard reflective surfaces around the building.</td>
<td></td>
<td>The proposal does not include any landscaping. All landscaping has been considered during the MCU Approval.</td>
</tr>
<tr>
<td><strong>Landscaping for Outdoor Vehicle Parking Areas</strong></td>
<td></td>
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<tr>
<td><strong>P8</strong> Landscaping for outdoor vehicle parking areas, where development is for</td>
<td><strong>S8.1</strong> Landscaping of outdoor vehicle parking areas provides planting of trees and shrubs:</td>
<td><strong>P8 Complies</strong></td>
</tr>
<tr>
<td>the purposes of Accommodation units, multiple dwelling units, Sport and</td>
<td>(i) in a strip 2m wide along any primary road frontage at a density and a scale appropriate to</td>
<td>Vehicle parking areas and landscaping has been considered during the MCU Approval.</td>
</tr>
<tr>
<td>recreation, indoor entertainment, outdoor entertainment, child care centre,</td>
<td>the size of the vehicle parking area and the function of the adjoining road; and</td>
<td></td>
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<tr>
<td>service station, motel, Industrial uses and retail or commercial uses, will:</td>
<td>(ii) in median areas throughout the vehicle parking area at a rate of 1 shade tree for every 6 parking spaces.</td>
<td></td>
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<tr>
<td>(i) visually enhance the area along any road frontage;</td>
<td><strong>S8.2</strong> Provide a wall, fence or continuous screen planting, to a height of at least 1.8m along any boundary to land used or likely to be used for residential or other sensitive use.</td>
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<tr>
<td>(ii) screen the area from any adjoining residential or other sensitive uses;</td>
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<td>(iii) provide visual relief and shade throughout the area; and</td>
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<tr>
<td>(iv) be compatible with local native species.</td>
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<tr>
<td><strong>Landscaping - General Requirements</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>P9</strong> Landscaping is designed and established to:</td>
<td><strong>S9</strong> No solution specified.</td>
<td><strong>Not Applicable</strong></td>
</tr>
<tr>
<td>(i) an appropriate scale relative to both the street reserve width and to the</td>
<td></td>
<td>The proposal does not include any landscaping. All landscaping has been considered during the MCU Approval.</td>
</tr>
<tr>
<td>size and nature of the development;</td>
<td></td>
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<tr>
<td>(ii) incorporate remnant vegetation, where possible;</td>
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<tr>
<td>(iii) provide summer shade and shelter for pedestrian comfort and energy</td>
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<tr>
<td>efficiency of buildings;</td>
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<tr>
<td>(iv) maximise areas suitable for on-site infiltration of stormwater;</td>
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<tr>
<td>(v) allow for pedestrian and vehicle safety;</td>
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<tr>
<td>(vi) generate a cohesive and distinct visual character for the streetscape and</td>
<td></td>
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<tr>
<td>locality;</td>
<td></td>
<td></td>
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<tr>
<td>(vii) be suitable to the tropical climate;</td>
<td></td>
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<tr>
<td>(viii) provides planting, paving and other landscape treatment according to a</td>
<td></td>
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<tr>
<td>Landscaping Plan; and</td>
<td></td>
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<tr>
<td>(ix) minimise irrigation requirements through appropriate plant selection,</td>
<td></td>
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<tr>
<td>mulching and water efficient irrigation systems.</td>
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<tr>
<td><strong>Note:</strong> The Landscape Planning Scheme Policy should be referred to for</td>
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<tr>
<td>information that may be required by Council to assist in assessment of</td>
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</table>
**Environment and Infrastructure Code**

<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td><strong>Vegetation Management</strong></td>
<td></td>
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<tr>
<td>P10 Natural vegetation is maintained wherever possible. <strong>Note:</strong> Assessable development being operational work that is clearing of native vegetation of freehold land consistent with Schedule 8, Part 1, 3A of IPA will be assessed under the provisions of the Vegetation Management Act 1999 and the State code for clearing of vegetation on freehold land.</td>
<td><strong>S10</strong> No solution specified</td>
<td><strong>Not Applicable</strong> There is no existing natural vegetation on site.</td>
</tr>
</tbody>
</table>

| **Community Safety Design Principles - Surveillance and Sightlines** | | |
| P1 Premises provide opportunities for informal surveillance from surrounding buildings and land uses. **Note:** Ways of showing compliance are as follows: (i) Windows in buildings overlook pedestrian routes, open space areas and carparks. (ii) No blank building facade is presented to any street frontage. (iii) Street level windows are provided in buildings fronting onto public spaces and movement routes. | **S1** No solution specified | **Not Applicable** The proposal is for a reconfiguration of a lot and therefore it is not considered applicable. |
| P2 Premises adjacent to public areas, premises are designed to permit surveillance of public areas. | **S2** No solution specified | **Not Applicable** The premises is not adjacent to public areas. |
| P3 Buildings and street addresses in urban areas are easily identified. | **S3** No solution specified | **Not Applicable** The proposal is for a reconfiguration of a lot and therefore it is not considered applicable. |
| P4 Premises for uses other than dwelling houses and dual occupancy, are illuminated at night to: (i) maximise personal safety of site users; and (ii) minimise opportunities for attack by hidden persons. (iii) provide lighting along access routes, building entrances, site entries, car parking areas and other movement areas used after dark. | **S4** No solution specified | **Not Applicable** The proposal is for a reconfiguration of a lot and therefore it is not considered applicable. |
| P5 Visibility is provided into stairwells, elevators, cars, parks, lobby entrances and bicycle parking facilities. | **S5** No solution specified. | **Not Applicable** The proposal is for a reconfiguration of a lot and therefore it is not considered applicable. |
| P6 Premises and their surrounds do not include: (i) “blind” corners (including on stairs, in corridors or other situations where movement can be predicted); | **S6** No solution specified | **Not Applicable** The proposal is for a reconfiguration of a lot and therefore it is not considered applicable. |
### Environment and Infrastructure Code

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<tr>
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<tbody>
<tr>
<td>(ii) sudden changes of grade on pathways which reduces sightlines; (iii) concealment spots (unless they can be secured after hours); and (iv) pedestrian tunnels, excepting that where unimpeded sightlines or the absence of concealment points cannot be reasonably achieved, equipment (such as security mirrors) and good lighting is provided to enhance visibility. (v) Potential concealment areas (i.e. dead-end alleys) are restricted or locked after hours. (vi) Where a concealment spot is unavoidable, there are aids to visibility such as convex mirrors and good secure lighting. (vii) Concealment spots such as: a) dark areas adjacent to a main/designated pedestrian routes; b) private dead-end alleyways; c) indentation in fencing or walls; d) gaps in the streets such as entrances to interior courtyards and recessed doorways; and e) areas that are isolated after dark; are not located on the premises.</td>
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#### P7
Building entrances:
(i) are clearly defined; (ii) are well lit and face the street; (iii) do not create concealment spots; (iv) provide clear sightlines from the building foyer so that occupants can see outside before leaving the building; (v) have lobbies visible from the exterior; and (vi) have staff entrances, if separate, which are well lit and maximise opportunities for informal surveillance and for clear sightlines.

<table>
<thead>
<tr>
<th>S7</th>
<th>No solution specified.</th>
<th>Not Applicable The proposal is for a reconfiguration of a lot and does not include any buildings</th>
</tr>
</thead>
</table>

#### P8
Landscaping is designed and maintained to provide informal surveillance and clear sight lines on accessways and to other public spaces.

| S8 | "Vulnerable premises" provide landscaping designed to promote safety including: (i) planting which does not obscure doors and windows overlooking public spaces and isolated areas; (ii) shrubbery and low-level planting associated with footpaths which does not exceed 0.5m in height where abutting pavements; (iii) trees in vulnerable settings which do not have branches below 1.5m; and (iv) hard landscaping elements such as low fencing and walls (below 1.2m) which guide pedestrians and vehicles along designated paths. | Not Applicable The proposal is for a reconfiguration of a lot and does not include any landscaping. |
## Environment and Infrastructure Code

### SPECIFIC OUTCOMES

#### Safe Movement and Access

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<tbody>
<tr>
<td>P9</td>
<td>The design of premises provides for unimpeded sightlines, particularly along pedestrian and bicycle routes.</td>
<td>S9 All barriers (including landscaping features) along bicycle and pedestrian routes are visually permeable (i.e. can be easily seen through to reduce concealment points).</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Not Applicable The proposal is for a reconfiguration of a lot and therefore it is not considered applicable.</td>
</tr>
</tbody>
</table>
| P10 | Car parking areas are:  
(i) designed to optimise informal surveillance and illumination, and to minimise unlawful access;  
(ii) well lit to enable visibility of all external edges and routes providing access to the car park;  
(iii) designed to minimise instances of large numbers of cars being co-located (over 100 cars in a single block). If more than 100 cars, more than one entry / exit point is provided so that the car park does not become an entrapment area. | S10 No solution specified. |
|   | | Not Applicable The proposal is for a reconfiguration of a lot and does not include any car parking areas. |
| P11 | Underpasses and overpasses are designed and located to reduce opportunities for crime, so that:  
(i) pedestrians are able to see what is in an underpass or tunnel and at the end of it before entering; and  
(ii) signs at each end of an underpass indicate where it leads and an alternative route to use at night. | S11 No solution specified. |
|   | | Not Applicable The proposal does not include any over or underpasses. |
| P12 | Underpasses are wide enough to accommodate both pedestrian and cycle traffic. (Note: Council will refer to the provisions of AUSTROADS Guide to Traffic Engineering Practice Part 14 - Bicycles). | S12 No solution specified. |
|   | | Not Applicable The proposal does not include any underpasses. |
| P13 | The design and location of laneways and alleyways promotes community safety. | S13.1 Laneways are straight and have more than one entrance.  
S13.2 Unnecessary access to buildings from laneways is avoided. |
|   | | Not Applicable The proposal does not include any laneways or alleyways. |

### Building Design and Lighting

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<th>ACCEPTABLE / PROBABLE SOLUTIONS</th>
<th>COMMENTS</th>
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</table>
| P14 | Buildings contribute positively to the enhancement of public safety and security. | S14.1 Ramps and elevator entrances are located in areas which are not isolated.  
S14.2 Lifts are located within a secure entrance, and incorporate graffiti and vandal-resistant measures (i.e. a fully glazed and enclosed vestibule area at the exit to the lifts).  
S14.3 Loading and storage areas are well lit or can be locked after hours. |
|   | | Not Applicable The proposal is for a reconfiguration of a lot and does not include any built structures. |
## Environment and Infrastructure Code

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<tr>
<td></td>
<td>S14.4 Parking spaces are allocated near the building entry for employees working after hours.</td>
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<td></td>
<td>S14.5 Enclosed or underground car parks can only be accessed from inside the building or through a security system.</td>
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<tr>
<td></td>
<td>S14.6 All windows, particular those at street level are secure, without creating a 'fortress-like' appearance (i.e. avoid solid roller shutters).</td>
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</tr>
</tbody>
</table>
| P15 | Lighting is provided which:  
(i) increases safety and security in and around the premises;  
(ii) considers vegetation, in both its existing and mature forms, or other elements that may have the potential to block out light;  
(iii) illuminates inset spaces, access/egress routes car parking areas and signage; and  
(iv) supports visibility for pedestrians, as well as road users. | S15.1 No specific solution  
**Note:** Council will refer to the following as guidance in assessment of compliance:  
Security lighting is consistent with Australian Standard S 4282 (1997) (*The Control of Obtrusive Effects of Outdoor Lighting*).  
Lighting of pedestrian and bicycle movement routes, public spaces and outdoor signage in public spaces is to the minimum Australian Standard of AS1158 (Public Lighting Code). |
|                  | Not Applicable  
The proposal does not include any lighting. |          |

### Constructed Lakes

| P1 | Natural design concepts are a primary consideration for a constructed lake. | S1 | No solution specified.  
**Not Applicable**  
The proposal does not include a constructed lake. |
|-------------------|---------------------------------|----------|

| P2 | Constructed lakes are designed to be:  
(i) consistent with the area’s social and recreational masterplans;  
(ii) sustainable;  
(iii) appropriately managed; and  
(iv) have minimal adverse impacts on surrounding environments. | S2.1 | Lake depth is ≤ 3m.  
S2.2 | The design of a constructed lake complies with the Engineering Design Guideline Planning Scheme Policy.  
**Not Applicable**  
The proposal does not include a constructed lake. |
|                  |                  |          |

| P3 | Constructed lakes are to operate under a financially sustainable management regime. | S3 | Lakes are provided under private ownership.  
**Not Applicable**  
The proposal does not include a constructed lake. |
|-------------------|---------------------------------|----------|
## Landscape Character Overlay Code

### Design and Siting of Buildings

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</thead>
<tbody>
<tr>
<td><strong>P1</strong> Design and Siting of Buildings</td>
<td>S1.1 Subject to S1.2 below, buildings and structures have: (i) a maximum height of 8.5m; (ii) external walls of the building finished with non-reflective glazing.</td>
<td>Not Applicable The land is not identified within the landscaper character overlay.</td>
</tr>
<tr>
<td>Avoiding intrusion into existing view-lines and vistas through inappropriate siting and excessive height; Avoiding intrusion of any structure above the ridge line or tree canopy and into the skyline; and Finishing buildings, other structures and fences with materials and colours with blend with the natural landscape.</td>
<td>S1.2 All buildings and structure have a maximum height of 4.5 m where located in the Offshore Islands Locality.</td>
<td></td>
</tr>
</tbody>
</table>

### Reconfiguring a lot

<table>
<thead>
<tr>
<th>SPECIFIC OUTCOMES</th>
<th>ACCEPTABLE / PROBABLE SOLUTIONS</th>
<th>COMMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>P2</strong> Reconfiguring a lot</td>
<td>S2 Roads within a landscape character area are designed to retain vegetation except for the development of road pavement and other infrastructure, and access to lots.</td>
<td>Not Applicable The land is not identified within the landscaper character overlay.</td>
</tr>
<tr>
<td>Avoiding locating access ways or road ways in areas of remnant vegetation; and Maximise retention of existing vegetation through increased road reserve widths, reduced pavement widths, provision of passing bays and meandering pavements.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Operational Works

<table>
<thead>
<tr>
<th>SPECIFIC OUTCOMES</th>
<th>ACCEPTABLE / PROBABLE SOLUTIONS</th>
<th>COMMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>P3</strong> Operational Works</td>
<td>S3.1 Excavation and filling works is not undertaken within the edge of the canopy of existing vegetation to be retained on the site.</td>
<td>Not Applicable The land is not identified within the landscaper character overlay.</td>
</tr>
<tr>
<td>Operational works on land in character areas is minimised such that any filling or excavation does not visually dominate the streetscape or result in the loss of existing vegetation.</td>
<td>S3.2 Operational works are rehabilitated immediately on completion, with (i) re-grading and draining of disturbed surfaces to form even profiles; (ii) spreading topsoil suitable for planting; and (iii) dense plantings of endemic, native, plant species.</td>
<td></td>
</tr>
</tbody>
</table>

### Landscaping Works

<table>
<thead>
<tr>
<th>SPECIFIC OUTCOMES</th>
<th>ACCEPTABLE / PROBABLE SOLUTIONS</th>
<th>COMMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>P4</strong> Landscaping Works</td>
<td>S4 Premises incorporate landscape planting to site boundaries.</td>
<td>Not Applicable The land is not identified within the landscaper character overlay.</td>
</tr>
<tr>
<td>Landscaping works on land in character areas enhances the landscape character values of the locality.</td>
<td>Note: Council will refer to the Engineering Standards Planning Scheme Policy and the Landscaping Standards detailed in the Landscaping Planning Scheme Policy.</td>
<td></td>
</tr>
</tbody>
</table>

### IMAGE CORRIDORS

<table>
<thead>
<tr>
<th>SPECIFIC OUTCOMES</th>
<th>ACCEPTABLE / PROBABLE SOLUTIONS</th>
<th>COMMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>P1</strong> IMAGE CORRIDORS</td>
<td>S1 Complies</td>
<td></td>
</tr>
</tbody>
</table>
**Landscape Character Overlay Code**

<table>
<thead>
<tr>
<th>SPECIFIC OUTCOMES</th>
<th>ACCEPTABLE / PROBABLE SOLUTIONS</th>
<th>COMMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Buildings and Structures located on land adjacent to an image corridor</td>
<td>Buildings and Structures located on land adjacent to an image corridor have a minimum building setback of 10 m to the road frontage.</td>
<td>The proposal does not include any buildings. Regardless, all future buildings are located behind the Sugar Institute and meet the required setbacks.</td>
</tr>
<tr>
<td>P2</td>
<td></td>
<td>S2 Complies</td>
</tr>
<tr>
<td>The views and vistas available from the main image corridors as identified on the Information Maps (A &amp; B) – ‘Image Corridors’, are protected and enhanced by:</td>
<td>S2 No solution specified.</td>
<td>The proposal does not include any buildings. Regardless, all future buildings are located behind the Sugar Institute and meet the required setbacks and requirements. It is considered this proposal will not impact the views and vistas of the image corridor.</td>
</tr>
<tr>
<td>(i) providing a high standard of building design which blends into the associated urban or rural setting; and</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(ii) incorporating landscape treatments for development sites that provide a continuous (no gaps) vegetated strip where the vegetation is not less than 2 metres high at the development edge of the setback with lower shrubs between the tall (&gt;2m) vegetation and the road frontage;</td>
<td></td>
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</tr>
<tr>
<td>(iii) there are no advertising signs within the 10 m setback area; and</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(iv) all signs and advertising devices on land adjacent to an image corridor 10 m setback area:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a) do not include projecting roof or sky signs;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(b) have a height of no greater than 6 m where a free standing sign; and</td>
<td></td>
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<tr>
<td>(c) do not incorporate flashing neon lights or animated elements.</td>
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</tr>
<tr>
<td><strong>Note:</strong> Image corridors include both Entry Corridors and Tourist Corridors as shown on Maps (A &amp; B).</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
APPENDIX E

State Development Assessment Provisions
### 1.1 Managing Noise and Vibration Impacts from Transport Corridors State Code

**PERFORMANCE OUTCOME**  | **ACCEPTABLE OUTCOMES**  | **COMMENTS**
---|---|---
Residential buildings near a state-controlled road or type 1 multi-modal corridor | **AO1.1** All facades of a residential building exposed to noise from a state-controlled road or type 1 multi-modal corridor meet the following external noise criteria[^]:
(1) ≤60 dB(A) L10 (18 hour) facade corrected (measured L90 (8 hour) free field between 10 pm and 6 am ≤40 dB(A))
(2) ≤63 dB(A) L10 (18 hour) facade corrected (measured L90 (8 hour) free field between 10 pm and 6 am >40 dB(A)).
AND | **AO1.2** Private open space[^] in residential land uses exposed to noise from a state-controlled road or type 1 multi-modal corridor meet the following external noise criteria[^]:
(1) ≤57 dB(A) L10 (18 hour) free field (measured L90 (18 hour) free field between 6 am and 12 midnight ≤45 dB(A))
(2) ≤60 dB(A) L10 (18 hour) free field (measured L90 (18 hour) free field between 6 am and 12 midnight >45 dB(A)).
AND | **AO1.3** Every passive recreation area[^] exposed to noise from a state-controlled road or type 1 multi-modal corridor meets the following external noise criteria[^]:
(1) 63 dB(A) L10 (12 hour) free field (between 6 am and 6 pm).
AND | **AO1.4** For a residential building, not located in a transport noise corridor, everyone habitable room is designed, sited and constructed to meet the following internal noise criteria[^]:
(1) ≤35 dB(A) Leq (1 hour) (maximum hour over 24 hours). 
AND | **AO1.5** A residential building not located in a transport noise corridor, is designed, sited and constructed to incorporate noise attenuation treatments in accordance with AS3671–1989 Acoustics – Road traffic noise intrusion – building siting and construction.

**Notes:**
- Noise levels from a state-controlled road or type 1 multi-modal corridor are to be measured in accordance with AS1055.1–1997 Acoustics – Description and measurement of environmental noise.

**PO1 Complies**
The development has been approved as a mixed use development. This application seeks to provide separate titles to the small lot housing which is already approved under DA-2008-614. Additionally, a similar subdivision of 6 lots has been previously been approved under DA-2012-213.
The Department of Transport and Main Roads did not have any requirements at that time.
### 1.1 Managing Noise and Vibration Impacts from Transport Corridors State Code

<table>
<thead>
<tr>
<th>PERFORMANCE OUTCOME</th>
<th>ACCEPTABLE OUTCOMES</th>
<th>COMMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Residential buildings near a railway with more than 15 passing trains per day or a type 2 multi-modal corridor</strong></td>
<td><strong>PO2 Complies</strong>&lt;br&gt;The development has been approved as a mixed use development. This application seeks to provide separate titles to the small lot housing which is already approved under DA-2008-614. Additionally, a similar subdivision of 6 lots has been previously been approved under DA-2012-213.&lt;br&gt;The Department of Transport and Main Roads did not have any requirements at that time.</td>
<td></td>
</tr>
</tbody>
</table>

**PO2** Development involving an accommodation activity that is a residential building achieves acceptable noise levels for residents and visitors by mitigating adverse impacts on the development from noise generated by a railway with more than 15 passing trains per day or a type 2 multi-modal corridor.

**AO2.1** All facades of a residential building exposed to noise from a railway with more than 15 passing trains per day or a type 2 multi-modal corridor meet the following external noise criteria*: #:

1. ≤65 dB(A) Leq (24 hour) facade corrected
2. ≤87 dB(A) Leq (single event maximum sound pressure level) facade corrected.

**AND**

**AO2.2** Every private open space and passive recreation area* exposed to noise from a railway with more than 15 passing trains per day or type 2 multi-modal corridor meet the following external noise criteria*: #:

1. ≤62 dB(A) Leq (24 hour) free field
2. ≤84 dB(A) Leq (single event maximum sound pressure level) free field.

**AND**

**AO2.3** For a residential building, not located in a transport noise corridor, every habitable room is designed, sited and constructed to meet the following internal noise criteria*: #:

1. ≤45 dB(A) single event maximum sound pressure level (railway).

**Note:** Noise levels from railways or type 2 multi-modal corridors are to be measured in accordance with AS1055.1:1997 Acoustics – Description and measurement of environmental noise.

**Editor’s note:** Habitable rooms of residential buildings located within a transport noise corridor must comply with the Queensland development code MP4.4 Buildings in a transport noise corridor, Queensland Government, 2010. Transport noise corridors are mapped on the Department of Housing and Public Works website.

| **Accommodation activities or residential care facilities near a state-controlled road or type 1 multi-modal corridor** | **PO3 Complies**<br>The development has been approved as a mixed use development. This application seeks to provide separate titles to the small lot housing which is already approved under DA-2008-614. Additionally, a similar subdivision of 6 lots has been previously been approved under DA-2012-213.<br>The Department of Transport and Main Roads did not have any requirements at that time. | 
|---------------------|---------------------|----------|
| **PO3** Development involving an accommodation activity or residential care facility achieves acceptable noise levels for residents and visitors by mitigating adverse impacts on the development from noise generated by a state-controlled road or type 1 multi-modal corridor. | **AO3.1** All facades of an accommodation activity and residential care facility (other than a residential building) exposed to noise from a state-controlled road or type 1 multi-modal corridor meet the following external noise criteria*: #:

1. ≤60 dB(A) L10 (18 hour) facade corrected (measured L90 (8 hour) free field between 10 pm and 6 am ≤40 dB(A))
2. ≤63 dB(A) L10 (18 hour) facade corrected (measured L90 (8 hour) free field between 10 pm and 6 am >40 dB(A)).

**AND**

**AO3.2** Every private open space* in an accommodation activity or residential care facility achieves acceptable noise levels for residents and visitors by mitigating adverse impacts on the development from noise generated by a state-controlled road or type 1 multi-modal corridor.

**AO3.1** All facades of an accommodation activity and residential care facility (other than a residential building) exposed to noise from a state-controlled road or type 1 multi-modal corridor meet the following external noise criteria*: #:

1. ≤60 dB(A) L10 (18 hour) facade corrected (measured L90 (8 hour) free field between 10 pm and 6 am ≤40 dB(A))
2. ≤63 dB(A) L10 (18 hour) facade corrected (measured L90 (8 hour) free field between 10 pm and 6 am >40 dB(A)).

**AND**

**AO3.2** Every private open space* in an accommodation activity or residential care facility achieves acceptable noise levels for residents and visitors by mitigating adverse impacts on the development from noise generated by a state-controlled road or type 1 multi-modal corridor.
1.1 Managing Noise and Vibration Impacts from Transport Corridors State Code

<table>
<thead>
<tr>
<th>PERFORMANCE OUTCOME</th>
<th>ACCEPTABLE OUTCOMES</th>
<th>COMMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>residential care facility (other than a residential building) exposed to noise from a state-controlled road or type 1 multi-modal corridor meet the following external noise criteria#:</td>
<td>(1) ≤57 dB(A) L10 (18 hour) free field (measured L90 (18 hour) free field between 6 am and 12 midnight ≤45 dB(A))</td>
<td></td>
</tr>
<tr>
<td>(2) ≤60 dB(A) L10 (18 hour) free field (measured L90 (18 hour) free field between 6 am and 12 midnight &gt;45 dB(A)). AND</td>
<td>A03.3 Every passive recreation area* in an accommodation activity or residential care facility (other than a residential building) exposed to noise from a state-controlled road or type 1 multi-modal corridor meet the following external noise criteria#:</td>
<td></td>
</tr>
<tr>
<td>(1) 63 dB(A) L10 (12 hour) free field (between 6 am and 6 pm). AND</td>
<td>A03.4 Every habitable room in an accommodation activity or residential care facility (other than a residential building) exposed to noise from a state-controlled road or type 1 multi-modal corridor meet the following internal noise criteria#:</td>
<td></td>
</tr>
<tr>
<td>(1) ≤35 dB(A) Leq (1 hour) (maximum hour over 24 hours). Note: Noise levels from state-controlled roads or type 1 multi-modal corridors are to be measured in accordance with AS1055.1–1997 Acoustics – Description and measurement of environmental noise.</td>
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</tr>
</tbody>
</table>

**Accommodation activities or residential care facilities near a railway with more than 15 passing trains per day or a type 2 multi-modal corridor**

PO4 Development involving an accommodation activity or residential care facility achieves acceptable noise levels for residents and visitors by mitigating adverse impacts on the development from noise generated by railways with more than 15 passing trains per day or type 2 multi-modal corridors.

<table>
<thead>
<tr>
<th>ACCEPTABLE OUTCOMES</th>
<th>COMMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>AO4.1 All facades of an accommodation activity or residential care facility (other than a residential building) exposed to noise from a railway with more than 15 passing trains per day or a type 2 multi-modal corridor meet the following external noise criteria#:</td>
<td>(1) ≤85 dB(A) Leq (24 hour) facade corrected (2) ≤87 dB(A) Leq (single event maximum sound pressure level) facade corrected. AND</td>
</tr>
<tr>
<td>AO4.2 Every private open space and passive recreation area* in an accommodation activity or residential care facility (other than a residential building) exposed to noise from a railway with more than 15 passing trains per day or a type 2 multi-modal corridor meet the following external noise criteria#:</td>
<td>(1) ≤62 dB(A) Leq (24 hour) free field (2) ≤84 dB(A) Leq (single event maximum sound pressure level) free field. AND</td>
</tr>
</tbody>
</table>

PO4 Complies

The development has been approved as a mixed use development. This application seeks to provide separate titles to the small lot housing which is already approved under DA-2008-614. Additionally, a similar subdivision of 6 lots has been previously been approved under DA-2012-213.

The Department of Transport and Main Roads did not have any requirements at that time.
## 1.1 Managing Noise and Vibration Impacts from Transport Corridors State Code

### PERFORMANCE OUTCOME | ACCEPTABLE OUTCOMES | COMMENTS
--- | --- | ---
AO4.3 | Every habitable room in an accommodation activity or a residential care facility (other than a residential building) exposed to noise from a railway with more than 15 passing trains per day or a type 2 multi-modal corridor meet the following internal noise criteria:\#:
1. $\leq 45 \text{ dB(A)}$ single event maximum sound pressure level (railway).

Note: Noise levels from railways or type 2 multi-modal corridors are to be measured in accordance with AS1055.1–1997 Acoustics – Description and measurement of environmental noise.

| Accommodation activities or residential care facilities near a busway or light rail |
--- | --- | ---
PO5 | Development involving an accommodation activity or residential care facility achieves acceptable noise levels for residents and visitors by mitigating adverse impacts on the development from noise generated by a busway or light rail.

AO5.1 | All facades of an accommodation activity or residential care facility (other than a residential building) exposed to noise from a busway or light rail meet the following external noise criteria\#:
1. $\leq 55 \text{ dB(A)} \text{ Leq (1 hour) facade corrected (maximum hour between 6 am and 10 pm)}$
2. $\leq 50 \text{ dB(A)} \text{ Leq (1 hour) facade corrected (maximum hour between 10 pm and 6 am)}$
3. $\leq 64 \text{ dB(A)} \text{ Lmax (1 hour) facade corrected (between 10 pm and 6 am)}$. AND

AO5.2 | Every private open space and passive recreation area* in an accommodation activity or residential care facility (other than a residential building) exposed to noise from a busway or light rail meet the following external noise criteria\#:
1. $\leq 52 \text{ dB(A)} \text{ Leq (1 hour) free field (maximum hour between 6 am and 10 pm)}$
2. $\leq 86 \text{ dB(A)} \text{ Lmax free field}$. AND

AO5.3 | Every habitable room of an accommodation activity or residential care facility (other than a residential building) exposed to noise from a busway or light rail meet the following internal noise criteria\#:
1. $\leq 35 \text{ dB(A)} \text{ Leq (1 hour) (maximum hour over 24 hours)}$. Note: Noise levels from a busway or light rail are to be measured in accordance with AS1055.1–1997 Acoustics – Description and measurement of environmental noise.

| Particular development near a state-controlled road or type 1 multi-modal corridor |
--- | --- | ---
PO6 | Development involving a: (1) child care centre, or (2) community use, or

AO6.1 | All facades of buildings for the particular development exposed to noise from state-controlled roads or type 1 multi-modal corridors meet the following external noise criteria\#:

Not Applicable
The site is not located near a busway or a light rail

| Particular development near a state-controlled road or type 1 multi-modal corridor |
--- | --- | ---
PO6 | Development involving a: (1) child care centre, or (2) community use, or

AO6.1 | All facades of buildings for the particular development exposed to noise from state-controlled roads or type 1 multi-modal corridors meet the following external noise criteria\#:

Not Applicable
The application is not for the listed uses.
1.1 Managing Noise and Vibration Impacts from Transport Corridors State Code

<table>
<thead>
<tr>
<th>PERFORMANCE OUTCOME</th>
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</tr>
</thead>
<tbody>
<tr>
<td>(3) educational establishment, or (4) health care service, or (5) hospital, or (6) office, or (7) place of worship achieves acceptable noise levels for workers and patrons by mitigating adverse impacts on the development from noise generated by a state-controlled road or type 1 multi-modal corridor.</td>
<td>(1) ≤58 dB(A) L10 (1 hour) facade corrected (maximum hour during normal opening hours). AND AO6.2 Every outdoor education area and passive recreation area* for the particular development exposed to noise from a state-controlled road or type 1 multi-modal corridor meet the following external noise criteria*: (1) ≤63 dB(A) L10 (12 hours) free field (between 6 am and 6 pm). AND AO6.3 A childcare centre, health care service, hospital, educational establishment, library and place of worship exposed to noise from a state-controlled road or type 1 multi-modal corridor meet the following internal noise criteria*: (1) ≤35 dB(A) Leq (1 hour) (maximum hour during opening hours). AND AO6.4 A community use (except for a library) and office exposed to noise from a state-controlled road or type 1 multi-modal corridor meet the following internal noise criteria*: (1) ≤45 dB(A) Leq (1 hour) (maximum hour during opening hours). Note: Noise levels from state-controlled roads or type 1 multi-modal corridors are to be measured in accordance with AS1055.1-1997 Acoustics – Description and measurement of environmental noise.</td>
<td></td>
</tr>
<tr>
<td>Particular development near a railway (with more than 15 passing trains per day) or a type 2 multi-modal corridor</td>
<td>AO7.1 All facades of buildings for the particular development exposed to noise from a railway with more than 15 passing trains per day or a type 2 multi-modal corridor meet the following external noise criteria*: (1) ≤65 dB(A) Leq (1 hour) facade corrected (maximum hour during normal opening hours) (2) ≤87 dB(A) (single event maximum sound pressure level) facade corrected. AND AO7.2 Every outdoor education area and passive recreation area* exposed to noise from a railway with more than 15 passing trains per day or a type 2 multi-modal corridor meet the following external noise criteria*: (1) ≤62 dB(A) Leq (12 hour) free field (between 6 am and 6 pm) (2) ≤84 dB(A) (single event maximum sound pressure level) free field. AND AO7.3 Sleeping areas in a child care centre, health care service or hospital exposed to noise from a railway with more than 15 passing trains</td>
<td>Not Applicable The application is not for the listed uses.</td>
</tr>
</tbody>
</table>
## 1.1 Managing Noise and Vibration Impacts from Transport Corridors State Code

<table>
<thead>
<tr>
<th>PERFORMANCE OUTCOME</th>
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<th>COMMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>per day or a type 2 multi-modal corridor meet the following internal noise criteria#: (1) ≤45 dB(A) single event maximum sound pressure level (railway). AND</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Other rooms in a child care centre, health care service or hospital exposed to noise from a railway with more than 15 passing trains per day or a type 2 multi-modal corridor meet the following internal noise criteria#: (1) ≤50 dB(A) single event maximum sound pressure level (railway). AND</td>
<td></td>
</tr>
<tr>
<td></td>
<td>An educational establishment, library or place of worship exposed to noise from a railway with more than 15 passing trains per day or a type 2 multi-modal corridor meet the following internal noise criteria#: (1) ≤50 dB(A) single event maximum sound pressure level (railway). AND</td>
<td></td>
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<tr>
<td></td>
<td>A community use (except library) or office exposed to noise from a railway with more than 15 passing trains per day or a type 2 multi-modal corridor meet the following internal noise criteria#: (1) ≤55 dB(A) single event maximum sound pressure level (railway). Note: Noise levels from railways or type 2 multi-modal corridors are measured in accordance with AS1055.1–1997 Acoustics – Description and measurement of environmental noise.</td>
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<tr>
<td><strong>PO8</strong> Development involving a: (1) child care centre, or (2) community use, or (3) educational establishment, or (4) health care service, or (5) hospital, or (6) office, or (7) place of worship achieves acceptable noise levels for workers and patrons by mitigating adverse impacts on the development from noise generated by a busway and light rail.</td>
<td></td>
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<tr>
<td></td>
<td><strong>AO8.1</strong> All facades of buildings for the particular development exposed to noise from a busway or light rail meet the following external noise criteria#: (1) ≤55 dB(A) Leq (1 hour) facade corrected (maximum hour during normal opening hours). AND</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>AO8.2</strong> Every outdoor education area and passive recreation area* exposed to noise from a busway or light rail meet the following external noise criteria#: (1) ≤52 dB(A) Leq (1 hour) free field (maximum hour during normal opening hours) (2) ≤66 dB(A) Lmax free field (during normal opening hours). AND</td>
<td><strong>Not Applicable</strong> The application is not for the listed uses.</td>
</tr>
<tr>
<td></td>
<td><strong>AO8.3</strong> Every childcare centre, health care service, hospital, educational establishment, library and place of worship exposed to noise from a busway or light rail meet the following internal noise criteria#:</td>
<td></td>
</tr>
</tbody>
</table>
## 1.1 Managing Noise and Vibration Impacts from Transport Corridors State Code

### Performance Outcome

<table>
<thead>
<tr>
<th>PERFORMANCE OUTCOME</th>
<th>ACCEPTABLE OUTCOMES</th>
<th>COMMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>PO10</td>
<td>No acceptable outcome is prescribed.</td>
<td>PO10 Complies</td>
</tr>
</tbody>
</table>

The development has been approved as a mixed use development. This application seeks to provide separate titles to the small lot housing which is already approved under DA-2008-614. Additionally, a similar subdivision of 6 lots has been previously been approved under DA-2012-213.

The Department of Transport and Main Roads did not have any requirements at that time.

### Noise Barriers

- PO9 Noise barriers or earth mounds erected to mitigate noise from transport operations and infrastructure are designed, sited and constructed to ensure:
  1. (1) adequate clearances to state transport infrastructure to incorporate safety requirements and facilitate maintenance requirements
  2. privacy, security and amenity of surrounding properties are not significantly impacted
  3. appropriate colour schemes, textures and landscaping are used in barrier design
  4. design of noise barriers complements existing terrain
  5. fauna movement is maintained along appropriate corridors
  6. noise barriers are durable and fit for purpose.

- A09.1 Where adjacent to a state-controlled road or type 1 multi-modal corridor, noise barriers and earth mounds are designed, sited and constructed in accordance with Chapter 5 Integrated Noise Barrier Design of the Road traffic noise management: Code of practice, Department of Transport and Main Roads, 2007.

- OR

- A09.2 Where adjacent to a railway or type 2 multi-modal corridor, noise barriers and earth mounds are designed, sited and constructed in accordance with Queensland Rail Systems and Capability Technical Requirement – MCE-SR-014 Design of noise barriers adjacent to railways, Queensland Rail, 2010 and Part B.7 (d) of the Guide for development in a railway environment, Department of Infrastructure and Planning, 2010.

Editor’s note: The Guide for development in a railway environment is part of the Transit oriented development guide: guide for practitioners in Queensland, Department of Infrastructure and Planning, 2010.

- Not Applicable

There are no noise barrier proposed.

The development has been approved as a mixed use development. This application seeks to provide separate titles to the small lot housing which is already approved under DA-2008-614. Additionally, a similar subdivision of 6 lots has been previously been approved under DA-2012-213.

The Department of Transport and Main Roads did not have any requirements at that time.
# 1.2 Managing Air and Lighting Impacts from Transport Corridors State Code

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<tr>
<th>PERFORMANCE OUTCOME</th>
<th>ACCEPTABLE OUTCOMES</th>
<th>COMMENTS</th>
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</thead>
<tbody>
<tr>
<td><strong>Air quality</strong></td>
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<tr>
<td>PO1</td>
<td>AO1.1 Every private open space and passive recreation area of an accommodation activity or residential care facility (other than a residential building) meet the air quality objectives in the Environmental Protection (Air) Policy 2008 for the following indicators:</td>
<td>PO1 Complies Air quality is not expected to be an issue.</td>
</tr>
<tr>
<td></td>
<td>(1) carbon monoxide</td>
<td>The development has been approved as a mixed use development. This application seeks to provide separate titles to the small lot housing which is already approved under DA-2008-614. Additionally, a similar subdivision of 6 lots has been previously been approved under DA-2012-213.</td>
</tr>
<tr>
<td></td>
<td>(2) nitrogen dioxide</td>
<td>The Department of Transport and Main Roads did not have any requirements at that time.</td>
</tr>
<tr>
<td></td>
<td>(3) sulphur dioxide</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(4) photochemical oxidants</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(5) respirable particulate matter (PM10)</td>
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<tr>
<td></td>
<td>(6) fine particulate matter (PM2.5)</td>
<td></td>
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<tr>
<td></td>
<td>(7) lead</td>
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<tr>
<td></td>
<td>(8) toluene</td>
<td></td>
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<tr>
<td></td>
<td>(9) formaldehyde</td>
<td></td>
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<tr>
<td></td>
<td>(10) xylenes.</td>
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<td></td>
<td>AND</td>
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<td></td>
<td>AO1.2 Every outdoor education area and passive recreation area of an educational establishment, childcare centre, health care service, hospital, community use, place of worship and office meet the air quality objectives in the Environmental Protection (Air) Policy 2008 for the following indicators:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(1) carbon monoxide</td>
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<tr>
<td></td>
<td>(2) nitrogen dioxide</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(3) sulphur dioxide</td>
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</tr>
<tr>
<td></td>
<td>(4) photochemical oxidants</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(5) respirable particulate matter (PM10)</td>
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<td></td>
<td>(6) fine particulate matter (PM2.5)</td>
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<td></td>
<td>(7) lead</td>
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<td></td>
<td>(8) toluene</td>
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<tr>
<td></td>
<td>(9) formaldehyde</td>
<td></td>
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<tr>
<td></td>
<td>(10) xylenes.</td>
<td></td>
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<tr>
<td><strong>Lighting impacts</strong></td>
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<tr>
<td>PO2</td>
<td>AO2.1 Buildings for an accommodation activity, residential care facility (other than a residential building), health care service and hospital are designed, sited and constructed to incorporate treatments to attenuate ingress of artificial lighting from state transport infrastructure during the hours of 10pm – 6am</td>
<td>AO2.1 Complies The development is located behind the existing buildings fronting the State Controlled Road, so will have negligible impacts from the lighting associated with the road.</td>
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</tbody>
</table>
### 18.1 Building and Structure State Code

<table>
<thead>
<tr>
<th>PERFORMANCE OUTCOME</th>
<th>ACCEPTABLE OUTCOMES</th>
<th>COMMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>PO1 Buildings, services, structures and utilities do not adversely impact on the safety or operation of existing and future state transport infrastructure and state transport corridors.</td>
<td>No acceptable outcome is prescribed.</td>
<td>PO1 Complies The proposal will have a negligible impact on the operation of the roadway.</td>
</tr>
</tbody>
</table>
| PO2 Buildings and structures in or over an existing or future state transport corridor (including a buffer associated with a state-controlled transport):  
(1) are able to sustain impacts to their structural integrity in the event of an impact from state transport infrastructure  
(2) have no adverse impact on the structural integrity of the state transport infrastructure, including tunnels, retaining walls and viaducts or bridges during construction or thereafter  
(3) minimise the impacts of:  
(a) fire  
(b) explosion  
(c) chemical spill  
(d) liquid fuel spill  
(e) gas leak  
(f) any other emission or hazard generated from a dangerous goods incident. | No acceptable outcome is prescribed. | PO2 Complies The proposal will have a negligible impact on the operation of the roadway and vice versa. |
| PO3 Parts of the development visible from state transport infrastructure on existing and future state transport corridors minimise potential to distract drivers and cause a safety hazard. | AO3.1 Advertising devices proposed on a state-controlled road are designed to meet the standards outlined in the Roadside advertising guide, Department of Transport and Main Roads, 2009.  
AO3.2 Landscaping on a state-controlled road is undertaken in accordance with the Road landscape manual, Department of Transport and Main roads, 2013.  
Editor's note: Works on a state-controlled road reserve require the applicant to obtain an ancillary works and encroachments permit under section 50 of the Transport Infrastructure Act 1994. OR  
AO3.3 Development adjacent to a railway is in accordance with the Guide for development in a railway environment, Department of Infrastructure and Planning, 2009.  
Note: The Guide for development in a railway environment is part of the Transit oriented development: Guide for practitioners, Department of Infrastructure and Planning, 2009. | Not Applicable The proposal does not include any advertising devices, landscaping on the roadway and is not adjacent to a railway. |
<table>
<thead>
<tr>
<th>PERFORMANCE OUTCOME</th>
<th>ACCEPTABLE OUTCOMES</th>
<th>COMMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Filling and Excavation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>PO1 Filling and excavation does not adversely impact on or compromise the safety or operation of an existing or future state-controlled road.</td>
<td>AO1.1 Filling and excavation is undertaken to ensure no undermining, subsidence, groundwater seepage, drainage or stormwater impacts occur within an existing or future state-controlled road.</td>
<td>AO1.1 Complies The development does not involve any works near the state controlled road.</td>
</tr>
<tr>
<td>Editor’s note: To meet the above acceptable outcome, a filling and excavation report assessing the proposed filling and excavation should be prepared to demonstrate compliance with this code and the requirements of the Road planning and design manual, Department of Transport and Main Roads, 2010.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>PO2 Filling and excavation on an existing or future state-controlled road is minimised through alternative design solutions, where practical and is cost-effective.</td>
<td>No acceptable outcome is prescribed.</td>
<td>Not Applicable The development does not involve any works near the state controlled road.</td>
</tr>
<tr>
<td>Editor’s note: Where this applies to a future state-controlled road corridor, planning for the corridor must be sufficiently progressed for impacts from filling and excavation to be considered as part of the development application.</td>
<td></td>
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</tr>
<tr>
<td>Services and public utilities</td>
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<td></td>
</tr>
<tr>
<td>PO3 Filling and excavation does not interfere with or impact on existing or future planned services or public utilities on a state-controlled road.</td>
<td>AO3.1 Any alternative service and public utility alignments must satisfy the standards and design specifications of the service or public utility provider, and with any costs of relocation being borne by the developer.</td>
<td>Not Applicable The development does not involve any works near the state controlled road.</td>
</tr>
<tr>
<td>Editor’s note: An approval issued by the Department of Transport and Main Roads under section 33 of the Transport Infrastructure Act 1994 may be required.</td>
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<tr>
<td>Retaining or reinforced soil structures</td>
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<tr>
<td>PO4 Retaining or reinforced soil structures required to contain fill and excavation:</td>
<td>AO4.1 Retaining or reinforced soil structures (including footings, rock anchors and soil nails) are sited outside an existing or future state-controlled road. AO4.2 Retaining or reinforced soil structures in excess of an overall height of 1 metre are to be designed and certified by a structural Registered Professional Engineer of Queensland (RPEQ). AO4.3 Retaining or reinforced soil structures that are set back less than 750 millimetres from a common boundary alignment with a state-controlled road are designed to achieve a low maintenance external finish, and are certified by a structural RPEQ. AO4.4 Retaining or reinforced soil structures in excess of an overall height of 2 metres incorporate design treatments (such as terracing or planting) to reduce the overall height impact. AO4.5 Construction materials of all retaining or reinforced soil structures have a design life exceeding 40 years, and comply with the specifications approved by a RPEQ.</td>
<td>Not Applicable The development does not involve any works near the state controlled road.</td>
</tr>
<tr>
<td>(1) do not encroach on a state-controlled road</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(2) are capable of being constructed and maintained without adversely impacting a state-controlled road</td>
<td></td>
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<tr>
<td>(3) are constructed of durable materials which maximise the life of the structure.</td>
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<tr>
<td>Stormwater flows and infrastructure on state-controlled roads</td>
<td></td>
<td></td>
</tr>
<tr>
<td>PO5 Upstream or downstream fill and excavation does not alter or create</td>
<td>AO5.1 Filling and excavation is undertaken with provision of suitable</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>Not Applicable</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### PERFORMANCE OUTCOME

A worsening effect on the operation and capacity of existing drainage infrastructure, including culverts, floodway systems or overland flow paths within the state-controlled road network.

### ACCEPTABLE OUTCOMES

Surface and sub-surface drainage to avoid adverse impacts from overland flow and stormwater events that exist prior to development up to a 1 per cent annual exceedance probability on a state-controlled road.

AO5.2 Surface and sub-surface drainage carried out as part of the filling and excavation works prevents water seepage; creating barriers to overland flow and ponding; or a concentration of run-off on state-controlled roads.

### COMMENTS

The development does not involve any works near the state controlled road.

### Compaction, stabilisation and erosion management

PO6 Filling and excavation does not cause siltation and erosion run-off from the property, or wind blown dust nuisance onto a state-controlled road.

AO6.1 Compaction of fill is carried out in accordance with the requirements of AS 1289.0 2000 – Methods of testing soils for engineering purposes.

AO6.2 Erosion and siltation control measures are managed and completed in accordance with Guide to assess development applications for stormwater drainage.

Not Applicable

The development does not involve any works near the state controlled road.

### Transporting spoil on state-controlled roads

PO7 Where the quantity of fill or excavated spoil material being imported or exported for a development exceeds 10 000 tonnes, and haulage will be on a state-controlled road, any impact on the infrastructure is identified and mitigation measures implemented.

AO7.1 The impacts on the state-controlled road network are identified, and measures are implemented to avoid, reduce or compensate the effects on the asset life of the state-controlled road.

Editor’s note: It is recommended that a pavement impact assessment report be prepared to address this acceptable outcome. Guidance for preparing a pavement impact assessment is set out in Guidelines for assessment of road impacts of development (GARID), Department of Transport and Main Roads, 2006.

Not Applicable

The development does not involve any works near the state controlled road. Any haulage will be undertaken along the state controlled road.

### Driveway crossover to a state-controlled road

PO8 Filling and excavation associated with providing a driveway crossover to a state-controlled road does not compromise the operation or capacity of existing drainage infrastructure.

AO8.1 Filling and excavation associated with the design of driveway crossovers complies with the relevant Institute of Public Works Engineering Australia Queensland (IPWEAQ) standards.

Editor’s note: The construction of any crossover requires the applicant to obtain a permit to work in the state-controlled road corridor under section 33 of the Transport Infrastructure Act 1994 and a section 62 approval under the Transport Infrastructure Act 1994 for the siting of the access and associated works.

Not Applicable

The development does not include any crossovers to the state controlled road.

### Contamination

PO9 Fill material does not cause contamination from the development site onto a state-controlled road.

AO9.1 Fill material is free of contaminants including acid sulphate content, and achieves compliance with AS 1289.0 – Methods of testing soils for engineering purposes and AS 4133.0-2005 – Methods of testing rocks for engineering purposes.

Not Applicable

The development does not involve any works near the state controlled road.

### Vibration through compaction

PO10 Vibration generated through fill compaction does not result in damage or nuisance to a state-controlled road.

AO10.1 Fill compaction does not result in any vibrations beyond the site boundary, and is in accordance with AS 2436–2010 – Guide to noise and vibration control on construction, demolition and maintenance sites.

Not Applicable

The development does not involve any works near the state controlled road.
### 18.2 Filling and Excavation State Code

**PERFORMANCE OUTCOME** | **ACCEPTABLE OUTCOMES** | **COMMENTS**
--- | --- | ---
All state transport corridors except state-controlled roads | No acceptable outcome is prescribed. | PO11 Complies  
The development does not involve any works near the state controlled road and will have negligible impact on the corridor.

- **PO11** Excavation, retaining works and other ground disturbance works associated with a development, including retaining walls and reinforced soil structures, must not impact on the safety of state transport infrastructure on existing and future state transport corridors.
# 18.3 Stormwater and Drainage Impacts on State Transport Infrastructure State Code

## PERFORMANCE OUTCOME

<table>
<thead>
<tr>
<th>Stormwater and drainage management</th>
</tr>
</thead>
</table>

**PO1** Stormwater management for the development must ensure there is no worsening of, and no actionable nuisance in relation to peak discharges, flood levels, frequency or duration of flooding, flow velocities, water quality, sedimentation and scour effects on an existing or future state transport corridor for all flood and stormwater events that exist prior to development, and up to a 1 per cent annual exceedance probability.

<table>
<thead>
<tr>
<th>ACCEPTABLE OUTCOMES</th>
<th>COMMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>AO1.1</strong> The development does not result in stormwater or drainage impacts or actionable nuisance within an existing or future state transport corridor.</td>
<td></td>
</tr>
<tr>
<td>Editor’s note: It is recommended that basic stormwater information is to be prepared to demonstrate compliance with A01.1.</td>
<td></td>
</tr>
<tr>
<td><strong>AO1.2</strong> A stormwater management statement certified by an RPEQ demonstrates that the development will achieve a no worsening impact or actionable nuisance on an existing or future state transport corridor.</td>
<td></td>
</tr>
<tr>
<td>OR</td>
<td></td>
</tr>
<tr>
<td><strong>AO1.3</strong> A stormwater management plan certified by an RPEQ demonstrates that the development will achieve a no worsening impact or actionable nuisance on a state-controlled road.</td>
<td></td>
</tr>
<tr>
<td>OR</td>
<td></td>
</tr>
<tr>
<td><strong>AO1.4</strong> For development on premises within 25 metres of a railway, a stormwater management plan certified by an RPEQ demonstrates that:</td>
<td></td>
</tr>
<tr>
<td>(1) the development will achieve a no worsening impact or actionable nuisance on the railway</td>
<td></td>
</tr>
<tr>
<td>(2) the development does not cause stormwater, roofwater, ponding, floodwater or any other drainage to be directed to, increased or concentrated on the railway</td>
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</tr>
<tr>
<td>(3) the development does not impede any drainage, stormwater or floodwater flows from the railway</td>
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<tr>
<td>(4) stormwater or floodwater flows have been designed to:</td>
<td></td>
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<tr>
<td>(a) maintain the structural integrity of the rail transport infrastructure</td>
<td></td>
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<tr>
<td>(b) avoid scour or deposition</td>
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<tr>
<td>(5) additional railway formation drainage necessitated by the development is located within the premises where the development is carried out</td>
<td></td>
</tr>
<tr>
<td>(6) retaining structures for excavations abutting the railway corridor provide for drainage.</td>
<td></td>
</tr>
</tbody>
</table>

**AO1.1 Complies** The development will not result in stormwater or drainage impacts or actionable nuisance within an existing or future state transport corridor.

The previous MCU approval discussed all stormwater and drainage issues under DA_2008-614.

Not Applicable
The proposal is for a small scale reconfiguration so a stormwater management statement is not considered necessary.

Not Applicable
See above

Not Applicable
The site is not located within 25m of a railway

## Lawful point of discharge

**PO2** Stormwater run-off and drainage are directed to a lawful point of discharge to avoid adverse impacts on a future or existing state transport corridor.

<table>
<thead>
<tr>
<th>ACCEPTABLE OUTCOMES</th>
<th>COMMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>AO2.1</strong> Where stormwater run-off is discharged to a state transport corridor, the discharge is to a lawful point of discharge in accordance with section 1.4.3 of the Road drainage manual, Department of Transport and Main Roads, 2013 and section 3.02 of Queensland urban drainage manual, Department of Natural Resources and Mines, 2013. AND</td>
<td></td>
</tr>
<tr>
<td><strong>AO2.2</strong> Development does not cause a net increase in or concentration of stormwater or floodwater flows discharging onto the state transport corridor during construction or thereafter.</td>
<td></td>
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</tbody>
</table>

**PO2 Complies** The lawful point of discharge will be directed away from the corridor.
<table>
<thead>
<tr>
<th>PERFORMANCE OUTCOME</th>
<th>ACCEPTABLE OUTCOMES</th>
<th>COMMENTS</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>AND</td>
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</tr>
<tr>
<td><strong>AO2.3</strong></td>
<td>Development does not create any additional points of discharge or changes to the condition of an existing lawful point of discharge to the state transport corridor. AND</td>
<td></td>
</tr>
<tr>
<td><strong>AO2.4</strong></td>
<td>For development on premises within 25 metres of a railway, approval from the relevant railway manager for the railway, as defined in the Transport Infrastructure Act 1994, schedule 6 has been gained to verify the lawful point of discharge for stormwater onto the railway.</td>
<td></td>
</tr>
</tbody>
</table>

**Sediment and erosion management**

| PO3 Run-off from upstream development is managed to ensure that sedimentation and erosion do not cause siltation of stormwater infrastructure in the state transport corridor. | **AO3.1** Development with a moderate to high risk of erosion incorporates erosion and sediment control measures. Editor's note: Where a development has a moderate to high risk of erosion as per section 13.5 of the Road drainage manual, Department of Transport and Main Roads, 2013, an erosion and sedimentation control plan should be provided to support either a stormwater management statement or stormwater management plan. | **PO3 Complies** The development will meet all policies with regards to erosion and sediment management. |
### PERFORMANCE OUTCOME
#### Location of the direct vehicular access to the state-controlled road

<table>
<thead>
<tr>
<th>PO1</th>
<th>Any road access location to the state-controlled road from adjacent land does not compromise the safety and efficiency of the State Controlled Road.</th>
</tr>
</thead>
</table>

#### ACCEPTABLE OUTCOMES

<table>
<thead>
<tr>
<th>AO1.1</th>
<th>Any road access location to the state-controlled road from adjacent land complies with a decision under section 62 of the TIA. OR all of the following acceptable outcomes apply:</th>
</tr>
</thead>
<tbody>
<tr>
<td>AO1.2</td>
<td>Any road access location for the development is provided from a lower order road where an alternative to the state-controlled road exists. AND</td>
</tr>
<tr>
<td>AO1.3</td>
<td>A traffic impact assessment certified by a Registered Professional Engineer of Queensland (RPEQ) demonstrates that the development will maintain the safety and efficiency of the state-controlled road. AND</td>
</tr>
<tr>
<td>AO1.4</td>
<td>Any road access location meets the sight distance requirements outlined in Chapter 9 – Sight distance of the Road planning and design manual – interim guide to road planning and design practice, Department of Transport and Main Roads, 2010. AND</td>
</tr>
<tr>
<td>AO1.5</td>
<td>Any road access location is not located adjacent to an existing or planned functional area of an intersection in accordance with Chapter 13 –Intersections at grade of the Road planning and design manual – interim guide to road planning and design practice, Department of Transport and Main roads, 2010. AND</td>
</tr>
<tr>
<td>AO1.6</td>
<td>Any road access location does not conflict with any adjacent lands’ access location and operation. AND</td>
</tr>
<tr>
<td>AO1.7</td>
<td>A new or upgraded road access location is designed to accommodate 10 year traffic growth past completion of the final stage of development.</td>
</tr>
</tbody>
</table>

**Editor’s note:** In order to demonstrate that the acceptable outcomes can be achieved, it is recommended that a traffic impact assessment certified by an RPEQ be provided. It should be prepared in accordance with the Guidelines for assessment of road impacts of development (GARID), Department of Main Roads, 2006, and the requirements of part 13 of the Road planning and design manual – interim guide to road planning and design practice, Department of Transport and Main Roads, 2010, SIDRA analysis or traffic modelling.

#### COMMENTS

- **PO1 Complies**
  - The proposal will not gain access via the state controlled road. The new internal roads will gain access via Field Street as per the approved development (DA-2012-614).
  - The proposal will not require an upgrade to the intersection.

### Direct access to a limited access road

<table>
<thead>
<tr>
<th>PO2</th>
<th>Access to a limited access road is in accordance with the approved limited access policy.</th>
</tr>
</thead>
</table>

**Editor’s note:** Limited access roads are declared by the chief executive under section 54 of the TIA. Details can be accessed by contacting the appropriate department.

| No acceptable outcome is prescribed. |

**PO2 Complies**

- The proposal will not gain access via the state controlled road. The new internal roads will gain access via Field Street as per the approved development (DA-2012-614).
<table>
<thead>
<tr>
<th>PERFORMANCE OUTCOME</th>
<th>ACCEPTABLE OUTCOMES</th>
<th>COMMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of road accesses to the state-controlled road</td>
<td><strong>PO3</strong> The number of road access locations to the state-controlled road maintains the safety and efficiency of the state-controlled road.</td>
<td><strong>AO3.1</strong> Development does not increase the number of road access locations to the state-controlled road. <strong>AO3.1 Complies</strong> The proposal will not gain access via the state controlled road. The new internal roads will gain access via Field Street as per the approved development (DA-2012-614).</td>
</tr>
<tr>
<td></td>
<td><strong>PO4</strong> The number of road access locations to the state-controlled road is rationalised to maintain the safety and efficiency of the state-controlled road.</td>
<td><strong>AO4.1</strong> Where multiple road access locations to the premises exist, access is rationalised to reduce the overall number of road access locations to the state-controlled road. <strong>AO4.2</strong> Shared or combined road access locations are provided for adjoining land having similar uses to rationalise the overall number of direct accesses to the state-controlled road. <strong>AO4.2</strong> Shared road access locations may require easements to provide a legal point of access for adjacent lots. If this is required, then the applicant must register reciprocal access easements on the titles of both of the lots for the shared access. <strong>PO4 Complies</strong> The proposal will not gain access via the state controlled road. The new internal roads will gain access via Field Street as per the approved development (DA-2012-614).</td>
</tr>
<tr>
<td>Design vehicle and traffic volume</td>
<td><strong>PO5</strong> Any road access location maintains the safety and efficiency of the state-controlled road.</td>
<td><strong>AO5.1</strong> Any road access location meets the minimum standards associated with the design vehicle. Editor’s note: The design vehicle to be considered is the same as the design vehicle set under the relevant local government planning scheme. <strong>AND</strong> <strong>AO5.2</strong> Any road access location is designed to accommodate the forecast volume of vehicle movements in the peak periods of operation or conducting the proposed use of the premises. <strong>AND</strong> <strong>AO5.3</strong> Any road access location is designed to accommodate 10 year traffic growth past completion of the final stage of development. <strong>AND</strong> <strong>AO5.4</strong> Any road access location, for an urban activity, is designed in accordance with the relevant local government standards or IPWEAQ R-050, R-051 and R-053 drawings. <strong>AND</strong> <strong>AO5.5</strong> Any road access location for all other uses other than urban activities is designed in accordance with the Road planning and design manual – interim guide to road planning design and practice, Department of Transport and Main Roads, 2010, in particular Chapter 13. <strong>PO5 Complies</strong> The proposal will not gain access via the state controlled road. The new internal roads will gain access via Field Street as per the approved development (DA-2012-614).</td>
</tr>
<tr>
<td>Internal and external manoeuvring associated with direct vehicular access to the state-controlled road</td>
<td><strong>PO6</strong> Turning movements for vehicles entering and exiting the premises</td>
<td><strong>AO6.1</strong> The road access location provides for left in and left out turning <strong>PO6 Complies</strong></td>
</tr>
</tbody>
</table>
19.1 Access to State Controlled Roads State Code

<table>
<thead>
<tr>
<th>PERFORMANCE OUTCOME</th>
<th>ACCEPTABLE OUTCOMES</th>
<th>COMMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>via the road access location maintain the safety and efficiency of the state-controlled road.</td>
<td>movements only. AND AO6.2 Internal manoeuvring areas on the premises are designed so the design vehicle can enter and leave the premises in a forward gear. Editor’s note: The design vehicle to be considered is the same as the design vehicle set under the relevant local government planning scheme.</td>
<td>The proposal will not gain access via the state controlled road. The new internal roads will gain access via Field Street as per the approved development (DA-2012-614). The intersection between the Bruce Highway and Thorning Street is a left in left out only.</td>
</tr>
<tr>
<td>PO7 On-site circulation is suitably designed to accommodate the design vehicle associated with the proposed land use, in order to ensure that there is no impact on the safety and efficiency of the state-controlled road.</td>
<td>AO7.1 Provision of on-site vehicular manoeuvring space is provided to ensure the flow of traffic on the state-controlled road is not compromised by an overflow of traffic queuing to access the site in accordance with AS2890 – Parking facilities. AND AO7.2 Mitigation measures are provided to ensure that the flow of traffic on the state-controlled road is not disturbed by traffic queuing to access the site.</td>
<td>PO1 Complies The proposal will not gain access via the state controlled road. The new internal roads will gain access via Field Street as per the approved development (DA-2012-614).</td>
</tr>
<tr>
<td>Temporary vehicular road access location to the state-controlled road</td>
<td>No acceptable outcome is prescribed.</td>
<td>Not Applicable The proposal does not include any temporary road access locations.</td>
</tr>
<tr>
<td>PO8 Any proposed temporary road access locations ensure that the safety and efficiency of the state-controlled road is maintained. Editor’s note: Temporary road access locations may be conditioned to ensure the temporary nature of the access. Where appropriate, use of the temporary access may be restricted to the approved type and number of vehicles, and the times the temporary access is able to be used will also be limited.</td>
<td></td>
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</tr>
<tr>
<td>Vehicular access to local roads within 100 metres of an intersection with a state-controlled road</td>
<td>AO9.1 The road access location to the local road is located as far as possible from where the road intersects with the state-controlled road and does not compromise the existing operation or any future upgrades to the intersection or state-controlled road. AND AO9.2 The road access location to the local road network is in accordance with chapter 13 – Intersections at grade of the Road planning and design manual – interim guide to road planning design and practice, Department of Transport and Main Roads, 2010, and is based on the volume of traffic and speed design of both the local road and intersecting state-controlled road for a period of 10 years past completion of the final stage of development. AND AO9.3 Vehicular access to the local road and internal vehicle circulation is designed to remove or minimise the potential for vehicles entering the site to queue in the intersection with the state-controlled road or along the state-controlled road itself.</td>
<td>Not Applicable The proposal will not gain access via the state controlled road. The new internal roads will gain access via Field Street as per the approved development (DA-2012-614).</td>
</tr>
</tbody>
</table>
## 19.3 Transport Infrastructure and Network Design State Code

<table>
<thead>
<tr>
<th>PERFORMANCE OUTCOME</th>
<th>ACCEPTABLE OUTCOMES</th>
<th>COMMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>All state transport infrastructure – except state-controlled roads</td>
<td></td>
<td></td>
</tr>
<tr>
<td>PO1 Development does not compromise the safe and efficient management or operation of state transport infrastructure or transport networks.</td>
<td>AO1.1 Any impact from the development on the safe and efficient management and operation of the state transport corridor or transport network is identified and mitigated.</td>
<td>PO1 Complies The proposal will not gain access via the state controlled road. The new internal roads will gain access via Field Street as per the approved development (DA-2012-614).</td>
</tr>
<tr>
<td></td>
<td>Editor’s note: A traffic impact assessment will assist in addressing this acceptable outcome. A traffic impact assessment should identify any upgrade works required to mitigate impacts on the safe and efficient management and operation of the state transport corridor.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>AO1.2 The layout and design of the proposed development accommodates planned upgrades to adjacent state transport infrastructure in the state transport corridor.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>AND AO1.3 The layout and design of the development does not compromise the delivery of state transport infrastructure in future state transport corridors.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Editor’s note: A traffic impact assessment will assist in addressing this acceptable outcome.</td>
<td></td>
</tr>
<tr>
<td>PO2 Development does not compromise planned upgrades to state transport infrastructure or the development of future state transport infrastructure in future state transport corridors.</td>
<td>AO2.1 Written advice has been provided by DTMR that there are no planned upgrades of state transport infrastructure or future state transport corridors which will be compromised by the development. OR both of the following acceptable outcomes apply AO2.2 The layout and design of the proposed development accommodates planned upgrades to adjacent state transport infrastructure in the state transport corridor. AND AO2.3 The layout and design of the development does not compromise the delivery of state transport infrastructure in future state transport corridors.</td>
<td>PO2 Complies The proposal will not gain access via the state controlled road. The new internal roads will gain access via Field Street as per the approved development (DA-2012-614). The mixed use development has previously been approved by DTMR with no requirements.</td>
</tr>
<tr>
<td></td>
<td>Editor’s note: A traffic impact assessment will assist in addressing this acceptable outcome.</td>
<td></td>
</tr>
<tr>
<td>State-controlled roads</td>
<td></td>
<td></td>
</tr>
<tr>
<td>PO3 Development does not compromise the safe and efficient management or operation of state-controlled roads. Editor’s note: A traffic impact assessment will assist in addressing this performance outcome.</td>
<td>AO3.1 Any impact from the development on the safe and efficient management and operation of the state-controlled road is identified and mitigated. Editor’s note: A traffic impact assessment will assist in addressing this acceptable outcome.</td>
<td>PO3 Complies The proposal will not gain access via the state controlled road. The new internal roads will gain access via Field Street as per the approved development (DA-2012-614). The mixed use development has previously been approved by DTMR with no requirements.</td>
</tr>
<tr>
<td></td>
<td>AO3.2 The layout and design of the proposed development accommodates planned upgrades to adjacent state controlled roads.</td>
<td></td>
</tr>
<tr>
<td>PO4 Development does not compromise planned upgrades of the state-controlled road network or delivery of future state-controlled roads.</td>
<td>AO4.1 Written advice has been provided by DTMR that there are no planned upgrades of state-controlled roads or future state-controlled roads which will be compromised by the development. OR AO4.2 Any impact from the development does not compromise planned upgrades of the state-controlled road network or the delivery of future state-controlled roads. Editor’s note: A traffic impact assessment will assist in addressing this acceptable outcome.</td>
<td>PO4 Complies The proposal will not gain access via the state controlled road. The new internal roads will gain access via Field Street as per the approved development (DA-2012-614). The mixed use development has previously been approved by DTMR with no requirements.</td>
</tr>
<tr>
<td></td>
<td>AO4.3 The layout and design of the proposed development accommodates planned upgrades to adjacent state controlled roads.</td>
<td></td>
</tr>
<tr>
<td>PO5 Upgrade works on or associated with the state-controlled road network are undertaken in accordance with applicable standards.</td>
<td>AO5.1 Upgrade works for the development are consistent with the requirements of the Road planning and design manual – interim guide to road planning and design practice, Department of Transport and Main</td>
<td>PO5 Complies The proposal will not gain access via the state controlled road. The new internal roads will gain access via Field Street as per the approved development (DA-2012-614). The mixed use development has previously been approved by DTMR with no requirements.</td>
</tr>
</tbody>
</table>
## 19.3 Transport Infrastructure and Network Design State Code

<table>
<thead>
<tr>
<th>PERFORMANCE OUTCOME</th>
<th>ACCEPTABLE OUTCOMES</th>
<th>COMMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>PO6</strong> Development does not impose traffic loadings on the state-controlled road network which could be accommodated on the local road network.</td>
<td>AO6.1 New roads proposed as part of the development are consistent with the road hierarchy adopted by the relevant local government, and new lower order roads do not connect directly to a state-controlled road. AND AO6.2 Where the opportunity is available, development provides for road access locations to lower order roads. AND AO6.3 Where possible, the layout and design of the development encourages traffic generated by the development to use lower order roads.</td>
<td>AO6.1 Complies The proposed new roads align with Council’s road hierarchy. AO6.2 &amp; 3 Complies The development provides access to the lower order Field Street.</td>
</tr>
</tbody>
</table>
## 12.1 Contaminated Land State Code

<table>
<thead>
<tr>
<th>PERFORMANCE OUTCOME</th>
<th>ACCEPTABLE SOLUTIONS</th>
<th>COMMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>PO1</strong> Contaminated land is used in a way which is suitable for the site, and does not place another part of the environment, or human health, at risk.</td>
<td><strong>AO1.1</strong> A site investigation report or a validation report has been certified by an auditor under the Environmental Protection Act 1994 that the land is suitable for its intended use. OR <strong>AO1.2</strong> A draft site management plan has been certified by an auditor under the Environmental Protection Act 1994 and states that the land is suitable for the stipulated intended use. Editor's note: An auditor must be approved under the Environmental Protection Act 1994 and must comply with the code of conduct for auditors.</td>
<td><strong>PO1 Complies</strong> DEHP’s interests in the Parklands development are covered by the Development Permit (MCU). The proposed development is consistent with the Development Permit. As previously discussed, no works associated with the proposed subdivision are proposed within the parts of the lots affected by the Environmental Management Register. Please refer to the contaminated land conditions included in Appendix F for more information.</td>
</tr>
<tr>
<td><strong>PO2</strong> The area for which an area management advice has been given for unexploded ordnance (UXO) is managed so that it does not place another part of the environment, or human health, at risk.</td>
<td><strong>AO2.1</strong> A contractor approved by the Commonwealth Department of Defence has certified that the area for which an area management advice has been given for unexploded ordnance has been remediated or is managed to be suitable for the proposed use. Editor’s note: A UXO search can be conducted through the Australian Department of Defence located at <a href="http://www.defence.gov.au/uxo">http://www.defence.gov.au/uxo</a></td>
<td><strong>Not Applicable</strong> The site has not been given advice for unexploded ordnance.</td>
</tr>
</tbody>
</table>
APPENDIX F

Existing Approvals
18 February 2011

Property and Projects International Pty Ltd
C/- RPS Group (Mackay) Pty Ltd
PO Box 1895
MACKAY QLD 4740

Dear Sir/Madam

DEVELOPMENT APPLICATION

Applicant: Property and Projects International Pty Ltd
Proposal: Material Change of Use ‘Parklands’ Mixed Use Development
Application Number: DA-2008-614
Address: 239 Nebo Road, WEST MACKAY QLD 4740
Property Description: Lot 1 on RP722043 and Lot 20 on M915

As per condition 2 and 3 of the court order for the above application, Council confirms the following:

1. The amended plans were provided to Council on 24 of January 2011 which complied with condition 3 “laping of approval”; and
2. The amended plans comply with the required amendments as provided for in Condition 2 “amended plan required”.

As such, the applicant is now free to lodge any subsequent applications.

Yours faithfully,

[Signature]
Leah Sorohan
Principal Planner
In the Planning and Environment Court
Held at: BRISBANE

Between:
NOEL ELLIOTT & STACY ELLIOTT;
KARL MAYFIELD & ANDREA MAYFIELD;
GRAEME RANSLEY;
CHARLIE DEGUARA & JOYCE DEGUARA;
DAVE RUTLAND & LORRAINE RUTLAND;
PETER THORNING & BERYL THORNING;
JAMES MURARO & DAPHNE MURARO;
KENNETH DAWSON; NORA DAWSON;
GEOFFREY ROSS & MARGARET ROSS;
PETER STURDY & RAELENE STURDY;
GEORGE HARRISON & JEAN HARRISON;
BEVAN FAGG & MAGAN FAGG;
DENISE STEVENS & WILLIAM STEVENS;
KELLIE LEACH;
GARY FREEMAN & JANELLE FREEMAN;
GRANT MCLANNAN;
MARGARET WOODMAN;
NELLY FREY;
B MOSS & C MOSS;
PAUL BURKE & MELISSA BURKE;
KATHLEEN SORBELLO;
RUSSELL LOTHIAM;
MARY ELLIOTT;
ROBERT STEVENS;
ELIZABETH O'MARA;
DENISE KELLY & JAMES KELLY;
MARK FORD & ROBYN FORD;
GLEN TRONC & DAWN TRONC; AND CLYDE &
JANET HOFFMAN

And:
MACKAY REGIONAL COUNCIL
Respondent

And:
PROPERTY AND PROJECTS INTERNATIONAL
PTY LTD
First Co-Respondent

And:
NEBO ROAD PTY LTD
Second Co-Respondent

And:
CHIEF EXECUTIVE, DEPARTMENT OF
TRANSPORT & MAIN ROADS
First Co-Respondent by
Election

And:
CHIEF EXECUTIVE, DEPARTMENT OF
ENVIRONMENT AND RESOURCE
MANAGEMENT
Second Co-Respondent by
Election

ORDER

Before: His Honour Judge Jones
Date of Order: 19 November 2010

UPON THE COURT BEING SATISFIED:

ORDER

Filed on behalf of the Appellant

Form PEC-7

ClarkeKann
Level 7
300 Queen Street
BRISBANE 4000
Phone 07 3001 9222
Fax 07 3001 9299
1. That any non-compliance, or partial compliance with respect to the giving of the Notice of Appeal in accordance with Chapter 4, Part 1 of the Integrated Planning Act 1997 ("the Act"), has not substantially restricted the opportunity for a person to exercise the rights conferred on the person in accordance with 4.1.5A of the Act.

2. There has otherwise been compliance with section 4.1.41 of the Act in relation to the giving of notice of the Appeal.

3. The proposed changes to the application the subject of this appeal are a minor change for the purpose of section 4.1.52(2)(b) of the Integrated Planning Act 1997 and having regard to sections 350 and 824(2)(b) of the Sustainable Planning Act 2009.

**IT IS ORDERED THAT:**

1. The time to serve the Chief Executive of the Department of Infrastructure and Planning be extended to 10 November 2010.

2. The Appeal be allowed in part and the Development Application relating to land at 239 Nebo Road, West Mackay and more particularly described as Lot 1 of RP 722043 and Lot 20 on M 915 seeking a Development Permit for a Material Change of Use for a Mixed Use Development be approved in accordance with plans attached hereto and marked with the letter "A" and subject to the conditions set out in the approval package attached hereto and marked with the letter "B" and the First Co-Respondent by Election's referral agency response dated 25 May 2009 attached hereto and marked with the letter "C" and further the Second Co-Respondent by Election's referral agency response dated 18 November 2010 attached hereto and marked with the letter "D".

*Filed on: 29/11/2010*
<table>
<thead>
<tr>
<th>DA 01</th>
<th>Master Plan</th>
</tr>
</thead>
<tbody>
<tr>
<td>DA 02</td>
<td>Site Ground Floor and Parking Allocation Plan</td>
</tr>
<tr>
<td>DA 03</td>
<td>Basement and Parking Allocation Plan</td>
</tr>
<tr>
<td>DA 04</td>
<td>Area and Car Parking Schedule</td>
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<tr>
<td>DA 11</td>
<td>Waste Management Site Plan</td>
</tr>
<tr>
<td>DA 12</td>
<td>Waste Management Basement Plan</td>
</tr>
<tr>
<td>DA 13</td>
<td>Demolition Plan</td>
</tr>
<tr>
<td>DA 14</td>
<td>Building Phases - Staging Plan</td>
</tr>
</tbody>
</table>

**General Site Sections**
- DA 100 Thorning Street and Nebo Road Elevation
- DA 103 Field Street and Inner Street Elevation
- DA 104 Site Elevation Boulevard North and South
- DA 105 Site section A and B

**Existing Karl Lager Building**
- DA 140 Heritage Demolition Plan Ground
- DA 141 Heritage Demolition Plan
- DA 150 Existing Ground Floor Plan
- DA 158 First Floor Proposed Plan
- DA 159 Elevations of Karl Lager Building
- DA 162 Section Through New Entry

**Hotel Building**
- DA 200 Hotel Ground, First & Second Floor Plan
- DA 203 Hotel Third and Fourth Floor Plan
- DA 207 Hotel Roof Plan, Hotel Unit A + B
- DA 208 Hotel North Elevation
- DA 211 Hotel West Elevation
- DA 214 Hotel East Elevation
- DA 215 Hotel section A
- DA 216 Hotel section B

**Commercial Building**
- DA 300 Commercial Ground Floor Plan
- DA 301 Commercial First Floor Plan
- DA 302 Commercial Second Floor Plan
- DA 303 Commercial Third Floor Plan
- DA 304 Commercial Roof Plan
- DA 305 Commercial Section B
- DA 307 Commercial South Elevation
- DA 308 Commercial Northeast Elevation
- DA 309 Commercial West Elevation
- DA 310 Commercial Section A

**Apartments A**
- DA 400 Apartment A Ground Floor Plan
- DA 401 Apartment A Lower Level 1 + 2 Plan
- DA 403 Apartment A Typical Level 3 and 4 Plan
- DA 404 Apartment A Lower Roof Plan
- DA 405 Apartment A Section A
- DA 406 Apartment A Upper Roof Plan
- DA 407 Apartment A, South and Section West
- DA 408 Apartment A, Elevations NW and Section

**Apartments B**
- DA 500 Apartment B Ground Floor Plan
- DA 501 Apartment B Level 1 - 3 Floor Plan
- DA 502 Apartment B Level 4 Floor Plan
- DA 503 Apartment B Lower Roof Plan and Penthouse
- DA 504 Apartment B Upper Roof Plan
- DA 505 Apartment B Section A
- DA 507 Apartments B, Elevations South, North and East

**Townhouses**
- DA 600 Townhouse A Ground, First Floor, Mez and Roof
- DA 601 Townhouse A Elevations and Section
- DA 700 Townhouse B Ground, First Floor and Roof
- DA 701 Townhouse B Elevations and Section
- DA 800 Townhouse C Ground, First Floor and Roof
- DA 801 Townhouse C Elevations and Section

**Advisory**
- DA 900 Shadow Studies - June 21st
- DA 1000 Perspectives
- DA 1001 Perspectives
- DA 1002 Perspectives
- DA 1003 Perspectives
Application Number: DA-2008-614

1. APPLICANT/S DETAILS

<table>
<thead>
<tr>
<th>Name:</th>
<th>Property and Projects International Pty Ltd</th>
</tr>
</thead>
<tbody>
<tr>
<td>Postal Address:</td>
<td>C/- Conics (Mackay) Pty Ltd</td>
</tr>
<tr>
<td></td>
<td>PO Box 1895</td>
</tr>
<tr>
<td></td>
<td>MACKAY QLD 4740</td>
</tr>
</tbody>
</table>

2. PROPERTY DETAILS

<table>
<thead>
<tr>
<th>Property Address:</th>
<th>238 Nebo Road, West Mackay</th>
</tr>
</thead>
<tbody>
<tr>
<td>Property Description:</td>
<td>Lot 1 on RP722043 and Lot 20 on M915</td>
</tr>
</tbody>
</table>

3. OWNER'S DETAILS

Nebo Road Pty Ltd
PO Box 6484, MACKAY MC QLD 4741

4. PROPOSAL

Material Change of Use 'Parklands' Mixed Use Development 191 Multiple Dwelling Units, Catering Shop, Shop and Health Care Centre Commercial Premises (2550m²), Motel 148 rooms and Indoor Entertainment (Conference Centre) including 20 detached small lot dwellings.

5. DECISION TYPE

<table>
<thead>
<tr>
<th>DEVELOPMENT</th>
<th>DECISION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Material Change of Use</td>
<td>Development Permit</td>
</tr>
<tr>
<td>Pursuant to the Mackay City Planning Scheme</td>
<td></td>
</tr>
<tr>
<td>Approved in Full subject to Conditions</td>
<td></td>
</tr>
</tbody>
</table>
6. **PLANNING SCHEME**
   
   This decision is issued under the Mackay City Planning Scheme.

7. **SUPERSEDED PLANNING SCHEME**
   
   Not Applicable

8. **FURTHER DEVELOPMENT PERMITS REQUIRED**
   
   Reconfiguration of a Lot
   Operational Works
   Building Works
   Plumbing and Drainage Works

9. **PRELIMINARY APPROVAL OVERRIDING THE PLANNING SCHEME**
   
   Not Applicable

10. **RELEVANT PERIOD**
    
    The standard relevant periods state in Section 3.5.21 of integrated Planning Act apply to each aspect of development in this approval, if not stated in the conditions of approval attached.
Assessment Manager Conditions

1. Plan of Development

The approved Mixed Use Integrated development must be completed and maintained generally in accordance with the Plan of Development (identified in the Table below) and supporting documentation which forms part of this application, except as otherwise specified by any condition of this approval.

<table>
<thead>
<tr>
<th>Drawing No.</th>
<th>Description</th>
<th>Prepared by</th>
<th>Date</th>
</tr>
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<tbody>
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<td>24/05/2008</td>
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<td>Site Ground Floor and Parking Allocation Plan</td>
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<td>Thorning Street Elevation, Nebo Road Elevation</td>
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<td>Site Elevation Boulevard North, Site Elevation Boulevard South</td>
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<tr>
<td>DA.401</td>
<td>Apartment A Level 1 and 2 Floor Plan</td>
<td>Croneskou Architecture Studios</td>
<td>01/07/2008</td>
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<tr>
<td>DA.402</td>
<td>Apartment A Level 3 and 4</td>
<td>Croneskou Architecture Studios</td>
<td>01/07/2008</td>
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<td>DA.403</td>
<td>Apartment A Lower Roof Plan</td>
<td>Croneskou Architecture Studios</td>
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<tr>
<td>DA.404</td>
<td>Apartment A Section A</td>
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<td>01/07/2008</td>
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<td>DA.405</td>
<td>Apartment A Upper Roof</td>
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<td>Apartment A South, Section West</td>
<td>Croneskou Architecture Studios</td>
<td>01/07/2008</td>
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<td>DA.407</td>
<td>Apartment A West, North Elevation</td>
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<td>Ground Floor Plan</td>
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<td>Apartment B Level 1 – 3 Floor Plan</td>
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<td>30/06/2008</td>
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<td>Apartment B Level 4 Floor Plan</td>
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<td>Drawing No.</td>
<td>Description</td>
<td>Prepared by</td>
<td>Date</td>
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<td>06/06/2008</td>
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<td>DA.600</td>
<td>Townhouse A Typical Ground, Level 1, Level 2, Roof</td>
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<td>DA.1003</td>
<td>Perspective Four</td>
<td>Croneskou Architecture Studios</td>
<td>01/07/2008</td>
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</tbody>
</table>

2. Amended Plan Required - Reduction in Scale and Intensity

Prior to the lodgement of the Operational Works application the approved plans of development must be amended in accordance with the following:

a. Apartment Buildings B (two total) must be deleted from the proposal.
b. The maximum Building Height for all proposed buildings is 4 storey.
c. The remaining new development must comply with the following development table;
<table>
<thead>
<tr>
<th>Area</th>
<th>As submitted</th>
<th>Approved Total Floor Area/ Total units</th>
<th>Maximum Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial Premises</td>
<td>2550m²</td>
<td>1600m² new GFA</td>
<td>As per EPA heritage conditions 4 Storeys</td>
</tr>
<tr>
<td>Retail</td>
<td>2232</td>
<td>2133m²</td>
<td>Contained within residential towers and the commercial component</td>
</tr>
<tr>
<td>Hotel</td>
<td>148</td>
<td>120 rooms</td>
<td>4 storeys</td>
</tr>
<tr>
<td>Apartment Buildings A(x3)</td>
<td>72 dwelling units</td>
<td>96 total</td>
<td>4 Storeys</td>
</tr>
<tr>
<td>Townhouses</td>
<td>63 townhouses</td>
<td>35 townhouses (15 attached 20 small lot dwellings)</td>
<td>2 Storeys</td>
</tr>
</tbody>
</table>

d. The development must comply with the car parking provisions contained within the Mackay City Planning Scheme.

e. Any relevant report, for example Traffic Report must be amended to reflect the above changes.

f. Any commercial / retail traffic will not access or egress the subject site from Field Street. Basement carpark must be designed to not allow this to occur.

g. The layout of the attached townhouses and small lot dwellings is to be generally in accordance with the layout shown on proposed layout of alternative D Drawing No. MIS 11415A-FIG 11C.

h. Small lot dwellings to be subject to normal setbacks in accordance with standard requirements of the Council.

i. All vehicular traffic in relation to the apartments contained in the Development Application exit and enter the development / complex from Thorning Street.

j. All vehicular traffic in relation to the townhouses contained in the Development Application exit and enter the development / complex from Field Street.

Amended plans must be submitted to council within 40 business days of the end of the appeal period or prior to the lodgement of any subsequent applications (Operational Works) whichever occurs first in time. The amended plans must be approved in writing by Council prior to the lodgement of any subsequent applications.

3. Lapsing of Approval

The approval will lapse if the amended plans required in condition 2 are not submitted within the time specified in condition 2.
4. Amended Staging Plan

An amended staging plan must be submitted to reflect the changes conditioned above.

5. Approved Commercial Land Uses

The ground floor of the residential towers will have a limited tenancy area of 500m² and may include the following land uses: shop, catering shop, convenience shop and the like.

The ground floor of the commercial building will be mainly retail and have limited tenancy of 500m². The upper levels of the commercial building will contain commercial premises with no limitation on tenancy area.

6. Relevant Period

Stage 1 must be completed within 3 years of the effective date of this approval or as otherwise agreed with Council.

The total development must be completed with 6 years of the effective date of this approval or as otherwise agreed with Council.

7. Staging Plan

If the development is built in stages, each stage must incorporate the associated infrastructure necessary to effectively service the development in accordance with this approval and the levels of service nominated within the Mackay City Planning Scheme, as agreed with Council.

8. Compliance with Conditions

All conditions relevant to each stage, must be complied with prior to the occupancy of the building for the approved use for the relevant stage, unless specified in an individual condition unless otherwise stated in other conditions.

9. Compliance with Council Standards

All design and construction for the development must be in accordance with Council’s Policies, Engineering Design Guidelines, Standard drawings and standard specifications.

10. Maintenance of Development

Maintain the approved development (including landscaping, car parking, driveways and other external spaces) in accordance with the approved drawing(s) and/or documents, and any relevant Council engineering or other approval required by the conditions.

11. Conflict between plans and written conditions

Where a discrepancy or conflict exists between these condition(s) and the approved plans, the requirements of the written condition(s) will prevail.
12. Notice of Intention to Commence the Use

Prior to the commencement of the use on the site, written notice must be given to Council that the use (development and / or works) fully complies with the decision notice issued in respect of the use (please see attached notice for your completion).

13. Water and Sewerage Headworks

Headworks contributions for Water Supply and Sewerage Services must be paid in accordance with Council's Policy on Developer Contributions for Water Supply and Sewerage Services.

14. Parkland Contribution

A parkland contribution must be paid in accordance with the Council's Policy on Developer Contributions for Parkland.

15. Transport Network Contributions

A transport network contribution must be paid in accordance with Council's Policy on Transport Network Contributions.

16. Contributions Payment Timing

All contributions and charges must be paid prior to the date of issue of the Development Permit for Building Works for the relevant stage, at the rate applicable at the time of payment.

17. Concrete Footpath

Provision must be made to construct a 2.0m shared path for:

a) The full frontage of the development site in Field St and Thorming St.
b) Along the western side of Field St from Webberley St to Thorming St.
c) The developer must ensure that all existing driveways along the western side of Field St from Webberley St to Thorming St affected by the construction of the shared path must be assessed individually to make certain the grades of the shared path and driveways will match. If upgrading works is required, the developer must seek consent to the affected property owner prior to any upgrading works and all cost must be borne solely by the developer.
d) The shared path must be constructed in accordance with Council's standard drawing A2-500.

18. External Road Works

The developer must undertake the following:

a) Upgrade the frontage of the development in Field St, from Thorming St to 132m south of Thorming St to match the existing profile of road between Steinbeck Ct and Podosky St. This upgrading will include pavement widening, kerb and channel and underground stormwater drainage.
b) Design and construct a roundabout in Field St/Thorning St intersection. The design must cater for a design vehicle of a single unit truck with a turning path radius of 12.5m.

c) Design and construct a traffic island and linemarking at the intersection of Thorning St, Thompson St and the development access point to satisfy the following:

- Left-in turning movement only from Thorning St into Thompson St.
- No direct access from the development into Thompson St.
- No direct access from Thompson St into Thorning St.

d) Amend the Traffic Impact Assessment (TIA) of the intersection of Webberley St, Lagoon St and Nebo Rd and the intersection of Webberley St and Paradise St prepared by TTM Consulting (Qld) Pty Ltd, to take into account the opening of the new Hospital Bridge.

e) Contribute to the upgrading works of Webberley St and Paradise St intersection as identified in the amended TIA (condition 18d). The contribution must be proportional to the amount of traffic generated as a result of this development and the total growth in traffic.

f) Implement the recommendations of the TIA in relation to the impact of the development on the intersection of Webberley St, Lagoon St and Nebo Rd.

g) Provision must be made to provide street lighting in accordance with Council’s Engineering Design Guidelines and the relevant current Australian Standards. Streetlighting must be provided at the following locations:

- Thorning St and Field St intersection
- Thorning St, Thompson St and Access point of the development intersection
- Podosky St and Field St intersection

19. Invert Crossing

All accesses into the development must be constructed in accordance with Council’s Engineering Design Guidelines.

20. Damage

Any damage which is caused to Council’s infrastructure as a result of the proposed development must be repaired by the developer immediately, at the developer's expense.

21. Compliance to Council’s standard

All design and construction for the development must be in accordance with Council’s Policies, Engineering Design Guidelines, Standard drawings and standard specifications.

22. Electricity and Telecommunications

The approved development must be provided with electricity and telecommunications infrastructure.
23. Local Flood level

The developer must assess the local flooding conditions of the streets around the development site to identify the Q100 local flooding level prior to the issue of any building approval.

24. Floor Level

The minimum habitable floor level of the proposed development must be the higher of:

- 300 mm above the Q100 local flooding level
- 300 mm above the top of the kerb
- 300 mm above the crown of the road
- 225 mm above ground level

25. Car Parking Spaces

The approved development must comply with the minimum number of car parking spaces required pursuant to the Mackay Planning Scheme. The exact numbers required will be determined once amended plans have been submitted and approved by Council. The car parking is to be designed in accordance with Australian Standard AS/NZS 2890.1:2004 and AS/NZS 2890.6:2009. All car parking spaces and aisle widths shall be accessible by B99 design vehicles.

26. Lighting of Car Park Areas

Install and maintain a suitable system of lighting to illuminate car parking and other outdoors areas during operating hours. The car park lighting system and any other outdoor lighting, must comply with Australian Standard AS4282 – 1997 – Control of the Obtrusive Effects of Outdoor lighting.

27. Speed Control in Car Parking Area

All driveways serving car parking areas located within the site, must feature a physical means of speed control at the exit point near the front alignment.

28. Vehicle Manoeuvring

All car parking areas within the subject site, must be designed to allow all vehicles to drive forwards both when entering and leaving the property.

29. Car Parking Signage

A sign/signs to the satisfaction of the Council must be provided directing drivers to the area(s) set aside for car parking and must be located and maintained to the satisfaction of the Council. The area of each sign must not exceed 0.3 m².

30. Stormwater Drainage

Stormwater from the site (including roofwater) shall be collected within the property boundaries and discharge via Council’s underground system. The
internal stormwater system are to be generally in accordance with Opus QANTEC McWilliam drawing 07B239-SW01-P1.

31. Ponding and Diversion of Water

Ponding of stormwater resulting from the development must not occur on adjacent sites and stormwater formerly flowing onto the site must not be diverted onto other sites. The site shall be graded so that it is free draining.

32. On-Site Detention

The developer must implement the design of the on-site stormwater detention system for the development prepared by Opus QANTEC McWilliam as part of the engineering report dated December 2008 and shown on drawing 07B239-SW01-P1.

33. Stormwater Treatment

Council’s Stormwater Quality Risk Classification has classified this development as “High Risk” as defined Mackay City Council’s Engineering Design Guidelines – Soil and Water Quality Management – Planning Scheme Policy No. 15.07.

The Site Based Stormwater Management Plan (SBSMP) prepared by Opus QANTEC McWilliam dated December 2008 is not acceptable. Amend the SBSMP and MUSIC modelling according to the following:

- The MUSIC modelling must be in accordance with Council’s MUSIC Guidelines – Version 1.1 – September 2008.
- The developer must ensure to achieve Council’s revised pollutant reduction targets of TSS – 75%, TP – 60%, TN – 40% and Gross Pollutant – 90%.
- The developer must identify the locations of the Stormwater Quality Improvement Devices (SQIDs) in the treatment train of the SBSMP, prior to the application of an Operational Works Permit. The SQIDs must be located within the site and must be of a private nature.
- The developer must design the SQIDs to capture all stormwater runoff from the applicable contributing catchments identified in the treatment train of the SBSMP.

34. Fire Fighting Water Supply

Pumping direct from Council water mains for potable or fire fighting supply is not permitted and break tanks must be installed in accordance with Council’s and Fire Authority’s requirements.

35. Connect to Water services

- The developer is required to undertake a water network hydraulics analysis to determine the required demand to service the development, assess the impact to Council’s water network and identify any upgrading works required to accommodate the increase in water demand from Council’s water network.
• The development must connect onto a suitable sized watermain that can cater for the water demand of the development, if the existing watermain cannot cater for the water demand of the development, the developer is to upgrade the watermain. The cost of the design and construction of the watermain upgrade must be borne solely by the developer. The design and construction of the watermain upgrade will be assessed as part of the Operational Works.

• Provision must be made to provide a new water service for the development. The new water service must connect onto the existing watermain in Field St and terminate 1.0 m inside the property boundary.

• Provision must be made to provide one (1) bulk meter to service the development. This meter must accommodate the metering of both potable supply and fire fighting purposes.

• Provision must be made to provide sub-meters for each dwelling in accordance with the Sub-Meter Guidelines of Queensland Government – Department of Infrastructure and Planning. Sub-meters must be approved by Council as part of the Plumbing and Drainage – Compliance Permit.

• The developer must ensure the location of the bulk meter and sub-meters is accessible to Council at any time.

36. Sewer Network Modelling and Upgrading Works

Council’s downstream sewer infrastructure receiving the sewerage load from the development is running with no spare capacity.

The developer is required to carry out a sewer network modelling to assess the impact and identify the upgrading works required to accommodate the increase in sewerage load into Council’s sewerage network. Council will undertake the modelling at the developer’s expense.

The developer is required to upgrade Council’s downstream sewer infrastructure according to the recommendations of the sewer network modelling. The cost of the upgrading works must be borne solely by the developer.

The sewer network modelling and the upgrading works must be completed prior to the issue of any building approvals.

37. Design of Sewer Main Extension

The developer must design and construct a sewer main extension to connect to Councils sewer network.

The design must be generally in accordance with Opus QANTEC McWilliam drawing 07B239 – SW04 or as modified by the sewer network modelling.

38. Redundant Sewers

The developer must removed redundant sewer mains and manholes from site.
39. Clearances to Mackay Water Assets

All upgrading works must comply with the clearances to Mackay Water Policy MW16 "Clearance to Water and Sewerage Assets".

40. Sewer Policy

All building work is to comply with Council's Policy MW02 - "Building Over and Adjacent to Sewers".

41. Live Connection

Mackay Water is to carry out all water connection and live sewer work at the developer's expense.

42. Acid Sulphate Soils

The proposed works and development trigger the application and implementation of SSP 2/02 Planning and Managing Development in acid Sulphate Soils. A site Based Acid Sulphate Soil Management Plan must be prepared by a suitably qualified professional and submitted to Council for approval at the time of the Operational Works application.

43. Protection of Landscape areas from Carparking

The landscaping areas adjoining the carparking area must be protected from vehicles by a 150mm high vertical concrete kerb or similar obstruction.

44. Landscape Plan

The developer must complete image corridor and verge landscaping in accordance with a plan prepared by a qualified Landscape Designer and submitted to Council for approval. The plan must show for all areas identified on the approved plan of development the following:

Landscape specification of sufficient detail so that landscape works are to be carried out:

- Plant schedule detailing number of plants, species, pot size and height at planting;
- Details of soil and mulch types, including depths, areas or turf, garden edges and paving finishes;
- Details of the irrigation system.

Any proposed landscaped works within Council's Road Reserve must comply with Planning Scheme Policy No.11 – Landscaping.

45. Completion of Landscaping

All of the landscaping works shown on the approved plan must be completed before the development is occupied.
46. No Nuisance to adjoining properties

All service equipment, lighting and air-conditioning units shall be located so as not to cause a nuisance to neighbouring properties.

47. Noise Impact Reductions

The recommendations contained within TTM Acoustics Report dated 10 September 2008 must be implemented. The following outcomes must be implemented:

a. 2.4m high acoustic barriers as detailed in Appendix C of the report. The minimum density of the acoustic barrier material is to be 12.5kg/m²;
b. Commercial waste collection must be conducted during the daytime period between 7am and 6 pm;
c. No deliveries are to be conducted during the night time period between 10 pm and 7 am;
d. Amplified music is must not exceed 75dB(C) for any proposed retail, café or restaurant, with no music played in outdoor areas; and
e. Proposed building treatments to attenuate the traffic noise impacts.

Furthermore, any construction, building and earthworks activities likely to cause nuisance noise (including the entry and departure of heavy vehicles) is prohibited between the hours of 6:30pm and 6:30am from Monday to Saturday and at all times on Sundays or Public Holidays or as approved in writing by Council.

48. Waste Collection

The developer is required to submit a Waste Management Plan for approval and enter into an agreement with a Council certified waste collection contractor. This agreement must include the method for collecting both waste and recycling bins.

49. Waste Storage Area

The waste storage areas must be provided in the location shown on the approved plan, must contain an impervious surface and aesthetically screened so as not to be visible from outside the subject site.

50. Dust Control

It is the applicant/owner's responsibility to ensure compliance with Part 2A - Environmental Nuisance of the Environmental Protection Regulation 1998 which prohibits unlawful environmental nuisance caused by dust, ash, fumes, light, odour or smoke beyond the boundaries of the property during all stages of the development including earthworks and construction.

51. Sedimentation Control

It is the applicant/owner's responsibility to ensure compliance with Section 32 of the Environmental Protection (Water) Policy 1997 to prevent soil erosion and contamination of the stormwater drainage system and waterways.
52. Noise During Construction and Noise in General

It is the applicant/owner's responsibility to ensure compliance with Section 6S General Emission Criteria and Section 6T Noise Emission Criteria of the Environmental Protection Regulation 1998.

Assessment Manager Advice

1. Local laws

The approved development must also comply with Council's Local Laws under the Local Government Act 1993 from time and other controls.

2. General Safety of Public During Construction

It is the principal contractor's responsibility to ensure compliance with Section 31 of the Workplace Health and Safety Act 1995. Section 31(1)(c) states that the principal contractor is obliged on a construction workplace to ensure that work activities at the workplace are safe and without risk of injury or illness to members of the public at or near the workplace.

It is the responsibility of the person in control of the workplace to ensure compliance with Section 30 of the Workplace Health and Safety Act 1995. Section 31(1)(c) states that the person in control of the workplace is obliged to ensure there is appropriate, safe access to and from the workplace for persons other than the person's workers.

3. Contaminated Land

It is strictly the applicant/owner's responsibility to source information regarding contaminated land from the Environmental Protection Agency, Contaminated Land Section as Council has not conducted detailed studies and does not hold detailed information pertaining to contaminated land.
25 May 2009

Property and Projects International Pty Ltd
C/- Conics (Mackay) Pty Ltd
PO Box 1895
Mackay Qld 4740

Dear Sir

RESPONSE TO A REQUEST BY AN APPLICANT
FOR MAIN ROADS (as a Concurrence Agency)
TO CHANGE CONDITIONS OF DEVELOPMENT APPROVAL.

Mackay Regional Council: Bruce Highway (St Lawrence - Mackay) (10G)
Proposed Material Change of Use - Mixed use Development (Parklands - 191 Multiple Dwelling
Units, Catering Shop, Shop and Health Care Centre, commercial Premises, Motel 148 room,
Indoor Entertainment -Conference Centre - 200 seats)
Applicant Name: Property and Projects International Pty Ltd
Application No: DA-2008-614
Lot 1 on RP20042 and Lot 20 on M915
Situated at 239 Nebo Road, Thorneing Street and Field Street, West Mackay

Thank you for your correspondence received by this department on 11 May 2009. In accordance with
section 3.5.33 of the Integrated Planning Act 1997, your request for this department to reconsider its
condition/s of development approval relative to the above application has been investigated.

This is a response from the Department of Transport and Main Roads as a referral agency for state
controlled roads previously under the control of the former Department of Main Roads. Please note
you may receive further referral responses relating to other transport matters previously under the
control of former Queensland Transport.

The department has investigated your request and advises that it is prepared to issue new conditions
as outlined in the attached Statement of Reasons. Please note that the attached Statement of Reasons
A copy of this letter has been sent to Mackay Regional Council for information as the assessment manager.

Yours sincerely

[Signature]

Ian Husband
A/Regional Director

C/c Mackay Regional Council
STATEMENT OF REASONS

Mackay Regional Council: Bruce Highway (St Lawrence - Mackay) (10G)
Proposed Material Change of Use - Mixed use Development (Parklands - 191 Multiple Dwelling Units, Catering Shop, Shop and Health Care Centre, commercial Premises, Motel 148 room, Indoor Entertainment -Conference Centre - 200 seats)
Applicant Name: Property and Projects International Pty Ltd
Application No: DA-2008-614
Lot 1 on RP20042 and Lot 20 on M915
Situated at 239 Nebo Road, Thorneing Street and Field Street, West Mackay

FILE NUMBER: 830412 FOLIO NUMBER: P95787 TRACKER ID: 1892 OFFICER: DWR

Issue/Concern
The Department of Main Roads has concerns relating to the potential impact of the proposed development on the safety, efficiency and operating performance of traffic movements on the adjacent state controlled road.

Conditions of Development
1. Access to the site from Nebo Road is to be obtained as shown on the attached plan 23646-01 Rev B.
2. Submit to this department a preliminary concept drawing of works necessary to provide the level of service and safety required at the access driveways and obtain approval prior to detailed design commencing.
3. The applicant shall provide subsequent works at no cost to this department. Works shall be:
   3.1. In accordance with the approved engineering plans and specifications.
   3.2. In accordance with the attached Main Road's Conditions and Specifications for Design and Construction Within the Boundaries of State Controlled Roads, Mackay District, September 2006.
   3.3. Carried out by a Contractor who is pre-qualified with Main Roads to at least Level R1
4. Be completed to “Accepted on Maintenance” stage prior to the occupation of the site for business purposes.
5. Landscaping associated with the proposed development adjacent to the state controlled road shall be limited to the boundaries of the subject land and shall not encroach onto the road reserve.
6. Any lighting measures for the proposed development must be designed to prevent significant
7. No advertising signage will be permitted on the state controlled road.

### Issue/Concern

The Department of Main Roads has concerns relating to pedestrian safety on the footpath adjacent to Nebo Road.

### Pedestrian Safety

8. The applicant must demonstrate to the satisfaction of the department that the development makes provision for pedestrians and ensures their safety.

### Issue/Concern

Residential dwellings are identified in the *Environmental Protection (Noise) Policy 1997* as being noise sensitive. The department's road *Traffic Noise Management: Code of Practice (January 2000)* sets out guidelines for the assessment, design and management of the impact of road traffic noise.

### Noise

9. Prior to the opening of any stage of the development, the recommendation as per Section 7 of the Preliminary Environmental Noise Assessment Report by TTM Acoustics dated 10th September, 2008 are to be implemented.

**The information used in the setting of conditions included:**

The information provided in this application, and the department's planning studies and the various policies and standards dealing with the matters of concern.

---

Ian Jirstand  
A/Regional Director  
25 May 2009
Concurrence Agency Response

This notice is issued by the Environmental Protection Agency pursuant to Sections 3.3.16 and 3.3.18 of the Integrated Planning Act 1997 to advise of a decision or action.

Mackay Regional Council  
C/- Chief Executive Officer  
PO Box 41  
MACKAY QLD 4740

CC: Property and Projects International Pty Ltd  
c/- Conics (Mackay) Pty Ltd  
P O Box 41  
MACKAY QLD 4740

Our reference: 313979

Dear Sir/Madam

Re: Referral for Concurrence Agency Response

This concurrence agency response is in relation to a referral for a concurrence agency response received on 13-OCT-2008.

1. Property/Location:
   Lot/Plan - Lot 1 Plan RP720042, Lot 20 Plan M915

2. Details of the recommendation

2.1 Aspect of Development
   - Concurrence Response for a MCU on a heritage registered place

Recommendation:
   Approval includes Phase Four, in accordance with the following amendments to Phase 4:
   - Bulk and scale of Commercial Precinct reduced from 3 and 4 levels to 2 and 3 levels.
   - Commercial Precinct basement car park deleted.
   - Upper levels of the new buildings set back to minimise visual impact on the Directors Residence.
   - The Commercial Precinct is to consist of three individual pavilions (one of which is the Directors Residence) and a plaza fronting Thorning Street.
   - Position of the pedestrian access through the Directors Residence to link the three pavilions is determined by existing walls.
Notice
Concurrence Agency Response

- Pedestrian circulation and breeze ways located between Directors Residence and the new buildings.
- The roof of the Directors Residence is maintained in its entirety.
- The existing connection between the Directors Residence and the Sugar Research Institute building is maintained.

2.2 Aspect of Development
- Concurrence Response for a MCU involving contaminated land - Item 22, Table 2 of Schedule 2 of the Integrated Planning Regulation 1998
- All or part of the land forming part of the premises is on the environmental management register or contaminated land register

Recommendation
- Approved with conditions contained in Attachment 2

EPA Ref Number
- IPCL01233708

2.3 Further advice
The adaptive reuse of the Directors Residence in the context of the proposed commercial use is encouraged.

The commercial building itself should preferably be a pavilion designed with visual separation from the heritage building and have a more transparent quality.

EPA Ref Number
- IPCH01233808

3. Currency period
This approval will lapse unless substantially started within the currency periods stated in section 3.5.21 of the Integrated Planning Act 1997 applying to each aspect of the development in this approval.

4. The approved plans
The approved plans and/or documents for this approval are:

<table>
<thead>
<tr>
<th>Plan/Document No.</th>
<th>Plan/Document Name</th>
<th>Date</th>
</tr>
</thead>
</table>

Environmental Protection Agency
5. **Codes for self-assessable development**

Any self-assessable development for an environmentally relevant activity conducted in conjunction with this approval, must comply with the relevant code of environmental compliance.
### Attachment 1 -- Conditions of Approval

**EPA Ref No.** - IPCH01233898

<table>
<thead>
<tr>
<th>Concurrence Agency Response for development on a Queensland Heritage Place</th>
</tr>
</thead>
<tbody>
<tr>
<td>Former Sugar Research Institute &amp; Directors Residence</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>1) Carry out all development in accordance with drawings and documents specified in this notice. In the case of a discrepancy between documents and conditions, conditions take precedence.</td>
</tr>
<tr>
<td>2) During development, permit access to the registered place by EPA officers if requested.</td>
</tr>
<tr>
<td>3) During development, take appropriate precautions to protect existing building fabric and other significant elements or artefacts from incidental damage.</td>
</tr>
<tr>
<td>4) During development, should damage occur to existing building fabric and/or other significant elements or artefacts, report such incidents immediately to Manager, EPA and confirm details of the incident in writing within 2 business days. The incident report must include (but is not limited to) the following information:</td>
</tr>
<tr>
<td>I. Location and name of registered place;</td>
</tr>
<tr>
<td>II. Permit number and condition number incident report being made under;</td>
</tr>
<tr>
<td>III. Details of incident, including time and cause of incident and damage report;</td>
</tr>
<tr>
<td>IV. Details of measures that were in place at the time to protect against such incident and why these did not prevent damage;</td>
</tr>
<tr>
<td>V. Details of proposed measures to reinstate, remediate or rectify damage; and</td>
</tr>
<tr>
<td>VI. Name and contact details of person making report.</td>
</tr>
<tr>
<td>5) Inform Manager, Regional and QHC Support, EPA in writing, within 10 working days of completion, that development authorised under this permit is complete. State location and name of registered place and permit number and condition number this report is being made under.</td>
</tr>
<tr>
<td>6) Prepare a conservation management plan that provides for the continued conservation and management of the heritage place and gives guidance for its adaptive reuse. Submit to EPA prior to making further applications for the place.</td>
</tr>
<tr>
<td>7) The Directors Residence is to be retained and any adaptive reuse of the building is to be guided by a conservation management plan for the heritage place.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Reasons for condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>To ensure development is carried out as approved.</td>
</tr>
<tr>
<td>To ensure development complies with approval.</td>
</tr>
<tr>
<td>To ensure that the cultural heritage values of the place are appropriately recognised and managed.</td>
</tr>
<tr>
<td>To ensure that the cultural heritage values of the place are appropriately recognised and managed.</td>
</tr>
<tr>
<td>To ensure development complies with approval.</td>
</tr>
<tr>
<td>To ensure that development includes appropriate planning for the conservation of the heritage place.</td>
</tr>
<tr>
<td>To ensure the preservation of the cultural heritage values of</td>
</tr>
</tbody>
</table>
The conservation management plan is also to provide guidance as to the location and form of the commercial building proposed for this phase.

The Directors Residence is to be retained and Phase 4 is to include the following amendments:

I. Bulk and scale of Commercial Precinct reduced from 3 and 4 levels to 2 and 3 levels.

II. Commercial Precinct basement car park deleted.

III. Upper levels of the new buildings set back to minimise visual impact on the Directors Residence.

IV. The Commercial Precinct is to consist of three individual pavilions (one of which is the Directors Residence) and a plaza fronting Thornig Street.

V. Position of the pedestrian access through the Directors Residence to link the three pavilions is determined by existing walls.

VI. Pedestrian circulation and breeze ways located between Directors Residence and the new buildings.

VII. The roof of the Directors Residence is maintained in its entirety.

VIII. The existing connection between the Directors Residence and the Sugar Research Institute building is maintained.

A conservation management plan is to be prepared to guide the future care and conservation of the Sugar Research Building and the Directors Residence. This document is to be prepared for the approval of the Manager, Cultural Heritage, Central Coast Region, DERM, and submitted before the commencement of work on these two buildings.

Submit revised plan showing changes to Phase 4 to Manager for approval prior to the commencement of development.

8) Prepare an archival record of the Annex Building for which approval for demolition is granted, in accordance with the EPA Guidelines, and to the approval of the Manager, Cultural Heritage, Central Region, EPA. Lodge this material with the EPA, and as directed in the Guidelines prior to commencement any demolition works.

9) The separation between the main heritage building and the apartment buildings of Phase Five of the development

To ensure that an historical record of lost fabric is maintained.

To ensure that appropriate setting of the heritage place is maintained.
is appropriate to the setting of the heritage place and is to be retained.

**Attachment 2 – Conditions of Approval (Contaminated Land)**

**EPA Ref No.** – IPCL 01233708

<table>
<thead>
<tr>
<th>Concurrence Agency Response for development - Item 22, Table 2 of Schedule 2 of the Integrated Planning Regulation 1998</th>
<th>Reasons for condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) A Third Party Reviewer (TPR) must be appointed and be engaged at all times for all site investigation and remediation work carried out on the site. The TPR must be appointed and operate under the Department of Environment and Resource Management's (DERM's) Terms of Reference - Use of a Third Party Reviewer for Assessment and Management of Site Contamination dated 15 June 2010 (TOR)</td>
<td>The land is on the Environmental Management Register or Contaminated Land Register under the Environmental Protection Act 1994.</td>
</tr>
<tr>
<td>2) All land parcels proposed for low density residential use within the development area must be removed from the Environmental Management Register (EMR) prior to the residential use commencing.</td>
<td></td>
</tr>
<tr>
<td>3) All land parcels proposed for parkland, medium and high density residential, commercial and industrial land uses within the development area must be either removed from the EMR or have a site management plan (SMP) in accordance with Section 413 of the Environmental Protection Act 1994 (EP Act) prior to the commencement of any of these new land uses.</td>
<td></td>
</tr>
<tr>
<td>4) All site investigation and remediation work must be conducted in accordance with the EP Act, the Draft Guidelines for the Assessment and Management of Contaminated Land in Queensland (DEH, May 1998) and the National Environment Protection (Assessment of Site Contamination) Measure December 1990.</td>
<td></td>
</tr>
</tbody>
</table>
5 October 2012

Nebo Road Pty Ltd
C/- RPS Group (Mackay) Pty Ltd
PO Box 1895
MACKAY QLD 4740

Dear Sir/Madam

DECISION NOTICE

Applicant: Nebo Road Pty Ltd
Proposal: Reconfiguration of a Lot - 2 Public Purpose Lots into 7 Lots
Application Number: DA-2012-213
Address: 239 Nebo Road, MACKAY QLD 4740
Property Description: Lot 1 on RP720042 and Lot 20 on M915

Please find enclosed the above Decision Notice with the relevant attachments:

- Decision Notice
- Assessment Manager’s Conditions
- Referral Agencies Conditions
- Approved Plans
- Appeal Rights

Infrastructure charges are applicable on this approval. A separate Infrastructure Charge Notice accompanies this Decision Notice.

If you require any further information, please contact Matthew Ingram.
**Decision Notice**  
Sustainable Planning Act

<table>
<thead>
<tr>
<th>Application Number:</th>
<th>DA-2012-213</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date of Decision:</td>
<td>05 Oct 2012</td>
</tr>
</tbody>
</table>

### 1. APPLICANT/S DETAILS

<table>
<thead>
<tr>
<th>Name:</th>
<th>Nebo Road Pty Ltd</th>
</tr>
</thead>
</table>
| Postal Address:   | C/- RPS Group (Mackay) Pty Ltd  
|                   | PO Box 1895  
|                   | MACKAY QLD 4740 |

### 2. PROPERTY DETAILS

<table>
<thead>
<tr>
<th>Property Address:</th>
<th>239 Nebo Road, MACKAY QLD 4740</th>
</tr>
</thead>
<tbody>
<tr>
<td>Property Description:</td>
<td>Lot 1 on RP720042 and Lot 20 on M915</td>
</tr>
</tbody>
</table>

### 3. OWNER’S DETAILS

| Nebo Road Pty Ltd |

### 4. PROPOSAL

Reconfiguration of a Lot - 2 Public Purpose Lots into 7 Lots

### 5. DECISION TYPE

<table>
<thead>
<tr>
<th>DEVELOPMENT</th>
<th>DECISION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reconfiguration of a Lot</td>
<td>Development Permit</td>
</tr>
<tr>
<td>Approved in Full subject to Conditions</td>
<td></td>
</tr>
</tbody>
</table>
6. **ASSESSMENT MANAGER’S CONDITIONS**

   The conditions relevant to this decision are attached to this notice. These conditions are clearly identified to indicate whether the assessment manager or a concurrence agency imposed them.

7. **IDAS REFERRAL AGENCIES**

<table>
<thead>
<tr>
<th>Concurrence Agencies</th>
<th>Department of Transport and Main Roads</th>
<th>PO Box 62 MACKAY QLD 4740</th>
</tr>
</thead>
<tbody>
<tr>
<td>Concurrence Agencies</td>
<td>Department of Environment and Heritage Protection</td>
<td>Administration Officer, Permit &amp; Licence Mgmt Implementation &amp; Support Unit - DEHP GPO Box 2454 BRISBANE QLD 4001</td>
</tr>
</tbody>
</table>

8. **SUBMISSIONS**

   There were no properly made submissions received on this application.

9. **PLANNING SCHEME**

   This decision is issued under the Mackay City Planning Scheme including amendments up to 19 December 2011.

10. **SUPERSEDED PLANNING SCHEME**

    Not Applicable

11. **FURTHER APPROVALS REQUIRED**

    Operational Works - Development Permit (Civil Works)
    Operational Works Construction - Compliance Certificate (Civil Works)

12. **PRELIMINARY APPROVAL OVERRIDING THE PLANNING SCHEME**

    Not Applicable

13. **RELEVANT PERIOD**

    The standard relevant period states in Section 341 of the Sustainable Planning Act apply to each aspect of development in this approval, if not stated in the conditions of approval attached.

14. **APPEALS**

    Attached is an extract from the Sustainable Planning Act which details your appeal rights and the appeal rights of any submitters regarding this decision.

15. **ASSESSMENT MANAGER SIGNATURE**

    | Name       | Leah Harris |
    |------------|-------------|
    | Position   | Principal Planner |
    | Signature  | Leah Harris | Date 8 October 2012 |
1. Plan of Development

The approved reconfiguration of land creating 7 lots must generally comply with the Plan of Development (identified in the Table below) and supporting documentation which forms part of this application, except as otherwise specified by any condition of this approval.

<table>
<thead>
<tr>
<th>Drawing Number</th>
<th>Revision</th>
<th>Title of plan</th>
<th>Prepared by</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>106965-2 P03</td>
<td>A</td>
<td>Proposed Layout of Lots 1-13 Cancelling Lot 1 on RP720042 &amp; Lot 20 on M915 Nebo Road, Mackay</td>
<td>RPS</td>
<td>09/11/2012</td>
</tr>
</tbody>
</table>

2. Compliance with Council Standards

All design and construction for the development must be in accordance with Council’s Policies, Engineering Design Guidelines, Standard drawings and standard specifications.

3. Endorsement of Survey Plan

The Plan of Survey with associated documents will not be endorsed by Council until all of the conditions of approval have been complied with.

4. Conflict between Written Plans and Conditions

Where a discrepancy or conflict exists between the written conditions(s) of the approval and the approved plans, the requirements of the written condition(s) will prevail.

5. Damage

Any damage which is caused to Council’s infrastructure as a result of the construction and/or establishment of the proposed development must be repaired immediately at no cost to Council.

6. Electricity Services

The developer must provide underground reticulated power to all proposed lots. The developer must provide to Council one of the following, prior to the endorsement of the Plan of Subdivision:

a) A copy of a Certificate of Electrical Supply from the Distribution Network Service Provider (Ergon Energy) or,

b) A copy of a Certificate of Acceptance from the Distribution Network Service Provider (Ergon Energy)
Any substations, ring main units and distribution cabinets, must be located clear of footpath areas and parkland areas.

7. Telecommunications Services

All proposed lots must be connected to telecommunications and written evidence from the telecommunications service provider to demonstrate the connection must be provided prior to the endorsement of the Plan of Subdivision. Above ground installations are to be located clear of footpath areas and parkland areas.

8. Street Lighting

Street lighting must be upgraded in accordance with Council’s Engineering Design Guidelines and AS/NZS 1158 series – Lighting for road and public spaces.

9. External Footpath

A two (2) metre wide concrete footpath is to be provided on the western verge of Field Street across the frontage of Lots 14 to 19. This footpath must be on the same alignment as the new external footpath required as part of DA-2012-164.

10. External Road Works

The developer must upgrade the frontage of the development in Field Street from the northern boundary of Lot 19 to the southern boundary of Lot 14 to match the existing profile of road between Steinbeck Court and Podosky Street. This upgrading will include pavement widening, kerb and channel and underground stormwater drainage.

11. Stormwater Drainage

Stormwater must be designed in accordance with Council’s Engineering Guidelines - Stormwater Drainage Design - Planning Scheme Policy 15.05 and must provide for the following:

a) External catchments;

b) Inter-allotment drainage – (refer Council’s Standard Drawing A3-870);

c) Downstream drainage to a lawful and practical point of discharge being the existing stormwater drainage system in Field Street;

d) The practical point of discharge for Lots 14-19 is the proposed detention/bio-retention basin in Lot 20.
12. Site Based Stormwater Management Plan (SBSMP) – High Risk

This development is classified as ‘High Risk’ based on State Planning Policy 4/10 Healthy Waters. A SBSMP must be submitted to Council for approval with the Operational Works Application. Assessment of other components of the Operational Works Application cannot be finalised until the SBSMP is approved first.

13. Ponding and Diversion of Stormwater

Ponding of stormwater resulting from the development must not occur on adjacent sites and stormwater formerly flow onto the site must not be diverted onto other sites. The site shall be graded so that it is free draining.

14. Earthworks

Filling is to be provided where applicable in accordance with Council’s Engineering Design Guidelines.

Attention is drawn to the footpath and allotment slopes as follows:

- Footpath slope: 1:50
- Allotment Slope: Minimum 1:200, Maximum 1:12
- Verges: Preferred 1:50

15. Water Connection

a) The development must be serviced by the installation of a new 100mm dia. water main along the western verge of Field Street, connecting to the existing 100mm dia. water main to the north of the development on the eastern side of Field Street, generally in accordance with Cardno Drawing No. Mis 13573A, dated 08/12 (Proposed Water Reticulation Layout);

b) Separate Water connections must be installed for the newly created Lots in accordance with Council’s Engineering Design Guidelines;

16. Design of Sewer Main Extension

A new sewer main extension to service the development must be provided as detailed on Sketch 1;

17. Live Connection Work

Mackay Water is to carry out all water connection and live sewer work at the developer’s expense.

18. Building Over and Adjacent to Sewers

All building work is to comply with Council’s Policy – “Building Over and Adjacent to Sewers”. 
19. Floor Levels

The minimum habitable floor level for any future dwellings on Lots 1-12 must be RL 11 metres AHD.

20. Street Planting

Six (6) street trees will be planted and maintained by Council at the applicant’s expense. The cost per street tree is set out in Council’s fees and charges and payment must be made prior to the endorsement of the plan of subdivision. Council will undertake the street planting when approximately 80% of the lots are developed. Council reserves the right to delay the street planting to a later time.

ASSESSMENT MANAGER’S ADVICE

1. Local Laws

The approved development must also comply with Council’s Local Laws under the Local Government Act 1993 from time and other controls.

2. Hours of Work

It is the applicant/owner’s responsibility to ensure compliance with Section 440R of the Environmental Protection Act 1994, which prohibits any construction, building and earthworks activities likely to cause audible noise (including the entry and departure of heavy vehicles) between the hours of 6:30pm and 6:30am from Monday to Saturday and at all times on Sundays or Public Holidays.

3. Dust Control

It is the applicant/owner’s responsibility to ensure compliance with Section 319 General Environmental Duty of the Environmental Protection Act 1994, which prohibits unlawful environmental nuisance caused by dust, ash, fumes, light, odour or smoke beyond the boundaries of the property during all stages of the development including earthworks and construction.

4. Sedimentation Control

It is the applicant/owner’s responsibility to ensure compliance with Chapter 8, Part 3C of the Environmental Protection Act 1994 to prevent soil erosion and contamination of the stormwater drainage system and waterways.

5. Noise during Construction and Noise in General

It is the applicant/owner’s responsibility to ensure compliance with Chapter 8, Part 3B of the Environmental Protection Act 1994.
6. General Safety of Public during Construction

It is the principal contractor’s responsibility to ensure compliance with Section 31 of the Workplace Health and Safety Act 1995. Section 31(1) (c) states that the principal contractor is obliged on a construction workplace to ensure that work activities at the workplace are safe and without risk of injury or illness to members of the public at or near the workplace.

It is the responsibility of the person in control of the workplace to ensure compliance with Section 30 of the Workplace Health and Safety Act 1995. Section 31(1) (c) states that the person in control of the workplace is obliged to ensure there is appropriate, safe access to and from the workplace for persons other than the person's workers.

7. Contaminated Land

It is strictly the applicant/owner’s responsibility to source information regarding contaminated land from the Department of Environment and Resource Management, Contaminated Land Section as Council has not conducted detailed studies and does not hold detailed information pertaining to contaminated land.

8. Adopted Infrastructure Charges Notice

Pursuant to the Sustainable Planning Act 2009 and the Draft State Planning Regulatory Provision (adopted charges) an Adopted Infrastructure Charges Notice relates to this Development Permit, and is attached.

Prior to making payment please contact Mackay Regional Council, Development Services, Business Support Unit to establish if any Development Incentive Policies apply to the development at the time the payment is made.
Notice

Concurrence Agency Response

This notice is issued by the chief executive pursuant to section 287 (concurrence agency response) section of the Sustainable Planning Act 2009.

Mackay Regional Council
PO Box 41
Mackay Qld 4740
Leah Harris Principal Planner

cc. Nebo Road Pty Ltd,
cl- RPS Group (Mackay) Pty Ltd
PO Box 1895 Mackay Qld 4740
Stephen.wallace@rpsgroup.com.au

Our reference: 313979

Re: Concurrence Agency Response

1. Application details

Applicant: Nebo Road Pty Ltd
Assessment Manager ref: DA—2012-213
Date application referred to the concurrence agency: 24 August 2012
Development approval applied for: development permit
Aspect(s) of development:

<table>
<thead>
<tr>
<th>Assessable development</th>
<th>Referral agency reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reconfiguring a lot – Contaminated land</td>
<td>Sustainable Planning Regulation 2009 – Schedule 7, table 2, item 22</td>
</tr>
<tr>
<td>Various aspects of development – Queensland heritage place</td>
<td>Sustainable Planning Regulation 2009 – Schedule 7, table 2, item 19</td>
</tr>
</tbody>
</table>

Development description(s): Reconfiguration of Lot
Property/Location description(s): Lot 1 on RP20042 and Lot 20 on M915 Nebo Road Mackay

2. Concurrence jurisdiction

The concurrence agency response, for the concurrence agency referral jurisdiction for the aspect of development involved with the application the subject of this Notice is to tell the assessment manager as follows:
a. Conditions must attach to any development approval, and those conditions are attached to this notice as:
   i) Attachment 1 Permit SPCL04661912

3. Advice jurisdiction

The advice agency response for the advice agency referral jurisdiction for the aspect of development involved with the application the subject of this Notice is to recommend to the assessment manager as follows:

a. The advice agency has no recommendations relating to the application.

<table>
<thead>
<tr>
<th>Document no.</th>
<th>Document name</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Attachment 2</td>
<td>106965-4 PO1</td>
<td>6 September 2011</td>
</tr>
</tbody>
</table>

4. General advice to assessment manager

Pursuant to section 334 and section 363 of the Sustainable Planning Act 2009, a copy of a decision notice or negotiated decision notice issued by the assessment manager must be forwarded to the referral agency for the relevant application. Please send a copy of the relevant notice to Department of Environment and Heritage Protection PO Box 63 Mackay Qld 4740 and an electronic copy to palm@ehp.qld.gov.au.

The state's Native Title Work Procedures provide that responsibility for assessment of native title issues for an IDAS application rests with the assessment manager.

Contaminated land

It is a requirement of the Environmental Protection Act 1994 that if an owner or occupier of land becomes aware a Notifiable Activity (as defined in Schedule 3 and Schedule 4 of the Environmental Protection Act 1994) is being carried out on the land, or that the land has been, or is being, contaminated by a hazardous contaminant, the owner or occupier must, within 22 business days after becoming so aware, give written notice to the chief executive.

Delegate
Terry Farley
Delegate, Chief Executive administering the Environmental Protection Act 1994
Department of Environment and Heritage Protection
12 September 2012

Enquiries
Department of Environment and Heritage Protection
PO Box 63 Mackay Qld 4740
Phone: 07 49996980
Email: es_mackay@ehp.qld.gov.au

Attachment(s)
Attachment 1 – SPCL0447961
Attachment 2 – Approved Plan
Department of Environment and Heritage Protection

Sustainable Planning Act 2009

EHP Permit number: SPCL04661912

Assessment manager reference: DA-2012-213
Date application received: 24 August 2012
Permit type: Development Permit
Decision: For a concurrence agency response conditions that must attach to any development approval
Relevant laws and policies: Environmental Protection Act 1994 and any related statutory instruments and subordinate legislation
Jurisdiction(s): Reconfiguring a lot - Contaminated land - Sustainable Planning Regulation 2009 - Schedule 7, table 2, item 22

Development Description(s)

<table>
<thead>
<tr>
<th>Property/Location</th>
<th>Development</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot 1 on RP720042 &amp; Lot 20 on M915</td>
<td>Reconfiguration of a Lot – one lot into six lots with the balance lot for drainage.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Property/Location</th>
<th>Development</th>
</tr>
</thead>
<tbody>
<tr>
<td>236 Nebo Road, Mackay.</td>
<td></td>
</tr>
</tbody>
</table>

Reason(s) for inclusion of conditions

In accordance with section 289 of the Sustainable Planning Act 2009, the reason(s) for inclusion of conditions stated in this permit required by the concurrence agency response for the application are as follows.

The Department of Environment and Heritage Protection is recognised as a concurrence agency under the Sustainable Planning Regulation 2009 for the protection of the environment by the management of contaminated land. The Department of Environment and Heritage Protection concurrence agency conditions for

1 Permit includes licences, approvals, permits, authorisations, certificates, sanctions or equivalent/similar as required by legislation administered by the Department of Environment and Heritage Protection.
EHP Permit number: SPCL04661912

this proposed development that are contained within this response are required to prevent or mitigate any potential risk to human health or the environment from possible hazardous contaminants present on the site.

Delegate
David Cook
Delegate, Chief Executive administering the Environmental Protection Act 1994
Department of Environment and Heritage Protection

7/9/2012.
CONDITIONS

The proposed reconfiguration must be in accordance with the submitted plan number 106965-4-P01 prepared by RPS dated 6/9/2011.

END OF CONDITIONS
This is a Mackay Regional Council Digitally Signed Document
4 September 2012

The Chief Executive Officer
Mackay Regional Council
PO Box 41
Mackay QLD 4740

Attention: Matt Ingram

Dear Sir/Madam

CONCURRENCE AGENCY RESPONSE – NO REQUIREMENTS

Proposed Development: Reconfiguration of a Lot – 2 Public Purpose Lots into 7 Lots
Real Property Description: Lot 1RP720042
Street Address: 239 Nebo Road, Mackay QLD 4740
Assessment Manager ref.: DA-2012-213
Local Government Area: Mackay Regional Council

Reference is made to the referral agency material for the development application described above which was received by the Department of Transport and Main Roads (the department) under section 272 of the Sustainable Planning Act 2009 (SPA) on 24 August 2012.

An assessment of the proposed development has been undertaken against the purposes of the Transport Infrastructure Act 1994 for state-controlled roads. Based on this jurisdiction, the department provides this concurrence agency response under Section 285 of the SPA.

The department advises the assessment manager that it has no requirements relating to the application.

The department may change its concurrence agency response in accordance with Section 290(1)(b) of the SPA.

The department must be provided with a copy of the assessment manager’s decision notice regarding the application within five (5) business days after the day the decision is made in accordance with Section 334 of the SPA.
A copy of this response has been sent to the applicant for their information.

If you have any queries or wish to seek clarification about any of the details in this response, please contact Michelle Kester, Town Planner (Corridor Management) on 07 4951 8608.

Yours sincerely

for Ian Husband
Regional Director

C/c  Nebo Road Pty Ltd
    C/- RPS Mackay
    PO Box 1895
    Mackay QLD 4740
C/c Nebo Road Pty Ltd
C/- RPS Mackay
PO Box 1895
Mackay QLD 4740

Attention: Stephen Wallace

Please find attached correspondence for your information and action as required. Should you wish to discuss this correspondence, please contact Michelle Kester, Town Planner (Corridor Management) on 07 4951 8608.

Yours sincerely

[Signature]

for Ian Husband
Regional Director

4 September 2012
A Stormwater Drainage Easement is proposed over the whole of proposed Lot 20.

IMPORTANT NOTE

1. This plan was prepared for the sole purpose of the Client for the specific purpose of producing a concept plan. This plan is strictly limited to the Purpose and does not apply directly or indirectly and will not be used for any other purposes, purposes or reasons. The plan is presented without the assumption of a duty of care to any other person (other than the Client) and may not be relied on by Third Party.

2. RPS Australia East Pty Ltd will not be liable (in negligence or otherwise) for any direct or indirect loss, damage, liability or claim arising out of or incidental to:
   a. a Third Party publishing, using or relying on the plan;
   b. RPS Australia East Pty Ltd relying on information provided to it by the Client or a Third Party where the information is incorrect, incomplete, inaccurate, out-of-date or unreasonable;
   c. any revision or other data or information or data sourced from a Third Party;
   d. RPS Australia East Pty Ltd relying on surface indications that are incorrect or inaccurate;
   e. the Client or any Third Party not verifying information in this plan where recommended by RPS Australia East Pty Ltd;
   f. lodgment of this plan with any local authority against the recommendation of RPS Australia East Pty Ltd;
   g. the accuracy, reliability, suitability or completeness of any approximations or estimates made or referred to by RPS Australia East Pty Ltd in this plan.

3. Without limiting paragraph 1 or 2 above, this plan may not be copied, distributed, or reproduced by any process unless this note is clearly displayed on the plan.

4. This plan was prepared as a concept plan only and accuracy of all aspects of the plan have not been verified. No reliance should be placed on the plan and RPS Australia East Pty Ltd accepts no responsibility for any loss or damage suffered howsoever arising to any person who may use or rely on this plan.
Proposed sewer main locations & manholes
Realigned proposed mains & manholes
Remove existing sewer & manholes
Extend sewer main into lot 8
Realigned proposed sewer
Sustainable Planning Act Appeals
Chapter 7  Part 1 Planning and Environment Court:

Division 8 – Appeals to court relating to development applications

- An applicant or a development applicant may appeal to the Planning and Environment Court against an approval under the following conditions:
  1. The applicant has a right of appeal under a development approval.
  2. The application was made in part of the development area.
  3. The length of a period mentioned in the approval.

- A deemed right of appeal under the development approval.

462 Appeals by submitters - General

- A submittor or a development applicant may appeal to the Planning and Environment Court against an approval relating to the assessment manager’s assessment or a part of the approval relating to the assessment manager’s assessment.
- The extent to which an appeal may be made to the Planning and Environment Court.
- If the length of a period mentioned in the approval or the approval, otherwise.
- Has given the assessment manager a notice of a decision to give a preliminary approval when a development permit was applied for or the decision to give a preliminary approval when a development permit was applied for.

463 Additional and extended appeal rights for submitters for particular development applications

- An appeal applies to a development application or to a part of the approval.
- An appeal against a particular development application or a part of the approval.

464 Appeals by advice agency submitters

- An appeal applies to an advice agency’s response or an appeal against a particular development application or a part of the approval.
- The advice agency’s response.
- The advice agency’s response.

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