21st January 2014

The Chief Executive Officer
Mackay Regional Council
P O Box 41
Mackay QLD 4740

WRITTEN REPRESENTATIONS – NEGOTIATED DECISION NOTICE

URBAN RESIDENTIAL DEVELOPMENT
L900 LINDWALL CIRCUIT, GLENLLA BEING LOT 900 ON SP198138

COUNCIL REFERENCE: DA-2013-238

Dear Sir / Madam,

Following a detailed review of the Mackay Regional Council Decision Notice DA-2013-238 dated the 12th December 2013 and in accordance with Section 361 of the Sustainable Planning Act 1997 please refer to the written representations below regarding the aforementioned Decision Notice:

Condition 20 (a) (v) – Street Works

It not considered reasonable to expect road resealing works of any Council asset external to the proposed development boundaries as part of this development. Appropriate reasoning is requested from Council.

Request – Remove item (v) of Condition 20.

Condition 24 – Road Inundation Level Adjacent to Open Drain

As Lindwall Circuit and Benaud Street has already been constructed (in previous stages of the subdivision) at levels approved by council that are well below the Q100 (with crown of road levels of Lindwall Circuit greater than 600mm lower than the regional Q100 flood level) at the sites eastern and southern boundaries, and that flat road grades, existing adjoining allotment levels and overland flow paths need to be accommodated, we suggest that this condition is impossible and impractical to comply with.

Request – Remove Condition 24.
Condition 27 (a) – External Stormwater

The existing practical point of discharge for the external catchment contributing from Lindwall Cct is the previously constructed stormwater basin within the existing drainage channel and to the rear of Lot 7 RP869009. Stormwater Infrastructure has already been constructed.

Request – Amend Condition 24 (a) to read “The downstream lawful and practical point of discharge is Janes Creek and the existing drainage reserve Lot 997 SP198138.

Condition 27 (b) – External Stormwater

The reestablishment of the open drain with a concrete lining and re-shaped batters is not reasonable and further reasoning is requested from Council. Open drain design calculations have been previously provided to MRC as part of the application OW-2006-135 and approved with the whole subdivision being considered globally and no changes to fractions impervious or flows are proposed by completing the final stage of the previously approved development.

Request – Remove Condition 27 (b).

Condition 33 – Sewerage Pump Station

In addition to the items within Condition 33 it is requested that the access chamber and related infrastructure of the existing pump station be lifted to a level that allows appropriate freeboard to the Q100 level for the site as the existing pump station has been previously designed and accepted for construction by MRC at a level below Q100 flood level. In addition, the sewerage pump station needs to be above at or above the height of the surrounding allotments and roads to allow proper stormwater flow and prevent ponding. As the sewer pump station is identified as trunk infrastructure and listed within Council’s capital works program the following request is made.

Request – Addition of Item (f) to Condition 33: Council is to modify the existing sewerage pump station and associated infrastructure to achieve design levels that satisfy Council’s standards related to Q100 flood levels. The cost of the works associated are to be borne by Council or should be offset against Infrastructure Charges, or reimbursed by Council.

Should you have any questions regarding this correspondence, or any other matter, please do not hesitate to contact the undersigned on phone (07) 55720702 (direct).

Kind Regards,

OWEN CONSULTING

Simon Kealley

SIMON KEALLEY
Manager (civil)

Enc.
The Chief Executive Officer  
Mackay Regional Council  
PO Box 41  
Mackay Qld 4740

Via: Smart eDA

Dear Ms Julie Brook,

RE: REPRESENTATIONS ON CONDITIONS 
RECONFIGURATION OF LOT – 1 INTO 30 
LOT 900 ON SP198138  
LINDWALL CIR, GLENELLA

We refer to our Smart eDA communication dated 10 January 2014 in which we suspended the applicant’s appeal period to allow preparation of written representations in relation to the conditions of the Decision Notice dated 12 December 2014.

In accordance with Section 361 of the Sustainable Planning Act 1997, please find below the applicant’s representations regarding the Decision Notice.

Condition 9: Capital Works in Parkland
Curly Jo Vella Park is identified as Truck Infrastructure. As such, the required cost of works should be offset against the Infrastructure Charges.

Request: An amended AICN be issued to reflect the offset for the works required for Curly Jo Vella Park.

Condition 10 & 11: Landscaping
It is unclear whether Council are requesting the street trees be connected to an irrigation system. Irrigation systems are not required for street trees. Additionally, it is not the developer’s responsibility to provide irrigation to Lot 4’s landscaping.

Request: Reword to confirm that no reticulated irrigation is required for street trees or Lot 4 driveway landscaping.
Condition 20: Streetworks

1) Lindwall Circuit is an access street. A footpath is not a standard requirement for an access street, and there are no footpaths along the surrounding streets. The applicant would be willing to construct a footpath however, if it is offset against infrastructure charges.

Request: Remove the requirement for the 1.5m footpath along Lindwall Circuit, or provide an amended AICN calculating the offset of the footpath.

2) Condition 20 references ‘Janes Creek Park’. Please confirm this should be ‘Curly Jo Vella Park’

Request: Amend to reflect correct park name

3) Condition 20 references ‘safety fencing’. Please provide details on the required treatment for this fence.

Request: Provide additional details confirming the ‘safety fence’ treatment

Condition 33: Sewer Pump Station

The sewer pump station upgrade is identified as trunk infrastructure and listed within Council’s capital works program. As such, the cost of the works associated should be offset against Infrastructure Charges, or reimbursed by Council.

Request: Amend AICN to offset the cost of the sewer pump works.

In accordance with section 363 we ask that Council consider the above matter and, subject to further consultation, issue a Negotiated Decision Notice reflecting the above representations.

We trust this information is sufficient for your purposes, however should you require any further details or clarification, please do not hesitate to contact the writer by telephone on 4969 0800.

Yours faithfully
RPS

[Signature]

Barwon Gooch
Senior Planner
12 December 2013

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

Dear Sir/Madam

DECISION NOTICE

Applicant: Admiral Residential Property Projects Pty Ltd
Proposal: Reconfiguration of a Lot - 1 Urban Residential Lot into 30 Urban Residential Lots and 1 Drainage Lot
Application Number: DA-2013-238
Address: L 900 Lindwall Circuit, GLENELLA QLD 4740
Property Description: Lot 900 on SP198138

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

- Decision Notice
- Assessment Manager’s 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 Julie Brook.
Application Number: DA-2013-238
Date of Decision: 6 December 2013

1. **APPLICANT/S DETAILS**

<table>
<thead>
<tr>
<th>Name:</th>
<th>Admiral Residential Property Projects 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>Lot 900 Lindwall Circuit, GLENELLA QLD 4740</th>
</tr>
</thead>
<tbody>
<tr>
<td>Property Description:</td>
<td>Lot 900 on SP198138</td>
</tr>
</tbody>
</table>

3. **OWNER’S DETAILS**

Admiral Residential Property Projects Pty Ltd

4. **PROPOSAL**

Reconfiguration of a Lot - 1 Urban Residential Lot into 30 Urban Residential Lots and 1 Drainage Lot

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**

   It is advised that there are no Referral Agencies for this application.

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 Assessment - Development Permit - Public Infrastructure
    • Civil Works
    • Landscaping

    Operational Works Construction - Compliance Certificate - Public Infrastructure
    • Civil Works
    • Landscaping

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 2009* 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 2009* which details your appeal rights and the appeal rights of any submitters regarding this decision.

15. **ASSESSMENT MANAGER SIGNATURE**

    | Name       | Shane Kleve |
    |------------|-------------|
    | Position   | Principal Planner |
    | Signature  | Shane Kleve |
    | Date       | 12th December 2013 |

This is a Mackay Regional Council digitally signed document.
1. Plan of Development

The approved reconfiguration of land creating 30 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>Title of Plan</th>
<th>Revision</th>
<th>Prepared by</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>116428-02</td>
<td>Proposed Allotment Layout</td>
<td>G</td>
<td>RPS Group</td>
<td>13/09/2013</td>
</tr>
</tbody>
</table>

2. Amended Plans Required

The approved plans of subdivision must be amended to comply with the following matters:

a) Ergon transformer locations in accordance with condition 12

The amended plans must be lodged with Council for written approval prior to the lodgement of Operational Works approval.

3. Compliance with Conditions

All conditions must be complied with prior to the endorsement of the plan of subdivision, unless specified in an individual condition.

4. 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.

5. 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.

6. Invert Crossing and Driveway

An invert crossing and 3m wide driveway must be constructed for the full length of the access handle to Lot 4 (15m) in accordance with Council’s Standard Drawing A3-773. All services required to service Lot 4 must be constructed within the access handle prior to the construction of the concrete driveway and associated landscaping.
7. Landscaping to Lot 4

Both sides of the access driveway to Lot 4 must be landscaped. In addition a row of hedge or screen trees must be planted within Lot 4 on the shared boundary between the sewer pump station and the lot. Details must be included on the landscaping plans.

8. Street Names

The 15.0m wide through street on the plan of development will be titled Lindwall Street. The internal 13.5m wide street named Road 2 will be titled Benaud Court. The operational works drawings and plan of development must reflect these street names.

9. Capital Works in Parkland

In lieu of the provision of local parks, capital works must be provided in the existing Curly Jo Vella Park. The 1.5m wide footpath must extend from Lindwall Circuit through Curly Jo Vella Park in a curvilinear route to the southern boundary of the development site. The path must feature one park bench and street trees on either side to a total maximum value of $60,250. These works are required to be completed to the satisfaction of Council prior to the endorsement of the survey plan by Council.

10. Street Planting

Street planting must be provided in accordance with Council policy, with a plan submitted for separate approval by Council.

11. Landscape Plan Required

A detailed site and footpath landscaping plan must be prepared by a qualified landscape designer and must be submitted with Operational Works application. The plan must show for all areas identified on the approved plan of development the following:

- landscaping to the driveway and internal of lot 4;
- 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;
- the details of the irrigation system.
Any proposed landscaped works within Council’s road reserve must comply with Planning Scheme Policy No.11 – Landscaping.

12. 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.

The plan of development is to be amended to cater for the Ergon Energy requirement for a 7.2m x 12m clear zone around any required above ground transformers as a road reserve cut out. The developer must identify transformer locations with the developer’s electrical designer and Ergon Energy and show on the plan of development.

13. 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.

14. Damage

The developer is responsible for the repair of any damage which is caused to Council’s infrastructure as a result of the construction works associated with the proposed development. Council must be notified immediately and will make the decision as to who will carry out the rectification works and the timing for the completion of those works.

15. Fencing to Parkland

Fencing to the shared boundary between lots 23 to 30 and Curly Jo Vella Park must not be screen fencing. The fencing must allow casual surveillance of the parkland from the dwelling. Where fencing is proposed, open pool style fencing or fencing with a minimum of 50% openings is required. The owners of these lots must be advised of this requirement.
16. Building Guidelines – 10m Wide - Lots 25, 26, 28 and 29

Dwellings on lots 25, 26, 28 and 29 must comply with the following design criteria:

   a) Road frontage setback of 4.5m except for the garage component;
   b) Garage setback of 6m
   c) No double garages with a single tilt panel or roller door
   d) The design must include front windows of a bedroom or living area which orient to the street;
   e) Outdoor living areas must orient towards the parkland to rear; and
   f) One zero building alignment is permitted where:
      i. total wall length is not more than 12m;
      ii. the wall on the zero alignment is broken into at least two parts with an interval of at least 2m; and
      iii. there is a minimum distance of 2m to between the zero alignment and the adjoining dwelling

Future purchasers are to be made aware of this requirement in the contract of sale. A notation to this effect will be placed on Council’s rates database.

17. Building Guidelines – 15m Wide - Lots 23, 24, 27 and 30

Dwellings on lots 23, 24, 27 and 30 must comply with the following design criteria:

   a) Road frontage setback of 4.5m except for the garage component;
   b) Garage setback of 6m and at least 1m behind the principal front building line;
   c) The design must include front windows of a bedroom or living area which orient to the street; and
   d) Outdoor living areas must orient towards the parkland to rear;

Future purchasers are to be made aware of this requirement in the contract of sale. A notation to this effect will be placed on Council’s rates database.

18. Contract of Sale

The developer is required to include in the contract of sale notification to the purchaser that:

   a) fencing conditions apply to Lots 23 to 30 inclusive; and
   b) building design criteria apply to lots 23 to 30 inclusive
   c) minimum finished floor levels in accordance with condition 23
19. Allotment and Verge Gradings

a) Unless otherwise approved by Council, allotments must be drained from the rear boundary to front street in accordance with Council’s Standard Drawing A3-870. Allotment and verge grades as follows:

- **Allotments:** Minimum 1:200, Maximum 1:12
- **Verges:** Preferred 1:50

A preliminary earthworks design is to be submitted to Council prior to submission of the Operational Works application. The earthworks design must address the difference in levels between the existing lots and the proposed lots within the development in light of the development levels and the requirement to drain lots to the front street.

20. Internal Street Works

The internal roads must be designed and constructed kerb to kerb bitumen seal to widths nominated and to the requirements of Council’s Planning Scheme, Engineering Design Guidelines:

a) **Road 1 – Access Street (Plan A3-3617)**
   i) Undivided carriageway 6m wide within a 15m wide road reserve designed for a maximum speed of 40kph, with a 1.5m wide concrete path (refer ii below) generally in accordance with Owen Consulting Drawing 201289-DA-100/A. Barrier kerb and channel shall be provided adjacent to the open drain.
   ii) The 1.5m wide concrete path is to connect to the existing path adjacent to the bio-retention area and continue on standard alignment through to a new pedestrian ramp (MRC Plan A2-576) at the intersection of Border Street. A connection along the drainage reserve adjacent Lot 30 through to the Janes Creek Park must be provided. The path through the Janes Creek Park must be constructed as per the plan of development.
   iii) Provision of a line marked median island with rubber safety bars at the Street 1/Street 2 intersection (Council’s Standard Drawing A4-156).
   iv) Provision of curve widening at tight radius bends
   v) Provision of resealing works to the existing sections of Lindwall Street and currently named Benaud Street.
   vi) Safety fencing must be provided along the shared boundary between the road reserve and the open drain where the adjoining open drain is steep or has a retaining wall.

b) **Road 2 – Access Place (Plan A3-3618)**
i) Undivided carriageway 5.5m wide within a 13.5m wide road reserve designed for a maximum speed of 40kph, generally in accordance with Owen Consulting Drawing 201289-DA-100/A.

ii) Street 3 is to be designed to enable a Council Refuse Truck to perform a 3-point turn without the need to mount the kerb.

21. Street Lighting

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

22. Development Levels

The development levels and associated building floor levels are to be revised to comply with the GHD Goosepond/Vines Creek Flood Study (see attached extract). The minimum development level for the site is to be RL 14.16m AHD.

23. Floor Level

Prospective purchasers are to be advised the minimum building floor level is 14.46m AHD. No filling of the allotments (outside of the dwelling house building footprint) will be permitted to achieve the required finished floor level.

24. Road Inundation Level Adjacent to Open Drain

The development must be in accordance with Council’s Policy No. 15.05 and specifically in regards to road inundation levels during the major storm event adjacent to the trunk drain. Where the road reserve is adjacent to a trunk drain (as advised by Council) the road shall be graded such that the maximum water level from the major storm event is to be less than 75mm at the kerb and channel.

25. Internal Stormwater

a) The developer must provide kerb and channel and underground drainage to plans approved by Council. The system is to be designed in accordance with Council’s Engineering Design Guidelines- Stormwater Drainage Design - Planning Scheme Policy 15.05.

b) All lots must be provided with roof drainage outlets and aluminium kerb adaptors in accordance with the Engineering Design Guidelines.

c) Ponding of stormwater resulting from the development must not occur on adjacent properties. The site must be graded so that it is free draining.

d) Stormwater formerly flowing onto the site must not be diverted onto other properties.

e) Inter-allotment drainage shall be designed in accordance with Council’s Standard Drawing A3-870, unless otherwise approved by Council. Any inter-
allotment drainage where the adjoining properties do not drain to the street network, the system must cater for the Q100 event.

f) The inter-allotment drainage system along the eastern edge of the site is to connect to the underground system in Road 1, Owen Consulting drawing 201287-DA-100/A does not show a connection.

g) The proposed stormwater manhole within the carriageway at the intersection of Road 1 & 2 is to be relocated in the verge northwest of Lot 22.

h) Stormwater gully pits are to be located generally adjacent with property boundaries to allow for lot access. The location of gully pits fronting Lots 1, 8 & 25 are to be reviewed.

i) The open drain between Lot 23 and existing lots 40 and 41 on RP861935 must cater for the Q100 event from the development and upstream catchments. The Q100 overland flow path into the open drain must not impact on surrounding properties and be fully catered for within the road reserve/drainage reserve. The open drain profile must be in accordance with Council’s Engineering Guidelines. The open drain must continue through to Janes Creek. Protection of the creek must be provided for and any rectification works within the creek must be undertaken by the developer.

j) Provide a Q100 flow path diagram showing the internal street network caters for the flow within the street network, including the existing sections of Lindwall Street and Benaud Street.

26. Drainage Easements

Drainage easements and reserves are to be in accordance with Council’s Engineering Design Guidelines. Reserves must be transferred to Council in Fee Simple at no cost Council.

27. External Stormwater

a) The downstream lawful and practical point of discharge is Jane Creek.

b) The open drain to the north and running parallel to proposed Lindwall Street must be re-established with a concrete lining, and batters re-shaped. A concrete dish drain must be constructed from the proposed outlets to the concrete lining in the centre of the open drain. The open drain must be designed to cater for the Q50 storm event with a check of the Q100 WSL to verify all lots are above the Q100 WSL. A design report is to be provided as part of the Operational Works application verifying the open drain caters for the development and external catchments (Refer attached SK3). Any upgrading works must be undertaken by the developer.

c) External catchments are to be identified and accommodated for in the stormwater drainage system.
28. Site Based Stormwater Management Plan - High Risk

Council’s Stormwater Quality Risk Classification has classified this development as high risk as defined in Section 1.3 of Council’s Engineering Design Guidelines “Soil and Water Quality Management – D7”. A SBSMP must be submitted to Council for approval at the time of submission of the Operational Works Application. The developer must implement the works identified in the approved plan. The SBSMP must identify rectification works required to the existing bio-retention system to bring it to an acceptable standard and the developer must undertake these works.

Alternatively, in lieu to the provision of stormwater quality installations on site, the developer must pay to Council an offset contribution for the provision of stormwater quality treatment off site.

The contribution amount must be based on a preliminary design and acceptable construction costs including establishment of the treatment system, associated stormwater infrastructure maintenance costs for a period of two years and land costs. The design and contribution amounts must be submitted for approval with the Operational Works application.

29. Water Reticulation

A water reticulation system must be provided in accordance with Council’s Engineering Design Guidelines and generally in accordance with Owen Consulting Drawing 201287-DA-100. A detailed design of the water reticulation system is to be submitted with the Operational Works application.

30. Sewerage Reticulation

A sewerage reticulation system must be provided in accordance with Council’s Engineering Design Guidelines. Unless otherwise approved by Council all sewer mains are to be located along the frontage of lots. A preliminary sewer layout is to be submitted to Council prior to submission of the Operational Works application.

If approved, sewer mains located along the rear of the lots or along the side boundaries are to be within an easement.

31. Live Water and Sewerage Connections

Council is to carry out all water and live sewer connections at the developer’s expense.
32. Building Over and Adjacent to Sewers

All building work must comply with Part 1.4 of the QDC or Council’s Policy MW02 – “Building Over and Adjacent to Sewers”.

33. Sewerage Pump Station

The sewerage pump station must be provided in accordance with Council’s Engineering Design Guidelines and generally in accordance with Owen Consulting Drawing 201287-DA-100.

The facility is to include:
(a) An access, driveway, fencing, and landscaping
(b) Must be within a minimum 15m x 15m lot
(c) The pump station lot is to be transferred to Council in fee simple.
(d) The existing rising main, if not already undertaken by Council, must be relocated to be within the Lindwall Street road reserve.
(e) A screened overflow in accordance with Council’s standards must be provided.

A detailed design is to be provided with the operational works application.

34. Sewer Easements

Sewer easements must be provided in accordance with Council’s engineering Design Guideline – Planning Scheme Policy No. 15.14 “Sewerage System Design”.

35. Existing Retaining Walls

The developer must provide separate retaining wall certifications from an experienced and suitably qualified geotechnical and an experienced and suitably qualified structural engineer certifying that the existing retaining wall/s along the south of the open drain are structurally sound.

The engineers engaged for this work must not have been involved in the original design of the wall and must be a Registered Professional Engineer in Queensland (RPEQ). Both certifications should review the investigations undertaken as part of the failures in the retaining wall to the north of the open drain.

The geotechnical certification should be based on site investigations to determine the properties of the backfill and underlying materials, and the structural certification should determine whether the wall design meets the geotechnical design parameters detailed in the geotechnical certification.

If required, it is the developer’s responsibility to undertake any remedial works to the retaining walls identified as part of the certification process.
ASSESSMENT MANAGER’S ADVICE

1. Adopted Infrastructure Charges Notice

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

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 of the payment will be made.

2. Local Laws

The approved development must also comply with Council’s current Local Laws under the Local Government Act 2009.

3. 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.

4. 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.

5. 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.

6. 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.
7. General Safety of Public During Construction

It is the principal contractor’s responsibility to ensure compliance with Section 19 (2) Work Health and Safety Act 2011. Section 19 (2) states that a person conducting a business or undertaking must ensure that the health and safety of other persons is not put at risk from work carried out as part of the conduct of the business or undertaking.

It is the responsibility of the person in control of the workplace to ensure compliance with Section 20 (2) of the Work Health and Safety Act 2011. Sections 20 (2) states that the person in control of the workplace is obliged to ensure that the means of entering and exiting the workplace and anything arising from the workplace are without risks to the health and safety of any person.

8. Contaminated Land

It is strictly the applicant/owner’s responsibility to source information regarding contaminated land from the Department of Environment and Heritage Protection, Contaminated Land Section as Council has not conducted detailed studies and does not hold detailed information pertaining to contaminated land.
Note:
All dimensions and areas are approximate only, and are subject to survey and Council approval.
Dimensions have been rounded to the nearest 0.1 metres.
Areas have been rounded down to the nearest 5m².
The boundaries shown on this plan should not be used for final detailed engineers design.
Source Information:
Site boundaries: Registered Survey Plans.
Adjoining information: DCDB.
Contours: RPS

Legend:
- Site Boundary (2.888ha)
- Existing Sewer Pump Station
- Existing Drainage Corridor
- Drainage Easement
- Existing Bioretention Basin
- Existing Concrete Wall
- Proposed Detention / Drainage
- Possible DUPLEX Lots
- Proposed 1.5m Footpath
- Possible Future 1.5m Footpath Connection (alignment to be confirmed by detailed design)

DEVELOPMENT STATISTICS
OVERALL TOTAL %
Total Precinct Area 2.888 ha 100.0%
Total Saleable Area 2.044 ha 70.8%

ALLOTMENT TYPE Area
Terrace Allotment 10.0m x 32.0m 4 13.3%
Villa Allotment 15.0m x 32.0m 6 20.0%
Traditional Allotment 18.0m x 36.5m 8 26.7%
Lifestyle Allotment 20.0m+ x 36.5m 12 40.0%
Total Dwellings 30 100.0%

DEVELOPMENT AREAS - OPEN SPACE
OPEN SPACE OVERALL TOTAL %
Detention / Drainage 1548 m² 100.0%
Total Open Space 1548 m² 100.0%

Road Type
- Total Length of New Road 447 m
- 13.5m Wide New Road 152 m
- 15.0m Wide New Road 295 m

This is a Mackay Regional Council digitally signed document.
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Sustainable Planning Act Appeals

**Chapter 7  Part 1 Planning and Environment Court:**
**Division 8 – Appeals to court relating to development applications**

**461 Appeals by Applicants**

1) An applicant for a development application may appeal to the court against any of the following -
   (a) the refusal, or the refusal in part, of the development application;
   (b) any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under section 242;
   (c) the decision to give a preliminary approval when a development permit was applied for;
   (d) the length of a period mentioned in section 341;
   (e) a deemed refusal of the development application.

2) An appeal under subsection (1)(a), (b), (c), or (d) must be started within 20 business days (the **applicant’s appeal period**) after-
   (a) if a decision notice or negotiated decision notice is given-the day the decision notice or negotiated decision notice is given to the applicant; or
   (b) otherwise-the day a decision notice was required to be given to the applicant.

**462 Appeals by submitters - General**

1) A submitter for a development application may appeal to the court only against-
   (a) the part of the approval relating to the assessment manager’s decision about any part of the application requiring impact assessment under section 314; or
   (b) the part of the approval relating to the assessment manager’s decision under section 327

2) To the extent an appeal may be made under subsection (1), the appeal may be against 1 or more of the following-
   (a) the giving of a development approval;
   (b) any provision of the approval including-
      (i) a condition of, or lack of condition for, the approval; or
      (ii) the length of a period mentioned in section 341 for the approval.

3) However, a submitter may not appeal if the submitter-
   (a) withdraws the submission before the application is decided; or
   (b) has given the assessment manager a notice under section 339(1)(b)(ii)

4) The appeal must be started within 20 business days (the **submitter’s appeal period**) after the decision notice or negotiated decision notice is given to the submitter.

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

1) This section applies to a development application to which chapter 9, part 7 applies.

2) A submitter of a properly made submission for the application may appeal to the court about a referral agency’s response made by a prescribed concurrence agency for the application.

3) However, the submitter may only appeal against a referral agency’s response to the extent it relates to-
   (a) if the prescribed concurrence agency is the chief executive (fisheries)-development that is-
      (i) a material change of use of premises for aquaculture; or
      (ii) operational work that is the removal, damage or destruction of a marine plant.

4) Despite section 462(1), the submitter may appeal against the following matters for the application even if the matters relate to code assessment-
   (a) a decision about a matter mentioned in section 462(2) if it is a decision of the chief executive (fisheries);
   (b) a referral agency’s response mentioned in subsection (2)

**464 Appeals by advice agency submitters**

1) Subsection (2) applies if an advice agency, in its response for an application, told the assessment manager to treat the response as a properly made submission.

2) The advice agency may, within the limits of its jurisdiction, appeal to the court about-
   (a) any part of the approval relating to the assessment manager’s decision about any part of the application requiring impact assessment under section 314; or
   (b) any part of the approval relating to the assessment manager’s decision under section 327.

3) The appeal must be started within 20 business days after the day the decision notice or negotiated decision notice is given to the advice agency as a submitter.

4) However, if the advice agency has given the assessment manager a notice under section 339(1)(b)(ii), the advice agency may not appeal the decision.
ADOPTED INFRASTRUCTURE CHARGES NOTICE
Sustainable Planning Act 2009 and Local Government Act 2009

To: Admiral Residential Property Projects Pty Ltd
c/- RPS Group (Mackay) Pty Ltd
PO Box 1895
MACKAY QLD 4740

Ref Number: DA-2013-238

LAND TO WHICH THE INFRASTRUCTURE CHARGE APPLIES

Planning Scheme: Mackay City Planning Scheme
Lot & Plan Number: Lot 900 on SP198138
Property Address: L 900 Lindwall Circuit, GLENELLA QLD 4740

DEVELOPMENT TO WHICH THE ADOPTED INFRASTRUCTURE CHARGE APPLIES

The adopted infrastructure charge applies to the following development type:
Reconfiguration of a Lot - 1 Urban Residential Lot into 30 Urban Residential Lot and 1 Drainage Lot

AMOUNT OF THE ADOPTED INFRASTRUCTURE CHARGE

The adopted infrastructure charge has been calculated in accordance with an adopted infrastructure charges resolution under the Sustainable Planning Act 2009.

<table>
<thead>
<tr>
<th>Charge Category</th>
<th>Adopted Infrastructure Charge</th>
<th>Demand Units</th>
<th>No. of Demand Units</th>
<th>Charge Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>$28,000</td>
<td>3 or more bedroom dwelling</td>
<td>30</td>
<td>$840,000</td>
</tr>
</tbody>
</table>

Gross Charge Amount Total $840,000

APPLIED CREDIT CALCULATION

<table>
<thead>
<tr>
<th>Charge Category</th>
<th>Credit Unit</th>
<th>Value of Credit Unit</th>
<th>No of Credit Units</th>
<th>Applied Credit Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>3 or more bedroom dwelling</td>
<td>$28,000</td>
<td>1</td>
<td>$28,000</td>
</tr>
</tbody>
</table>

Applied Credit Amount Total $28,000

NET CHARGE SUMMARY

<table>
<thead>
<tr>
<th>Gross Charge Amount</th>
<th>Applied Credit Amount</th>
<th>Net Charge Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>$840,000</td>
<td>$28,000</td>
<td>$812,000</td>
</tr>
</tbody>
</table>
ADJUSTMENTS TO THE CHARGE

The amount of the adopted infrastructure charge is subject to escalation in accordance with relevant legislation from the date of the notice to the date of payment.

If a lesser payment than the amount shown above is allowed by a Council policy in effect at the time of payment; that lesser charge will be in lieu of the charge stated above and will be the full and final payment required by this Adopted Infrastructure Charges Notice.

DUE DATE FOR PAYMENT

Payment of the total charge must be made before the approval of the plan of subdivision for the reconfiguration, if the charge applies to reconfiguring a lot.

PAYMENT DETAILS

Payment of the Adopted Infrastructure Charges must be made to Mackay Regional Council via the Development Services, Business Support Unit. Please contact Mackay Regional Council, prior to making payment to confirm details. Phone: (07) 4961 9089 or e-mail development.services@mackay.qld.gov.au

Payment can be made at:
- 42 Wellington Street, Mackay
- cheque to PO Box 41. Mackay, QLD 4740
- credit card

GOODS AND SERVICES TAX

The federal government has determined that rates and utility charges levied by local government will be GST free. Accordingly, no GST is included in this infrastructure charges notice.

FAILURE TO PAY CHARGE

An adopted infrastructure charge levied by a local government is, for the purposes of recovery, taken to be a rate within the meaning of the Local Government Act 2009. Compound annual interest at 11% calculated daily is to be applied on an overdue charge.

This notice will lapse if the development approval stops having effect.

APPEAL RIGHTS

Attached is an extract from the Sustainable Planning Act 2009 which details the appeal rights in relation to this notice (sections 478, 535 and 675 to 680).

ENQUIRIES

Enquiries regarding this Adopted Infrastructure Charge Notice should be directed to the Development Services, Business Support Unit on phone: (07) 4961 9089 or e-mail development.services@mackay.qld.gov.au

John Caldwell
Manager Development Assessment

Date of Issue: 13/12/2013
Chapter 7 Appeals, offences and enforcement – Part 1 Planning and Environment Court – Division 10 Appeals to
court about other matters

Section 478 Appeals about particular charges for infrastructure
(1) This section applies to a person who has been given, and is dissatisfied with—
(a) an infrastructure charges notice, regulated infrastructure charges notice, adopted infrastructure charges notice or regulated State
infrastructure charges notice; or
(b) a negotiated infrastructure charges notice, negotiated regulated infrastructure charges notice, negotiated adopted infrastructure charges
notice or negotiated regulated State infrastructure charges notice.
(2) The person may appeal to the court against the notice.
(3) An appeal against a notice mentioned in subsection (1) must be started within 20 business days after the day the notice is given to the person.
(4) An appeal under this section may only be about—
(a) whether a charge in the notice is so unreasonable that no reasonable relevant local government, State infrastructure provider or
coordinating agency could have imposed it; or
(b) an error in the calculation of the charge.
(5) To remove any doubt, it is declared that an appeal under this section cannot be about the methodology used to establish an adopted
infrastructure charge or the charge in a relevant infrastructure charges schedule, regulated infrastructure charges schedule or regulated State infrastructure charges schedule.

Chapter 7 Appeals, offences and enforcement – Part 2 Building & development dispute resolution committees -
Division 7 Appeals about particular charges

535 Appeals about charges for infrastructure
(1) This section applies to a person who—
(a) has been given—
(i) an infrastructure charges notice, regulated infrastructure charges notice, adopted infrastructure charges notice or regulated State
infrastructure charges notice; or
(ii) a negotiated infrastructure charges notice, negotiated regulated infrastructure charges notice, negotiated adopted infrastructure charges
notice or negotiated regulated State infrastructure charges notice; and
(b) is dissatisfied with the calculation of a charge in the notice.
(2) The person may appeal to a building and development committee about an error in the calculation of the charge.
(3) An appeal about a notice mentioned in subsection (1)(a) must be started within 20 business days after the day the notice is given to the person.
(4) To remove any doubt, it is declared that an appeal under this section can be about an adopted infrastructure charge or the charge in a relevant infrastructure charges schedule, regulated infrastructure charges schedule or regulated State infrastructure charges schedule.

Chapter 8 Infrastructure – Part 4 Changing notices

675 Definition for pt 4
In this part—
relevant appeal period, for a person who has been given an infrastructure charges notice, regulated infrastructure charges notice, adopted infrastructure charges notice or regulated State infrastructure charges notice, means the period within which the person may appeal against the notice to the court or a building and development committee under section 478 or 535.

676 Application of pt 4
This part applies to a person who has been given an infrastructure charges notice, regulated infrastructure charges notice, adopted infrastructure charges notice or regulated State infrastructure charges notice only during the person’s relevant appeal period.

677 Representations about notice
The person may make representations about the notice to the entity that gave the notice.

678 Consideration of representations
The entity that gave the infrastructure charges notice, regulated infrastructure charges notice, adopted infrastructure charges notice or regulated State infrastructure charges notice must consider any representations made to the entity under section 677.

679 Decision about representations
(1) If the entity agrees with any of the representations, the entity must give to the person—
(a) for representations about an infrastructure charges notice—a new infrastructure charges notice (the negotiated infrastructure charges notice); or
(b) for representations about a regulated infrastructure charges notice—a new regulated infrastructure charges notice (the negotiated regulated infrastructure charges notice); or
(c) for representations about an adopted infrastructure charges notice—a new adopted infrastructure charges notice (the negotiated adopted infrastructure charges notice); or
(d) for representations about a State infrastructure charges notice—a new State infrastructure charges notice (the negotiated regulated State infrastructure charges notice).
(2) The entity may give only 1 negotiated infrastructure charges notice, negotiated regulated infrastructure charges notice, negotiated adopted infrastructure charges notice or negotiated regulated State infrastructure charges notice.
(3) The negotiated infrastructure charges notice, negotiated regulated infrastructure charges notice, negotiated adopted infrastructure charges notice or negotiated regulated State infrastructure charges notice—
(a) must be given within 5 business days after the day the entity agrees with the representations; and
(b) must be in the same form as the notice previously given; and
(c) must state the nature of the changes; and
(d) replaces the notice previously given.
(4) If the entity does not agree with any of the representations, the entity must, within 5 business days after the day the entity decides not to agree with any of the representations, give a written notice to the person stating the decision about the representations.

680 Suspension of relevant appeal period
(1) If the person given the infrastructure charges notice, regulated infrastructure charges notice, adopted infrastructure charges notice or regulated State infrastructure charges notice needs more time to make the written representations, the person may, by written notice given to the entity that gave the notice, suspend the person’s relevant appeal period.
(2) The person may act under subsection (1) only once.
(3) If the written representations are not made within 20 business days after the day written notice was given to the entity, the balance of the person’s relevant appeal period restarts.
(4) If the written representations are made within 20 business days after the day written notice was given to the entity—
(a) if the person gives the entity a notice withdrawing the notice under subsection (1)—the balance of the person’s relevant appeal period
restarts the day after the entity receives the notice of withdrawal; or
(b) if the entity gives the person a notice under section 679(4)—the balance of the person’s relevant appeal period restarts the day after the entity receives the notice; or
(c) if the entity gives the person a negotiated infrastructure charges notice, negotiated regulated infrastructure charges notice, negotiated
adopted infrastructure charges notice or negotiated regulated State infrastructure charges notice (the negotiated notice)—the person’s
relevant appeal period starts again the day after the person receives the negotiated notice.

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