

Your reference:

Our reference: CW: RR: mw: 17-10 (FID6192, RAL007-12/13, 15559-51000-000, 11940-10000-000, ID1357750, OM003901)

Contact: Rentia Robertson

31 October 2017

Fredriksen Maclean & Associates
PO Box 1245
GLADSTONE QLD 4680

Dear Alan Maclean

Notice about request to change development approval
(Given under section 86 of the *Planning Act 2016*)

Development Permit for RAL007-12/13 (Impact Assessable) – Reconfiguring a Lot (3 into 41) – located at Ward Crescent, Paroz Crescent and Lawrence Street, Biloela – Lot 198, 199 and 200 on SP2000834

Reference is made to your correspondence received by Council on 20 August 2017 requesting to change (*permissible change*) development approval RAL007-12/13 decided on 06 October 2016 and issued by Decision Notice dated 13 October 2016.

Your request has been assessed and **approved** on 25 October 2017 to the extent detailed below:

1. Condition 27 – Timeframes – DELETED

~~27. The reconfiguration must be completed within four years from the issue date of this Development Permit, and in accordance with the relevant roll over provisions and other requirements of the Sustainable Planning Act 2009.~~

2. Extending the approval period for a further 4 years until 3 September 2021.

Attached is a copy of the decision notice for the original application showing the approved changes.

Attached is an extract from the *Planning Act 2016* which details your appeal rights regarding this decision

Should you require further information in relation to this matter, please contact Council's Development Services Section on (07) 4992 9500.

Yours sincerely



Chris Welch

MANAGER ENVIRONMENT & PLANNING

Enc Attachment 1 Appeal Rights
Attachment 2 Copy of Original Decision Notice showing changes

Prepared by:	<i>mwhite</i>	Date:	30-10-17
Checked by:	<i>RRebets</i>	Date:	30-10-17

Attachment 1

Appeal Rights

Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

(1) Schedule 1 states—

- (a) matters that may be appealed to—
 - (i) either a tribunal or the P&E Court; or
 - (ii) only a tribunal; or
 - (iii) only the P&E Court; and
- (b) the person—
 - (i) who may appeal a matter (the appellant); and
 - (ii) who is a respondent in an appeal of the matter; and
 - (iii) who is a co-respondent in an appeal of the matter; and
 - (iv) who may elect to be a co-respondent in an appeal of the matter.

(2) An appellant may start an appeal within the appeal period.

(3) The appeal period is—

- (a) For an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency; or
- (b) For an appeal against a deemed refusal—at any time after the deemed refusal happens; or
- (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or
- (d) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
- (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given—30 business days after the applicant gives the deemed approval notice to the assessment manager; or
- (f) for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person. Note— See the P&E Court Act for the court's power to extend the appeal period.

(4) Each respondent and co-respondent for an appeal may be heard in the appeal.

(5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.

(6) To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about—

- (a) the adopted charge itself; or
- (b) for a decision about an offset or refund—
 - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
 - (ii) The cost of infrastructure decided using the method included in the local government's charges resolution.

Attachment 2
Copy of Original Decision Notice
Showing the Changes

Negotiated Decision Notice Approval

Sustainable Planning Act 2009 s.363

File Reference	RAL007-12/13
Contact Name	Dave Fredriksen
Contact Number	07 4972 5677
Date	3 September 2013
Applicant's Name	Acanthus Investments Pty Ltd C/- Fredriksen Maclean & Associates
Applicant's Address	PO Box 1245, GLADSTONE QLD 4680

**RE: AMENDED 25 October 2017 - RAL007-12/13 – Development Permit for a Reconfiguration of a Lot (Code Assessable) - 3 into 41 lots (38 new Residential Lots).
Ward Crescent, Paroz Crescent and 68 Lawrence Street, Biloela
Lots 198, 199 & 200 on SP200834**

On 28 August 2013 at Council's Ordinary Meeting, Council delegated the authority to issue a Negotiated Decision Notice for the above mentioned development application to the Chief Executive Officer.

This Negotiated Decision Notice replaces the Decision Notice previously issued dated 13 October 2016.

The nature of the changes are as follows:

- Condition 27 – Timeframes – DELETED
~~27. The reconfiguration must be completed within four years from the issue date of this Development Permit, and in accordance with the relevant roll over provisions and other requirements of the Sustainable Planning Act 2009.~~
- Extended the approval period for a further 4 years until 3 September 2021.

1. Details of the approval

The following approvals are given:

	Sustainable Planning Regulation 2009, schedule 3 reference	Development Permit	Preliminary Approval
Reconfiguration of a Lot		<input checked="" type="checkbox"/>	<input type="checkbox"/>

2. Other necessary development permits and/or compliance permits

Listed below are other development permits and/or compliance permits that are necessary to allow the development to be carried out:

- Operational Works

3. Submissions

There were no properly made submissions about the application.

4. Conflict with a relevant instrument

The assessment manager does not consider that this decision conflicts with a relevant instrument.

5. Referral Agencies

There were no referral agencies for this application.

6. Approved plans

The approved plans and/or documents for this development approval are listed in the following table:

Plan/Document number	Plan/Document name	Date
4311-1-1, Revision D	Valley View Drive, Biloela Stage 5 Proposal Plan, prepared by Fredriksen Maclean and Associates	14.01.13

7. When approval lapses if development not started (s.341)

The Reconfiguration of a Lot must commence as approved by 9 April 2017 otherwise this approval shall lapse in accordance with section 341 (1)(a) of the SPA, unless an extension to this approval is granted.

8. Appeal rights

Appeals by applicants

An applicant for a development application may appeal to the Planning and Environment Court against the following:

- the refusal, or refusal in part of the development application;
- any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under section 242 of SPA;
- the decision to give a preliminary approval when a development permit was applied for;
- the length of a period mentioned in section 341; and
- a deemed refusal of the development application.

The timeframes for starting an appeal in the Planning and Environment Court are set out in section 461(2) of SPA.

Attachment 2 is an extract from SPA which details the applicant's appeal rights and the appeal rights of any submitters regarding this decision.

Yours sincerely



Chris Welch

MANAGER ENVIRONMENT & PLANNING

- | | |
|---------------------|---|
| Attachment 1 | Conditions imposed by the assessment manager |
| Attachment 2 | SPA extract on appeal rights |
| Attachment 3 | Adopted Infrastructure Charges Notice |
| Attachment 4 | Approved Plans |

Attachment 1

Conditions imposed by the Assessment Manager

ASSESSMENT MANAGER CONDITIONS

1. The reconfiguration must be completed generally in accordance with the endorsed plans to the satisfaction of the Assessment Manager, being:
 - a. Valley View Drive, Biloela, Stage 5 Proposal Plan, prepared by Fredriksen Maclean & Associates (Drawing No 4311-1-1, Revision D, and dated 14.01.13) unless required otherwise by conditions of this approval, and to the satisfaction of the Assessment Manager.

General

2. Prior to the sealing of the Survey Plan, all relevant conditions of this approval must be completed to the satisfaction of the Assessment Manager.
3. An appropriate plan prepared by a qualified cadastral surveyor must be submitted to Council for signing and sealing. At that time the applicant/developer is to provide a report demonstrating compliance with all conditions of this approval.

Road

4. Prior to the commencement of construction of any road works, the necessary Operational Works Permit must be obtained, and construction plans endorsed, to the satisfaction of the Assessment Manager. All works must be designed and constructed in accordance with the Capricorn Municipal Design Guidelines (CMDG) to the satisfaction of the Assessment Manager. The following information must be submitted with the Operational Works application:
 - a. Location of pedestrian pathways through the development in accordance with the CMDG.
 - b. Location and level details of earthworks required to bench the lots, including the associated location and height of retaining walls.
5. The applicant/developer must provide a suitable turnaround area at the southern end of Boldireff Drive to ensure adequate and convenient vehicle movements can be obtained by Council's garbage collection vehicles, to the satisfaction of the Assessment Manager.
6. All kerb and channel associated with the construction of Stage 5 Brigalow Lakes hereby approved shall be layback style to accommodate future dwelling construction, to the satisfaction of the Assessment Manager.
7. Prior to the issue of the Operational Works approval, the applicant/developer must provide to the Assessment Manager detailed plans for the installation of Telstra and Ergon utilities and demonstrate that all lots can be adequately serviced.

8. The applicant/developer must arrange for the installation and registration of at least one (1) permanent survey marks at no cost to Council, and advise the Assessment Manager of its location.

Stormwater Management & Erosion Control

9. Prior to the signing of the Survey Plan, the applicant/developer is required to submit a Stormwater Management Plan prepared by a RPEQ Engineer. This Plan must be prepared to the satisfaction of the Assessment Manager and address the following:
 - The detailed Stormwater Drainage Plan must include the requirements for the construction of underground stormwater infrastructure within Lot 200 SP200834.
 - The applicant is to demonstrate that the external stormwater flow which impacts the site has been taken into account within the stormwater calculations.
 - Stormwater from site to a legal point of discharge;
 - Inter-allotment drainage; and
 - Stormwater overland flow paths / easements.

Once approved by the Assessment Manager, this Plan will form part of this approval and the approved works must be completed prior to the signing of the Survey Plan.

10. Prior to the signing of the Survey Plan, the approved Stormwater Management system must be connected to a legal point of discharge to the satisfaction of the Assessment Manager. The approved downstream discharge shall include appropriate land tenure to the satisfaction of the Assessment Manager to enable Council to adequately maintain the system into the future.
11. All lots are to be shaped and graded to ensure that all land in each lot is free draining at a minimum grade of 1 in 150 to eliminate any areas of pondage..
12. (Amended 13 October 2016) The drainage Reserves (i.e. Lots 198 and 199 on SP200834, identified as Park 3 and Park 4 on the approved plan) are to be transferred to the ownership of Banana Shire Council as Drainage Reserves

The Drainage Reserves are to be transferred to Council at no cost to Council. All costs associated with the transfer of land are to be met by Banana Shire Council.

~~The Drainage Reserves (i.e. lots 198 and 199 on SP200834, identified as Park 3 and Park 4 respectively on the approved plan) are to be transferred to the ownership of Banana Shire Council as Drainage Reserves, once the following has occurred;~~

- a. ~~Each condition of this approval has been met to the satisfaction of the Assessment Manager;~~

~~b. The Survey Plans for Stage 1 and Stage 2 are signed and lodged at the Titles Office and each lot hereby approved is created on a separate title.~~

~~Banana Shire Council will only accept the Drainage Reserves to be transferred to Council ownership once the Reconfiguration of a Lot has been completed to the satisfaction of the Assessment Manager.~~

~~The Drainage Reserves are to be transferred to Council at no cost to Council. All costs associated with this transfer of land must be met by the applicant/developer. Prior to the transfer of land, the applicant/developer must submit a report certified by a REPQ that states that the stormwater management systems contained within these Reserves is compliant with the relevant requirements to the satisfaction of the Assessment Manager.~~

13. The applicant/developer is required during construction to provide a sedimentation and erosion control management plan for temporary works prepared by a suitably qualified Engineering Consultant.

Services and Utilities

14. Prior to the signing of the Survey Plan, the applicant/ developer must provide the Assessment Manager with a Subdividers Power Supply Agreement from the relevant service provider to ensure that electricity is available to each lot.
15. Prior to the signing of the Survey Plan, the applicant/developer must provide the Assessment Manager with confirmation that telecommunications is available to each lot.
16. It is the responsibility of the applicant/developer to ensure appropriate street lighting is provide within the subdivision, at no cost to Banana Shire Council. The required street lighting must be provided prior to the signing of the Survey Plan.

Landscaping

17. (Amended) Prior to the issue of the Operational Works approval, a detailed site landscape plan, prepared by a qualified Landscape **Designer Architect**, must be submitted for approval to the Assessment Manager. This plan must show the type and location of all proposed plant species along the road reserves and within the drainage reserves, nominal height attained in two years and at maturity and the detailed of any irrigation system proposed. The landscape plan must address street treatment, entrances, signage and the like, and must comply with the CMDG.
18. Prior to the signing of the Survey Plan, the landscaping must be completed to the satisfaction of the Assessment Manager.

Water and Sewer

19. Each lot must be serviced by water and sewer mains constructed in accordance with the Capricorn Municipal Design Guidelines (CMDG) to the satisfaction of the Assessment Manager.
20. Prior to the signing of the Survey Plan, each lot approved must have an individual connection for water supply and sewerage constructed in accordance with the Capricorn Municipal Design Guidelines (CMDG) to the satisfaction of the Assessment Manager. Only one (1) water meter/ connection and one sewer connection point is permitted per allotment.
21. Any upgrades/ amendments to the existing service connections that may be necessitated by this development shall be undertaken at the applicant's expense.

Infrastructure Contribution

22. Refer to the Adopted Infrastructure Charges Notice associated with this Development Permit for details of Infrastructure Contributions. These water, parks and sewer contributions required by the Adopted Infrastructure Charges Notice must be paid prior to Council signing and sealing the Survey Plan for the development.
23. (Amended) Prior to the signing of the Survey Plan, the applicant/developer must:
 - a. pay a monetary contribution to Banana Shire Council regarding the construction of the intersection of Valley View Drive and Dawson Highway inclusive of a roundabout of \$4,369.00 per additional lot.
 - b. pay a monetary contribution to Banana Shire Council regarding the construction of the Valley View Drive road works from the Dawson Highway to Alexandra Avenue of \$2,017.00 per additional lot.
 - c. pay a monetary contribution to Banana Shire Council regarding the construction of the Valley View Drive from Alexandra Avenue to the minor roundabout of \$1,591.00 per additional lot

~~The contribution amount is subject to annual cost of borrowing of 7%.~~
The cost per lot will be increased by **7% CPI** annually, the increase commencing 12 months of the issue date of this approval and annually thereafter.

24. The contributions required by conditions 22 and 23 above can be paid in stages as each survey plan is sealed.

Park Contribution

(Deleted)

- ~~25. Prior to the signing of the Survey Plan, the applicant developer is required to pay a monetary contribution of \$2,545 per lot being created, i.e.:~~
 - ~~a. Stage 5 (38 additional residential lots): \$2,545 x 38 = \$96,710~~

Pest Management Plan

- ~~26. Prior to the signing of the Survey Plan, a Pest Management Plan must be submitted to the Assessment Manager for approval. The Pest Management Plan must demonstrate that:~~
- ~~a. The property has been checked for Declared Pests in accordance with the Land Protection (Pest and Stock Route Management) Act 2002. If any pests / plants are found on the property, systems are to be out in place to prevent the spread of pest plants by machinery from the property. Consideration should be given to appropriate treating of declared pest plants if required.~~
 - ~~b. All declared weeds and feral animals will be controlled on the premises to the satisfaction of the Assessment Manager.~~

~~Once approved, the applicant/developer must implement the Pest Management Plan as required to the satisfaction of the Assessment Manager.~~

26. (Amended) The developer will maintain the land pest and weed free to the satisfaction of the Assessment Manager.

Timeframe

- ~~27. (DELETED 25 October 2017) The reconfiguration must be completed within four years from the issue date of this Development Permit, and in accordance with the relevant roll over provisions and other requirements of the Sustainable Planning Act 2009.~~

Compliance

28. The developer must supply a satisfactory Conditions Compliance Report at the lodgement of each Survey Plan for signing. This report shall provide a tabulated listing of all of the above conditions, the status of compliance with each condition.
29. Further operational work approvals are required before the development can proceed.
30. All works hereby approved and required as conditions of approval must be maintained by the applicant/ developer to the satisfaction of the Assessment Manager.

END OF CONDITIONS

- Operational works design to be in accordance with Capricorn Municipal Development Guidelines - CMDG Design Guidelines and Standard Drawings.
- All reports and documentation required to be supplied as part of the application shall be signed and certified by an appropriately qualified Registered Professional Engineer, Queensland (REPQ).
- All damage incurred to existing roads, footpaths, services or street furniture as a result of the proposed development shall be repaired within a reasonable period at the developer's expense.
- All works required pursuant to these conditions shall be undertaken and completed in accordance with Council's Standards at the Applicant's expense.

SCHEDULE A - GENERAL NOTES

- A1** In carrying out the activity, all reasonable and practical measures are to be taken to minimise releases and the likelihood of releases of contaminants to the environment, except as otherwise provided by the conditions of this development approval.
- A2** The holder of this development approval must:
- (a) Install and operate all works and control equipment, and
 - (b) Take all measures, perform all acts and do all things, necessary to ensure compliance with the conditions of this development approval.
- A3** Notwithstanding any other condition of this development approval, this development approval does not authorise any release of contaminants that causes or is likely to cause an environmental nuisance beyond the boundaries of the registered place.

SCHEDULE B - AIR

- B1** Odour and visible contaminants, including but not limited to dust, smoke, fumes and aerosols must not be released to the environment in a manner that will or may cause environmental harm or environmental nuisance unless such release is authorised.
- B2** Suitable screens and/or barriers shall be erected during excavation and building works, where required, to reduce the emission of dust, water effluent or other matter from the site.
- B3** No incineration or open burning shall be carried out on site.

- B4** During construction, stockpiles and areas of bare soil or earth that are likely to become eroded must be adequately protected – by upslope surface water diversion, downslope sediment fencing and temporary surface coverings.
- B5** Following site preparation and clearing, all greenwaste material for disposal shall be stockpiled and removed to an approved refuse disposal facility or wood chipped on site. Burning of material prior to removal is not permitted due to interferences with the surrounding areas.

SCHEDULE C – WATER / STORMWATER

- C1** Contaminants must not be directly or indirectly released from the site to which this development approval applies, to any waters or stormwater.
- C2** Access to the site shall be restricted to a stabilised construction entrance. The entrance shall be an appropriate size, with corduroy or metal grid provided to help shake mud from vehicle tyres.

SCHEDULE D – NOISE

- D1** The installation and operations of noise generating equipment and vehicles shall be carried out in a manner to minimise their impacts on neighbouring properties.
- D2** The building works must be carried out by such practicable means necessary to prevent the emission or likelihood of emission of noise that constitutes environmental nuisance.
- D3** In the event of a complaint about noise that constitutes annoyance being made to the administering authority, that the administering authority considers is not frivolous or vexatious, then the emission of noise must only be emitted during the hours specified in Table 1.

Permitted Building works	Period
No permitted Building work	Sunday or Public Holidays
Permitted Building work	6:30 am – 6:30 pm Mon – Sat

(TABLE 1)

SCHEDULE E – WASTE MANAGEMENT

- E1** Where waste is a contaminant, waste must not be released to the environment where the release will or may cause environmental harm or environmental nuisance, unless such release is authorised.
- E2** Building refuse shall not be stored on a public place during building operations. All refuse shall be satisfactorily contained on site and stored in bulk refuse bins where appropriate.
- E3** Building materials shall not be stored on Council's footpaths. No construction work is to take place on the footpath.
- E4** Concrete wastes, or washing concrete mixers, must not be deposited in any location where they may flow or be washed into any stormwater system or kerb drainage.
- E5** Paintbrushes, rollers, tins, trays etc shall not be washed out or emptied into stormwater drain/system.
- E6** Vehicles used for waste collection are dual axle vehicles with an overall length of 12 metres and a width of 3 metres and GVM 27 tonnes. Provision is to be made to allow collection vehicles to access the frontage of all premises. Cul de sacs are to be so designed to allow collection vehicles to safely negotiate the street without the need for excessive manoeuvring including reversing into or out of the street.

SCHEDULE F - MONITORING AND REPORTING

- F1** All complaints received by the holder of this development approval relating to releases of contaminants from the activity must be recorded and kept in a log book with the following details:
- Time, date and nature of complaint;
 - Type of communication (telephone, letter, personal etc.);
 - Name, contact address and contact telephone number of complainant (note: if the complainant does not wish to be identified then "Not identified" is to be recorded);
 - Response and investigation undertaken as a result of the complaint;
 - Name of person responsible for investigating complaint; and
 - Action taken as a result of the complaint investigation and signature of responsible person.
- F2** As soon as practicable after becoming aware of any emergency or incident which results in the release of contaminants not in accordance, or reasonably expected to be not in accordance with the conditions of this development approval, the holder of the registration certificate to which this development approval relates, must notify the administering authority of the release by telephone or facsimile.

- F3** The notification of emergencies or incidents as required by condition F2 must include but not be limited to the following:
- The operator of the activity to which this development approval relates;
 - The location of the emergency or incident;
 - The name and telephone number of the designated contact person;
 - The time of the release;
 - The time the holder of the registration certificate became aware of the release;
 - The suspected cause of the release;
 - The environmental harm and or environmental nuisance caused, threatened, or suspected to be caused by the release; and
 - Actions taken to prevent further any release and mitigate any environmental harm and/or environmental nuisance caused by the release.
- F4** Not more than 14 days following the initial notification of an emergency or incident, the holder of the development approval must provide written advice of the information supplied in accordance with condition number F3 in addition to:
- Proposed actions to prevent a recurrence of the emergency or incident;
 - Outcomes of actions taken at the time to prevent or minimise environmental harm and or environmental nuisance; and
 - The results of any environmental monitoring performed.

SCHEDULE G - DEFINITIONS

- G1** For the purposes of this development approval the following definitions apply:
- "L(Amax adj, T)" means the average maximum A- weighted sound pressure level, adjusted for noise character and measured over a time period of not less than 15 minutes, using Fast response
 - "Commercial place" means a place used as an office or for business or commercial purposes.
 - "Noise sensitive place" means:
 - a dwelling, mobile home or caravan park, residential marina or other residential premises; or
 - a motel, hotel or hostel; or
 - a kindergarten, school, university or other educational institution; or
 - a medical centre or hospital; or
 - a protected area ; or
 - a park or gardens.
- G2** For the purposes of this development approval any term not otherwise defined in the Environmental Protection Act 1994, and the Integrated Planning Act 1997 and any subordinate legislation made pursuant to these Acts or in the Definitions Schedule of this development approval has the meaning conferred to that term in its common usage.

END OF NOTES

Attachment 2

SPA extract on Appeal Rights

EXTRACT FROM THE SUSTAINABLE PLANNING ACT 2009

Division 8

Appeals to court relating to development applications and approvals

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.

(3) An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.

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.



AMENDED ADOPTED INFRASTRUCTURE CHARGES NOTICE

Sustainable Planning Act 2009 and Local Government Act 2009

TO:

Applicant: Acanthus Investments Pty Ltd
C/- Fredriksen Maclean & Associates

File Number: RAL007-12/13

Address: PO BOX 1245
GLADSTONE QLD 4680

Date of Issue: 03.09.13

LAND TO WHICH THE INFRASTRUCTURE CHARGE APPLIES

Planning Scheme: *Banana Shire Planning Scheme 2005*
RPD: Lots 198, 199 and 200 on SP200834

DEVELOPMENT TO WHICH THE ADOPTED INFRASTRUCTURE CHARGE APPLIES

The adopted infrastructure charge applies to the following development type:

Negotiated Development Permit for a Reconfiguration of a Lot (3 into 41)

AMOUNT OF THE ADOPTED INFRASTRUCTURE CHARGE

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

Water Supply

Development Type	Units Payable	Current Unit Charge	Charge
Reconfiguration of a Lot - 3 into 41	38 x Equivalent Tenement (ET)	\$2,740 per ET (High Level Zone)	\$104,120.00

Sewerage

Development Type	Units Payable	Current Unit Charge	Charge
Reconfiguration of a Lot - 3 into 41	38 x Equivalent Tenement (ET)	\$1,325.00 per ET	\$50,350.00

Parks

Development Type	Units Payable	Current Unit Charge	Charge
n/a	n/a	n/a	n/a

Car Parking

Development Type	Units Payable	Current Unit Charge	Charge
n/a	n/a	n/a	n/a

TOTAL CHARGES

Total charges: \$154,470.00

ADJUSTMENTS TO THE CHARGE

The charge rates included in this notice are valid until 30 June 2013, after which they will be subject to index adjustment. Please contact Banana Shire Council's Development & Environmental Services Department – Planning Section prior to payment for a review or reissue of this notice if applicable.

DUE DATE FOR PAYMENT

Charges are payable as follows:

- (a) if the charge applies to reconfiguring a lot – prior to the signing of the Survey Plan;
- (b) if the charge applies to building work – prior to the issue of a certificate of classification; or
- (c) if the charge applies to a material change of use – before the change of use happens

PAYMENT DETAILS

Charges are payable to **Banana Shire Council**.

Payment can be made at Council's Chambers:

- Cnr Kroombit & Prairie Streets, Biloela

or by mail with your cheque or money order to **Banana Shire Council, PO Box 412, BILOELA Qld 4715**. Cheques must be made payable to Banana Shire Council and marked 'Not Negotiable'. Acceptance of a cheque is subject to collection of the proceeds. Post dated cheques will not be accepted.

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 to 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).

Authorised by:

Michael Ball

DIRECTOR PLANNING, STRATEGY & SUSTAINABILITY

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 can not 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 not 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 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 regulated State infrastructure charges notice—a new regulated 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 person 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.

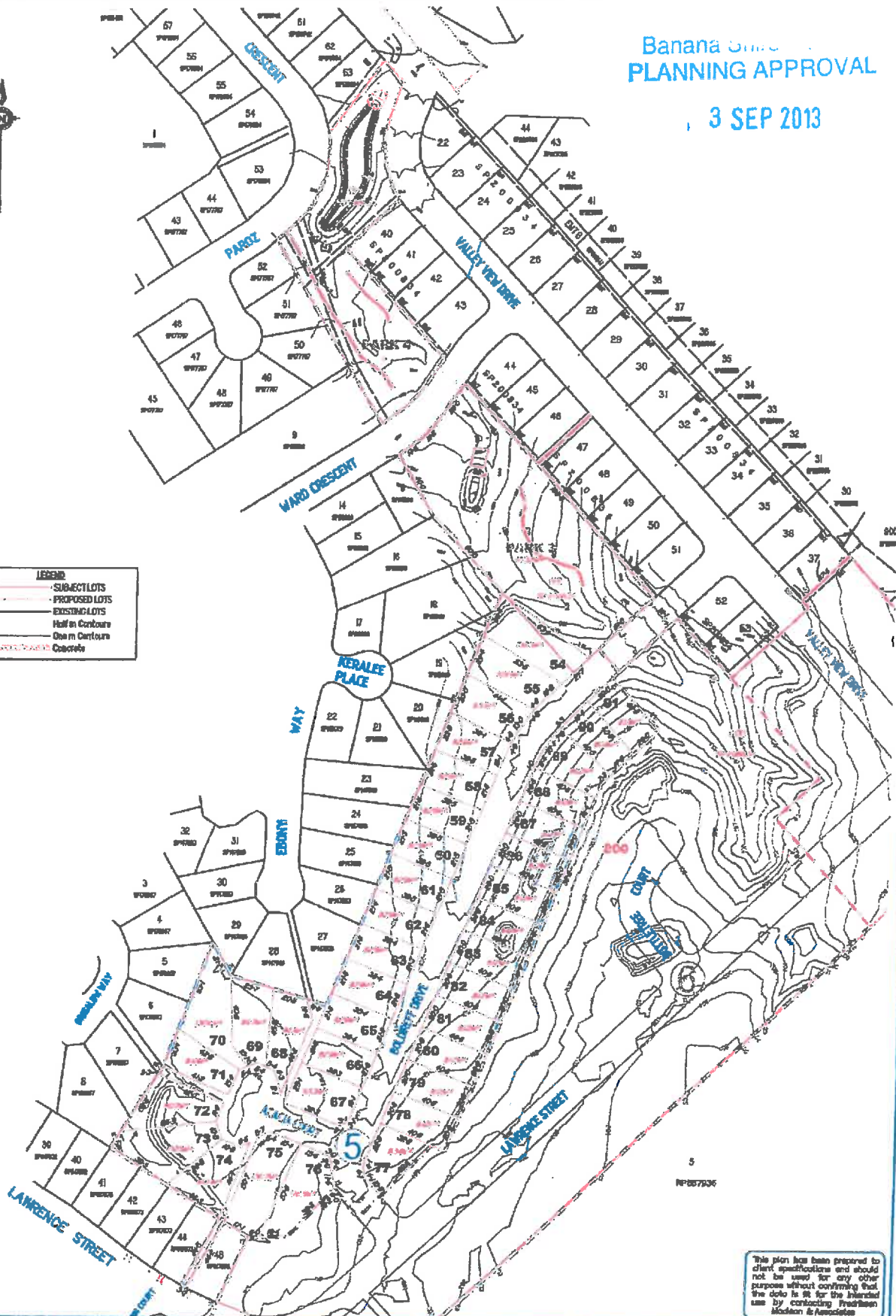
Attachment 4
Approved Plans

Banana Shire PLANNING APPROVAL

3 SEP 2013



LEGEND	
	SUBJECT LOTS
	PROPOSED LOTS
	EXISTING LOTS
	Half m Contours
	One m Contours
	Contours



This plan has been prepared to client specifications and should not be used for any other purpose without confirming that the data is fit for the intended use by contacting Fredman Mackean & Associates

Fredman Mackean & Associates
CONSULTING SURVEYORS
GLADSTONE
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P.O. Box 1246
GLADSTONE QLD 4750

BILOELA
21 Berridge St.
Ph (07)4921480
P.O. Box 387
BILOELA QLD 4715

THEODORE
Ph (07)4631818

Property Description: LOT 198, 199 & 200 ON SP200834
Local Authority: BANANA SHIRE COUNCIL
Local Name: ANHD
Origin: PMS2000 PL172.079
Horizontal Datum: AMG ZONE 56 FLW92
Vertical Datum: MEAN SEA LEVEL
Height: PMS2000

Scale: 1:2,000/A3
Drawn: OC
F. Issue: OC
Checked: DM
Checked: DMF
Approved: DMF

14/1/13 Site 5 only & Contours DMF
17/03/12 Plan split into 4 sheets DMF
17/03/12 Lot Layout, Awarded DMF
23/07/12 Stage 7 & Lot No DMF
23/07/12 ISSUE DMF

Acanthus Investments Pty Ltd
Title
Stage 5 Proposal Plan
Project
VALLEY VIEW DRIVE, BILOELA

Sheet 1 of 1 Details
Drawing Number
4311-1-1
Revision
0